



ARREST PROCEDURES FOR FUGITIVES

FC No.: 521

Date: 10-01-18

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. **Policy**

It is the policy and responsibility of the Montgomery County Police Department to arrest and bring before a judicial officer any individual with a confirmed judicial warrant as a result of a record check, or any other circumstance.

II. **Definitions**

- A. **Arrest Warrant:** *A written order by a judicial officer commanding a law enforcement officer to arrest a specific person.*
- B. **Charging Document:** *A written allegation that a person has committed an offense. Examples include a citation, an indictment, criminal information, and a statement of charges.*
- C. **Detainer:** Any warrant, teletype/TTY, or “hit” confirmation which would result in the arrest of a person who is wanted by another Maryland jurisdiction or a fugitive from justice if that person is not already under arrest on charges that originated in Montgomery County.
- D. **Fugitive from Justice (Event Code 2752):** Any person wanted by a federal, military, state, or local law enforcement agency outside of Maryland for an extraditable offense.
- E. **Judicial Officer:** *A judge, magistrate, or District Court commissioner.*
- F. **Wanted/Other Maryland Jurisdiction (Event Code 2751):** Any person wanted for a criminal offense (non-traffic) by another jurisdiction in the state of Maryland outside of Montgomery County.

III. **Responsibilities**

- A. The Fugitive Section will:
 - 1. Serve warrants received from other jurisdictions that have been entered into MILES or NCIC.
 - 2. Conduct the follow-up of out-of-state fugitive cases through all stages of the extradition process.

3. File detainer(s) with the Montgomery County Detention Center (MCDC).
4. Execute any Interstate Agreements on Detainers.
5. Handle any warrants received by mail, fax, or teletype.

B. All MCP officers will:

1. Apprehend any Fugitive from Justice or person wanted by another Maryland jurisdiction that comes to the officer's attention.
2. Assist the Fugitive Section as necessary in the apprehension of Fugitives from Justice or persons wanted by another Maryland jurisdiction.
3. Notify the Fugitive Section as required in this directive concerning information relevant to bond hearings and follow-up of fugitive cases.
4. Request an immediate telephone confirmation and a teletype/TTY from the demanding jurisdiction when a subject is taken into custody as a result of a wanted check.
5. Process, in compliance with this directive, any subject who is pursued into Montgomery County by officers from another jurisdiction.

- C. Central Processing Unit (CPU) personnel will ensure arrested persons turned over to the CPU are properly processed to include, but not limited to, fingerprints, photographs, and notifying the jurisdiction on whose warrant the defendant was arrested.

IV. Procedures for Warrant Service for Other Maryland Jurisdictions

A. Other Maryland Jurisdiction Criminal Warrants (2751)

When an individual is arrested on a criminal warrant from a Maryland jurisdiction other than Montgomery County:

1. The arresting officer will:
 - a. Transport the individual to CPU for processing (refer to FC 811, "Handling, Searching, and Transporting of Prisoners").
 - b. No report is necessary from the arresting officer.
2. CPU will:
 - a. Complete the necessary fingerprint cards and photographs, sufficiently identify the prisoner, and check wanted status.
 - b. Bring the individual before a commissioner for arraignment.
 - c. Ensure notification is made and the necessary forms are faxed to the outside jurisdiction.

B. Processing Other Maryland Jurisdiction Traffic Warrants

When an individual is arrested on a traffic warrant from a Maryland jurisdiction other than Montgomery County:

1. The arresting officer will:
 - a. Transport the individual to CPU for processing (refer to FC 811).
 - b. No report is necessary from the arresting officer.
2. CPU will:
 - a. Sufficiently identify the prisoner and check wanted status.
 - b. Bring the individual before a commissioner for arraignment.
 - c. Ensure notification is made and the necessary forms are faxed to the outside jurisdiction.
 - d. No fingerprints or photographs will be taken (a station ~~Polaroid~~ photo is permissible).

V. Processing Arrested Fugitives from Justice

- A. Wanted by a State or Local Law Enforcement Agency Outside of Maryland (2752). When an individual is arrested on a criminal warrant from a state or local law enforcement agency outside of Maryland:

1. The arresting officer will:

- a. Request a current “hit” confirmation or TTY from the demanding agency be faxed to CPU **and confirm the extradition status.**
 - b. Transport the individual to CPU for processing (refer to FC 811).
 - c. Copy the front of the CPU 513 (CBF bar code number) for the officer’s file and give the envelope to the booking officer.
 - d. Complete a DC/CR 30, “Charge Against Fugitive.”
 - e. Complete an event report (classification 2752).
 - f. **Forward (fax or email)** a copy of the event report to the Fugitive Section by 0700 hours the next day at (240) 773-5325.
2. CPU will:
- a. Complete the necessary fingerprint cards and photographs, sufficiently identify the prisoner, and check wanted status.
 - b. Bring the individual before a commissioner for arraignment.
 - c. **Forward (fax or email)** copies of the following paperwork to the Fugitive Section by 0700 hours the next day at (240) 773-5325:
 - Charging Document
 - Other agency’s warrant or NCIC hit
 - Confirmation of warrant/ extradition
 - Commitment paper
3. The wanted person cannot be charged as a Fugitive from Justice until cleared of all local charges.

B. Wanted by a Federal or Military Law Enforcement Agency (2752):

A Fugitive from Justice charge is not necessary during normal working hours for these agencies. Notify the demanding agency to respond and take custody of the fugitive. If the federal authorities will not respond immediately or the delay will be excessive (prohibiting detention at the district station), process the subject as directed in section *V.A.*

C. Traffic Warrants:

Officers are to follow the procedures in section *V.A* when serving traffic warrants from jurisdictions outside of Maryland.

VI. Service of Montgomery County Warrants by Other Agencies

A. Responsibilities of the Montgomery County Department of Police Warrant Control *Unit*

1. When a person is arrested outside of Montgomery County pursuant to a warrant issued in Montgomery County, the Warrant Control *Unit (WCU)* will check the warrant on file and determine whether the wanted subject can be arraigned outside of Montgomery County or if the subject must be returned to Montgomery County.
2. If the warrant does not specify that the person be returned to Montgomery County, the *WCU* will fax a copy of the warrant to the outside agency holding the person. If the warrant orders that the person be returned to Montgomery County, the *WCU* will contact the appropriate district station to request that the person be picked up by MCP officers.
3. If the outside agency serves the warrant and the individual is subsequently released, the *WCU* will:
 - a. Request the outside agency return, via fax:
 - The completed warrant (the “Return of Service” section must be filled out by the arresting officer), and
 - A copy of the outside agency’s arrest report.
 - b. Cancel the want index when the completed warrant and arrest report from the outside agency are received.
 - c. If the served warrant was a criminal warrant (not traffic), send the completed warrant and the arrest report from the outside agency to the Telephone Reporting Section so that an MCP supplement or event report may be completed.

4. If the individual is not released after the warrant is served by the outside agency, the *WCU* will contact the appropriate district station to request that MCP officers pick up the person.

B. Procedures for Returning the Defendant to Montgomery County

1. If a person, who is arrested outside of Montgomery County pursuant to a warrant that was issued in Montgomery County, is unable to post bond after being arraigned, MCP officers will be sent to pick up the individual.
2. MCP officers will pick up the individual, the commissioner's commitment, and a copy of the outside agency's arrest report.
3. Before leaving the detention facility, MCP officers should review the Commissioner's commitment. The Commissioner or Judge should have authorized the transfer of the defendant from the county of arrest to Montgomery County. If this was not done, then the MCP officers must present the commitment from the county where the defendant was arrested to the Commissioner in Montgomery County. The Commissioner will then issue a commitment ordering the defendant's commitment to Montgomery County. The defendant does not need to see the Commissioner.
4. Officers will deliver both the individual and the commitment directly to the CPU (refer to FC 811). Additional processing and arraignment are unnecessary.
5. Transporting officers must complete a supplement report for criminal warrants that have a CR number and an event report for criminal warrants that do not have a CR number. The victim is the outside agency, the clearance is 2791, and no arrest report is necessary.

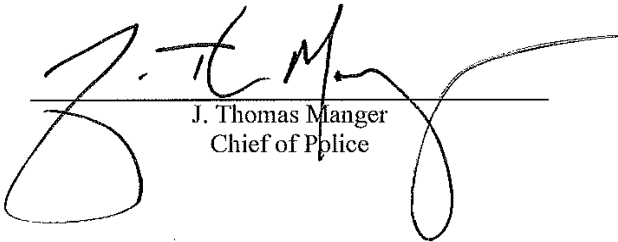
C. Responsibilities of the Telephone Reporting Section (TRS)

1. When criminal warrants are served by outside agencies and the arrested individual is released without being returned to Montgomery County, TRU personnel will complete a supplement report for criminal warrants that have a CR number and an event report for criminal warrants that do not have a CR number. The victim is the outside agency, the clearance is 2791, and no arrest report is necessary.
2. TRU personnel will forward the completed reports according to their established procedures.

VII. CALEA Standards: 1.2.1, 1.2.5, 42.1.4, 70.1.6, 74.1.1, 74.1.2, 74.1.3, 74.3.1, 82.2.5

VIII. Proponent Unit: Fugitive Section

IX. Cancellation: This directive cancels Function Code 521, effective date *05-21-04*.



J. Thomas Manger
Chief of Police