

WARRANTS OF ARREST FOR ADULTS

- AUTHORITY:** Sections 813-829 PC, Departmental Policy
- RESCINDS:** Procedure Manual Item 2-3-016, dated **02/25/21**
- FORMS:** Superior Court Warrant Worksheet: Felony/Misd. (F057-2002.2(A)AF)
(Short Form)
- 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 Orange County 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 **effectively** "issued" when the Judge **signs** the Order. It is **officially** 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 with a warrant file number (WFN). 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 Short Warrant is utilized for routine failures to initially report or absconding from supervision. Additional technical violations may also be alleged.

Procedure #2 Long Warrant 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 - Short Form

- a. Use a short warrant template 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. Submission of Documents

- a. The petition for Warrant of Arrest (Non-ICE) will be submitted to Central Superior Court.

Procedure #2

1. Automated Warrant of Arrest - Long Form

- a. Use a long warrant template 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.
 - b. Allege all known law violations.
 - c. Allege all known technical violations.
 - d. Evaluation: Your analysis of the offense, probationer's response to supervision, needs of the probationer versus community protection. Discuss employment, school, trade, residency and associates.
 - e. Recommendation (for disposition when apprehended)
2. Unit clerk will export digital signed copy by DPO and SPO of (long/short) warrant petition to Integrated Document Management System (IDMS), print out 4 copies (on 4-part NCR paper) and send to RPO clerk at CJC. Unit clerk will then update the information in ICMS, send a notification email along with a final copy (exported copy) of the warrant petition to DPO and SPO.

C. Superior Court/Limited misdemeanor Jurisdiction

Procedure #1

Automated Superior Court warrant - Short Form

1. Use a short warrant template to provide information to the unit clerk for preparation of the petition to be submitted to the court. Include custody 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. Unit clerk will export digital signed copy by DPO and SPO of (long/short) warrant petition to Integrated Document Management System (IDMS), print out 4 copies (on 4-part NCR paper) and send to RPO clerk at CJC. Unit clerk will then update the information in ICMS, send a notification email along with a final copy (exported copy) of the warrant petition to DPO and SPO.

Procedure #2

Automated Superior Court - Long Form

1. Use a long warrant template 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 employment, school, trade; residency; and associates.
5. Recommendation (for disposition when apprehended)
6. Unit clerk will export digital signed copy by DPO and SPO of (long/short) warrant petition to Integrated Document Management System (IDMS), print out 4 copies (on 4-part NCR paper) and send to RPO clerk at CJC. Unit clerk will then update the information in ICMS, send a notification email along with a final copy (exported copy) of the warrant petition to DPO and SPO.

D. Reinstating Warrant Cases to Supervision

1. RPO Clerk
 - 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. Resumes Supervision
 - b. Obtains probationer's file from SPO or Records.
 - c. Prepares an initial or (reactivation) chrono as needed.
 - d. Submits file to unit clerk or designated clerical function for processing.
 - e. Updates file as needed (See 2b above).
 - f. Obtains new record check.

E. Warrants Issued and Expirations

1. **The Court has the discretion to extend the expiration date of probation to a later date by adding on any time that was "tolled" during a summary revocation of probation. This applies to PRCS as well, though a PRCS probationer can have their PRCS term extended beyond the statutory maximum only if the basis of the summary revocation/warrant was absconding.**
2. **The court must be explicit about extending the date of expiration of probation. If the court does not explicitly state the expiration date**

is extended based on the time probation was tolled, then it will not be extended.

3. If a probationer has an active warrant when their original term of probation ends, the person is no longer subject to formal terms and conditions of probation originally imposed and supervision has ended. However, the Court retains jurisdiction to conduct a formal revocation hearing if the person is arrested in the future. During the revocation hearing, the court can reinstate and expressly extend probation if it is proven the violation occurred during the original term of Probation. Additionally, the court may reinstate probation and extend the expiration date commensurate with the time the grant was summarily revoked.
4. The DPO will need to monitor court actions regarding warrant cases. This includes cases which are expired and no longer require formal supervision. Once the warrant is served, the case will be calendared by the court. The DPO will need to monitor this case until a decision is made by the court. If the court chooses to expressly extend the case, the DPO will resume formal supervision until the case expires pursuant to the court order. If the court terminates the case, the DPO will follow the termination procedure pursuant to PMI 2-3-023.

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 Petitions- Adult (Allegations)
	2-3-023	Terminating Probation - Adult
Policies:	A-1	Policy, Procedures and the Law
	A-2	Upholding Departmental Philosophy and Principles

R. Nelson

APPROVED BY: