



# ADULT ARREST WARRANTS/DCS PROCESSING AND SERVICE

FC No.: 536

Date: 04-25-2022

If a provision of a regulation, departmental directive, or rule conflict 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

The Warrant Control Unit (WCU) is responsible for the entry, maintenance, faxing, and canceling/clearing of all adult arrest warrants issued in Montgomery County *and are obtained by Montgomery County Department of Police and Gaithersburg City Police officers*. The processing and service of District Court Summonses is the responsibility of the *District Court Liaison*.

### II. Definitions

- A. Arrest Warrant: A written order by a judicial officer commanding a law enforcement officer to arrest a specific person.
- B. Cepi: the return on a warrant indicating that the defendant has been arrested.
- C. District Court Summons: a written order notifying the person named in the summons that (1) an action against that person has been commenced in the District Court from which the summons is issued and (2) in a civil action, failure to answer the complaint may result in entry of judgment against that person and, in a criminal action, failure to attend may result in issuance of a warrant for that person's arrest.

### III. Warrant Entry

#### A. Arrest Warrants - Criminal and Traffic

The employee receiving the warrant from the commissioner *and/or retaining control of the original warrant will:*

1. Complete an MCP 72, "Warrant/DCS Control," entering all available information. The following information is required: CR#, issue date, received date, date given to WCU, defendant's name, document number, charge(s), employee's name, and district.

2. Attach the MCP 72 and all related documents to the original arrest warrant and forward the package to the WCU via interoffice mail.
  - a. The original arrest warrant will be filed at the WCU.
  - b. Officers will note in the additional information section of the MCP 72:
    - If the warrant is being served by a plain clothes unit.
    - A contact name and phone number of the investigating officer if notification is requested when the defendant is arrested, before or after transportation to CPU.
    - If the officer does not want the WCU to attempt contact with the subject listed on the warrant/DCS.
  - c. Forwarding the warrant to the WCU does NOT relieve the obtaining officer from attempting to serve the warrant.
  - d. Employees will not call the Emergency Communications Center (ECC) for the purpose of making a METERS/NCIC computer entry on wanted persons.
  - e. When an immediate computer entry of a warrant is desired, the warrant must be hand carried to the WCU for processing.
  - f. *When no additional information or notifications are necessary for the service of the warrant, according to III.A.2.b., the officer may exclude the completion of the MCP 72. The MCP 72 will be completed by WCU.*

**B. District Court Bench Warrants (DCBWs)**

All DCBWs, criminal and traffic, are forwarded directly by the District Court to the WCU where they are to be researched, entered, and maintained.

**IV. Warrant Confirmation**

- A. A computer "hit" alone is not probable cause for arrest until the originating agency has confirmed the existence of the warrant. The WCU must be contacted to review the computer "hit" and confirm the existence of that warrant and any additional warrants on file which may not yet be entered into METERS/NCIC.
- B. All out of county warrants must be confirmed with the issuing agency via MRC/ECC.

**V. Warrant Cancellation**

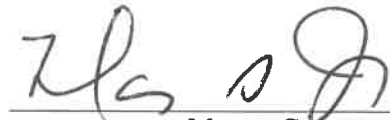
All cancellations of wanted persons (adult warrants) will be accomplished through the (WCU). Cancellation of the computer "hit" is not to be made through the ECC dispatcher.

**VI. Warrant Service by Fax**

- A. The faxing of arrest warrants for the purpose of service will be between the WCU and the Central Processing Unit (CPU) only. Faxing warrants between districts/units for the purpose of service is prohibited. The following faxing procedure will be followed:
  1. Warrants will be faxed from the WCU once the warrant is confirmed and the arresting officer is enroute to CPU with the arrested person.
  2. The faxed warrant package will include a Warrant Transmittal Sheet. The Warrant Transmittal Sheet along with only the cepi page of each warrant served, will be faxed back to the WCU by the CPU staff immediately after arraignment. If fax facilities are inoperative, the arresting officer will respond to the WCU and pick up the warrant(s). Officers should not respond to the WCU to pick up warrants unless the fax service is inoperative.
  3. When the return cepi and transmittal sheets cannot be returned via fax, CPU staff will contact WCU for other arrangements.

**VII. District Court Summons (DCS) Service**

- A. Whenever a DCS is issued by a Commissioner, employee(s) will ensure completion of the following:
1. An incident or supplement report *is initiated*. Occasionally, a person originally listed on the incident report as a suspect obtains a “cross charge.” When this occurs, *supplement the original Ejustice report* listing the DCS applicant as the victim and the DCS defendant as the suspect *and relate each participant to themselves and each other using the appropriate relationship code*.
  2. For a citizen generated DCS without initial police contact, District Court Liaison will forward all DCS information to the district of occurrence and ensure an incident report is completed. *The entire package, including the face sheet of the incident or supplement report, will be returned to the District Court Liaison.*
- B. The District Court Liaison is responsible for serving DCSs and completing all subsequent paperwork. A warrant is issued for those persons who do not appear.
- C. Any officer who wishes to personally serve a DCS will inform the Commissioner of this when delivering the application. The Commissioner will then return the completed DCS to the applying officer who will attempt personal service and write the necessary supplemental reports. *The served/unserved DCS will be returned to the Commissioner.*
- VIII. CALEA Standards: 1.2.1, 74.1.1, 74.1.2, 74.1.3, 74.3.1, 74.3.2, 81.2.9, 82.2.1, 82.2.2, 82.3.5
- IX. Proponent Unit: Warrant Control Unit and District Court Liaison
- X. Cancellation: This directive cancels Function Code 536, dated 12-04-18.

  
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Marcus G. Jones  
Chief of Police