



Office Of The Sheriff
Allegany County
Maryland

GENERAL ORDER NO: **5-200.00**

TO: All Patrol and Judicial Personnel

RE: **WARRANT MAINTENANCE, RECORDING, AND SERVICE**

PURPOSE: To establish guidelines for accountability of Warrants received by the Allegany County Sheriff ' s Office.

EFFECTIVE DATE: 2004

REVISION DATE:

5-201.00 Responsibilities

.01 Warrant Control Officer (WCO)

- A. The daylight Lieutenant will be designated as the departmental Warrant Control Officer (WCO). The Warrant Control Officer will ensure compliance with this Order and strict accountability of warrants assigned this department for service.
- B. All warrants received for service will be checked, if at all possible, by the WCO or his designate to ensure adequate information needed for process is on the warrant. If a warrant from another jurisdiction lacks sufficient information for service, it will be returned along with the "Return of Warrant" form, stating inability to serve due to insufficient information.
- C. Warrant Inventory
 - 1. The Warrant Control Officer, or his designee, will ensure all open warrants on file are compared with Warrant Validation Sheets received from NCIC. Only warrants currently on file will be carried on the NCIC system. Warrants not on file but carried on the system will be removed from the system as soon as possible.

2. An annual audit will be conducted by the WCO or his designate to determine that all open warrants are accounted for. A check will be made to see if all leads regarding service of the warrant have been exhausted. A copy of any warrant the WCO determines should be considered for recall will be sent to the State ' s Attorney ' s Office for review. Such action will be documented by accompanying letter with a copy made part of the warrant file.
- .02 Warrant Secretary: A Warrant Secretary will be assigned to assist the WCO with warrant accountability. The WCO will assign duties to the secretary deemed necessary and will be responsible for ensuring assignment compliance. Duties of the Warrant Secretary will include, but not be limited to:
- A. All local warrants received by this department, (via mail, fax, or hand carried), will be recorded immediately in the “Warrant Control Ledger” form by the Warrant Secretary or her designee.
 - B. All warrants received will be entered by the Warrant Secretary or her designee into the In-house Computer System.
 - C. The Warrant Secretary will place each warrant received in the proper file cabinet. Recent local warrants will be placed in a file drawer on top of the Court Process bins. Out of State Warrants will be placed in the Out of State File Cabinet. All other Maryland Warrants and Local Warrants that have been held for over 60 days will be placed in the State File Cabinet Drawers. Warrant files will be kept in alphabetical order in a file cabinet located in the Communications Center.
 - D. When a warrant issued in Allegany County involving criminal charges is received, the Warrant Secretary will forward a copy of the warrant along with an “Extradition Request” form to the State ' s Attorney ' s Office. A copy of the “Extradition Request” will be made a part of the warrant file.
 - E. Any warrant received by the department issued in Allegany County involving criminal charges on adult offenders will be entered by the Warrant Secretary in the MILES System, (Maryland Interagency Law Enforcement System), providing adequate information is available. Warrants received by the department issued in Allegany County involving criminal charges in which the State ' s Attorney has, by way of an “Extradition Request” form, authorized extradition from outside Maryland, will be entered into the NCIC System, (National Crime Information Center), by the Warrant Secretary.

- F. As part of the computer entry procedure, the Warrant Secretary will complete a “Computer Check Off” form. The form will be checked for accuracy. Copies of these entries will be made a part of the warrant file.
- G. The Warrant Secretary will maintain a list of active warrants via the departmental computer. The warrant list will be distributed to other law enforcement agencies within Allegany County, upon request.

.03 Escapes from the Allegany County Detention Center

- A. When an inmate escapes from the Detention Center, the Administrator of the Center, or his designee, will procure an arrest warrant charging escape.
- B. The warrant will be recorded as stated under “Recording of Warrants” in this Order.
- C. Appropriate entries will be made into the MILES/NCIC System.
- D. The warrant will remain in the local file until served.

5-202.00 Warrant Service

- .01 A warrant received by this department will be made available to all deputies as soon as possible after receipt unless circumstances dictate otherwise.
- .02 All warrants will be verified as active prior to taking any person into custody.
 - A. Verification on out-of-county warrants is achieved through MILES/NCIC message prior to an individual being taken into custody. The assigned deputy will request the Duty Officer send a “Hit Confirmation Request” to the originating agency to find out if the warrant is still active.
 - B. Once the warrant has been confirmed as active and the person is taken into custody, the assigned deputy will request the PCO to send a “Locate Message” to the originating agency informing them that this department has the wanted person in custody. Copies of these messages will be kept by the assigned deputy and submitted with his/her report.
- .03 If an original warrant is being transmitted to another agency; i.e., State’s Attorney’s Office, a “Warrant Receipt” form, will be filled out by the person releasing the original warrant and will be signed by the receiving person at the other agency.

- .04 All attempts on each warrant will be logged, as dates, time, and dispositions. The warrant will be made a part of the warrant file after exhausting all attempts.
- .05 When a person has been taken into custody on a warrant issued in Allegany County, the arresting deputy will transport the person to the Sheriff's Office and immediately take the following actions:
 - A. File an Adult Arrest report.
 - B. See that the warrant has been cleared from MILES/NCIC and noted as "served" in the IN-house computer System.
 - C. Take finger print cards for the CJIS, and the F.B.I. Print Card.
 - D. Leave the original copy of the warrant, (properly signed as being served), with the Booking Deputy at the Detention Center, if it is a Circuit Court Warrant.
If it is a District Court Warrant, the arresting deputy will transport the defendant to the District Court Commissioner for an Initial Appearance, unless addition personnel is available at the Detention Center
 - E. Place the finger print cards, copies of MILES/NCIC removal, in the appropriate file box on top of the Process Paper bins. The Sheriff's Copy of the warrant will be hung on the Arrest Clipboard.
 - F. The Warrant Secretary will verify that the warrant was properly removed from NCIC/MILES, In-house Computer and Warrant Log Book.
- .06 If the warrant is a Maryland warrant but from an out of county agency, the following will apply:
 - A. If the warrant is from a Maryland agency outside of Allegany County, and is for a person who is already incarcerated on local charges or who is serving a sentence in the Allegany County Detention Center, the warrant will be used as a Detainer Only and will not be served until the charges/sentence are fulfilled.

- B. If the warrant is from a Maryland agency outside of Allegany County, and the warrant specifies that the person can be taken before a District Court Commissioner in the county where arrested for first appearance, the warrant **will be served if:**
1. There are no local charges against the person.
 2. The person is not currently serving time in the Detention Center.
- C. If there are local charges against the person or if he/she is currently serving time in the Detention Center, the warrant **will not be served** but will be held as a detainer. The warrant also would not be served if circumstances developed during the apprehension that made local charges necessary; i.e., possession of drugs during the search incident to the arrest, but would act as a detainer and may be served later after local charges have been adjudicated.
- D. If a District Court Warrant is from a Maryland agency outside of Allegany County, and the warrant specifies that the person must be brought before a District Court Commissioner in the county where the warrant was issued, the warrant **will not be served** but held as a detainer as follows:
1. If the person is currently in the Allegany County Detention Center, the warrant will act as a detainer until the person can be retrieved by the issuing agency once pending local charges or sentence are satisfied.
 2. If the subject is apprehended by departmental personnel on the strength of the warrant only; i.e., no local charges involved, the warrant will not be served but will be used as a detainer. The issuing agency will be notified to retrieve the subject within a reasonable period of time. If a response is not possible within a reasonable period of time, the subject will be taken to the Detention Center with all applicable information to await retrieval.
 - a. The subject will not be held in the Patrol Division.
 - b. If the subject is taken to the Detention Center, copies of all teletypes (hit notifications, etc.) will be given to the Booking Officer and the booking officer will be advised of an approximate time when the issuing agency will pick up the person.

- E. If the warrant is a Circuit Court document from an agency outside of Allegany County where the person is not to be taken before a District Court Commissioner, the warrant will not be served, but will be used as a detainer as in “C” above.
- F. It is imperative that the information be passed to the Detention Center when a warrant is received and is to be used as a detainer only for a subject that is currently in the Detention Center.
- .07 When feasible, and in accordance with guidelines set forth in this Order, warrant service will be attempted between 0700 hours and 2300 hours. Other hours should only be used if prior attempts at service have met with negative results, it is established the person is evading service, a question of safety is involved, or other extenuating circumstances are present.
- .08 The arresting deputy will ensure that when a warrant is served, the full name of the person arrested, date of birth, and the warrant number are entered in the remarks section of the event notes in the reporting system.
- .09 Upon receipt of a warrant which has been served, the Warrant Secretary will check to see if copies of the warrant were distributed to other jurisdictions for attempted service. If copies were distributed to another jurisdiction, the Warrant Secretary will immediately send a teletype to the agency where the copy of the warrant had been sent, notifying them of the service and requesting the return of the copy to this department. A copy of the teletype will be maintained with the warrant file. The Warrant Secretary will also log the date and time the copy of the warrant was received.
- .10 Warrants received charging individuals residing in Maryland but outside of Allegany County will be logged in accordance with this Order. After recording of the warrant, a “Request for Warrant Service” form, and a copy of the warrant will be forwarded to the appropriate police agency for an attempt at service. A copy of the request form will be kept in the warrant file folder.
- .11 The Sheriff’s Office will assume responsibility for making MILES/NCIC entries of warrants issued in Allegany County and assigned to the Sheriff’s Office for service, including those forwarded to another jurisdiction for service.

- .12 Warrants received by this department for inmates confined at a correctional facility, (other than the Allegany County Detention Center), will be processed as follows:
 - A. Such warrants will be processed in accordance with this Order.
 - B. After recording of the warrant, the Warrant Secretary will send a true test copy of the warrant along with a “Detainer Request” form, to the correctional facility.
 - C. A confirmation of receipt will be requested from the facility. A copy of the “Detainer Request” form will be placed in the warrant file folder.
- .13 A warrant received from a Maryland agency outside Allegany County for a subject incarcerated in the Allegany County Detention Center will be processed as follows:
 - A. Such warrants will be processed in accordance with this Order.
 - B. The Warrant Secretary will give a copy of the warrant to the Detention Center Booking Deputy to hold as a detainer. A notation of the action will be placed in the warrant in-house Computer file. The warrant may then be served after local charges have been adjudicated.
 - C. The originating agency will be notified that the subject is in the Allegany County Detention Center and that a detainer is on file.
- .14 If a deputy makes an arrest as a result of a warrant originated by another law enforcement agency within Allegany County, he shall:
 - A. Immediately transport the subject to the originating agency for warrant service, (in the case of the Maryland State Police or the Cumberland City Police). The arresting deputy will file an Adult Arrest Report prior to the end of duty tour. A case or warrant number will be included in the report. The agency and name of person taking custody will be given in the report.

5-203.00 Fugitive Warrants

- .01 Whenever this agency receives a teletype from an out of state agency, regarding a wanted subject in this area, the following action will be taken:
- A. The Duty Officer will review the teletype for proper information identifying the subject, and extradition authorization from Allegany County.
 - B. If the teletype does not contain the needed information, a return message will be sent advising the information needed before any action is taken.
 - C. Upon receipt and review of the teletype, the Duty Officer will assign personnel to check location(s) indicated by the requesting agency.
 - D. A copy of the teletype from the requesting agency will be maintained in the Communications Room and a copy with personnel attempting to apprehend the subject.
 - E. A teletype is the only acceptable form of communication regarding a request from an out of state agency to apprehend a fugitive.
 - F. A copy of teletypes from out of state agencies requesting apprehension of a fugitive will be given directly to the Detention Center Booking Officer to serve as a detainer when:
 - 1. A subject is arrested on local charges, a computer check indicates he/she is wanted on an active out of state warrant, and the originating agency indicates extradition is authorized. (In this instance, Detention Center personnel will obtain the Fugitive Warrant at their discretion and arrange for service of the warrant.)
 - 2. A subject is currently incarcerated in the Detention Center and a teletype is received indicating he/she is wanted by an out of state agency authorizing extradition. (Detention Center Personnel will obtain the Fugitive Warrant and arrange for service in this instance.)
 - G. When paragraph "F." "1." and "2." is applicable, a message will be sent to the requesting agency advising them of the incarceration and that their teletype is being maintained at the Detention Center as a detainer. The requesting agency will also be advised that their contact point for the Department will be Detention Classification, during normal business hours.

.02 Once the fugitive has been taken into custody, the following action will be taken:

- A. The arresting deputy will transport the fugitive to the Sheriff's Office.
- B. The arresting deputy will immediately prepare a request for a Fugitive Warrant and submit it to the District Court Commissioner along with copies of teletype requests from the requesting agency. (The fugitive warrant will be obtained only after the fugitive is taken into custody).
- C. The fugitive warrant will be served and the prisoner processed in accordance with standard procedure.
- D. The arresting deputy will ensure that the original and a copy of the fugitive warrant, along with a copy of the teletype from the requesting agency, are given to the Booking Officer at the Detention Center.

5-204.00 Warrant Recall

.01 Authorized recall notices of warrants are as follows:

- A. A written notice is required from a requesting agency to this department recalling a warrant.
- B. Telephone messages alone are not acceptable and the warrant will be held pending formal notification. Callers will be informed of the departmental policy.
- C. To prevent a warrant service prior to receipt of formal notification, an obvious notation will be made in a conspicuous place on the warrant file and an entry made in the In-house Computer System, indicating a "recall pending".
- D. If the warrant file indicates Detention Center Booking was given a copy of the warrant to hold as a detainer, (subject being held in Detention Center on local charges), the Booking Deputy will be advised that the warrant has been recalled.

.02 Recall of Warrant by Court Order

- A. When a formal recall notice for a warrant is received from a court, the following actions will be taken:

1. The warrant, along with a “Warrant Return” form will be returned to the originating agency by the WCO or his designee.
2. Notations will be made in the Warrant Control Ledger and in the In –house computer System.
3. The recall notice and MILES/NCIC purge will be placed in the warrant file folder for three years from the date of recall, then may be destroyed.

.03 Recalling Warrants Forwarded to Another Agency

- A. In the event a recall is received for a warrant that has been forwarded to another agency for service, the following actions will be taken:
1. A Recall request will be prepared and attached to a copy of the formal recall notice. The documentation will then be forwarded to the appropriate agency for action.
 2. The original recall notice and the respective MILES/NCIC purge will be retained in the warrant file three years from date of recall, then may be destroyed.

.04 Recalled Warrants from other Agencies Held by Allegany County Sheriff ' s Office

- A. If this department holds a warrant from another department and a formal recall notice is received, the following actions will be taken:
1. The original recall notice will be retained in the warrant file folder three years from the date of recall, and then destroyed.
 3. Appropriate ledger entries will be made.

5-205.00 Bail Bondsmen/Bounty Hunters

- .01 Bail Bondsmen and/or Bounty Hunters will be not afforded any assistance, whatsoever, from Sheriff ' s Office personnel unless approved by the Shift Lieutenant or higher authority.

By Order Of:

Craig A Robertson, Sheriff