

LCS Unit Order 83

LANCASTER STATION

UNIT ORDER #83

DISPUTED WARRANT ARRESTS

PURPOSE:

The purpose of this order is to enforce the standing policy regarding the booking of persons for arrest and bench warrants. This Unit Order will address the procedures to be followed when a person contends the warrant(s) they are being booked for does not belong to them.

ORDER:

All deputy personnel shall compare every warrant arrestee with the physical description on the Warrant Information Sheet (WIS) prior to booking.

A Warrant Acknowledgement Form shall be presented to the arrestee along with the Warrant Information Sheet (WIS). The arrestee can dispute the warrant as not being theirs, or choose not to dispute the warrant. The Warrant Acknowledgement Form will accompany the WIS in the booking package and will be verified and signed by the approving watch sergeant.

In the event a Warrant Acknowledgement Stamp is available, the stamp will be placed on the bottom of the WIS, filled out, and processed in the same manner as the form. The Warrant Acknowledgement Stamp, if available, can be used in lieu of the form.

A Warrant Acknowledgement Form or stamp shall be completed regardless if the arrestee disputes the warrant as being theirs.

When an arrestee claims they are not the person named on a WIS, they shall not be booked until a thorough records search has been performed and a Disputed Warrant Verification Form is completed. Any person claiming to be erroneously arrested on a warrant, shall be allowed access to their property if such property contains evidence he has been erroneously arrested. The watch sergeant shall be notified of the disputed warrant arrest.

The decision to book an arrestee on the strength of the want/warrant will normally be made by the watch sergeant. The watch sergeant will compare the arrestee's physical description with the information on the WIS and/or information obtained during the record search.

The approving supervisor shall indicate approval of the arrest or authorization for release by noting "booked" or "released" followed by their initials on the WIS. If an arrestee is not booked for the warrant, and there are no other charges and/or wants on which to hold the arrestee, the person shall be released per section 849(b) (1) P.C., and issued a "Certificate of Release" (form SH-AD-516). The arresting deputy shall complete an Incident Report (form SH-R-49) using the classification "Warrant, one detention, one release."

A copy of the Warrant Acknowledgement and Disputed Warrant Verification Form shall be placed in the arrestee's booking package.

Additional information regarding the arrest and booking of warrants only can be found in the following Policy and Procedures:

MPP 5-07/110.10 USE OF THE CWS

MPP 5-07/110.60 PROCEDURE WHEN SUBJECT NOT PERSON NAMED IN WARRANT

MPP 4-26/010.00 CASE ASSIGNMENT MANUAL – WARRANTS

WARRANT ACKNOWLEDGEMENT FORM

I, _____ (print name), have been informed that I am being held on warrant # _____. Without admitting or denying guilt on the underlying offense,

I hereby (check one box only):

Dispute that I am the person identified on the warrant.

Do not dispute that I am the person identified on the warrant.

Arrestee's Signature: _____

Date: _____ Time: _____

Witnessing Employee (print): _____ Employee #: _____

Witnessing Employee's Signature: _____ Date: _____ Time: _____

IF AN ARRESTEE REFUSES TO SIGN A SECOND SIGNATURE IS REQUIRED

Second Witnessing Employee (print): _____ Employee #: _____

Second Witnessing Employee's Signature: _____ Date: _____ Time: _____

NOTE: A DISPUTED WARRANT VERIFICATION FORM SHALL BE COMPLETED ANY TIME AN ARRESTEE DISPUTES THAT HE/SHE IS THE PERSON IDENTIFIED ON THE WARRANT.

Watch Sergeant Signature: _____ Employee #: _____