



WARRANT, SUMMONS, INTERIM & COURT PROTECTIVE ORDER SERVICE

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I. POLICY

It is the policy of the Anne Arundel County Police Department to assist the Anne Arundel County Sheriff's Office in serving all warrants, summonses, and interim protective orders that come into our possession or attention, as a result of a record check, or other circumstance.

II. PURPOSE

The purpose of this directive is to establish guidelines for the service of all warrants, summonses, and interim protective orders by departmental personnel.

III. 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 accusation alleging that a person has committed an offense. Examples include a citation, an indictment, criminal information, and a statement of charges.
- C. Citation** - A charging document issued directly to a person by a law enforcement officer.
- D. Criminal Summons** - A written order by a judicial officer commanding a person to appear for trial on a specified date and time, and at a specified location.
- E. Foreign Jurisdiction** - Another municipality, county, state, or nation, in which the agency has no legal authority to serve or execute process by use of its own personnel.
- F. Indictment** - A charging document filed against a person in the Circuit Court by a grand jury.
- G. Information** - A charging document filed against a person in a court by the State's Attorney.

H. Judicial Officer - A judge, magistrate, or District Court commissioner.

I. Legal Process - Writs, summonses, mandates, warrants, or other process issued from a court of law. Criminal process compels a person to answer for a felony or misdemeanor, or aids in crime detection or suppression, as with a search warrant. Civil process pertains to causes of civil action in courts of equity.

J. Search Warrant - A written order by a judicial officer authorizing a law enforcement officer to search for and seize specific property.

K. Statement of Charges - A charging document filed against a person in court by a law enforcement officer or a judicial officer.

L. Interim and Court Protective Order - A civil order issued by a court of law or equity pertaining to a cause of action of a civil nature.

IV. PRIMARY RESPONSIBILITY FOR WARRANT, SUMMONS, INTERIM AND COURT PROTECTIVE ORDER SERVICE

The Anne Arundel County Sheriff's Office holds primary responsibility for the service of all warrants, summonses, interim protective orders and court protective orders in Anne Arundel County. All District Court, Circuit Court, Domestic Relations Division warrants, interim protective orders and court protective orders are delivered to the Anne Arundel County Sheriff's Office Warrant Control Section for processing and service.

All warrants from outside jurisdictions, as well as criminal summonses are also processed in the same manner.

In the event that an Anne Arundel County Police Officer needs to obtain an arrest warrant or criminal summons and attempt to serve it personally for investigative purposes, the Anne Arundel County Sheriff's Office will be notified immediately upon issuance of the warrant/summons. In addition, a copy of the warrant/summons will be faxed to the Anne Arundel County Sheriff's Office Warrant Control Section within three (3) hours from the time it is received by this Department. The faxed copy will only serve as temporary documentation for the existence of a warrant/summons.

Note: The faxed copy of the warrant is not sufficient for Warrant Control to enter it into MILES and NCIC. Warrant Control MUST have the Law Enforcement Copy of the actual warrant for entry into MILES and NCIC.

Nothing shall prevent a member of this Department from serving an outstanding warrant, summons, interim protective order, or court protective orders, as long as appropriate arrangements are made through the Anne Arundel County Sheriff's Office.

V. OPEN WARRANT SERVICE

In the event that an Anne Arundel County Police Officer arrests an individual on an outstanding warrant, or discovers an open warrant as the result of another arrest, the officer will serve the warrant after obtaining it from the Anne Arundel County Sheriff's Office Warrant Control Section.

VI. PROCEDURES FOR SERVING ARREST WARRANTS, SUMMONSES, INTERIM PROTECTIVE ORDERS AND COURT PROTECTIVE ORDERS

A. From time to time, warrants, summonses, interim protective orders, and court protective orders will come into the possession of the Anne Arundel County Police Department for service. For the purposes of this subsection, the terms "legal process," "process," and "document(s)" refer to any and all arrest warrants, subpoenas, criminal summonses, witness summonses, interim protective orders, court protective orders and other legal process forwarded to this Department by any Court for service within Anne Arundel County.

B. *If serving an Interim Protective Order or Court Protective Order, refer to Index Code 1603.3.*

C. The Anne Arundel County Police Department does not, as a matter of policy, serve civil process. Service of civil process is the responsibility of the Anne Arundel County Sheriff's Office.

- D. Arrest warrants and criminal summonses will be served only by sworn members of this Department possessing full power of arrest. Officers whose power of arrest has been suspended administratively or by operation of law may not serve arrest warrants.
- E. Officers will not attempt to serve a warrant or summons outside the confines of Anne Arundel County, unless accompanied by an officer of the jurisdiction in which the process is to be served. In such cases, prior approval of a supervisor is required.
- F. All arrest warrants will, unless an immediate arrest is necessary to prevent escape, be executed by a sufficient number of officers to effect the arrest in an efficient manner.
- G. When a warrant is given to an officer, the officer is not bound to inquire into the particulars of the complaint. If the warrant is in correct form and issued by proper authority, the duty of the officer is to execute it without further inquiry and the warrant will protect him/her.
- H. If a confirmation of an existing warrant is received, but the personal information provided by Warrant Control does not match the information on the subject being detained, other avenues of positive identification should be explored (i.e., fingerprint comparison, mug shot review, contacting the charging officer/agency, etc.). Officers will notify their immediate supervisor of the situation, and will confer with him/her before releasing the subject.
- I. A Bench Warrant is to be executed with all possible expediency and the accused will be presented to the issuing authority immediately if so indicated. If the accused is not to be presented immediately, he/she will be processed in the same manner as other arrestees.
- J. Arrests based on warrants which have been issued in Anne Arundel County will be made only when the original warrant or the law enforcement copy of the warrant is available to the arresting officer. The arresting officer need not actually possess the warrant in order to carry out the arrest, but must be able to obtain it subsequent to an arrest for presentation to commissioner or the court. In most cases the law enforcement copy is filed by Warrant Control until the warrant is served or recalled.
- K. When a person is in the custody of the Anne Arundel County Police Department on a warrant issued from another jurisdiction, the Police Department will notify, via teletype, the issuing department's Central Records or Warrant Control Unit of the warrant service.
- L. A Show Cause Order is handled in the same manner as a Criminal Summons. It has a return date of five (5) days before the trial date. Show Cause Orders must be canceled upon service, or if unable to serve, returned to the court.

VII. DISTRICT COURT ARREST WARRANTS

- A. When a person is arrested on a District Court warrant issued in Anne Arundel County, the prisoner will be presented promptly to a District Court commissioner or judge for initial appearance and bail hearing.
- B. When an officer arrests an individual on a warrant issued by a foreign jurisdiction, the on-duty shift supervisor will ensure that the individual receives a bail hearing in the jurisdiction indicated in the "initial appearance" block of the warrant.
- C. If the initial appearance is indicated as occurring in the jurisdiction where the prisoner is arrested, the prisoner will be presented to an Anne Arundel County District Court commissioner or judge.
- D. If the initial appearance is indicated as outside Anne Arundel County, the supervisor will request a law enforcement officer of the appropriate jurisdiction, or the Maryland State Police, take custody of the prisoner and warrant and return him/her to the issuing jurisdiction for initial appearance.
- E. If the initial appearance location is not indicated on the warrant, the on-duty shift supervisor will be responsible for ensuring that the individual receives a bail hearing in Anne Arundel County.

VIII. FOREIGN WARRANT UNAVAILABLE

If an officer should arrest an individual from a foreign jurisdiction and the Anne Arundel County Police Department does not possess an original or certified copy of the warrant, the arresting officer will attempt to obtain a copy of the warrant for an initial appearance. The officer will:

- A. Notify the issuing jurisdiction that the defendant is in custody.
- B. Verify through the issuing jurisdiction that an initial appearance can be made in Anne Arundel County.
- C. Obtain a facsimile copy of the warrant from the issuing jurisdiction, whenever possible.

IX. CIRCUIT COURT ARREST WARRANTS

A. Adult Warrants

A Circuit Court arrest warrant issued for an adult will indicate whether or not the defendant may post bond. If the warrant indicates a bond amount and the defendant has sufficient funds to post bond, he/she is to be booked and then transported to a District Court commissioner who can accept the bond. If the warrant indicates no bond or the "bond amount" space is blank, or if the defendant does not have sufficient funds to post bond, the defendant is to be booked and then transported directly to the Detention Center for incarceration. The defendant is not to be taken before a District Court commissioner.

B. Juvenile Warrants

An order will be attached to the juvenile warrant indicating where the juvenile is to be held (usually Boys Village in Cheltenham, MD or the Waxter Children's Center in Maryland City). The juvenile will be processed as a juvenile and transported to the indicated facility.

C. Distribution of Copies after Service

One copy of the warrant will be given to the defendant. The remaining copies will be turned over to the detention facility or to the court commissioner.

D. Certification of Service ("CEPI")

The Circuit Court requires that the arresting officer indicate the following information on the back of the warrant following service:

1. The word "CEPI".
2. Officer's signature and identification number.
3. Date and time of service.
4. Disposition of the defendant.

X. COOPERATION WITH OTHER AGENCIES

When an outside jurisdiction conducts the initial appearance, the Department may request copies of arrest reports and fingerprint cards from the arresting jurisdiction in order to augment the Department's investigation. In an effort to assist and cooperate with other law enforcement agencies, the Department will promptly respond to an outside jurisdiction's request for copies of arrest reports and fingerprint cards of a defendant arrested in Anne Arundel County on an outside jurisdiction's warrant. These measures will allow law enforcement agencies to obtain defendant information even though the defendant may be released after an initial appearance.

XI. ARREST WARRANT OR CRIMINAL SUMMONS FOR A MEMBER OF THE POLICE DEPARTMENT

A. When an arrest warrant or criminal summons is received for service on a member of the Anne Arundel County Police Department, it will be turned over to the Bureau Commander of the bureau to which the member is assigned.

B. The Bureau Commander will determine as much information about the circumstances as possible and will brief the Chief of Police. The Bureau Commander will forward the warrant or summons to the Internal Affairs Section for service on the officer.

C. The commanding officer of the Internal Affairs Section will initiate an internal investigation of the matter, will inform the Chief of the progress and outcome of the investigation and any subsequent judicial action against the

member, and will initiate appropriate disciplinary action against the member if the results of the investigation so indicate.

XII. BAIL BONDSMAN RETAKES

On occasion, a bail bondsman may decide that he/she no longer wishes to continue a bond on a defendant. According to law, a bail bondsman may procure the discharge of the bail bond at any time before forfeiture. The Court of Special Appeals of Maryland in Frasher v. State, 8 Md App 439 (1970) and in Shifflett v. State, 80 Md App 151 (1989), has said that bondsmen are entitled to seize the defendant for the purpose of surrendering him/her in order to discharge their liability. The bondsman may restrain the individual if necessary and may request police assistance in order to retake a defendant.

When requested by a bondsman to assist in retaking a defendant, police officers are obligated to assist. When a bondsman wants to surrender a defendant, he/she must place the defendant in the custody of a police officer, sheriff, or other commissioned officer authorized to make arrests within the jurisdiction of the court. This does not include court commissioners. The surrender must take place in the jurisdiction where the case is to be heard and the bondsman must have in their possession the bail bond papers, as well as any fee collected in order to surrender the defendant to the court commissioner.

The defendant must be taken into custody by the police and transported to a court commissioner in the county where the case is scheduled to be heard. The bondsman then must appear before the commissioner and obtain a commitment. Once the commitment is issued, the police are then required to transport the defendant to the detention center.

Bondsmen have a unique authority under the laws of this state and can exercise considerable control over an individual they have bonded. In the Shifflett case, the court likened their authority to that of a sheriff seeking to rearrest an escaping prisoner. Due to these unique powers granted to a bondsman, police officers should never use a bondsman as an extension of their own police powers.

When a bondsman requests assistance in retaking a defendant, officers should limit themselves to protecting life and property and avoid getting involved in the physical arrest or breaking down of doors. Officers should attempt to maintain order and only use that level of force necessary to gain the compliance of the arrestee if they must assist in the arrest. Officers should particularly note that the Court in Frasher limits the bondsman's use of force to that which is necessary to take a defendant into custody. Therefore, the excessive use of force by a bondsman may amount to an assault and require appropriate action by this Department.

XIII. PROPONENT UNIT: Patrol Services Bureau.

XIV. CANCELLATION: This directive cancels Index Code 2110, dated 04-20-09