# Rockville City Police Department
# GENERAL ORDER

| Subject<br>**WARRANT CONTROL** | | Procedure<br>**G.O. # 6 - 5** |
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| **Authorizing Signature** | **Effective**<br>**03-21-05** | **Total Pages**<br>**8** |

I. PURPOSE

This General Order establishes uniform procedures for processing all warrants, summonses, subpoenas, and other legal documents received by the Rockville City Police Department.

II. POLICY

It is the policy of the Rockville City Police Department to strictly adhere to the procedures defined below to ensure the proper disposition of warrants on file within the Department. While all department personnel share the responsibility for proper handling of all legal documents, arrest warrants will be served by sworn police officers only.

III. PROCEDURES LEGAL PROCESS RECORDS

A. Warrant control officer

Warrant control is the responsibility of the Administrative Services Bureau. The Support Services Coordinator shall serve as the warrant control officer. The Support Services Coordinator shall oversee the management of the warrant/legal document control system.

B. Document control

1. When warrants are received they are placed in the warrant box located in the communications center.

2. The Support Services Coordinator will enter all warrants into the warrant assignment book with the following information:

   a. Date and time received.

   b. Type of legal process (criminal or traffic).

   c. Nature of document (warrant, subpoena, etc.).

   d. Assign a PSCD for warrant entry.

   e. Send a letter to the person named on the warrant informing them of the warrant (if applicable).

3. On receipt of a legal document for execution/service within the City of Rockville or for an offense, which occurred within the City, the Support Services Coordinator will

determine if the case was originally handled by, or the charging document (ticket) was written by, a Rockville City police officer.

4. Any legal document received by this agency, but determined to belong to another agency, shall be immediately forwarded to the appropriate department.

5. The Support Services Coordinator will enter all information into the warrant database. Information to be recorded in the database:

   a. Name of defendant

   b. Physical description (race, sex, D.O.B., hgt., wgt.)

   c. Warrant number

   d. Charge

   e. Date issued

   f. PSCD assigned for MILES entry

   g. Date entered

   h. Date and time document served

   i. Name of server, I.D. number, agency

   j. Location of service

   k. Name of the person whom the document was served on, if different from name on document

   l. Method of service

   m. Disposition - served or recalled

   n. PSCD clearing/canceling MILES entry

6. The Support Services Coordinator will ensure that the following are filled out and placed in each envelope assigned to the legal document:

   a. Warrants.

      (1) Warrant information sheet (RCPD Form # 84).
      (2) MILES/NCIC entry sheet (RCPD Form # 161).

      (3) Service Assignment Sheet.

7. Summonses/Subpoenas

(1) Xerox copy of document.

(2) Service Assignment Sheet.

8. Once a warrant has been entered into the database the Support Services Coordinator will place the Warrant/Subpoena Service Form in the appropriate warrant book until it is served or service is attempted but the person was not located (form would then be placed in the warrant envelope). Subpoenas will be assigned to an officer.

9. All criminal warrants and their respective paperwork shall be kept in the Communications Center, where Departmental personnel have 24-hour access. Warrants are to be filed alphabetically by the last name of the defendant.

10. A record of all attempts to serve any legal process document shall be maintained and must include the following:

a. Address service was attempted.

b. Date and time.

c. Name, I.D. number of officer.

d. Reason for non-service.

This information shall be recorded on the Warrant/Subpoena Service Form by the officer assigned and must be turned in to the Support Services Coordinator by the service due date.

11. The assigned PSCD will enter all available information concerning the defendant and warrant in accordance with all MILES/NCIC policies. Extradition policy is decided by the State's Attorney's Office.

12. When a City of Rockville warrant is successfully served by any agency, the serving officer must provide the on-duty PSCD with the following information, to be recorded on the warrant information sheet (RCPD Form # 84):

a. Date and time served.

b. Name/I.D. number of server.

c. On whom document was served (if different from name on document).

d. Method of service.

e. Location of service

The PSCD is responsible for ensuring the removal of any MILES/NCIC computer entry in a timely manner when the warrant is served. All paperwork, including the warrant information sheet, shall be forwarded to the Support Services Coordinator.

## IV. CIVIL PROCESS

The Rockville City Police Department does not become involved in civil process. Civil processes, within Rockville, are handled by the Montgomery County Sheriff's Office. City police officers may be called upon to assist members of the Sheriff's Office during the execution of eviction orders, attachments, etc. Such assistance shall consist of being present to assure maintenance of order, and that no criminal violations occur.

## V. CRIMINAL PROCESS

Maryland law and Department policy govern the execution of criminal documents to include.

A. Types of warrants to be executed.

Arrest warrants (misdemeanor and felony), bench warrants (misdemeanor and felony), and detention orders will be served by sworn law enforcement officers only.

B. Territorial limitations upon execution

Rockville City Police officers may only serve criminal documents within the corporate City limits, as outlined in the Rockville City Charter.

C. Time requirements for execution

1. Summonses/subpoenas

Summonses/subpoenas are valid until the court date shown on the face of the document.

2. Warrants

Warrants are valid indefinitely until they are either served or recalled by the court.

3. Officers will make every effort to execute criminal documents assigned for service during their tour of duty.

4. Normally, criminal documents will not be served between the hours of 0001 - 0600 hours, except in the following cases:

a. Felony warrants shall be served at any time the defendant can be located.
b. Priority attention will be given to arrest warrants issued due to a defendant's failure to appear in court. Quick action in serving such warrants can significantly increase the likelihood of apprehension.

c. If there is reason to believe that an individual for whom there is an outstanding warrant, or detention order, may be a danger to himself or others, or may flee from the jurisdiction (i.e., fail to appear), execution shall be made when individual is located, regardless of the hour.

d. Officer makes an on-site arrest - warrants obtained will be executed immediately.

D. Summoning aid

Occasionally officers become involved in arrest situations and need immediate assistance.

1. Officers are authorized (MD law) to request citizen assistance in the following situations:

a. In the execution of their office in a criminal case.

e. In the preservation of the peace.

f. In the arrest of a person for breach of peace.

g. In any case of escape or rescue.

5. Persons neglecting to assist an officer after having been requested shall be guilty of a misdemeanor.

E. Issuance of summons in lieu of arrest - see G.O. # 4-5.

F. Response to Resistance and Aggression - see G.O. # 4-1.

G. Immunity from arrest - see G.O. # 4-30, # 4-31.

## VI. FELONY WARRANTS

A. In cases when a felony warrant is on file and available information indicates that the subject is located within the state, the investigating officer will contact the police agency in that jurisdiction by telephone explaining the circumstance.

B. A Teletype message will also be sent to the jurisdiction with information to include:

1. Wanted person's name.

2. Description.

3. Charge.
4. Location where subject may be located.

## VII. EXTRADITION

A. If available information indicates that the suspect may be located outside the state, the following steps must be taken:

1. State's Attorney will be contacted to confirm or decline extradition.

2. If extradition is confirmed, a telephone call will be made and a Teletype message sent (including same information as above) to the police agency, explaining the circumstances.

3. If the subject is arrested by the agency, the investigating officer or PSCD shall fax a copy of the warrant to the police agency making the arrest.

B. If a warrant has been issued and there is no information available indicating the suspect's location, but it is believed that the suspect has left the state:

1. The State's Attorney will be contacted to confirm or decline extradition.

2. If extradition is confirmed, the warrant information will be entered into MILES/NCIC files in accordance with MILES/NCIC manual guidelines.

3. The State's Attorney will be contacted, concerning extradition on serious or appropriate misdemeanor investigations, if necessary.

C. Officers traveling to other jurisdictions to pick up arrested suspects will transport them in accordance with guidelines established in General Order # 4 - 22.

## VIII. DOCUMENTS FROM OTHER JURISDICTIONS

Criminal documents received from other jurisdictions will be handled as follows:

A. Document will be routed to patrol/investigations for execution of same.

B. If served, a CEPIed copy of the warrant will be faxed back to requesting jurisdiction.

## IX. WARRANT SERVICE BY ROCKVILLE CITY POLICE DEPARTMENT OFFICERS

To ensure timely removal of the want index from MILES when a Rockville City Police Officer serves a warrant, the following procedure is established:

A. Warrants should only be removed from Communications by an RCPD Officer if there is a reasonable expectation it will be served within that Officer's shift.

B. Prior to physically removing the warrant, an RCPD Police Officer will give to the PSCD the warrant information sheet from file. The PSCD will indicate on it who has removed the warrant from Communications. The remainder of the packet stays in the Communications Center.

C. Once the warrant has been served, CPU will fax to RCPD a CEPIed copy of the warrant. At this time, the PSCD has an unequivocal responsibility to immediately remove the wanted index. If an Officer is covering Communications, he/she has unequivocal responsibility to notify the relieving PSCD of the service and ensure the PSCD has the related warrant information sheet for removal in hand prior to being relieved.

## X. WARRANT SERVICE BY MONTGOMERY COUNTY POLICE DEPARTMENT OFFICER

When a Montgomery County Police Officer is given a warrant from our files, it is assumed that it has been served. The wanted index is removed from the computer immediately upon passing the warrant to the MCPD Officer.

XI. FAXING WARRANTS

Warrants shall only be faxed to other criminal justice agencies

A. In Montgomery County

1. In the event a subject is in custody in Montgomery County and we hold an active warrant for the subject, the warrant may be faxed for service.

a. The person faxing the warrant must ascertain the following, prior to faxing the document:

b. Name and I.D. number of person going to serve the warrant.

c. Fax number of station (destination)

2. The fax cover sheet must contain the instructions to fax back the signed, served copy (CEPIed copy) to RCPD. This served copy must be attached to the original warrant and the warrant information sheet. The entire package is then given to the Support Services Coordinator.

3. Any warrant entered into MILES or NCIC shall be cleared when the original is faxed for service.

B. Outside Montgomery County but within the State of Maryland.

Warrants may only be faxed elsewhere in Maryland, in accordance with the guidelines set forth in Montgomery County Police Memorandums 90-63 and 91-4.

C. Outside the State of Maryland.

Warrants faxed outside the State of Maryland are used as detainers

XII. ARRESTS WITHOUT A WARRANT

Sworn Officers of the Rockville City Police Department will follow the procedures set forth in the Annotated Code of Maryland, Criminal Procedures Title 2 Arrest Process.

XIII. FINANCIAL MANAGEMENT

The Rockville City Police Department does not collect or disburse funds involving the civil process.

XIV. PROPERTY

All property acquired by the Rockville City Police Department, as a result of legal process, will be handled in accordance with G.O. # 4-17, Property Control.