

## NIAGARA FALLS POLICE DEPARTMENT

### GENERAL ORDER

EFFECTIVE DATE: 08/21/2013	SUBJECT:  <b>WARRANTS OF ARREST; LEGAL PROCESS</b>	Number 113.00 (NYSLEAP A-8-12; A-8-13)
RESCINDS: 04/15/2003		Number of pages 4

#### I. Policy:

The Niagara Falls Police Department shall maintain a record system for arrest warrants, which permits 24-hour access by all members of this agency. The Warrant Services Unit shall maintain the NFPD warrant records system. The WSU is a function of the Criminal Investigation Division.

The NFPD will ensure that all legal process received from the courts are properly recorded and executed in accordance with the requirements set forth by the Criminal Procedure Law. A record of attempts to serve each legal process shall be maintained.

#### II. Procedure:

- A. All applications for warrants of arrest must be initiated by the filing of a police report. A CR number must be generated.
- B. A person wishing to apply for a warrant must present themselves in person at the Warrant Services Unit office at police headquarters between 8am and 12 noon Monday through Friday, unless other arrangements have been made. He/she must provide the WSU with a copy of the police report. The WSU hours shall be determined by the Superintendent of Police and shall be flexible to accommodate specific needs.
- C. If probable cause is believed to exist, WSU personnel shall assist with the filing of an application for warrant for misdemeanors and violations. In most cases, felonies shall be referred to the Detective Unit of the Criminal Investigation Division. All warrant applications should contain the subject's name, DOB, sex, race and address along with any other identifying information, such as height, weight, eye color, hair color, scars and tattoos. WSU personnel shall also prepare any appropriate court paperwork, such as court informations and supporting depositions.

- D. Three copies of all paperwork must be attached to the warrant application, with one bearing the original signature of the complainant.
- E. Once an application for warrant is completed, it shall be submitted to the Niagara County District Attorney's Office for approval, and then to Niagara Falls City Court for review by a City Court Judge.
- F. Once a judge signs an arrest warrant, the hard copy of the warrant shall be returned to the WSU. WSU personnel shall complete the following:
  - 1. Write the defendant's name in red ink on the left side of the warrant.
  - 2. Enter all warrants in the NFPD computer system.

**NOTE:** The warrant information entered into the NFPD computer system shall be accessible at all computer terminals to all employees of the NFPD at all times.

- 3. Print the warrant on the Warrant Control Sheet template (DCJS form 3200). In most cases, a photo of the subject will be printed by the NFPD computer system on the template.
- 4. Mark the printed Warrant Control Sheet template with a letter "C" in red ink denoting entry into the NFPD Computer System and write the subject's name in red ink on the right hand side.
- 5. Enter Arrest Warrants and Failure to Appear warrants in which a misdemeanor or felony is charged into the eJusticeNY Integrated Portal/NCIC.
- 6. Take the hard copy of the warrant to Police Radio to be immediately placed in the active warrant file, available 24 hours a day/seven days a week.
- 7. File completed Warrant Control Templates in a portable folder for executions.
- 8. All attempts to execute the warrant shall be recorded on this copy. Attempts will include:
  - a. The date the warrant was entered in the NFPD computer system and/or in eJusticeNY/NCIC.
  - b. The mailing of surrender letters. The date the letter was sent shall be noted on the warrant worksheet.

- c. Phone calls when appropriate.
  - d. Address checks through the U.S. Postal Service.
  - e. Dates and addresses whenever attempts are made to execute the warrant.
  - f. All other attempts showing due diligence.
- G. Upon execution of a warrant, the hard copy shall be retrieved by the Police Dispatcher and an entry shall be made by either the dispatcher or WSU personnel onto the warrant log, which is located with the active warrant file. The hard copy shall be turned over to and signed by the arresting officer. The hard copy of the warrant shall be attached to the arrest report in booking and given to City Court upon arraignment.
- H. The active warrant file and warrant log shall be updated twice daily during regular business hours in order to accommodate warrant recalls from City Court. WSU personnel without delay shall remove recalled warrants from the active warrant file and both computer systems. After normal business hours, the police dispatcher shall remove executed warrants from eJusticeNY/NCIC in a timely fashion.
- I. WSU personnel shall check to ensure that executed warrants have been removed from both computer systems. WSU personnel shall also pull all copies of paperwork in conjunction with executed and recalled warrants.
- J. Arrest warrants received by the NFPD from other agencies shall be handled by the WSU and filed separately from City Court warrants.
- K. Extradition:
  - 1. Misdemeanor warrants entered in eJusticeNY/NCIC will be coded for Niagara and adjoining counties or in New York State within 100 miles of Niagara Falls. Extradition limits may be extended at the discretion of the District Attorney's Office or the Chief of Detectives.
  - 2. The District Attorney's Office may be consulted regarding extradition boundaries for felonies. The ADA who reviews the warrant application, may note extradition limits in Section D of the warrant application. If a warrant is returned from The DA's office without extradition limits noted on the warrant, the WSU may use a pre-established format before entering the warrant in eJusticeNY/NCIC.
- L. Other WSU Responsibilities:

1. WSU personnel shall, when needs dictate, handle prisoner transports, administer Orders of Protections and work with other agencies in pursuit of subjects with active warrants from NFPD jurisdiction. The WSU shall also assist other agencies in pursuit of offenders from other jurisdictions.

M. Legal Process:

1. The following procedures shall apply to the service of subpoenas and arrest warrants by any member of the NFPD:
  - a. Before the service is attempted, the officer shall notify the police dispatcher of his/her location and the name of the subject.
  - b. Following the attempt, police radio shall be notified of the result.
  - c. If unsuccessful, the date, time and officer's name shall be noted on the subpoena or copy of the arrest warrant.
  - d. The officer attempting to serve the legal process shall complete a report. The following information shall be included:
    1. date and time;
    2. type of process (warrant, subpoena);
    3. source of document (grand jury, city court, family court);
    4. name of complainant or defendant/respondent;
    5. officer's name;
    6. court docket number;
    7. date respondent is due in court.
  - e. The purpose of this procedure is to have a record of attempts to serve each legal process.