

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: July 24, 2015
NUMBER: 4.06 - LEGAL
SUBJECT: ARREST WARRANT PROCEDURES
RELATED POLICY: N/A
ORIGINATING DIVISION: OPERATIONAL SUPPORT
NEW PROCEDURE:
PROCEDURAL CHANGE:
SUPERSEDES: DP 4.06 – 10/26/2012

I. PURPOSE

This Department procedure establishes guidelines for warrant arrests.

II. SCOPE

This procedure applies to all sworn members of the Department.

III. DEFINITIONS

- A. Warrant of arrest - an order of a court directing peace officers to arrest the person described in the warrant and to bring that person before the court for further proceedings.
- B. Bench warrant - a warrant issued by a judge when a defendant who has been released on bail or on the defendant's own recognizance fails to appear in court.
- C. Active warrant- a warrant that has not been cleared.
- D. Cleared warrant – a warrant that is no longer active because of an arrest, a bail posting, a release on citation, or has been recalled by the issuing judge.

IV. BACKGROUND

- A. A warrant of arrest is active until cleared by an arrest, a bail posting, a release on citation, or recalled by the issuing judge. Although there is no statute of limitations on an arrest warrant, all misdemeanor and infraction warrants are removed from the Sheriff's computer system if not served within five years from the date of issue. Felony warrants remain in the computer system until served or recalled.
- B. The San Diego Sheriff's Department retains all arrest warrants for all law enforcement agencies in San Diego County.
- C. Warrant information in the National Criminal Information Center (NCIC) computer files includes data from jurisdictions throughout the country.
- D. The California Law Enforcement Teletype System (CLETS) contains information on state agency wants and warrants, such as California Department of Corrections (CDC) and California Youth Authority (CYA) parole warrants.

V. PROCEDURES

- A. Warrant Abstract
 - 1. Officers may conduct warrant checks by the following methods:
 - a. Computerized files – officers may conduct computer searches for warrants using the Department's Local Area Network (LAN) computer system. If an active warrant is located, the officer may use this information to arrest the subject until a confirmation call can be made to the Sheriff's Department or, if outside the county, to the originating agency.
 - b. Communications Division – officers may request a warrant check on the inquiry channel via their radios. Officers will provide the dispatcher with the name and date of birth of the subject. For NCIC checks it will be helpful to include the social security number or driver's license number of the subject.
 - c. Telephone contact – warrant checks may be conducted over the telephone to either Records Division at (619) 531-2845 or the Sheriff's Warrant and Restraining Orders Division at (858) 974-2457. The information gained from these two sources is identical to a search on ARJIS or SUN terminals.

2. Confirming the Warrant Abstract

- a. Officers may arrest an individual when an active warrant is known to exist for that person. For NCIC or CLETS warrants, the officer shall call the jurisdiction issuing the warrant to confirm that they will extradite the subject for the warrant.
- b. Confirmation calls shall be made when the subject is in custody and before the subject is taken to County Jail or booked for the warrant and released at the Watch Commander's Office.
- c. Once a warrant is confirmed, it is removed from the Sheriff's Department's active files. If a subject is not booked after the warrant is confirmed, the officer must immediately prepare a "Warrant Abstract Reactivation" form so the issuing court can reissue the warrant. The forms are available at the Watch Commander's Office and require the Watch Commander's approval.

3. Receiving a Warrant

- a. If a suspect is charged with the violation on the warrant, it is necessary to provide the abstract to the jail deputy at the time of booking.
- b. In most cases the warrant abstract will be picked up at the Watch Commander's Office. NCIC and CLETS warrants will be picked up at Teletype in Records Division.
- c. Warrants may be picked up at the Sheriff's Department if the Watch Commander's printer is not operational, if the warrant is a "mandatory booking warrant," if the officer is taking the suspect directly to court, or if the officer has a specific need to pick it up there. The pick-up location must be stated at the time a warrant is confirmed.

B. Reviewing Warrant Information

Prior to service, officers shall make certain the warrant is active and includes the following information:

1. Name of the defendant;
2. The charge and whether it is a felony, misdemeanor, or bench warrant;
3. Date of issuance;

4. Court of issuance and the name and title of the magistrate;
5. The bail amount (if bail is an eligible alternative for the offense); and,
6. Whether directed to any peace officer in the State.

C. Warrant Service (Time) Authorization/Restrictions

1. Felony warrants - may be served at any time of the day or night.
2. Misdemeanor or infraction warrants - may only be served between 0600 and 2200 hours unless:
 - a. The subject is in a public place;
 - b. The subject is already in custody pursuant to another lawful arrest; or,
 - c. The judge who issued the warrant (for good cause shown) directed that it be served at any time of the day or night.
3. Felony bench warrants may be served in the same manner as felony warrants and misdemeanor bench warrants may be served in the same manner as misdemeanor warrants.

D. Arrest Procedures

1. Before making an arrest on a warrant, officers must be certain that the person to be arrested is in fact the person named or described in the warrant.
2. A warrant of arrest may be teletyped and the copy has the same effect and authority as the original warrant. Officers shall ascertain that the teletyped warrant contains all the necessary information. Prior to requesting an arrest warrant abstract, the officer must check with the Sheriff's Warrant and Restraining Orders Division at (858) 974-2457 to confirm the warrant is still active.
3. At the time of the arrest, it is not necessary that the arresting officer have possession of the warrant provided that the officer has knowledge that a warrant is active.
4. Officers must inform the subject of their intention to arrest them under the authority of a warrant.

5. Whenever identification of the defendant is questionable and the validity of a warrant is challenged by a defendant, it shall be the responsibility of the arresting officer to verify the warrant by contacting the issuing court. Verification shall be made as soon as possible, either by telephone or radio, prior to booking the defendant. When the issuing court is closed, the defendant shall not be booked if the offense is a misdemeanor and a local/nearby address can be verified. In all other instances, when the validity of the warrant cannot be verified, the Watch Commander shall decide whether or not the defendant should be booked.
6. When there is reason to believe the warrant may be invalid, the defendant shall not be booked.
7. When the officer believes a warrant was issued for the wrong person, he or she shall immediately notify either the City Attorney's Office for misdemeanors or District Attorney's Office for felonies.

E. Booking Procedures

1. The arrest warrant abstract must accompany the subject when he or she is admitted to County Jail for booking.
2. The arresting officer must prepare a booking slip whenever a person is arrested pursuant to a warrant. The booking slip must include the warrant number and description of all warrants for which the subject is being booked. If a subject is arrested on other charges along with a warrant(s), the warrant number(s) must be included on the booking slip. The Watch Commander or a field lieutenant must approve the booking before the subject is taken to County Jail.
3. If an arrest warrant is added to a person who has already been booked into County Jail, a "Change of Charge" form noting the added charge shall be prepared and forwarded to both Records Division and County Jail.

F. Reporting Procedures

1. When an arrest is made on a warrant, the arresting officer must endorse his or her name upon the warrant. The endorsement must be made at the time of booking or when the subject is brought before a magistrate, whichever applies.
2. Arrest Reports
 - a. An arrest report shall be prepared on all warrant arrests. The warrant must be identified in the report by listing the warrant number, charge, bail, issuing judge, and jurisdiction.

- b. If the prisoner is taken directly before a magistrate or directly to the Sheriff's Bail Office, the officer shall prepare an arrest report, as described above, and note that the person was not booked.
- c. If the prisoner is turned over to another agency within this County rather than booked in County Jail, an arrest report shall be prepared and shall include the circumstances of the custody transfer and also indicate that the person was not booked. In the space normally used for the booking number, state "not booked."

G. Out-of-state Warrants

- 1. When an officer in the field runs a warrant check and is advised that the suspect has an active out-of-state warrant (NCIC hit), the officer may arrest that individual under California Penal Code Section 1551.1, "Arrest Without Warrant," if the crime charged in the warrant is a felony. Probable cause to arrest based on information over the radio is sufficient if verification of the suspect is obtained (i.e., name, DOB, physical description, scars, etc.).
- 2. An individual arrested on an out-of-state warrant will be booked under Section 1551.1 PC. County Jail will require a warrant abstract (Teletype) with the following information: name of person arrested, identifying data (DOB, physical description, etc.), case or warrant number, charge and description, court where warrant was issued, date of issue, name and title of issuing magistrate, and amount of bail on the warrant. Extradition by the out-of-state agency must be confirmed prior to booking.
- 3. In situations where an abstract is not readily available, the jail will accept a prisoner if the officer can supply the name of the agency holding the actual warrant, name and phone number of the person called to verify the warrant, charges, amount of bail, and assurance that an abstract will be forwarded to the jail at the earliest possible time.
 - a. The arresting officer will request that the confirming Teletype message be addressed both to the Police Department and the Sheriff's Fugitive Apprehension Unit (ORI #CA0370089).
 - b. In addition, a copy of the NCIC Teletype will be attached to the booking slip and the arrest report.