

# City of Virginia Beach Police Department

## Warrant Tracking and Service Field Guide



### **A Guide for Department Members**

- Tracking and service guidelines for:
  - Warrants
  - Capiases
  - Protective Orders
  - Emergency and Substantial Risk Orders

*This Field Guide is Prepared and Updated by the Virginia Beach  
Police Department Records Unit, Under the Approval of the Chief of Police*

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## Warrants Overview

All executable documents issued by a magistrate or court that are transferred to the control of the Police Department will be entered into the PISTOL warrant module and tracked accordingly. Personnel encountering situations specific to warrants or warrant tracking not addressed in this document shall contact the Support Division/Records Unit for direction. From this point forward, mention of warrants shall be a generic term used to encompass all the types of court documents listed below (not all inclusive) unless otherwise indicated.

Felony Warrant	Capias
Misdemeanor Warrant	Juvenile Detention Order
Magistrate's Summons	Indictment
Emergency Protective Order (EPO)	Petition to Appear
Preliminary Protective Order (PPO)	Emergency Substantial Risk Orders
Order of Protection (OOP)	Substantial Risk Orders

## Warrant Service

Warrant service is a primary responsibility of all sworn members of the Virginia Beach Police Department. Service attempts must balance the severity of the charge with the reasonableness of service attempts. While attempting service of documents, sworn members should take into consideration the charge severity, citizen and officer safety, and the reasonableness of the service attempt. Sworn employees are required to place their first initial, middle initial (if they have one) and last name in the arresting officer section when executing a warrant and verify and correct all demographic information.

## Corporate/Registered Agent Service

When a warrant or summons is issued for a corporate violation, the officer shall serve the document on the registered agent. However, the agent shall not be processed nor entered into the PISTOL RMS system. Upon service, update the warrant status to served.

## Warrant Service Notification

Serving officers are cautioned to review the documents to determine if the obtaining officer/detective wishes to be notified PRIOR to service. If so, it is the serving officer's responsibility to make contact with the obtaining officer/detective. If contact cannot be made, the duty detective will be contacted for guidance.

Upon warrant service by a VBPD employee, the serving officer shall notify the obtaining officer/detective of the service. A tracking record shall be added to the warrant module, recording who made the notification, who was notified, and what was the method of notification; ie. (E911 with name of dispatcher, text message, phone, e-mail, etc.) When a warrant is transferred to the jail for service, it will be the transferring person's responsibility to notify the obtaining officer/detective of the transfer and service.

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The serving officer shall send a copy of the served document to the obtaining officer/detective.

If the warrant is faxed to another jurisdiction for service, it will be the faxing person's responsibility to utilize the appropriate coversheet and to notify the obtaining officer/detective.

### **Offense Reporting**

Uniform Criminal Reporting (UCR) mandates the reporting of certain offenses.

Officers/detectives who obtain a warrant are responsible for submitting the required offense report, or verifying the companion offense report that has otherwise been completed. When a citizen obtains a warrant, the offense report will typically be taken or created by a sworn member of the department when the warrant is transferred to the Support Division, Records Unit. If the offense report has not been submitted, the responsibility falls on the serving officer to complete the report. The serving officer should be able to utilize the criminal complaint worksheet and statements made by the defendant being served.

For officer obtained warrants, it is the obtaining responsibility to complete the offense report. Obtaining officers are required to write the offense report number clearly on the warrant along the bottom edge of the page to facilitate proper offense/arrest linkages.

**Note that the block at the top right of the page, marked "Case No." is for use by the courts only.**

### **Handling Warrants by Records Unit**

Warrants received by the Records Unit will be entered into PISTOL Records Management System (RMS) Warrant Module on the day the papers are received, in accordance with General Order 16.01, Warrant Tracking and Process.

Warrants that meet the requirements for NCIC/VCIN entry are to be entered in a timely fashion and the NIC number and VIC number that is generated will be noted on the RMS entry.

Warrant location will be accurately reflected in the RMS module at all times. Warrants must be hand delivered between locations and RMS will accurately reflect the documents' exact location at all times.

Original warrants are never transferred to another jurisdiction. If the defendant is located in another jurisdiction, the document must be faxed to that jurisdiction. This should be done by the Records Unit or Precinct Desk Officer (PDO), and the RMS entry must be updated to indicate the situation. The fax should include a request for a copy of the served document to be faxed back.

### **Handling Warrants by Officers/Detectives**

Officers and detectives are responsible for ensuring that all warrant and warrant tracking entries are completed for the documents in their possession. Any warrant issued and given directly to an officer or detective will be brought to the Records Unit or PDO, for data entry. Warrants transferred from officer-to-officer or precinct-to-precinct shall be documented in RMS. All service attempts and outcomes should be noted on the warrant worksheet, and the RMS entry updated appropriately when the warrant is returned to the Records Unit or Precinct prior to the end of an officer's shift.

## Handling Warrants by a Precinct or Bureau

Warrants that are not immediately executed when issued are to be entered into RMS by either the Records Unit or a Precinct Desk Officer (PDO). Precinct Desk Officers (PDO) shall enter warrants when 1.) A magistrate issues an Emergency Protective Order (EPO) that may have one or more felony or misdemeanor warrants attached or 2.) An officer is prepared to attempt immediate service of an EPO or warrant. Refer to the Precinct Desk Officer Training Manual for data entry procedures.

All warrants that meet requirements for NCIC/VCIN entry shall be transferred to the Records Unit for entry before the end of the obtaining officer's shift.

Precincts will normally handle the following types of warrants:

- A. All summonses,
- B. Emergency Protective Orders (EPO)
- C. Warrants issued by a precinct magistrate (citizen or officer obtained)
- D. Parking Enforcement misdemeanor summonses (these are not entered into RMS warrants module)
- E. All zoning violations

After service, the summonses will be entered into the RMS Arrest Module.

Precinct Desk Officers (PDO) will maintain a warrant box. Any discrepancies that may require correction in the RMS Warrant Module are to be reported to and approved by the on-duty supervisor, who will notify the Records Unit supervisor as soon as practical. Warrants will be assigned to the precinct for 15 days to allow for service, or at least three separate service attempts. If still unserved, then the warrants will be returned to the Support Division, Records Unit.

## Tracking Warrants

The Records Unit and Precinct Desk Officers (PDO) will be responsible for adding tracking records in the warrant module. Tracking shall include entering the physical location, assignment, and/or service attempts for all activity involving each warrant, and will at all times reflect the exact location of the document. Refer to the Precinct Desk Officer Training Manual for data entry procedures.

## Temporary Precinct Warrant Logs

Precincts may use a temporary handwritten warrant log if an officer is standing by to serve a warrant immediately and 1.) RMS is not available or 2.) Someone who is not trained in the process is staffing the precinct desk.

The PDO or officer staffing the desk must log the warrant into the temporary warrant log prior to taking a document onto the street for service. The log (PD-200) shall include: date/time issued, name, date of birth, gender, race, charge, attempting service officer name/code, and date/time of log entry. PDO or officer completing the log must record their name/code in the indicated field and initial and date the log. Copy the warrant, stamp or write FOR DATA ENTRY ONLY on the copy and attach it to the log sheet. After RMS data entry is complete, the log and copy must be shredded.

## **Verification of Warrants and NCIC/VCIN Hit Confirmations**

The Virginia Beach Police Department must respond within 10 minutes or one hour (as determined by NCIC/VCIN) to any NCIC/VCIN inquiry and we must be able to give them confirmation from time of inquiry as to the location of the warrant and confirmation that the warrant has been verified to be active and physically exist. Precincts must have someone available 24 hours, 7 days a week, access to all executable documents.

## **Faxing of Warrants**

Warrants cannot be faxed between precincts or jail within our own jurisdiction (See State Code 19.2-81.)

Warrants will not be faxed to Support Division, Records Unit for data entry. Warrants may be faxed when someone is not in custody when there is an Emergency Protective Order (EPO) attached to a warrant and there is reason to believe the subject can be located at a specific address outside of the City of Virginia Beach.

Warrants may only be faxed to other jurisdictions when the defendant is in custody or as authorized by the Support Division Records Unit supervisor.

A warrant may be faxed by a precinct as a detainer to an agency outside of the City of Virginia Beach when the precinct is advised that an NCIC hit has occurred and the wanted person is in the custody of the requesting agency.

The original warrant must be sent back to Support Division, Records Unit with the information concerning where the faxed copy was sent. (Date, time, department, person faxed to, voice and fax phone numbers) to ensure proper accountability. All other faxing of warrants will only be done by the Records Unit in order to maintain proper accountability.

## **Updating Information**

Updates to wanted information shall be made in the RMS Names Module only, not the Warrant Module. All replaced data shall be saved as prompted by RMS for reference. If the suspect positively does not reside at the current address and a new address is not known, the address field will be shown as "Unknown as of \_\_\_/\_\_\_/\_\_\_ date" and then answer the RMS generated retention question regarding the GEO address verification by responding "delete the GEO." If a valid Virginia Beach address is entered, the GEO fields on Page 3 will be automatically updated for the new address. Verify the GEO data.

If there is no address on the issued court paper and an address is available from an old RMS record, then the recent address may be used.

## **Warrants That Cannot Be Served**

When all attempts to serve a warrant are exhausted and it is believed that the person wanted is located in another precinct or outside the City of Virginia Beach, supporting data shall be noted on the warrant worksheet. Unserved warrants shall be returned to the Support Division, Records Unit within 15 days to ensure NCIC/VCIN validation mandates can be complied with.

## **Protective Orders (CALEA 74.2.1)**

### **Emergency Protective Orders (EPO)**

The service and tracking of emergency protective orders is the responsibility of individual precincts. At the time an emergency protective order is issued by a magistrate, a copy is faxed to the NCIC / VCIN clerk for entry. The process for the entry of protective orders is covered in Police Services Unit Standard Operating Procedure 3.01. An officer shall be dispatched to pick up the EPO and will either serve the order or transfer the order to an officer working in the precinct in which the respondent lives for personal service. Officers should also make every effort to complete the personal demographic information on the service page. Given the intent of the order and the limited time to serve the order, supervisors should make every effort to have the orders served as soon as possible. Orders should be assigned to each shift until served. The status of the order and the name of the officer who is assigned to serve the order shall be documented by the Precinct Desk Officer in RMS tracking.

Upon personal service, the EPO shall be faxed to a NCIC/VCIN clerk for updating. The PDO shall update RMS to show service and then return the paper to the courts.

### **Preliminary Protective Orders (PPO) and Orders of Protection (OOP)**

Preliminary Protective Orders and Orders of Protection will be tracked and served in the same manner as warrants received from the courts. Upon personal service for a PPO or OOP, the precinct/command shall update the RMS record and send the paper to the Records Unit. The Records Unit shall update the NCIC/VCIN entry.

### **Emergency Substantial Risk Orders and Substantial Risk Orders**

#### **I. Definitions**

- A. Emergency Substantial Risk Order §19.2-152.13 Code of Virginia: Issued by a judge of Circuit Court, General District Court, Juvenile and Domestic Relations Court, or a magistrate, upon being presented with probable cause to believe a person poses a substantial risk of personal injury to self or others in the near future by possessing or acquiring a firearm. Expires at 1159 pm on day 14 following issuance or 1159 the next day Circuit Court is in session, if court is not in session on day 14.
- B. Substantial Risk Order §19.2-152.14 Code of Virginia: Within fourteen days of the issuance of an Emergency Substantial Risk Order, the Circuit Court where the order was issued, if the court finds clear and convincing evidence the person poses a substantial risk of personal injury to himself or others in the near future by possessing or acquiring a firearm. Expires at 1159 pm on the last day specified by the Court or on day 180, or 1159 the next day Circuit Court is in session.
- C. Respondent: The person who poses a substantial threat to self or others and is subject to the Emergency Substantial Risk Order.
- D. Substantial Risk: Judge or magistrate shall consider any relevant evidence, including any recent act of violence, force, or threat as defined in §19.2-152.7:1 Code of Virginia by such person toward another person or self.

- E. §19.2-152.7:1 Code of Virginia: “Act of violence, force or threat” means any act involving violence, force or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault or bodily injury.

## II. Procedures

### A. Investigation

1. The Virginia Beach Police Department is designated as the primary investigative body for any investigations or service of Substantial Risk Orders under §19.2-152.13 Code of Virginia.
2. Based upon the information alleged and relevant evidence, including any recent act of violence, force or the threat as defined in §19.2-152.7:1 Code of Virginia, Emergency Substantial Risk Orders may be sought when applicable. The following are examples of situations where an Emergency Substantial Risk Order may be sought. This list is not all inclusive and all factors leading an officer to reasonably believe a person poses a substantial risk to himself or others must be evaluated when considering and seeking Emergency Substantial Risk Orders:
  - a. Domestic violence involving a firearm
  - b. Emergency Custody Orders where a firearm is present
  - c. Barricaded subjects armed with a firearm
  - d. Violent acts involving a firearm
  - e. Threats of violence involving firearms
  - f. Stalking
3. No Emergency Substantial Risk Order petitions shall be sought without a complete and thorough investigation being conducted and completed that determines that grounds for the petition exist.
4. The petition shall be made under oath by a sworn law enforcement officer and supported by an affidavit.
5. Any investigation and subsequent petition for an Emergency Substantial Risk Order shall be approved by a supervisor.

### B. Receipt of an Emergency Substantial Risk Order

1. Once an Emergency Substantial Risk Order is issued, the Court or Magistrate will forward a copy of the order to the Virginia Beach Police Department Services Unit.
2. Upon receipt of the Emergency Substantial Risk Order copy, a NCIC/VCIN Clerk shall forthwith verify and enter the order with any modification as necessary to the identifying information and other appropriate information required by the Department into the Virginia Crime Information Network (VCIN).

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3. When Emergency Substantial Risk Orders and Substantial Risk Orders are issued by the Circuit Court, the Clerk of Court shall forward an attested copy of the order containing the identifying information of the person, who is subject to the order provided to the court, to the Virginia Beach Police Department Services Unit.
  4. Upon receipt of an Emergency Substantial Risk Order copy, a NCIC/VCIN Clerk shall enter the name of the person subject to the order, and other appropriate information required by the Department, into VCIN.
  5. Upon service, the Virginia Beach Police Department shall enter the date and time of service, and any other appropriate information required by the Department, into VCIN.
- C. Service of the Emergency Substantial Risk Order §19.2-152.13 Code of Virginia
1. The order shall be served, forthwith, upon being entered into VCIN.
  2. In instances where the respondent is not in custody an Operations Plan, reviewed and approved by a supervisor, will be required before any service of the order is attempted.
  3. Service of an Emergency Substantial Risk Order shall occur where the respondent:
    - a. Has his/her principal residence or;
    - b. Has engaged in any conduct upon which the petition for the Emergency Substantial Risk Order is based.
  4. Upon service of the order, the respondent shall be given the opportunity the voluntarily relinquish any firearms in his/her possession.
  5. The Virginia Beach Police Department shall take custody of all firearms voluntarily relinquished by the respondent.
  6. The Virginia Beach Police Department shall prepare a property voucher containing the name of the respondent and the following information of each firearm relinquished:
    - a. Manufacturer
    - b. Model
    - c. Condition
    - d. Serial number
    - e. Reason for seizure with date/time the order was served, and items seized, in the remarks section
  7. The Virginia Beach Police Department shall provide a copy of the voucher to the respondent.
  8. A copy of the order, petition, and supporting affidavit shall be given to the respondent together with a notice informing the person that the person has a right to a hearing under §19.2-152.14 Code of Virginia and may be represented by counsel at the hearing.

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9. The Virginia Beach Police Department shall make prompt return of the served order to the Circuit Court, which shall be accompanied by a written inventory of all firearms relinquished (P&E Voucher).
10. The Virginia Beach Police Department may, if there is reason to believe the respondent has not relinquished all firearms in his/her possession, apply for a search warrant to obtain all firearms suspected of remaining in the respondent's possession. The guidance provided within the Search Warrant Execution Field Guide will be followed in the event a search warrant is sought, issued and executed pursuant to any Substantial Risk Order that is issued.

### D. Storage of Firearms pursuant to §19.2-152.13 Code of Virginia

1. All firearms relinquished or seized pursuant to §19.2-152.13 Code of Virginia shall be stored within the Virginia Beach Police Department Property and Evidence facility.
2. All firearms relinquished or seized pursuant to §19.2-152.13 Code of Virginia shall be recorded on a Virginia Beach Police Department Property Voucher.
3. All rules and procedures for the recording and submission of property and evidence shall apply to all firearms relinquished or seized pursuant to §19.2-152.13 Code of Virginia.
4. All firearms submitted to Property and Evidence pursuant to §19.2-152.13 Code of Virginia shall be identified as being submitted as such.

### E. Receipt of a Substantial Risk Order §19.2-152.14 Code of Virginia

1. Once a Substantial Risk Order is issued, the Court will forward a copy of the order to the Virginia Beach Police Department Services Unit.
2. Upon receipt of the Substantial Risk Order copy, a Police Records Technician shall, forthwith, verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN.
3. Upon service of the order, it shall be returned forthwith to the Circuit Court.
4. Upon service, the Virginia Beach Police Department shall enter the date and time of service and any other appropriate information required by the Department into VCIN.
5. If the order is later dissolved or modified, a copy of the dissolution or modification will be forwarded to the Virginia Beach Police Department Services Unit.
6. If a Substantial Risk Order is issued by the Court, any firearms previously relinquished under §19.2-152.13 Code of Virginia shall continue to be held by the Virginia Beach Police Department for the duration of the order.
7. If the Court finds the person does not pose a substantial risk any firearm that was previously relinquished shall be returned to such person in accordance with the provisions of §19.2-152.15 Code of Virginia.
8. Prior to the expiration of a Substantial Risk Order, an attorney for the Commonwealth may file a written motion requesting a hearing to extend the order for up to an additional 180 days.

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### F. Transfer of Relinquished Firearm to Another Individual Per Court Order

1. Any person whose firearm has been voluntarily relinquished pursuant to §19.2-152.13 or §19.2-152.14 Code of Virginia may transfer the firearm to another individual 21 years of age or older who is not, otherwise, prohibited by law from possessing such firearm as per court order.
2. If, after a Court hearing, the transfer is approved, the Virginia Beach Police Department shall provide the firearm to the transferee within five days of receiving a copy of the Court's approval of the transfer.

### G. Return or Disposal of Firearms §19.2-152.15 Code of Virginia

1. Any firearm taken into custody pursuant to §19.2-152.13 or §19.2-152.14 Code of Virginia and held by the Virginia Beach Police Department shall be returned to the person from whom the firearm was taken upon a court order issued pursuant to §19.2-152.13 or §19.2-152.14 Code of Virginia.
2. The Virginia Beach Police Department shall return the firearm within five business days of receiving a written request for the return of the firearm by the respondent and a copy of the written receipt provided to such person pursuant to §19.2-152.13 Code of Virginia.
3. Prior to returning any firearm, the Virginia Beach Police Department shall confirm the respondent is no longer subject to an order pursuant to §19.2-152.13 or §19.2-152.14 Code of Virginia and is not otherwise prohibited from possessing a firearm.
4. Any firearm taken into custody pursuant to §19.2-152.13 or §19.2-152.14 Code of Virginia and held by the Virginia Beach Police Department may be disposed of in accordance with the provisions of §15.2-1721 Code of Virginia if:
  - a. The person from whom the firearm was taken provides written authorization for such disposal to the Virginia Beach Police Department.
  - b. The firearm remains in the possession of the Virginia Beach Police Department for more than 120 days after such person is no longer subject to an order pursuant to §19.2-152.13 or §19.2-152.14 Code of Virginia and the person has not submitted a request in writing for the return of the firearm.