



<b>RECORD SYSTEM FOR WARRANTS</b>		
✓ <b>new:</b> rescinds: amends:		<b>cross-reference:</b>  <b>accreditation standards:</b> NYSLEAP Standard(s): 8.12
<b>effective date:</b> October, 2020	<b>amend date:</b>	

**I. PURPOSE**

The purpose of this is Order is to establish procedures for the handling and execution of warrants that come into the possession of the Tompkins County Sheriff’s Office.

**II. POLICY**

It is the policy of the Tompkins County Sheriff’s Office to enter and maintain all warrant’s received into this office, provide 24-hour access to members for verification and execution purposes, and to bring about the timely execution (due diligence) of warrants held by this office while documenting all of those efforts in accordance with the NYS Criminal Procedure Law, any applicable legal standards, and current directives. Furthermore, this policy identifies the role and responsibilities of the Warrant Control Officer (WCO) and other members handling and executing warrants.

**III. DEFINITIONS**

*Arrest Warrant:* “A warrant of arrest is a process issued by a local criminal court directing a police officer to arrest a defendant designated in an accusatory instrument filed with such court and to bring him before such court in connection with such instrument. The sole function of a warrant of arrest is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.” New York Criminal Procedure Law (CPL), § 120.10-1.

**Note:** The procedures in this order apply to all warrants requiring the arrest of a person, including arrest warrants, bench warrants, and indictment warrants. The terms, “arrest warrants” or “warrants,” as used in this order, will apply to all such warrants.

*Warrant Control Officer (WCO):* A sworn member who is responsible for administrative management and control of active warrants received and executed by office personnel.

**IV. ADMINISTRATIVE PROCEDURES**

- A. The office’s Warrant Control Officer (WCO) shall be responsible for administrative management and control of active warrants held by this office with responsibilities to include:

1. Receiving and entering warrants into Spillman and E-Justice and compiling warrant jackets to include accurate pedigree and a copy of a recent computerized criminal history (CCH).
2. Verifying information and accuracy of warrants entered by other members.
3. Conducting periodic reviews of warrants held by this office in cooperation with the Tompkins County District Attorney's Office in order to identify warrants that may be purged.
4. Conduct periodic audits of all warrants in the custody of this office by providing the respective courts with a list of said warrants for comparison.
5. Assist other members with entry and training to include maintaining the attachment to this policy entitled "Warrant Procedures".

## V. **WARRANT PROCESSING AND RECORDS KEEPING**

### A. Availability of Arrest Warrants

1. Original active criminal warrants (arrest, bench, or indictment) are available to office personnel on a 24-hour basis via the warrant file located in an area accessible to sworn personnel.
2. Information regarding these warrants is also available to office personnel or other law enforcement agencies on a 24-hour basis via the office Spillman system and eJustice which includes a National Crime Information Center (NCIC) interface.
3. Information on the existence of active criminal warrants from other jurisdictions can be obtained by personnel on a 24-hours basis from eJustice.

### B. Processing Procedures

1. Warrants received by the Civil Division will be time stamped and delivered to the WCO by depositing them into the "Incoming Warrants" bin and should be reviewed by a Lieutenant or an on-duty road patrol supervisor to determine if the warrant requires immediate entry and to ensure the warrant jacket is complete.

**Note:** NYS Executive Law 221 (2) states: "Any warrant of arrest, bench warrant or superior court warrant of arrest, as such terms are defined in section 1.20 of the criminal procedure law , relating to any offense defined as a felony in subdivision five of section 10.00 of the penal law, or a probation warrant issued pursuant to section 410.40 of the criminal procedure law , must be entered into the system no later than forty-eight hours from the time it is received by the police officer or peace officer to whom it is addressed if the subject of the warrant has not been apprehended prior to that time."

2. Warrants that have been entered by sworn members shall deposit their warrant jacket into the "Incoming Warrants" bin as well so that the WCO can verify accuracy and to ensure the jacket is complete.

3. See attached “*Warrant Procedures*” attachment for procedures on entering a warrant into Spillman, printing the cover sheet, entering into eJustice, attempts to serve and workflow, cancelling in Spillman and canceling in eJustice.
4. Preparing a Warrant Jacket

Once all the necessary information has been entered into Spillman and eJustice, and the necessary criminal history inquiries have been run, a warrant jacket will be assembled for service.

- The officer will enter as much information as possible on the warrant jacket, including officer safety warnings.
- The following documents will be included in the warrant jacket:
  - Original copy of the warrant, if available;
  - The eJustice CCH and Spillman Name histories, if available;
  - The eJustice Wanted Entry message;
  - Photograph(s) of the subject, if available;
  - If the warrant is for continuation of proceedings, a copy of the original Arrest Report; if available;
  - Any available information indicating a safety risk or history of violence and/or weapons possession by the subject; and
  - If an arrest warrant is received by a member of this office and the subject has not been processed, the warrant jacket should indicate the need for processing and a full set of copies for the defendant shall be included.

**Note:** Members of this office applying for warrants shall keep in mind that once they appeal to the court for a warrant, they are initiating the commencement of a criminal prosecution and the indelible right to counsel is automatically attached. All reasonable efforts shall be made in locating a subject for the purposes of an interview prior to the application for a warrant. Once a warrant is received, this does not close the case for the applying member and does not preclude that member from making reasonable efforts to locate wanted subjects.

5. Once the warrant jacket has been prepared, it shall be filed with the other active warrants for service by patrol, unless otherwise directed. The WCO will prepare a list of all new warrants entered in the system to be posted with the warrant files.
6. The WCO will create a quarterly report showing all active warrants, which will be submitted to the Undersheriff.

## VI. LEGAL REQUIREMENTS

- A. Arrest Warrants will be executed in accordance with the NYS CPL section 120.
- B. Bench Warrants will be executed in accordance with NYS CPL 530.70.
- C. Officer will familiarize themselves with and adhere to CPL Article 120, which contains legal requirements and procedures for arrest warrants.

## VII. WARRANT EXECUTION

- A. The arrest of individuals for whom the office holds an active warrant is the responsibility of all sworn personnel. **Only sworn personnel will affect the arrest of wanted individuals.**
- B. The Road Patrol Division has the primary responsibility for the physical execution of warrants held by the Office.
- C. Any information developed concerning an individual who is wanted will be entered on the warrant jacket by the personnel obtaining the information. The WCO will attempt to develop information on the wanted subject's location to facilitate the execution of the warrant(s).
- D. Members may be assigned warrants for follow-up or execution by the WCO or a supervisor.
- E. Removal of the original warrant from the drawer is not necessary for assignment, however, if the original is removed for any reason other than execution, then the orange file placeholder will be completed and placed into the drawer to indicate the date and ID number of the member in possession of the warrant jacket. The warrant jacket shall be returned to the drawer prior to the end of shift and the placeholder removed. **Under no circumstances will warrant jackets or warrants be left in any police vehicle, personal duty bags, or other area within the Office.**
- F. As service of the warrant is attempted, personnel will enter any information learned about the subject on the warrant jacket. Attempts will be documented in the "SD" number through the Flex module of Spillman.
- G. When an officer executes a warrant, they shall process the arrested person in accordance with office procedures and provide the defendant with any copies of court paperwork.
- H. Once a warrant is executed, members shall cancel the warrant from Spillman and the E-justice portal without delay and place a copy of the cancellation in the warrant jacket. An entry shall be made upon the warrant jacket indicating that the warrant was cancelled and record the date, time, and member ID accordingly.
- I. When practicable, the arresting officer shall document the arrest in accordance with the "Warrant Procedures" attachment of this policy and forward the case or jacket onto their shift supervisor. Upon supervisor review, that supervisor will forward the jacket onto the WCO in the "Executed Warrants" bin for review.
- J. New York State Police Violent Felony Warrant Squad (VFW)
  - 1. The NY State Police have the VFW to handle warrants involving defendants who are considered violent offenders (Violent Felony charges as listed in PL 70.02), major drug offenders, and career criminals.
  - 2. The WCO will act as the office liaison with the VFW, and may forward warrant cases that fall under their jurisdiction.

3. When forwarding a warrant to the VFW the WCO will obtain as much information as possible and forward the packet along with a cover letter to the VFW.

## VIII. APPREHENSION PROCEDURES

### A. Warrant Checks

1. When an officer encounters an individual they believe may be wanted by the office or other criminal justice agency, they shall contact the Tompkins County Communications Center (TCCC) and request that a warrant check be completed for local records and eJustice/NCIC.
2. If a "HIT" is obtained for an office-held warrant or a warrant held by another agency, TCCC will contact a member of the associated agency to ensure that the warrant is still active, and that the actual warrant is available to be served. **DO NOT** rely on the Spillman or Warrant Hot Sheet record alone. **If the actual warrant cannot be located, or there is any discrepancy in information, do not arrest the individual.**
3. **If there appears to be discrepancies in information, personnel will consult with an on-duty supervisor or the WCO, if available, prior to arresting a subject on the warrant.**

### B. Apprehension on an Office Warrant by Another Agency

1. When office personnel are notified that an outside agency has a subject wanted on an office-held warrant, the following procedures will be adhered to:
  - Personnel will obtain a contact name and telephone number from the apprehending agency.
  - Personnel will verify that the warrant is still active and is available for service. Personnel will also verify the extradition code.
  - Personnel will notify either an on-duty supervisor or the WCO and advise them of the warrant and whether or not extradition is required.
  - If the subject is outside the extradition code, the TCCC, an on-duty supervisor, or the WCO will contact the agency holding the subject and advise them that the office will not retrieve the subject.
  - If the extradition code indicates that the office will retrieve the subject, the on-duty supervisor, or WCO, will contact the apprehending agency and verify:
    - Whether the subject is being held on the warrant only, or if local charges are pending; and
    - If the decision is made to retrieve the subject, personnel will advise the apprehending agency of an approximate time that the pick-up will occur.

## IX. **ARRAIGNMENT**

### A. Superior Court Warrants

1. The New York State Criminal Procedure Law and the New York State Correction Law provide for the incarceration of certain persons in a county facility without a warrant. When arresting a person on a Superior or County Court bench warrant or warrant of arrest that has been issued by a supreme or county court judge, the law provides that person must be brought before the court. The amendment provides that “if such superior court is not available, the executing police officer may bring the defendant to the local correctional facility of the county in which such superior court sits, to be detained there until not later than the commencement of the next session of such court on the next business day.”

The original warrant must be provided to the Corrections Division upon admission to the facility.

### B. Local Court Warrants

1. Defendants arrested under a warrant issued by a city, town or village court should be arraigned in the issuing court if such court is available. If the issuing court is NOT available, the alternative court of arraignment will be determined in accordance with NYS Criminal Procedure Law Section 120. The original warrant will be provided to such court at arraignment

### C. Family Court Warrants

1. If a subject is arrested on an active Family Court Warrant and that court is in session, the Tompkins County Family Court and the Tompkins County District Attorney shall be notified. If an adult respondent is arrested under this act when the Family Court is not in session, he or she shall be taken to the most accessible magistrate and arraigned.

### D. PINS (Persons In Need of Supervision)

1. If a subject is arrested on a PINS Warrant while Family Court is in session, the Tompkins County Family Court and the County Attorney’s Office shall be contacted to arrange for an arraignment. If a PINS warrant is executed after- hours, the on-call DSS case worker will be contacted and they will make further arrangements or advise accordingly.

## X. **WARRANTS FILED AS DETAINERS**

- A. When a subject who is wanted on an active warrant is incarcerated in a jail or other correctional facility, a copy of the warrant will be forwarded to that facility by the WCO or an on-duty supervisor to serve as a detainer.
- B. The submitting member shall note on the warrant jacket and in Spillman that the warrant is on file at the facility as a detainer. Said member shall also advise the originating court that the warrant has been filed as a detainer.

**XI. RECALLED OR VACATED WARRANTS**

- A. Requests to vacate or recall warrants received by the Civil Division will be time stamped and the warrant will be retrieved from the warrant drawer and promptly cancelled in Spillman and the eJustice portal and the warrant jacket will be marked as being recalled or vacated and filed according to the procedures set forth in this Order.

**XII. AUDIT AND RETENTION OF WARRANTS**

- A. To ensure the integrity of the office's warrant files, the Warrant Control Officer, or other designated personnel, will audit all warrants held by the office on an annual basis, and provide a listing of all such warrants to the Undersheriff.

Attachments:

- A. *Warrant Procedures*

By Order Of



Derek Osborne  
*Sheriff*