

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

WARRANTS, OUT-OF-STATE (FUGITIVE)
SUBJECT

DATE: March 1, 2005

NO: P-17

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Fugitive Warrants
Warrants, Out-of-State
Processing Out-of-State Warrants
Federal Warrants

I. POLICY

The Stockton Police Department will process out-of-state warrants and Federal warrants issued by the U.S. Department of Justice.

II. LAW

A. All persons booked for out-of-state warrants will be charged with violation of Penal Code Section 1551.1 (Out-of-state warrant).

1. This is the Penal Code authority to arrest without a warrant on reasonable information, and indicates the subject stands charged in a court of any other state with a crime punishable by death or imprisonment for a term exceeding one year. Because the charge on an Out-of-State Warrant is a fresh charge in California, it does not give an officer the authority to enter a residence for the purpose of serving the Out-of-State Warrant.

B. Exception to an arrest under section 1551.1 P.C.

1. Should an Officer receive a teletype abstract from an out-of-state agency which provides information stating that the person named in the warrant is believed to be staying at a particular residence, (a fugitive arrest warrant 1551 P.C.) must be obtained by a California Magistrate prior to the arrest of the individual inside his/her residence.

C. United States Federal Warrant

1. All Federal Warrant bookings will be charged under the federal statute issued on the warrant, e.g., Section 4213, Title 18 U.S.C. Do not charge 1551.1 P.C. Our Investigations Division will then notify the U.S. Marshall's Office in Sacramento advising them of the arrest.

III. PROCEDURE

A. Method of receipt of out-of-state warrants:

1. By mail
2. By teletype
3. By Fax
4. Through NCIC (National Crime Information Center) hit

- a. This department cannot book a suspect on an NCIC hit, unless the originating agency is contacted and an abstract is received, which must include the following information:

- (1) NAME AND DESCRIPTION, INCLUDING DATE OF BIRTH
- (2) WARRANT NUMBER
- (3) CHARGE
- (4) DATE ISSUED
- (5) JUDGE SIGNING ABSTRACT
- (6) COURT OF ISSUE AND COUNTY IN WHICH COURT IS LOCATED
- (7) AMOUNT OF BAIL (IF NONE, INDICATE "NO BAIL")

- B. Booking will be with a photocopy of the abstract warrant (Teletype/Fax). The original abstract warrant will not be used for booking purposes.

1. The original abstract warrant will be forwarded to the Investigation Division. Arrest Report copies marked for "Investigations" and "District Attorney" also will be forwarded to the Investigations Division, (Specific Crimes).
2. The original warrant abstract will be included as a part of the original complaint. The bail amount set on the abstract warrant will be maintained until the arrestee is arraigned in court.

IV. DUTIES OF THE ARRESTING OFFICER

- A. When receiving a hit via NCIC of an "out-of-state warrant," incident to a valid arrest, or during a checkout, officers will:

1. Verify the warrant with the originating agency and ascertain whether the originating agency will extradite.
2. Obtain a Warrant Abstract.
3. Make a photocopy of the abstract for booking purpose.
4. Fingerprint and photograph the suspect.
5. File a separate Arrest Report
 - a. Type of Crime: Out of State Warrant
 - b. Victim: State of California
 - c. Address: 22 E. Market Street, Stockton
 - d. Date Occurred: Date of Arrest
 - e. Charge: 1551.1 P.C. (Out-of-State Warrant)
 - f. Narrative: Outline circumstances of arrest, including any admission or statements made after "Miranda Admonishment" in which arrestee connects any incidents to the warrant. Include arrest made for Section 1551 P.C. on reasonable information contained in the Warrant Abstract. List all warrant information and attach a COPY of the abstract as a part of the arrest report.

6. Route a copy of the Arrest Report and warrant to Investigations Division. The original Arrest Report, including the original warrant abstract, stays with the records section.

V. DUTIES OF INVESTIGATIONS DIVISION

- A. Obtain a copy of the Arrest Report, including a copy of the warrant abstract.
- B. Obtain complaint and affidavit in support of a fugitive warrant from the District Attorney's Office.
- C. Attach a copy of the warrant abstract to the original complaint.
- D. Sign and file the complaint with the Municipal Court.
- E. Obtain a copy of the complaint and Arrest Report for the Investigation Division. Send verification teletypes and request documents used in the fugitive identity hearing.
- F. The out-of-state agency should be notified of the arrest and the other California charges. The out-of-state agency should be directed by teletype to lodge their warrant with the San Joaquin County Jail, ORI number CA 0390000. The out-of-state warrant will be lodged as a detainer only. After all California charges are adjudicated, the last handling California agency will handle the fugitive process.

VI. SPECIAL CIRCUMSTANCES

- A. In a situation in which the Department receives a warrant abstract for service and the suspect is not in custody, personnel will:
 1. Forward the abstract warrant to the Investigations Division.
 2. Fugitive Detail will then obtain a fugitive warrant for service.
 3. If the fugitive warrant is used in the arrest, the charge will be fugitive warrant and not Section 1551.1 P.C. The original fugitive warrant will be booked with the arrestee.