



Ithaca Police Department

120 East Clinton Street
Ithaca, New York 14850

General Order Number: 421

Arrest Warrants

Issuing Authority: Chief John Barber *John R. Barber*

Effective Date: 02/01/16

Rescinds/Supersedes: All previously issued directives

Review Date: 02/2018

Applicable NYSLEA Standards: 8.12; 8.13; 50.2; 50.3

Number of Pages: 6

I. Purpose

The purpose of the directive is to establish the procedures for the diligent investigation of all active arrest and bench warrants issued to the Ithaca Police as well as the execution of all warrants held by the agency within and outside the State of New York.

II. Policy

The Ithaca Police Department complies with the "timeliness of prosecution" guidelines of the N.Y.S. Criminal Procedure Law.

III. Duties and Responsibilities

A. Warrant Control Officer

1. Maintain the warrant files in accordance with current procedures
2. Be responsible for diligently seeking warrant suspects, including conducting neighborhood checks, examining previous arrest and incident records for associates, places of residency, employment etc.
3. In the event the Warrant Control Officer determines the warrant to be of a "Pending" status the Warrant Jacket shall be returned to the Uniformed Patrol Division and filed in the pending file.

B. Records Clerk

1. Receive warrants from the Court Clerk and shall perform such activities as necessary to obtain any and all information deemed advisable for the apprehension of the person named in said warrant.
2. Record all information on the Warrant Control Sheet and insert in a jacket unique for the warrant, along with a copy of the warrant and Accusatory Instrument. The original warrant shall be placed in the open warrant file drawer located in the Records room. The original warrant is to remain in the file drawer unless withdrawn by the court or until the named person in the warrant is in custody.
3. Promptly enter or cause to be entered into E- JUSTICE wanted person's files in accordance with system policies and procedures.
4. Upon request for a record/warrant check from authorized personnel, check E- JUSTICE computer files, as well as the Ithaca Police Warrant file for the original warrant;
5. Furnish the following information to the requesting officer:
 - a) Specific charge(s)
 - b) Date of warrant
 - c) Issuing magistrate
 - d) Court of jurisdiction (if not Ithaca City Court)
 - e) Defendants full name and address
 - f) Any other information that may aid in establishing that the individual being detained is in fact the person so named in the warrant.
6. When a warrant is executed or withdrawn by the court, immediately cancel it from E- JUSTICE and Spillman Name Record.
 - a) If clerical personnel are not available, the arresting officer shall be responsible to cancel the warrant.
7. Promptly enter or cause to be entered into the E- JUSTICE wanted person's files in accordance with both systems policies and procedures when so requested to do so by the Warrant Control Officer.

C. Sworn Personnel

1. Verify the existence of any warrant prior to taking the subject into custody by determining the individual's full name, date of birth, and any other information that will help to ensure positive identification.

2. Prepare an arrest report whenever a warrant is served, including family court warrants, and warrant addressed to other agencies, and deliver the prisoner to the Ithaca Police Departments booking facility for processing and arraignment.

IV. Service of Warrant Issued in the State of New York

A. For service of all criminal warrants, members will:

1. Obtain confirmation from the wanting jurisdiction or agency via telephone and/or teletype that the defendant is wanted and that the agency will pick up the defendant.
2. If possible, obtain a FAX copy of the warrant and accusatory instrument (if applicable) from the wanting jurisdiction.
3. Arrest the defendant and transport to Ithaca Police Headquarters.
4. Notify the wanting agency via telephone, teletype or radio that the defendant is in custody. (On the arrest report note the date and time notification was made and the person contacted in the narrative section)
5. Complete an arrest report and furnish a copy to the wanting agency.
 - a) For non-felony warrants, issued in non-adjointing counties, this department may be delegated to arrest the defendant by the police agency to whom the warrant was issued. This department can hold a defendant up to two (2) hours for transfer to the custody of the officer to whom the warrant was issued.
 - b) If transfer is not made within this time frame the defendant can still be retained in custody and without unnecessary delay delivered or caused to be delivered to the custody of police from the other county, if the defendant is already in default on bail or R.O.R. (bench warrant)
 - 1) If the transfer is not made within two (2) hours and the defendant is not in default of bail the arresting delegated officer must tell the defendant that he has the right to appear in Ithaca City Court to be ROR'd or have bail affixed.
 - 2) If the defendant does NOT want to appear in Ithaca Court, the arresting officer will ask him to "make sign and deliver" to him a written statement to that effect. (Such statement is contained on the reverse side of most warrant forms), Retain custody of the defendant and without delay deliver him or cause him to be delivered to the custody of the police from the other county.

- 3) If the defendant DOES want to appear in Ithaca Court or refuses to give the required statement, he will be taken before the court without unnecessary delay. The arresting delegated officer must submit to the court a written statement (affidavit) reciting material facts concerning the issuance of the warrant, the offense involved, and all other essential matters relating to the arrest.

c) Exceptions

- 1) An Ithaca City Judge must endorse all warrants issued by local criminal courts in non-adjointing counties that are going to be served locally. *(If the warrant is in hand)*. This must be done prior to executing said warrant. If the arrest is based upon a teletype request, follow the procedures outlined above.

V. Special Situations

A. Family Court Warrants

1. If an arrest is made on a Family Court warrant, complete an arrest report, contact the Tompkins County Sheriff's Department and arrange to transfer the defendant to the custody of the Sheriff.

B. Fugitives from Justice

1. A fugitive from justice is defined as "persons who committed offenses in another state, where the punishment for that offense is imprisonment of greater than one (1) year.
2. Upon their arrest in our jurisdiction, the arresting officer will:
 - a) Obtain teletype verification which must include:
 - 1) defendant's name and/or alias
 - 2) defendant's physical description
 - 3) defendant's social security number
 - 4) Charges lodged/offense committed
 - 5) An indication that the offense is punishable by imprisonment of greater than one (1) year and,
 - 6) A positive indication that the wanting state will extradite
 - b) Complete a Fugitive From Justice Information
 - c) Complete an arrest report.
 - d) Arraign the defendant before a local criminal court.

3. Ithaca Police warrant suspects in custody in other jurisdictions:

a) Within New York State;

1) Within Tompkins County

i. After the existence of the warrant has been verified, officers will make arrangements to pick up the defendant from the agency that has the defendant in custody.

2) Outside the county, and within driving distance, the Sergeant may give permission to pick the suspect up, either at the location the defendant is being held, or by relaying the defendant to a mutually agreed upon locale.

b) Outside of New York State

1) At the direction of the Chief of Police, and after consultation with the Tompkins County District Attorney's Office, personnel may be directed to retrieve the suspect.

ATTACHMENT: ARRAIGNMENT OUTSIDE COUNTY OF ISSUANCE OR ADJOINING COUNTY.

Name / DOB:
P.D. Comp #:
NYSID #:
Court Docket #:

ITHACA POLICE DEPARTMENT

ARRIGNMENT OUTSIDE COUNTY OF ISSUANCE OR ADJOINING

Arrest by police officer to whom the warrant is addressed in county other than where returnable or adjoining county, for offense not a Felony (CPL 120.90-3).

The undersigned police officer, to whom the within warrant is addressed, arrested the defendant on the _____ day of _____, 20____ in the county of _____ and advised him/her as follows:

"You have the right to appear before a local criminal court of the county in which the arrest is made for the purpose of being released on your own recognizance or having bail affixed".

The defendant, desiring to avail him/herself of the above right, was brought before the C/V/T of _____ court in the county of _____ at which time said court released the defendant in his/her own recognizance / set bail in the sum of \$ _____.

Police Officer: _____; Department: _____

WAIVER OF ARRAIGNMENT IN COUNTY OF ARREST

The above defendant, having been advised of their right to appear before a local criminal court in the county of arrest for the purpose of ROR or bail, **DOES NOT DESIRE** to avail himself/herself to such right.

Defendant: _____ Date: _____

Officer: _____ Date: _____