

	Operational General Order	16.01 Warrant Tracking and Service	ORIGINATOR/REVIEW Investigative Division
	SUBJECT <b>Virginia Beach Police Department General Order</b> Chapter 16 – Warrant and Legal Process		DISTRIBUTION ALL
	<b>CALEA: 74.1.1, 74.1.2, 74.2.1</b>		
BY THE AUTHORITY OF THE POLICE CHIEF: PwN			

**Purpose:**

To establish guidelines for handling and executing criminal and civil processes received from the courts.

**Policy (CALEA 74.2.1):**

The Virginia Beach Police Department is responsible for serving criminal arrest warrants issued by the courts in the City of Virginia Beach or other jurisdictions when the person named in the warrant is believed to be a resident or visitor in the City of Virginia Beach. Additionally, the Department executes civil process in the form of civil protective orders. The Virginia Beach Police Department is committed to the timely service of all warrants and court orders, and maintains systems to promote service and the proper tracking of these court issued documents.

**Required Content of Arrest Warrants**

The arresting officer has the responsibility of examining every warrant and capias to ensure that it is legal and proper. The Code of Virginia lists five (5) requirements that should be contained in an arrest warrant. The warrant shall:

- A. Be directed to an appropriate officer or officers.
- B. Name the accused or, if his name is unknown, set forth a description by which he can be identified with reasonable certainty.
- C. Describe the offense charged with reasonable certainty.
- D. Command that the accused be arrested and brought before a court of appropriate jurisdiction in the county, city or town in which the offense was allegedly committed.
- E. Be signed by the issuing judicial officer.

All improper warrants and capiases must be returned to the issuing judicial officer for correction. If the officer knows that he has the right person and a minor mistake is discovered when serving the warrant, such as misspelled name or a mistake in the address, the warrant should be served. Any minor mistake such as this can be corrected later by the magistrate or the judge on the court date.

**Processing of Warrants (CALEA 74.1.1 & 74.1.2)**

Upon receipt, each warrant, capias, emergency protection order, preliminary protective order, or order of protection will be entered into the Records Management System (RMS). The process for the entry of protective orders is covered in Police services Unit Standard Operating Procedure 3.01. Such entry will include at a minimum:

- A. The warrant control number and court docket number
- B. Date and time received
- C. The type of legal process (civil or criminal)
- D. The nature of the document (warrant, capias, summons, etc.)
- E. The source of the document (Magistrate warrant, Court Capias, etc.)
- F. Name of complainant/petitioner or defendant/respondent
- G. The current location of the warrant and when appropriate
  - 1. The officer or unit assigned for service of the document
  - 2. The date of assignment
  - 3. Court date if known
  - 4. The date service is due (protective orders)
  - 5. The date of service

To each warrant or order will be attached a warrant worksheet which will reflect:

- A. The date and time of service attempts/service
- B. Name of officer attempting or making service
- C. Name of person served
- D. Method of service (personal service or service to the registered agent), or reasons for non service (subject moved etc.)
- E. The address of service attempt / leads developed

All of this information will be updated in the Pistol database by the appropriate personnel (warrant clerk, PDO, arresting officer, sheriff's office).

**Guidelines for Warrant Tracking and Service**

Guidelines for the tracking and services of warrants and court orders are provided in the Field Guide for Warrant Tracking and Service, which is written, maintained, and reviewed by the Records Unit.