

## CAMBRIDGE POLICE DEPARTMENT

**Title:** ***ARREST WARRANTS AND OTHER  
LEGAL PROCESS PROCEDURES*** **Procedure: 5.407**

**Date Issued:**

**Revised:**

### **PURPOSE:**

To outline a procedure for arresting a person wanted on a warrant.

To document and control warrants received for service by this Department.

To outline responsibilities of certain personnel as they pertain to the administration and delivery of legal process services.

### **POLICY:**

The Police Department will maintain accurate records of persons wanted and arrested on warrants. The Department will take an active role in serving its warrants as well as those from other law enforcement agencies for persons believed to live in the City. It is the policy of this Department to support the judicial system and efficiently process the legal documents delivered for service.

### **DEFINITIONS:**

A warrant of arrest is a written order from a court directed to a peace officer, or some other person specifically named, commanding him to arrest a person.

A summons is a written order issued by a court that commands a person to appear before a court at a stated time and place.

A writ is an order issued from a court requiring the performance of a specified act, or giving authority to have it done.

A subpoena is a command to appear at a certain time and place to give testimony upon a certain matter.

### **PROCEDURE:**

#### ***ADMINISTRATION AND RECORDS***

1. The Information Technology Supervisor is responsible for maintaining an accurate and upto date file system for warrants, summons, subpoenas, and other legal documents received from the courts.

2. Warrants will be maintained in a file in the records unit and will be accessible to Department personnel on a twenty-four (24) hour basis.

3. Information from warrants will contain the following information:  
date of issuance;  
type of legal process;  
nature of document;  
source of document;  
name of plaintiff/complainant or name of defendant;  
officer assigned for service;  
date of assignment;  
court case number;  
date of service;  
bond amount

4. The Police Communications Officer (PCO) will attach the original warrant to the warrant control card and give it to the on duty Supervisor for service.

5. The Department participates in the Maryland Interagency Law Enforcement System (MILES) and the National Crime Information Center (NCIC) which have computerized wanted persons files. These wanted persons files contain descriptions and identifiers for persons who are being sought by the law enforcement agencies.

The criteria for entering notices into these information systems are provided in the MILES and NCIC Operations Manuals.

6. All warrants received from the District Court's office will be forwarded to the communications unit for entry into the MILES/NCIC system.

7. After entry into MILES/NCIC, warrants will be placed in the proper folder for service by patrol units. If not served in thirty (30) days the warrants will be removed from the folder and filed in communications.

8. When a request is received from another agency to serve their warrant, subpoena, summons, or notice to appear on a resident, the paper to be served will be given to the Operations Lieutenant or the on duty Supervisor for approval. The department will attempt to serve criminal warrants from other jurisdictions provided the warrant is entered in the MILES/NCIC system, and/or we have received a faxed copy of the warrant. Each attempt at service will be noted. If an arrest is not made within a reasonable time after a reasonable number of attempts at service, a copy of the warrant, subpoena, summons, or notice to appear will be returned to the originating agency.

9. Property received by this department pursuant to delivery of legal process services will be accounted for by the completion of an Incident report.

10. Property acquired through the legal process will be disposed of by the Department pursuant to court order and state statute.

**ARREST WARRANTS**

1. Only sworn officers of this department will serve arrest warrants or other legal process documents.

2. If the wanted person lives in another jurisdiction a copy of the warrant will be forwarded to that agency with a request to serve the warrant. Officers may not leave the city to serve a warrant without the on duty Supervisor's approval. When entering another jurisdiction to serve a warrant, the officer should notify that Department and request assistance.

3. On each shift patrol officers will attempt to serve any warrants in the warrant folder assigned to them.

4. Officers will verify a warrant with the originating law enforcement agency before attempting to serve it. Officers shall reasonably guarantee the identity of arrestee by sufficient identification documents. MILES/NCIC will be checked to verify that the warrant is still valid.

5. If an arrest is made, an arrest report will be completed for each arrest warrant under the original case report number

6. If an arrest is made on a warrant from another law enforcement agency, the defendant will be taken before a Court Commissioner as required under Maryland Law.

7. If the warrant is from another agency and cannot be served, the officer will indicate the reason and forward his report and the warrant copy to the records unit so the warrant can be returned to the originating agency.

**ARRESTED SUBJECT WITH OUT OF STATE WARRANT**

1. If a subject is arrested and it is determined that there is an out of state warrant for him the following procedure should be followed:

If felony charges are going to be lodged in the District, the normal procedure for handling felony cases should be followed. It will then be determined if the out of state authority will extradite. If they will extradite a fugitive warrant will be completed.

If the subject was arrested for a misdemeanor, traffic or ordinance violation and the out of state warrant is for a felony, determine if the out of state authority will extradite. If they immediately advise that they will not, then proceed with the local charge.

If they will extradite a fugitive warrant will be completed and the arrestee will be taken before the Court Commissioner.

by a sworn officer. The officer will complete an incident report.

**WARRANT CANCELLATION**

1. Upon confirmation that a warrant has been served by our officers the PCO will cancel the MILES/NCIC wanted message.
2. A MILES message will be sent to the jurisdiction that received a copy of our warrant for service announcing that the warrant has been served.
3. Any warrant executed by another agency will be canceled when the department is advised of the apprehension of the subject by the arresting agency. Our custody of the subject is not required for cancellation.
4. The Police Communications Officer is responsible for canceling the warrant in the MILES/NCIC system.

**CIVIL PROCESS**

1. Sworn officers of the Police Department will not generally serve or enforce documents of civil process absent the specific direction of competent and applicable authority. As a matter of routine the County Sheriff's Department will fulfill all civil process requirements and responsibilities.
2. Requests for civil process service must be reviewed and approved by the Operations Lieutenant prior to service.
3. Civil process documents that do not mandate service by officers of this Department are to be referred to the County Sheriff's Department.
4. Property, real or personal, seized pursuant to a court order will only be seized