

**SAN BERNARDINO COUNTY
PROBATION DEPARTMENT PROCEDURE**

Arrest Warrants: Requesting and Serving

(Replaces CCB #97-05-001-A Bench Warrants and CCB #97-05-202-C Home Calls, Entries, Searches and Arrests)
Inter-Bureau Procedure #05-11-119

Authority:

Jerry L. Harper, Chief Probation Officer

Purpose:

The purpose of this procedure is to set forth guidelines for the request of arrest warrants and service of arrest warrants.

Definitions:

Due Diligence –

A reasonable attempt to serve the warrant.

Warrant Service –

Order to any Peace Officer from the Court to arrest the subject of the warrant.

Responsibilities:

Probation Officer (PO)/Supervising Probation Officer (SPO)

I. Requesting an Arrest Warrant

A. The Decision To Request an Arrest Warrant:

Prior to requesting a revocation of probation and arrest warrant, the probation officer shall consider the best course of action to bring the probationer into compliance and protect the community. Notwithstanding the procedures set forth in Community Corrections Bureau Procedure #97-05-203-C "Arrests," the probation officer shall consider the following:

1. In the event a probationer is discovered to be in violation of his/her court ordered terms and conditions of probation, or in violation of statute law, the probation officer shall consider whether the probationer should be arrested.
2. This decision shall be based upon what is in the best interests of justice. The probation officer may consider:
 - a. The likelihood of bringing the probationer into compliance through means of an out-of-custody petition.
 - b. The extent of the alleged violations of probation.
 - c. The nature and seriousness of the alleged violation of probation or new law violation.
 - d. The protection of the community, and whether there are any potential victims should the probationer's conduct continue.
3. If a decision is made to arrest the probationer, the probation officer should:
 - a. In the event of a new law violation, contact the law enforcement agency having jurisdiction where the alleged crime occurred.
 - b. The probation officer should consider that based upon the agency, call volume of responding officers, or other factors involved, law enforcement officers may refuse cooperation. In any instance, the probation officer should be prepared to fully document the circumstances of the request for assistance.

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- c. Except in cases where an officer in the field must make an immediate decision to arrest a probationer, the probation officer should consult with his/her supervisor regarding the arrest.
 - d. Always consider that any arrest may be dangerous and that the safety of the probation officer and others is the primary consideration.
 - e. Follow all other procedures for making an arrest, as outlined in Community Corrections Bureau Procedure #97-05-203-C "Arrests."
 4. If a decision is made to arrest a probationer, consideration should be given to whether the probationer could be taken into custody in a probation office. As this is a controlled environment, it is preferable to make office arrests when possible. Where this is not practical, or may result in an unsafe delay in detaining the probationer, the probation officer should then attempt an arrest in the community or at the probationer's residence.
 5. In every instance where a decision has been made to arrest a probationer, an effort should be made to take the probationer into custody prior to requesting a warrant. However, under the following circumstances the probation officer may request the court issue a warrant of arrest, in lieu of taking the defendant into custody:
 - a. The probationer cannot be located.
 - b. The probationer can be located, but has fled the jurisdiction of San Bernardino County so that attempting an arrest is not geographically reasonable.
 - c. The defendant may be located, but an attempt to do so would create an unreasonable delay in making the arrest, whereas an active warrant that may be served by any law enforcement officer would result in a more timely arrest.
 - d. After consulting with a supervisor, it has been determined that the officer's workload priorities are such that an immediate arrest would create a burden on the officer's ability to service other cases.
 - e. After consulting with a supervisor, it has been determined that circumstances in the case may represent a safety issue for the probation officer, and a request will be made for law enforcement to serve a warrant to effect an arrest.
- B. Specific Provisions for Requesting the Warrant**

When making a warrant request, the probation officer should follow the guidelines established in the adult or juvenile workbook. The probation officer should be aware these guidelines change from time to time due to changes in court procedures, case, or statute law.

1. The process for requesting the arrest warrant shall consist of:
 - a. Preparing a petition, which supplies sufficient information to give cause as to why the warrant is necessary. The probation officer should allege all circumstances of the violation.
 - b. Attaching any supporting documentation, including but not limited to, witness contact information, school attendance records, drug test results, police reports or new criminal case number information.
 - c. Completion of an Adult or Juvenile Arrest Warrant Request Checklist.
 - d. For juvenile cases, an Application for Filing Checklist.
 - e. Updating information in Caseload Explorer, noting that a petition and warrant request has been made, and listing the given address as "bad," if

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applicable. Upon the court's issuance of the warrant, Caseload Explorer shall be updated again, noting that the arrest warrant was issued.

2. An arrest warrant consists of a court order to any law enforcement officer to detain a probationer for return to the court. Most warrants based on probation violations deny bail, and are referred to as "no bail warrants."
3. A warrant is not active until it has been signed by a judge and delivered to the Sheriff's Department for entry into their automated system. A request for a warrant does not automatically make it active.

C. Extradition

1. In all matters where extradition is an issue, the probation officer shall review the case with a Supervising Probation Officer. For cases involving a possible extradition, other than from the States of Nevada and Arizona, contact will be made with the District Attorney's Office regarding justification for the extradition. If the probationer is believed to have fled the jurisdiction of the United States, this information shall be noted on the petition.
2. If the court has ordered the probationer to leave the United States and not return without authorization from the Department of Homeland Security; or if the probationer was detained on a Title 18 (Immigration and Customs Enforcement) hold and ordered deported by a United States Immigration Court, the probation officer may request an arrest warrant be issued for not reporting, despite the absence of any other violation of court orders, pursuant to *People v. Campos*.

D. Requesting the Recall of an Arrest Warrant

1. After an arrest warrant has been issued, circumstances may develop which justify a request for the warrant to be recalled. Examples of this may include:
 - a. The original cause of the warrant no longer exists.
 - b. The death of the probationer.
2. The PO shall obtain prior approval from his/her SPO to request that the warrant be recalled, using one of the following methods:
 - a. By report, placing the matter on calendar and delivering a memorandum to the court justifying recall of the warrant.
 - b. In chambers, by advising the judge of the updated information. The judge would then go on record and create a minute order quashing the warrant. In this case, the District Attorney's Office shall be notified by the probation officer.
 - c. Verbally in open court, by placing the matter on calendar, appearing, and providing the court with updated information on the case.
3. The probation officer shall input any information on the case, and the justification for recalling the warrant in Caseload Explorer by the end of shift.

II. Serving an Arrest Warrant

- A. Planned arrests are situations where it is known in advance that the probationer will be taken into custody, either for a warrant or for a probation violation without a warrant. The probation officer should arrange to have sufficient staff resources available to safely complete the arrest.
- B. The safest course of action in a planned arrest is to do it in the office where the probation officer controls the environment.

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- C. A forced entry will not be made into a home to accomplish an arrest unless the criteria for forced entry is established pursuant to the departmental Forced Entry procedure.
- D. Although the purpose for obtaining an arrest warrant is to allow for any law enforcement officer to arrest the probationer upon contact, circumstances may dictate that probation officers attempt to contact a probationer for the purpose of effecting an arrest pursuant to a warrant. This is called a "warrant service." The warrant may have been requested by the officer attempting the service or by another officer. The warrant may have resulted from a failure to appear in court. In some instances, the warrant may have been issued by another jurisdiction.
- E. When serving a warrant, it is always best to plan the service looking at the areas of logistics, manpower needs, safety, and the feasibility of successfully arresting the probationer.
- G. Prior to attempting the warrant service, the probation officer shall:
 - 1. Verify that the warrant is still active by checking Caseload Explorer, JNET, the Sheriff's Automated System, or other systems that may verify the warrant is still active and complete the Adult or Juvenile Warrant Service Checklist form.
 - 2. Should the officer attempt service of an arrest warrant issued in another jurisdiction, the officer will request updated CLETS information, or possess a court minute order from the court issuing the warrant.
 - 3. If circumstances do not allow the probation officer to verify the warrant remains active, as outlined above, the officer should verify from dispatch that the warrant is active.
 - 4. If the warrant service attempt is being made at the probationer's last reported address, the officer shall attempt to verify that the address is still valid. Verification may include, but is not limited to: school information, information pertaining to the probationer's parents or guardian, post office forwarding records, County Collections records, information learned from public utilities, credible information from family or friends of the probationer, surveillance of the probationer, or information received from other public agencies.
 - 5. If an attempt to serve the warrant is being made at an address different from the probationer's reported address, the officer should have current reliable information indicating the address is valid. Verification may include, but is not limited to: school information, information pertaining to the probationer's parents or guardian, post office forwarding records, County Collections records, information learned from public utilities, credible information from family or friends of the probationer, surveillance of the probationer, or information received from other public agencies.
- H. The warrant service should be planned with the Supervising Probation Officer or his/her designee. Where possible, a briefing of the warrant service shall occur during which the following issues should be discussed:
 - 1. The identity and physical appearance of the probationer.
 - 2. The nature of the warrant and allegations outlined in the Petition to Revoke.
 - 3. The criminal history of the probationer, including any tendencies toward violence.
 - 4. Whether any other subjects are anticipated to be present during the warrant service, and their criminal histories.
 - 5. The location of the residence or place where the warrant service will be attempted, and the surrounding area, and any safety issues in the area.

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6. The number of staff, where they will be located during the service, and their role in the attempted warrant service.
 7. The staging area and where officers will park vehicles.
 8. The radio frequency to be used, and whether officers will request a 10-33 (exclusive use of a radio frequency).
 9. A contingency plan for unexpected problems, including the location of the nearest emergency medical/trauma care center.
 10. The "lead/case" officer and the "ranking" officer who will be present during the service.
- I. Officers planning the warrant service shall consider the following:
1. The appropriate number of officers to safely execute the arrest.
 2. Any safety issues present at the place where the service will be attempted.
 3. Preventing the probationer's flight from the residence.
 4. Assessing the likelihood the probationer or others present may be armed, or resist arrest.
 5. Whether law enforcement assistance should be requested.

III. Due Diligence

- A. Following the issuance of an arrest warrant on an adult case, the case will remain assigned to a specific Supervising Probation Officer's caseload for a period of one year. After one year, the case may be transferred to a depository of older, warrant cases. Following the issuance of the warrant by the Juvenile Court, the case will remain assigned to a specific officer indefinitely subject to warrant reviews. In either instance, while the case is assigned to a specific officer, supervisor, or warrant caseload, as workload permits, an officer will be assigned to make reasonable attempts to locate the probationer and/or serve the warrant. This is known as "due diligence." Following any unsuccessful warrant service or attempt to locate a probationer, these efforts will be documented in Caseload Explorer.

IV. Documentation

Documentation is a critical part of a probation officer's job and is one of the most important components of a case manager's duties. All home calls, searches, arrests, forced entries, and communication with the probationer or persons involved with the case should be documented in the "Field Notes" of the case.

- A. An "Incident Report" shall be written when there is:
1. Possible legal action or any extraordinary circumstances;
 2. Any physical confrontation between the probationer, other persons, and probation staff; or use of force.
 3. Any verbal or physical threat toward probation staff;
 4. Any incident that occurs in which probation staff feel they are in danger;
 5. Any property damage or forced entry.
 6. A request for an Incident Report by a SPO.
- B. Photograph any property damage prior to leaving the scene.
- C. The "Field Service Incident Report," a probation department form, shall be completed prior to the end of shift unless otherwise directed by a supervisor.
- D. After reviewing and approving any Incident Report stemming from an attempted warrant service/successful warrant service, the area Division Director II shall

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forward a copy of the Incident Report to the Community Corrections Bureau Secretary.

- E. As needed, an "Incident Report Form" (#15-13866-000) related to damage to county property or theft of county property should be completed by the involved employee and supervisor and forwarded to Risk Management within 24 hours. A copy of the "Incident Report" should be forwarded to the office of the Administrative Services Bureau Deputy Chief within three workdays.

Inspections:

Independent

A Professional Standards Unit Supervisor shall coordinate an inspection regarding various aspects of this procedure no less than once per year and upon completion of said inspection submit a written Inspection Report to the Chief Probation Officer.

Foundation:

Penal Code Sections 815, 816, 817, 840, 842, 843, 844, 845, 848, 850, 851, 855, 1196, 1198, 1199, 1531, 1532, 1551, and 1203.2

Welfare and Institutions Code Sections 658 and 663

People v. Campos, 198 Cal. App. 3d 917, 244 Cal. Rptr. 75

Moreno v. Baca, 400 F.3d 1152 (9th Cir. 2005)

References:

Department Policy

#3 Employee Responsibility

#7 Relations with Other Agencies

#9 Safety

#20 Use of Force Limitations

Community Corrections Bureau Procedure

#97-05-021-A Revocation of Probation

#97-05-203-C Arrests

#97-05-210-C Use of Force Incidents

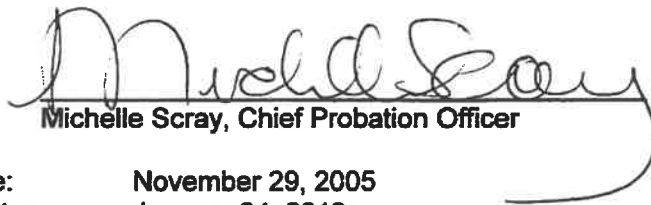
#99-10-129-J Field Notes and Case History

Inter-Bureau Procedure

#00-01-79 Incident Reports Related to Damage of County Property and Theft of County Funds

#05-11-120 Forced Entry

Issued by:



Michelle Scray, Chief Probation Officer

Issued Date: November 29, 2005

Revised Date: January 24, 2012

Effective Date: February 10, 2012

ATTACHMENT A Juvenile Arrest Warrant Request Checklist

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- ATTACHMENT B Juvenile Arrest Warrant Service Checklist
- ATTACHMENT C Adult Arrest Warrant Request Checklist
- ATTACHMENT D Adult Arrest Warrant Service Checklist

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JUVENILE ARREST WARRANT REQUEST CHECKLIST

When requesting an arrest warrant the following documents must be completed before the request is submitted to court. Final approval from your SPO or designee must be obtained before submission of the arrest warrant request to court.

- _____ Application for filing checklist
- _____ Foundation for supervision statement
- _____ Witness narrative statement/supporting documents
- _____ Warrant information sheet
- _____ Declaration in support of the warrant
- _____ Non-Appearance Review (NAR) packet

PO: _____
Print Signature Date

SPO: _____
Print Signature Date

Distribution: Original form to be placed in the PO file in Section 4.

SAN BERNARDINO COUNTY PROBATION DEPARTMENT

JUVENILE ARREST WARRANT SERVICE CHECKLIST

The following shall be completed before a planned service of an arrest warrant is attempted:

- _____ Check J-net/Caseload Explorer for the active warrant.
- _____ Check school attendance records for the last physical address in their records.
- _____ Phone call to last known number on record to verify address.
- _____ Contact Intake at the facility where you plan to book the minor to ensure they have the arrest warrant on file.
- _____ Conduct a physical check of the last known address for planning the warrant service and verifying that the address exists.

PO: _____
Print Signature Date

SPO: _____
Print Signature Date

Distribution: Original form to be placed in the PO file in Section 4.

SAN BERNARDINO COUNTY PROBATION DEPARTMENT

ADULT ARREST WARRANT REQUEST CHECKLIST

The following items shall be completed for ALL arrest warrant requests accompanying petitions on probation violations:

- _____ 1. Research the EVENTS screen and OVERVIEW screen in Caseload Explorer (CE). Enter the reasons for the warrant request.
- _____ 2. Review all file documents.
- _____ 3. Check Offender Tracking System (OTS) to ensure that probation has not already been revoked.
- _____ 4. Request a California Law Enforcement Telecommunication System (CLETS)/CII run. Has the defendant been sentenced to state prison from another jurisdiction? YES/NO

The following additional items shall be completed for arrest warrant requests accompanying petitions, when the basis of the petition/revocation includes an allegation the defendant's whereabouts are unknown or his address is bad:

- _____ 1. Research the EVENTS screen and OVERVIEW screen in CE. Ensure there is no information regarding a new or different address.
- _____ 2. If the defendant has been reporting regularly, has a new mail report form with an updated address been received but not entered into CE?
- _____ 3. Research the Sheriff's System/Central Name Index (CNI). Has the subject been arrested recently and reported a different address (F4 – release address screen)? YES/NO
- _____ 4. Check the Central Collections database - Columbia Ultimate Business System (CUBS). Has a new address been reported to Central Collections? YES/NO
- _____ 5. Check the Welfare System/Screen. Is Temporary Aide for Needy Families (TANF) or other assistance being received at an unreported address? YES/NO

For all cases:

_____ **AN ARREST WARRANT IS BEING REQUESTED AND THE ADDRESS OF THE PROBATIONER IS UNKNOWN.**

_____ **AN ARREST WARRANT IS BEING REQUESTED; HOWEVER, THE CURRENT ADDRESS OF THE PROBATIONER IS KNOWN TO BE:**

PO: _____
Print Signature Date

SPO: _____
Print Signature Date

Distribution: Original file to be placed in the PO file in Section 4.

SAN BERNARDINO COUNTY PROBATION DEPARTMENT

ADULT ARREST WARRANT SERVICE CHECKLIST

The following steps shall be completed when executing service of an arrest warrant. A hardcopy print of the Sheriff's Screen (F8) and copy of the petition/warrant request shall be attached to this checklist and submitted for a supervisor's signature. This form shall be completed when officers possess an arrest warrant and plan to attempt service. Urgent circumstances or information gained while officers are in the field may not allow completion of this form with a supervisor's signature. In those instances, officers shall verify the warrant remains active through Sheriff's Dispatch and follow procedures regarding warrant service and arrest. The due diligence checklist at the bottom of this form shall be completed on ALL arrest warrant service attempts.

- _____ 1. Verify the warrant remains active & print the Sheriff's CNI screen with automated warrant (F8).
- _____ 2. Check due diligence history via the Sheriff's CNI screen (F8).
- _____ 3. Check the Caseload Explorer OVERVIEW and EVENTS screens. Is the address information in CE different from the Sheriff's Automated Warrant (SAW)? YES/NO
- _____ 4. Is there any address information in Caseload Explorer EVENTS or OVERVIEW screens posted AFTER the issue date of the SAW. YES/NO
- _____ 5. Check Central Collections Ultimate Business System (CUBS) for NEW address information.
- _____ 6. If warrant service is being attempted at an address not listed on the SAW, petition, CE, or probation file, what is the basis of the information leading officers to a another location address:

Additional information regarding arrest service attempt:

DUE DILIGENCE REPORT

The following steps shall be completed following every unsuccessful warrant service. This form shall be placed in the probation file, and the proper entries made in Caseload Explorer by the end of shift.

- _____ 1. The defendant no longer resides at the address.
- _____ 2. Family or friends reside at the address but report the defendant does not reside there.
- _____ 3. The defendant is known to the current occupants, but his whereabouts are unknown.
- _____ 4. The current occupants report the defendant visits or stays occasionally.
- _____ 5. The address shown on the arrest warrant was vacant.
- _____ 6. Unable to determine who resides at the address.
- _____ 7. Knock Notice left at the address.

Additional information regarding the arrest warrant service attempt:

- _____ 8. Notify the Sheriff's Office regarding due diligence for CNI.
- _____ 9. Deactivate the address in Caseload Explorer.
- _____ 10. Make an entry in Caseload Explorer regarding the unsuccessful warrant service/due diligence history.

PO : _____

Print	Signature	Date
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SPO: _____

Print	Signature	Date
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Distribution:

Original form to be placed in the PO file in Section 4. If an incident occurs during the warrant service, and Incident Report shall be attached to this form.