

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 08/05/02	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 02/08/07
<b>Chief of Police:</b> 	Legal Process – Criminal, 74.3	
<b>Cross Reference:</b> SOP 1.3 Response to Resistance SOP 61.1 Traffic Enforcement 725 ILCS 5/107-2 725 ILCS 225/14	<b>Policy Sections:</b> 74.3.1 Executing Arrest Warrants 74.3.2 Execution by Sworn Officers	

## **PURPOSE**

The purpose of this policy is to establish guidelines for the service of criminal warrants and other legal documents

## **POLICY STATEMENT**

It is the policy of the Elgin Police Department to serve issued warrants for local cases and to serve issued warrants for other jurisdictions. The service of any warrant originating from Elgin shall depend upon several factors, including but not limited to: the offense; the travel distance; available personnel and the advice of the Kane/Cook County State's Attorney's Office.

## **PROCEDURES**

### **74.3.1 EXECUTING ARREST WARRANTS**

- A. Officers may make an arrest if they are in possession of a warrant or if they have reasonable grounds to believe that a warrant for the person's arrest has been issued in this State or in another jurisdiction. (725 ILCS 5/107-2). Whenever possible, Officers shall verify the validity of a warrant by contacting the originating agency prior to attempting to execute a warrant.
- B. At least two (2) Officers shall be assigned to serve a criminal warrant.
- C. Elgin Police Officers are expected to maintain a working knowledge of the Illinois Compiled Statutes and Judicial decisions relating to arrest procedures and prisoner rights. Training will be provided when changes in procedure result from new Statutes or judicial decisions.
- D. If a department member needs to interview or process a person wanted on an Elgin Warrant, they shall attach a warrant action sheet to the warrant indicating what steps should be taken.
- E. When the Department receives notification from another agency that a defendant has been arrested on an outstanding warrant held by this Department, the following steps shall be taken:
  1. If the person is capable of posting bond, and there is no warrant action sheet information, the locating agency shall be requested to allow the defendant to post bond and release him or her. An on duty Shift Supervisor or designee shall provide a court date when possible to the locating agency.
  2. If there is a warrant action sheet attached, the appropriate department member shall be notified or requested actions taken.
  3. If the defendant is unable to make bond, the Shift Supervisor shall, in cases where manpower allows, dispatch an Officer to the agency holding the individual and transport him / her to the Department.
  4. The arrestee shall be returned to Elgin for processing.

5. When the subject is in custody, the warrant shall be canceled from LEADS and NCIC by the on-duty Communications Operator.
6. The Warrant Control Card shall be completed, and all paperwork from the arrest shall be forwarded to Records.
7. Department Warrants shall generally contain geographical limits that the Department is willing to travel in accordance with Court issued limitations.
8. Whenever a person who is wanted on a warrant from Elgin is located in the Kane/Cook County Department of Corrections or any other County, State or Federal facility, both inside and outside of Illinois, a LEADS message will be directed to that facility providing all information relating to the charges in Elgin. A copy of the warrant will be sent to the facility holding the wanted individual. These warrants are not cancelled in LEADS until notice is received of bonding or other court action.

F. Service of Arrest Warrants in Elgin.

1. Sworn Department members may serve arrest warrants originating in Elgin or received from other jurisdictions.
2. Officers shall routinely check the Warrant Files to locate existing warrants on local persons for possible attempt service.
3. Officers will verify a warrant with the originating agency and attempt to reasonably guarantee the identity of the arrestee by checking documents of identification.
4. All warrant arrests shall require the fingerprinting and photographing of the arrestee, along with the following:
  - a. An Incident Report.
  - b. Booking sheet.
  - c. Completion of all information on the Warrant Control Card.
5. The LEADS message shall be cancelled in all Elgin cases when warrant service is accomplished. The cancellation verification shall be copied and attached to the arrest paperwork. Officers shall in all cases include the LEADS cancellation number in their reports in addition to attaching the required cancellation copy.
6. If a subject is arrested during an Elgin Warrant Service and it is determined that he/she is wanted on a warrant from another jurisdiction, the following procedure shall be followed:
  - a. The agency having the other warrant shall be contacted and verification shall be received indicating if the other agency's warrant remains valid.
  - b. If the subject being held in Elgin can post bond on the Department charge, the other agency shall be advised of this and the agency shall be asked as to whether or not they will pick up the subject, and if so, a hold will be placed on the subject for that jurisdiction.
7. If a subject has been arrested on an Out of State Arrest Warrant and it has been determined that the warrant is valid and the crime is punishable by death or imprisonment for a period for a term of one year and the agency will extradite the subject, then the arrestee shall be taken to the next available bond call. Pursuant to 725 ILCS 225/14
8. If a subject is arrested by an agency out of state on an Elgin Arrest Warrant and can not post bond, a supervisor shall be notified. The supervisor shall determine if the subject

will waive extradition and if the Warrant fits the criteria for extradition by the Kane/ Cook Co State's Attorney's Office. If it is determined that the State's Attorney's Office wishes to extradite the subject, the Sheriff's department of the county that issued the Warrant shall be contacted and appropriate legal steps taken to allow extradition.

G. Bond Processing.

1. Members of the Department authorized to accept bond on a warrant shall proceed in the same manner in handling Department and other agency warrants. The bond paper work and monies will be transmitted to the Kane/Cook County Circuit Clerk's Office on transmittal forms by the Court Liaison Officer. Any person posting bond shall receive a written receipt for the bond.
2. Defendants arrested on Elgin warrants by another jurisdiction and capable of posting bond at the other agency may do so unless otherwise provided in section E.1 and E.2 of this policy.
3. If bond cannot be posted and the case does not justify extradition the arresting agency will be sent a LEADS message authorizing them to release the subject. A copy of this LEADS message will be attached to the Warrant Control Card.
4. Every attempt shall be made to provide persons posting bond with an accurate court date, time and location to appear. This information shall be included on the required bond receipt.

H. Use of Force.

1. Department members in executing arrest warrants shall be required to use only that force which is legal, reasonable and necessary, and in accordance with Court decisions and Department directives.
2. This includes force against individuals and force used on any property.
3. The Department, as part of its In-Service Training program, will keep members informed of Court decisions relating to these issues and review Department SOP 1.3 to ensure compliance.

I. Immunity from Warrant Service.

Department members shall review SOP 61.1 relating to those individuals who are immune from arrest, including arrest with a warrant.

**74.3.2 EXECUTION BY SWORN OFFICERS**

Only sworn members of the Department may serve arrest warrants.