

## WARRANTS OF ARREST FOR ADULTS

**AUTHORITY:** Sections 813-829 PC, Departmental Policy

**RESCINDS:** Procedure Manual Item 2-3-016, dated 01/10/11

**FORMS:** Superior Court Warrant Worksheet: Felony/Misd (F057-2002.0(A)AF)  
(Short Form)  
Superior Court Warrant Worksheet: Felony/ICE (F057-2020.1(A)AF)  
(Short Form) ICE only.  
Superior Court Warrant of Arrest Worksheet (F057-2003(A)AF)  
(Long Form)  
\*Automated

**PURPOSE:** To clarify the procedure for requesting that a warrant of arrest be issued and providing information to aid in arrest.

### I. GENERAL INFORMATION

#### A. Warrants not requested by the Probation Officer

1. On its own motion, the Court may issue a Bench Warrant when a probationer fails to appear for a hearing after being ordered by the Court or Probation Officer to appear.
2. If a probationer fails to appear for a stayed jail sentence the Sheriff's Department notifies the Court. Subsequently, the Court will issue a warrant of arrest for the probationer.
3. The Sheriff's Department is the primary servicing agent regarding court-issued bench warrants.
4. Case related information can be shared and obtained from the Central Warrant Repository at 714-834-6472.

#### B. Warrants requested by the Probation Officer

1. Pursuant to 1203.2(a) PC, the probation officer has the authority to arrest a probationer and, therefore, has the legal standing to request a warrant from the Court.
2. The primary reason for requesting a warrant is the determination that, after a diligent effort to locate a probationer, it is believed that he/she has absconded.
3. A warrant may also be requested to serve as a "hold" on a probationer in custody outside of Orange County. Upon release by the other jurisdiction the probationer will either post bail, if it is set, or will be returned by the Sheriff Department's transportation officers and the case will be set for arraignment.

4. A warrant may also be requested if a probationer resides out of the area and has failed to comply with Court orders or conditions of probation.
  5. Information on all Orange County warrants is maintained by the Orange County Central Warrant Repository.
- C. An arrest "Warrant" is not "issued" when the Judge makes the Order. It is issued only when the Court Clerk has completed the paperwork process and the data has been entered into the Orange County Central Warrant Repository's database. Existence of a warrant can be verified by calling 714-834-6472.

## II. PROCEDURE

- A. There are two different procedures for obtaining a Superior Court warrant with the choice being dictated by circumstances.

Procedure #1 is utilized for routine failures to initially report or absconding from supervision. Additional technical violations may also be alleged.

Procedure #2 is utilized in all instances where a new law violation is one of counts alleged on the warrant petition. It should also be used anytime the DPO believes the Court should have more information than is normally included in Procedure #1.

- B. Superior Court/Felony or Misdemeanor

Procedure #1:

1. Automated Warrant Worksheet (Warpet.dot) Short Form
  - a. Use a warrant worksheet to provide information to the unit clerk for preparation of the petition to be submitted to the court. (Absconding from supervision or routine failures to report)
  - b. Other technical violations can be additionally alleged such as dirty tests, previous failures to report and delinquent restitution/fines.
  - c. The "Progress on Probation" information should be informative but brief.
2. Automated Worksheet (Icewarrant.dot) Felony/ICE: Short Form
  - a. Use a warrant worksheet to provide information to the unit clerk for preparation of the petition to be submitted to the court. This information pertains to those probationers who have been released from custody of ICE and returned to country of origin and failed to report or contact the Probation Department either directly or indirectly through mail, telephone electronic message or third party, including attorney of their current residence.
  - b. The "Progress on Probation" information should be Informative but brief.

3. Submission of Documents

- a. The petition for Warrant of Arrest (Non ICE) will be Submitted to Central Superior Court. Submit original with three copies to the RPO and retain one copy in the probation A-file.
- b. The petition for Warrant of Arrest(Felony/ICE) is Forwarded to a designated coordinator. (Currently, secretary of Adult Field Supervision Division)
  - 1) The coordinator will assemble the various submitted document packets into a master list format.
  - 2) The coordinator will forward the master lists (batch/batches) as well as all petitions to the Superior Court RPO for processing.

Procedure #2

Automated Warrant of Arrest Worksheet (Warpet.dot) Long Form)

1. Use a warrant worksheet to provide information to the unit clerk for preparation of the petition to be submitted to the court. Include custody time already served and the number of previous violations.
2. Allege all known law violations.
3. Allege all known technical violations.
4. Evaluation: Your analysis of the offense, probationer's response to supervision, needs of the probationer versus community protection. **Discuss work, school, trade; residency and associates.**
5. Recommendation (for disposition when apprehended)
6. Submit original with three copies to the RPO, Central Superior Court and retain one copy in the probation A-file.

C. Superior Court/Limited Jurisdiction

Procedure #1

Automated Superior Court warrant worksheet Shortwarrant.dot) Short Form

1. Use a warrant worksheet to provide information to the unit clerk for preparation of the petition to be submitted to the court. Include custody time already served and the number of previous violations.
2. Allege all known technical violations.
3. The "Progress on Probation "information should be informative but brief.

4. Submit original with three copies to the RPO of the appropriate court. Retain one copy in the probation A-file.

Procedure #2

Automated Superior Court warrant worksheet (Warpet.dot) Long Form

1. Use worksheet to provide information to the unit clerk for preparation of the petition to be submitted to the court.
2. Allege all known new law violations of probation.
3. Allege all known technical violations of probation.
4. Evaluation: Your analysis of the offense, probationer's response to probation supervision, needs of the probationer versus community protection. **Discuss work, school, trade; residency; and associates.**
5. Recommendation (for disposition when apprehended)
6. Submit original and three copies to the RPO of the appropriate court. Retain one additional copy in the probation A-file.

D. Reinstating Warrant Cases to Supervision

1. RPO
  - a. Determines probationer's current address, if possible.
  - b. Sends case to last assigned officer number/unit.
2. Unit SPO
  - a. Assigns case for supervision.
  - b. DPO will update address and case file if necessary.
3. DPO
  - a. Supervises probationer.
  - b. Obtains probationer's file from Records.
  - c. Initiates a request for re-calculation. Any time probation is revoked and later reinstated on a subsequent date, the probation expiration date must be re-calculated. This is accomplished by completing the Automated AS-Probation Reinstatement Notice.dot. The completed form is then submitted with the file to the unit clerk for processing and updating of ICMS records. When calculation is completed, the unit clerk will return the file to the assigned DPO, who will give or send the new expiration date letter to the probationer. There are four exceptions to this rule. No re-calculation of the expiration date is done when:

- 1) A warrant is withdrawn or quashed.
  - 2) The court finds the probationer, "Not in Violation".
  - 3) A probation violation is dismissed.
  - 4) A warrant is recalled by the probation officer via Modification Petition.
- d. Prepares an initial or reassessment (reactivation) chrono.
  - e. Submits file to unit clerk or designated clerical function for processing.
  - f. Updates file as needed (See 2b above).
  - g. Obtains new record check.

**REFERENCES:**

Procedures:	2-3-004	Adult Modification Petition
	2-3-007	Transfer of Adult Cases in California Pursuant to Section 1203.9 PC
	2-3-019	Probation Violation and Warrant Petition Allegations Adult
Policies:	A-1	Policy, Procedures and the Law
	A-2	Upholding Departmental Philosophy and Principles

C. Ferraz:mas

**APPROVED BY:**

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February 7, 2012  
Date