

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Arrest Warrants	NUMBER: GO 2-4A
EFFECTIVE DATE: October 22, 2018	REVIEW DATE: October 22, 2018
AMENDS/SUPERSEDES: GO 2-4, January 31, 2007	APPROVED: _____  Sheriff
VLEPSC:	

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13 **POLICY**

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15 All members of the York Sheriff's Office who are responsible for the control and service of

16 warrants shall be aware of all laws, rules and procedures for the recording, tracking and proper

17 service of warrants. All warrants received by the Sheriff's Office shall be immediately

18 documented and service shall be attempted as soon as practically possible. It is our duty to

19 assure that every reasonable measure is implemented in order to locate persons wanted by

20 authority of a warrant. All employees involved in the warrant/wanted process shall do

21 everything in their power to assure wanted persons are apprehended; and that persons not wanted

22 or no longer wanted, are not wrongfully arrested.

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24 **PURPOSE**

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26 The purpose of this General Order is to establish a Standard Operating Procedure for the York-

27 Poquoson Sheriff's Office for arrest warrant accountability. It is the responsibility of the

28 Sheriff's Office to serve all criminal arrest warrants in a timely manner and to be accountable for

29 these warrants at all times. The following shall be the Standard Operating Procedure for Warrant

30 Accountability.

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32 **PROCEDURES**

- 33
- 34 • Criminal Process
- 35 ○ All deputy sheriffs are expected to serve arrest warrants and other criminal process.
- 36 ○ York-Poquoson Sheriff's deputies may serve or execute criminal warrants and other
- 37 criminal process issued anywhere in the Commonwealth of Virginia:

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- Anywhere an offender or person named in a warrant is found within the jurisdictional limits of York County and the City of Poquoson to include 300 yards beyond those jurisdictional limits, or
 - Anywhere within the Commonwealth of Virginia if in hot pursuit and the offender is apprehended elsewhere.
- The following are types of criminal process:
- Arrest Warrants
 - ❖ Felony
 - Offender shall be taken into custody and taken before a magistrate.
 - ❖ Misdemeanor, Permitted
 - Offender may sign a promise to appear in court and be released.
 - ❖ Misdemeanor, Not Permitted
 - Offender shall be taken into custody and taken before a magistrate.
 - ❖ Virginia Uniform Summons
 - Issued by law enforcement officers for the following:
 - ✓ Traffic infractions,
 - ✓ Certain misdemeanor traffic offenses,
 - ✓ Certain misdemeanor criminal offenses committed in the officer's presence,
 - ✓ Specified misdemeanors not committed in the officer's presence.
 - Once issued an offender may sign the summons promising to appear in court on the specified date and released.
 - Offenders who refuse to sign the summons, indicate they will disregard the summons, or are believed by the officer to disregard the summons shall be taken into custody and taken before a magistrate.
 - Section [19.2-74](#), Code of Virginia, requires the issuance of a summons in lieu of a physical arrest for misdemeanor offense committed in the officer's presence unless certain conditions are present or the offense involves certain crimes as listed in Section [19.2-81](#), Code of Virginia.
 - ❖ Capias
 - A capias is issued by the court as an attachment of the body.
 - ✓ Offender shall be taken into custody and taken before a magistrate.
 - ❖ Indictment
 - An indictment is issued by a grand Jury.
 - ✓ Offender shall be taken into custody and taken before a magistrate
 - ❖ Probation Violation, PB15
 - Issued by the court at the request of a probation or parole officer.
 - ✓ Offender shall be taken into custody and taken before a magistrate.

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- 85 ❖ Juvenile Detention Order
- 86 ➤ Issued by a Juvenile intake officer or Juvenile Court Judge.
- 87 ✓ Offender shall be taken into custody and transported to the specified
- 88 juvenile detention facility.
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- 90 ○ All criminal process shall be served as soon as possible after being received and
- 91 entered into the Sheriff's RMS.
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- 93 ● Arrest without a warrant
- 94 ○ Section [19.2-81](#), Code of Virginia, provides a list of offense where arrest without a
- 95 warrant is permitted. These include:
- 96 ▪ Driving or Operation a Watercraft Intoxicated offenses,
- 97 ▪ Shoplifting,
- 98 ▪ Carrying a Weapon on School Property,
- 99 ▪ Assault and Battery,
- 100 ▪ Brandishing a Firearm,
- 101 ▪ Destruction of Property on Business Property,
- 102 ▪ If the person fails to cease the illegal activity for which a summons was issued.
- 103
- 104 ● Warrant Clerk
- 105 ○ The warrant clerk shall enter all warrants received during normal business hours in
- 106 the Sheriff's Records Management System (RMS) and attach any necessary
- 107 documentation, including tracking and or cover sheets.
- 108 ○ It will be the warrant clerk's responsibility to route all warrants to their proper
- 109 destination and document the routing in the Sheriff's RMS. By doing so, the current
- 110 location and status of the warrant will be available to all Sheriff's RMS users.
- 111 ○ All warrants in possession of the Sheriff's Office shall be filed with and maintained
- 112 by the Emergency Communications Center.
- 113 ○ No warrant shall be placed out for service, until it has been logged in the Sheriff's
- 114 RMS. The warrant clerk shall:
- 115 ▪ Receive from the Emergency Communications Center all warrants, served and
- 116 unserved for entry into the Sheriff's RMS verification.
- 117 ▪ Place the warrant number on warrants prior to routing.
- 118 ▪ Generate a warrant tracking and or cover sheet and attach to warrant.
- 119 ▪ Complete NCIC/VCIN Extradition Authorization sheet for Felony warrants and
- 120 obtain extradition authorization signature and parameters.
- 121 ▪ Deliver warrant with tracking and/or cover sheet and Extradition Authorization
- 122 sheet to the Emergency Communications Center.
- 123 ❖ Mailing Warrants to other jurisdictions:
- 124 ❖ Only copies of warrants shall be mailed.
- 125 ❖ Ensure warrant is entered into the Sheriff's RMS.
- 126 ❖ Ensure warrant is stamped "COPY ONLY".
- 127 ❖ Attach a RMS tracking and cover sheet to the warrant.
- 128 ❖ Mail warrant to appropriate jurisdiction.
- 129 ❖ Note in the Sheriff's RMS where and when the warrant was mailed.

- 130 ❖ Deliver the warrant and attachments to the Emergency Communications
 131 Center for entry into NCIC/VCIN and filing.
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- 133 ○ Faxing Warrants
 - 134 ▪ Ensure warrant is entered into the Sheriff's RMS.
 - 135 ▪ Attach a cover sheet to the warrant and Extradition Authorization sheet for Felony
 136 warrants.
 - 137 ▪ Deliver warrant with attachments to the Emergency Communications Center for
 138 entry into NCIC/VCIN and faxing.
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 - 140 ○ File all un-served warrants with the Emergency Communications Center and record
 141 that information in the Sheriff's RMS.
 - 142 ○ File a copy of un-served warrant with the Emergency Communications Center if the
 143 obtaining deputy keeps the original warrant to attempt service.
 - 144 ▪ It shall be noted in the Sheriff's RMS that the obtaining deputy has the original
 145 warrant.
 - 146 ▪ Retrieve copies of served warrants from the Emergency Communication Center
 147 and verify proper RMS entry then forward to the appropriate court.
 - 148 ▪ Notify the Emergency Communications Center of warrants served by Sheriff's
 149 Office personnel.
 - 150
 - 151 ● Emergency Communications Center
 - 152 ○ The Emergency Communications Center shall be responsible for the following:
 - 153 ▪ Receiving all warrants after normal business hours, weekends and holidays.
 - 154 ▪ Checking NCIC/VCIN for newly issued warrants by the Magistrate and making
 155 appropriate NCIC/VCIN entries.
 - 156 ▪ Entering the received warrants in the Sheriff's RMS.
 - 157 ▪ Placing the warrant and tracking sheet in the Warrant Clerk's box.
 - 158 ▪ Enter all Felony warrants into NCIC/VCIN along with extradition limits once the
 159 warrant and Extradition Authorization sheet is received from the Warrant Clerk.
 - 160 ▪ Maintaining a file of unserved warrants.
 - 161 ▪ Upon notification of a warrant being served, remove the wanted entry from
 162 NCIC/VCIN.
 - 163 ▪ Fax copies of warrants for attempted service to other jurisdictions if the law
 164 enforcement agency receiving the warrant requires a faxed copy.
 - 165 ▪ Obtain permission from on duty supervisor to fax warrants to other jurisdiction
 166 when notified the offender named in the warrant is in custody.
 - 167 ▪ When notified by another law enforcement agency that a warrant has been served:
 - 168 ❖ Make appropriate entry in the Sheriff's RMS showing the warrant as served.
 - 169 ❖ Place the original warrant along with a copy of the served warrant in the
 170 Warrant Clerk's box.
 - 171 ❖ Clear the wanted person from NCIC/VCIN.
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 - 173 ▪ When notified by the Warrant Clerk that a warrant has been served:
 - 174 ❖ Remove wanted person from NCIC/VCIN as appropriate.
 - 175 ❖ Place any original or copies of the warrant in the Warrant Clerk's box.

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- Deputy’s Responsibilities
 - All warrants received or obtained during regular business hours, either the original, or a copy if attempting to make service shall be delivered to the warrant clerk for data entry and routing as soon as possible but no later than the end of the business day.
 - All warrants received or obtained during non-business hours, either the original or a copy, if attempting to make service, shall be delivered to the Emergency Communications Center for entry into the Sheriff’s RMS and VCIN, as soon as possible but not later than the end of the patrol shift.
 - It is the responsibility of the deputy to inspect all warrants prior to attempting service to ensure it is valid on its face. If the warrant is not valid, it shall be returned to the warrant clerk with a written explanation of the deficiencies.
 - If a deputy has in his possession an arrest warrant and is notified, by the Emergency Communications Center, that a copy of the warrant has been served by another jurisdiction, that deputy shall:
 - As soon as possible return any unserved copies of the warrant to the Emergency Communications Center who will clear the wanted person from NCIC/VCIN and place the paperwork in the Warrant Clerk’s box.

- Patrol Supervisor’s Responsibilities
 - Supervisors shall be responsible for assigning arrest warrants to their respective employees for service and to ensure that all warrants are served in a timely manner.
 - Supervisors shall be responsible for deciding whether to fax a warrant by the Emergency Communications Center to another jurisdiction or delivering the original warrant, when notified the requesting jurisdiction has a person wanted on an active warrant in custody.
 - When receiving a request from the Emergency Communications Center to fax a warrant to another jurisdiction, it shall be the patrol supervisor’s responsibility to make all reasonable inquiries to ensure the warrant has not already been served.