



## WARRANT ARRESTS

### Directive: 16-101

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#### I. PURPOSE

To provide guidance to sworn members of Maryland Capitol Police (MCP) when making arrests on a warrant.

#### II. POLICY

The Maryland Capitol Police are called upon to serve warrants of different types, including arrest warrants and retake warrants, and take custody of persons accused of crimes or who have been remanded back to the Department of Corrections. It is the intent of the Department that these warrants be served in a lawful, responsible, and prudent manner that reduces the possibilities of injuries. Police officers will make every reasonable effort to cooperate and coordinate such activities with allied law enforcement agencies and the Maryland Department of Corrections, Maryland Parole Commission, and other involved agencies with which the members of the Department interact.

#### III. DEFINITIONS

- A. Arrest Warrant – A written order of the court which commands a law enforcement officer to arrest a person and bring him before a magistrate. Judges and District court commissioners issue arrests warrants. However, only judges issue “bench warrants.”
- B. Bench Warrant - An arrest warrant that a judge issues requiring law enforcement officers to apprehend someone. The judge has the discretion of indicating the amount of the bond that must be made before the accused may be released or leaving the amount of the bond to the discretion of the District court commissioner that holds the hearing after the accused is taken into custody. Bench warrants are often issued when a defendant fails to appear in court when required to do so.
- C. Retake Warrant – A written order signed by a Parole Commissioner, Maryland Parole Commission, that authorizes and directs any sheriff, police officer, or any employee of the Division of Parole and Probation authorized by the Director to execute retake warrants to take the subject into custody and return him to the Department of Corrections. This warrant does not charge the person with a crime and therefore no appearance before a District court commissioner is necessary. A subject cannot post bail when taken into custody on the authority of a Retake Warrant.

#### IV. PROCEDURES

## A. ARREST WARRANTS

1. If a police officer has reason to suspect that an open arrest warrant exists requiring the arrest of someone, the officer will contact the MCP Communication Center and request that a check be conducted with the Maryland Electronic Telecommunications Enforcement Resource System (METERS) and National Crime Information Center (NCIC) computer files.
2. If the computer check indicates that a warrant exists for the person's arrest, the warrant must be verified with the originating agency. The PCO will contact the originating agency and confirm the warrant.
3. After a verbal confirmation is obtained, the PCO will request that a teletype message be sent from the originating agency to the MCP Communication Center confirming the warrant.
4. In addition to the suspect's name and last known address, criminal charge, and social security/Maryland soundex number, the teletype will include the warrant number and physical description of the suspect, including the race, sex, height, weight, hair color, eye color, and date of birth.
5. The PCO will also request that the originating agency fax a copy of the warrant to the Communication Center
6. If the officer has reasonable grounds to believe that the suspect is wanted for a violent felony or is otherwise suspected of having committed a violent felony, the officer is authorized to take reasonable precautions to control the suspect and reduce the danger that the suspect presents to the officer and others while confirming the warrant. Such measures include removing the suspect from a motor vehicle, handcuffing, and other reasonable measures authorized by the Department and State and federal laws.
7. Backup officers will be utilized whenever possible.
8. When a suspect is arrested on the authority of an open warrant, the officer will:
  - a. transport the prisoner to a holding facility,
  - b. notify the originating agency that the wanted person has been taken into custody, and
  - c. make arrangements for the agency to take custody of the person.
9. If the open warrant was issued by a jurisdiction outside the State of Maryland, the officer will make arrangements to give the local sheriff custody of the suspect. Officers are reminded that if problems are encountered making contact or obtaining the assistance of the local sheriff, the officer may contact the Maryland State Police for guidance and assistance.

10. In the event that the suspect is arrested in the City of Baltimore, the officer will transport the prisoner to the Baltimore Central Booking and Intake Facility (CBIF). A teletype from the originating agency will also have to be sent to the Baltimore CBIF before the correctional officers will take custody of the suspect.
11. In all cases where it is feasible to do so, the officer should obtain a photograph of the suspect before or shortly after relinquishing custody of the suspect to another agency. This photograph will be attached to the incident report that will be submitted.
12. An incident report will be completed by the arresting officer documenting all details and circumstances surrounding the arrest. All suspect information will be included in the report, such as identifying information, aliases used, charges, warrant number(s), etc. A copy of the teletype verifying the existence of the warrant will be attached to the incident report when it is submitted.

## B. RETAKE WARRANTS

1. Police officers are authorized by the Annotated Code of Maryland to arrest and take a person into custody on the authority of a Retake Warrant:
  - a. “A sheriff or police officer authorized to serve criminal process or a parole and probation employee designated under § 6-106 of this subtitle who receives a warrant for the retaking of an alleged violator shall execute the warrant in accordance with the directions in the warrant.” Maryland Correctional Services Article, §6-107
  - b. “A sheriff or police officer who is authorized to serve criminal process and who receives a retake warrant issued under subsection (a) of this section shall execute the warrant in accordance with the directions in the warrant. A sheriff or police officer who makes an arrest under this subsection shall promptly notify the Division of the arrest.” Maryland Correctional Services Article, §3-214.
2. When a police officer has reason to believe that a retake warrant is outstanding for an individual, the officer will attempt to verify the existence of the warrant. The warrant may be verified as follows:
  - a. All Retake Warrants are entered into METERS;
  - b. The Parole and Probations – Operations may be reached at 410-585-3500;
  - c. The officer may contact the Maryland Parole Commission by calling 410-585-3232 between the hours of 0800 and 1700; or
  - d. The Warrant Apprehension Unit, Department of Corrections, can verify a retake warrant at all times and can be reached at 410-333-8732. This unit is sent copies of all retake warrants after they are issued.

3. After the warrant has been confirmed verbally, the officer will obtain a copy of the Retake Warrant or verify that a teletype has been received by the MCP Communications Center confirming the existence and validity of the warrant.
4. The officer will follow the same arrest and reporting procedures when serving the Retake Warrant as required when taking someone into custody on the authority of any other arrest warrant.
5. The following information should be included on the Retake Warrant:
  - a. Name of subject and any alias' used by the person;
  - b. Race, sex, date of birth, height, weight, eye color, hair color;
  - c. Offense(s) of the person;
  - d. SID number, Department of Corrections number , FBI number; and
  - e. The warrant must be signed by a Parole Commissioner and embossed with the State seal.
6. When an MCP officer has taken a subject into custody on the authority of a Retake Warrant, the shift supervisor shall promptly notifying the Department of Corrections, Apprehension Unit, at 410-637-8970 and request that the arrestee be transported by the unit.

### C. FUGITIVES AND EXTRADITIONS

1. If an MCP police officer has reason to believe that a fugitive warrant is outstanding for the apprehension of a suspect, the officer will request that the Police Communication Operator conduct a wanted check via METERS/NCIC.
2. If the PCO locates a warrant, a copy will be made of the "hit" and retained for inclusion in the investigative report.
3. If the identification of the suspect and the existence of an outstanding fugitive arrest warrant are verified, the officer may arrest the individual and take him or her into custody.
4. The Shift Supervisor will then ensure the following is completed:
  - a. If the arrest is made in Baltimore City, the shift supervisor will contact Baltimore City Police, Fugitive Unit. The Fugitive Unit will then contact the Shift Supervisor to let him know if the agency that put the warrant in the computer is willing to extradite and provide additional instructions.
  - b. If the arrest is made outside of Baltimore City, the officer will transport the suspect to the same facility where arrestee processing normally takes place for that detachment. The Shift Supervisor will make contact with the local sheriff's officer

or the Maryland State Police and request assistance with the extradition process.

5. When an individual arrested on local charges is found to be wanted in another state, the Shift Supervisor will make contact with the local State's Attorney to determine whether to prosecute locally or proceed with extradition procedures.
6. In the event that the State's Attorney does not wish to pursue charges locally, the suspect will be handled as a fugitive.
7. If the State's Attorney decides to continue with local charges, the following procedure will be followed:
  - a. The officer will proceed with criminal charges and processing;
  - b. The PCO will send a teletype message to the originating agency advising that the suspect is in custody, the charges to be filed locally, and the institution that will be holding the suspect pending receipt of a detainer from the originating agency.
  - c. The arresting officer will inform the District court commissioner that a fugitive warrant is outstanding for the suspect's arrest in another jurisdiction and provide the commissioner with all known information concerning the matter.