

## WARRANTS

STANDARD NO(S):

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REFER TO:

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- I. OBJECTIVE: To provide a procedure for the management of warrants that come into the possession of the SCSO from various sources.
- II. POLICY: It is the policy of the SCSO that any and all warrants received by any member of the Law Enforcement Division are to be entered into the computerized database, Spillman. This computerized database provides SCSO members 24 hour per day/7 day a week access to any and all warrants in possession of the SCSO. Furthermore, this policy describes the duties of the Warrant Control Officer (WCO) along with individual members of the SCSO when dealing with warrants of any type. The Seneca County Correctional Facility receives arrest, bench, detainer and other types of warrants for inmates in the their care, custody and control. The Seneca County Correctional Facilities' policies and procedures are more fully described in the Corrections Manual of Instructions (CMOI).
- III. DETAILS:
  - A. **Warrant Management** - SCSO members will utilize the Warrant Management System, a record keeping and database component of the Spillman. All warrants, including, but not limited to; arrest; bench; probation violation; family court and or any other warrants will be entered into the Warrant Management System by the Warrant Control Officer (WCO). In some instances, a SCSO member may enter an incoming warrant into Spillman, but will advise the WCO of such action.

SCSO members have access to all active SCSO warrants 24 hours per day, 7 days per week accessible through New E-Justice. E-Justice is also maintained and operated by the Seneca County Emergency Communications Department, hereinafter referred to as the E-911 center. E-911 Dispatchers staff the Emergency Communications Department on a 24 hour per day, 7 day a week schedule. All warrants that come into possession of SCSO are entered into this system as are all executed and vacated warrants immediately canceled from the system. SCSO members have access to E-Justice through the Seneca County E-911 center at all times and it serves as the computerized warrant database.

**B. \*SCSO procedures -**

1. All incoming warrants, whether received by mail or in person are to be delivered without delay to the "warrant inbox tray" located on top of warrant file drawer in the road patrol office file room at the LEC. The WCO is responsible for checking this box and processing the incoming warrants. All executed or vacated warrants shall be placed in the "warrant executed tray" located in the same location as the "warrant inbox tray."
2. Except for those warrants delivered along with a person in custody, warrants should be directed to the WCO. In this instance, the member may enter the warrant directly into Spillman.
3. Immediately upon receipt of a warrant from any source, the WCO shall log said warrant into the SCSO warrant log book. The SCSO warrant log book shall be kept in the possession of the WCO.
4. Upon receiving the warrant, the WCO will be responsible for completing a warrant control sheet within the Warrant Management System with Spillman. The warrant control sheet will be attached to the warrant at all times until the warrant is executed or vacated. The WCO will also be responsible for ensuring a "WENT" (File 5) is entered into E-Justice by the E-911 Center dispatchers.
5. All outside inquiries regarding warrant status will be directed to the WCO, duty Sergeant, or the court of original jurisdiction. These will constitute the appropriate sources for warrant verification.
6. When a warrant attempt is made, the SCSO member will enter the attempt of service and any new information on the warrant worksheet and return warrant. In addition, the SCSO member will make an entry into Spillman for the warrant attempt.
7. Upon execution of a warrant, the SCSO member will immediately notify the E-911 Center for update of the computer file and cancellation of the E-Justice entry. The member will request the E-Justice want cancellation notice be transmitted to the officers attention via facsimile to the LEC. The warrant control sheet, along with the E-Justice want cancellation notice received from the E-911 center is to be returned to the WCO's attention by placing those documents in the "warrant executed tray." Warrants withdrawn by a court are handled similarly, except that the on-duty supervisor shall be notified. The officer will return the warrant control sheet to the WCO by placing in the "warrant executed" box..
8. Spillman is capable of producing a "hotsheet" and members can produce this feature on their own. It is imperative to remember all warrants should be confirmed prior to any arrest being made. Confirming

a warrant consists of having the member or another member physically possessing the warrant.

9. The WCO will be responsible for overseeing the execution of warrants, assigning of warrants, and managing of warrant records. In addition, the WCO will conduct period reviews, in cooperation with the Seneca County District Attorney's Office, of outstanding warrants held by the Sheriff's Office in order to identify and purge documents which are out-of-date or cannot be executed.

**NOTE:** NYS Executive Law §221(2) requires that any felony warrant be entered into E-Justice within 48 hours from the time it is received by a police officer.

**NOTE:** Warrants received by or delivered to the Seneca County Correctional Facility for inmates currently in custody will be handled in accordance with the procedures set forth in **“Warrant’s”** in the Corrections Manual of Instructions (CMOI).

### **C. CIVIL ARREST WARRANTS -**

1. Civil arrest warrants are generally issued as a result of a civil contempt proceeding, pursuant to Sec. 2308, 5104, 5210, 5250, or 5251 CPLR.
2. Receipt of a civil arrest warrant requires an original and one copy for the respondent.
3. All Civil arrest warrants must be reviewed by the County Attorney to verify compliance with statutory requirements prior to execution.
4. Papers originating from Supreme or County Courts must contain an index number and date of filing with the clerk of the court.
5. City and Justice Court warrants do not require the index number and filing date.
6. All warrants must be signed by a judge.
7. The warrant must be directed to the Sheriff, for us to enforce.
8. The warrant must contain the name and address of the person to be arrested, title of the action, parties involved, the court, name and address of the attorney or other person who obtained the warrant.

### **D. EXECUTING CIVIL ARREST WARRANTS –**

1. When executing the arrest warrant you must identify yourself, inform the respondent you have a warrant for their arrest and your intention to take them into custody.

2. The respondent must be served with a copy of the arrest warrant and any other papers associated with the action, if available at the time.
3. The respondent must be taken before the court that issued the warrant. **They cannot be taken before another court.**
4. The warrant must be executed when the court is in session. If the court is not in session, the warrant should not be executed.
5. The warrant cannot be executed on Sunday or any other day the defendant claims as their Sabbath.
6. A respondent or their attorney, in a civil proceeding, if advised a warrant has been issued, may be able to resolve the matter and have the warrant recalled or voluntarily turn themselves into you or the court.
7. Fingerprints and photos of a person arrested as a result of a civil arrest warrant are not authorized. A standardized booking report will be completed by Corrections staff.
8. The member effecting such an arrest on a civil arrest warrant will complete an Spillman report in connection with the arrest.
9. In the event a member assigned to execute a civil arrest warrant has any questions or concerns regarding execution of such warrant the member is directed to consult with the County Attorney and Sheriff.