
	<b>GAITHERSBURG POLICE DEPARTMENT</b>		
	<b>Warrant and Wanted Person File</b>		
	<b>GENERAL ORDER</b>	<b>110.1</b>	
<b>Effective Date</b>	<b>02/24/2016</b>		
<b>Authorized by:</b>	<b>Mark P. Sroka</b> CHIEF OF POLICE	SIGNATURE	DATE

**I. PURPOSE**

The purpose of this directive is to outline the Department's shared responsibility in maintaining Montgomery County's warrant and wanted person file.

**II. POLICY**

Warrants and District Court Summonses must be entered if service is not promptly achieved. Officers will hand deliver warrants they obtain to the Montgomery County Police Warrant Section, for computer entry. The Department's MILES / NCIC terminal is used for inquiries; new information can not be entered.

**III. DEFINITIONS**

This directive does not contain any terms deemed to require special definition.

**IV. PROCEDURE**

**A. Warrant Routing and Processing**

1. When a warrant or District Court summons (DCS) is obtained from a commissioner for service, the officer will attach a GPD Warrant/DCS Control coversheet and provide the Accreditation Manager with a copy of the warrant to be entered into the Legal Process Data Base.
2. The officer should attempt service of the warrant or DCS as soon as practical, unless the officer reasonably believes that the individual named cannot be located.
3. If not law enforcement sensitive, the document will be kept readily accessible to the administrative support staff during the off duty hours of the officer attempting service, to assure 24 hour access to the document.
4. If the individual cannot be located, or the warrant has not been served within five (5) days of receiving it from the commissioner,

the receiving officer will:

- a) Remove the GPD Warrant/DCS Control coversheet (with all of the service attempts logged) from the warrant and submit the coversheet to the Accreditation Manager;
  - b) Complete an MCP Warrant/DCS Action Request Form (MCP Form 72) and attach it to the warrant;
  - c) Photocopy the original event report that led to the issuance of the warrant and attach it; and
  - d) Ensure that the warrant is hand delivered to the MCP Warrant Section for appropriate entry.
5. All warrants submitted to the MCP Warrant Section will be entered into the WARRS database by Warrant Section personnel, as follows:
- a) Warrants charging misdemeanors will be entered into WARRS (countywide) only.
  - b) Warrants charging felonies will be entered into WARRS (countywide) and the MILES (statewide database).
  - c) District Court Bench Warrants (DCBW) pertaining to misdemeanors are entered into WARRS only.
  - d) DCBWs pertaining to felonies are entered into WARRS and MILES.
6. The MCP Warrant Section can be contacted at the number listed for them in the General Orders Phone Number WIP.xlsx, for 24 hour access to warrants.
7. When an arrest is made on the strength of a warrant that was entered by MCP, the computer entry must be canceled. It is the responsibility of the officer serving the warrant to initiate cancellation.
- a) Upon the officer's arrival at the processing facility, the officer will ensure that the MCP Warrant Section faxes the warrant to the facility for service.
  - b) The officer shall complete an MCP513 envelope and ensure processing facility personnel are informed that the individual is wanted on an outstanding warrant.

8. When a warrant or DCS is obtained and/or served, these details will be recorded in the associated event report or through the use of a supplement to the original report.

**B. MILES and NCIC Entries**

1. According to Part 7, Section 1.1.1 of the NCIC operating manual and Part 7-2 of the MILES operating manual, “wanted person” entries may be made concerning:
  - a) An individual, including a juvenile who will be tried as an adult, for whom a Federal warrant is outstanding;
  - b) An individual, including a juvenile, for whom a felony or serious misdemeanor warrant is outstanding;
  - c) Probation or parole violators meeting the criteria described above; and
  - d) A juvenile who has escaped from an institution or agency vested with the legal custody or supervision of such juvenile, or who has absconded while on probation or parole.
2. If an individual is to be entered as a wanted person, whenever possible the associated FBI number should be provided to the person making the computer entry.
3. Part 7, Section 2.2.1 of the NCIC manual, lists mandatory fields for a wanted person entry. In order for the NCIC system to accept an entry the mandatory fields must be completed.
4. Depending upon the nature and severity of the offense(s) charged in the warrant, the following codes regarding extradition will be entered with the wanted person information:
  - a) TYPE 1 indicates the offense charged in the warrant is a non-extraditable misdemeanor and the entry is in MILES only.
  - b) TYPE 2 indicates the offense charged in the warrant is a non-extraditable felony and the entry is in MILES only.
  - c) TYPE 3 indicates the offense charged in the warrant is an extraditable misdemeanor and the entry is in MILES and NCIC.

- d) TYPE 4 indicates the offense charged in the warrant is an extraditable felony and the entry is in MILES and NCIC.
5. Department members do not actually make entries into these systems, but are responsible for providing complete and accurate information to MCP Warrant Section and the Message Routing Center.

**C. Requests from other Agencies**

1. If this Department is contacted by another law enforcement agency, requesting service of a warrant from their jurisdiction, the request will be referred to the Montgomery County Police Message Routing Center.
2. In the event a foreign jurisdiction sends a warrant or subpoena by mail or fax to this Department for service, a bureau commander shall review the warrant/subpoena and the nature of the request.
  - a) If the bureau commander determines that this Department will attempt service of the document, it will be given to the Accreditation Manager to be prepared for service.
  - b) If the bureau commander determines that the document will not be served by this Department, it will either be sent back to the foreign jurisdiction or forwarded to the MCP Message Routing Center.
  - c) If the Department is successful in serving the document, the foreign jurisdiction will be notified immediately, so that they may promptly update their records and ensure any computer entry by the foreign jurisdiction is appropriately canceled.
  - d) If the Department declines to attempt service and forwards the document to another law enforcement agency, the foreign jurisdiction will be notified of the status of the document.
3. Neither GPD nor MCP personnel can cancel computer entries made by other agencies. If an individual is arrested based on a computer entry/warrant that a foreign jurisdiction entered, the locate message initiates notice to the originating agency for removal of the entry.
4. Wanted persons apprehended in this Department's jurisdiction,

who are wanted by a jurisdiction outside Maryland, shall not be turned over to officers from another state or the District of Columbia until the wanted person has:

- a) Had an extradition hearing before a Circuit or District court judge; and
- b) Waived extradition in court; or
- c) Has been ordered by the court to return to the jurisdiction where they are wanted.

**D. Verifying Information**

1. A wanted hit alone is not sufficient probable cause to arrest an individual.
2. If an officer receives a wanted hit, the validity of the computer entry and actual existence of a warrant must be verified before the arrest is made.
3. When verifying the wanted status of an individual, officers will do the following:
  - a) If the hit has been received via the station terminal, the MCP Warrant Section can be contacted at the number listed for them in the General Orders Phone Number WIP.xlsx (if the computer entry indicates it is a County warrant) to confirm the warrant;
  - b) If the hit was received in the field and/or it is impractical for the officer to contact the Warrant Section, or other location where the warrant is supposed to be held to verify the information, the officer can request the dispatcher to undertake efforts to verify the warrant; or
  - c) If the hit is from a department other than Montgomery County, according to Part 7, Section 5.6 (Procedures for Handling a Hit), the hit must be confirmed. The department holding the warrant must be contacted to make sure the warrant is still outstanding and the information matches the subject of the computer entry.
4. Officers receiving a hit will request that the Public Safety Communications Center to send a hit confirmation message to the department holding the warrant.
  - a) An agency receiving a hit confirmation message has (by

NCIC policy) ten (10) minutes to furnish a substantive response if marked urgent, and one hour if marked routine.

- b) If an urgent response to the hit confirmation message is not received within ten (10) minutes, a second request should be generated (according to NCIC policy).
  - c) If a response is still not received, the Public Safety Communications Center should then notify NCIC by a third message. At this point, the officer may consider having the Public Safety Communications Center contact the originating agency by telephone, for the purposes of verification and hit confirmation.
5. If an officer makes an arrest pursuant to a hit confirmation, a locate message must be sent.
- a) A locate message is entered into the system, advising the jurisdiction holding the warrant that the individual has been located or apprehended. One of its main purposes is to advise the jurisdiction holding the warrant that the computer entry may be cancelled.
  - b) To comply with NCIC policies and procedures, and to assist the jurisdiction holding the warrant with the proper cancellation of the computer entry, the apprehending officer should advise the Public Safety Communications Center to send a locate message as soon as possible.

**E. Teletypes and other Information**

- 1. The Department utilizes electronic roll call boards for the dissemination of teletype contents and other information. An internal system is used for information originating in, or sent to, this Department. The MCP roll call web board is also utilized for information of interest that has been routed through the Montgomery County Police.
- 2. If the Department receives a teletype that is for informational purposes only, it will be placed on the Department's electronic roll call board for reasons such as when:
  - a) A Gaithersburg address is mentioned (especially those addresses in the City); and
  - b) It lists or contains an unusual modus operandi, unusual occurrence, listing of stolen or recovered property, or

person known to frequent Gaithersburg.

3. The MCP roll call web board is utilized for disseminating information and messages that:
  - a) Contain information pertaining to hazards, officer safety or welfare;
  - b) Contain information relating to training;
  - c) Are from the FOP;
  - d) Would be of interest (such as look-outs, "check-on-patrol" requests);
  - e) Contain the daily color code; and
  - f) Contain the daily summary of stolen vehicles.
4. Teletypes and messages from other law enforcement agencies within Montgomery County (i.e., Takoma Park, Rockville City, Chevy Chase Village, Maryland National Capital Park Police) are also routed through the MCP roll call web board.
5. NLETS / MILES administrative messages are also routed through the roll call web board for conditions such as when:
  - a) A Gaithersburg address is mentioned, or for officer safety;
  - b) The message relates to the death of an officer; or
  - c) The message relates to training.
6. Information received from other law enforcement agencies, which meets the criteria outlined in this directive, will be retained for at least 30 days unless it is deemed appropriate to keep the information longer. The information will be maintained in ways that may include, but are not limited to:
  - a) Making a copy of the computer printout and placing it into the file next to the terminal. The printout shall also contain a brief description of what action was taken by this Department (such as, "checked on patrol", "out of our jurisdiction - referred to MCP", "individual arrested," etc.);
  - b) Completing a Department Warrant/DCS Control sheet for a

court document that was served or for which service was attempted;

- c) Completing a Community Complaint (Check on Patrol) Sheet in response to the receipt of a teletype that requests this Department to take this sort of action;
- d) Filing copies of correspondence from foreign jurisdictions in station files; and
- e) Allowing the data to remain on the electronic roll call board for continued access.