



# Alexandria Police Department

## Directive 10.33



# WRITS

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### 10.33.01 POLICY AND PURPOSE

The purpose of this directive is to establish procedures for the processing of all warrants, capiases, and summonses handled by the Department.

### 10.33.02 DEFINITIONS [74.3.1]

**Capias** – A writ commanding the immediate arrest of a person.

**Juvenile Detention Order** – A written order under the authority of Juvenile and Domestic Relations Court, commanding the arrest and detainment of a juvenile who is alleged to have committed an act which would be a felony or class I misdemeanor if committed by an adult.

**Subpoena Duces Tecum** – A writ or process commanding a witness to produce documents, books, papers, etc.

**Summons** – A writ commanding a person to appear, at a specified date and time, to answer to a matter before the court.

**Warrant** – A writ commanding the arrest of a person for a specified violation of law. A warrant may require a custodial arrest or, allow or command a release on a summons.

**Writ** – A written order issued under the authority of a court, commanding the person or entity to whom it is addressed to perform or cease performing some specific act.

<b>10.33.03</b>	<b>RESPONSIBILITIES</b>	<b>[74.3.2]</b>
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- A. Officers will ensure writs, warrants, etc., are valid on their face, (i.e., proper code section, signed, dated, and description of suspect) prior to attempting service.
- B. Officers will make every reasonable effort to serve all writs in their possession. Officers will complete the appropriate supplemental report(s) for each arrest (see Police Directive 10.8, Field Reporting) Only sworn law enforcement officers are authorized to execute warrants. **[74.3.2]**
- C. Other than protective orders, emergency custody orders, and temporary detention orders, all other civil processing orders must have a watch commander's approval.
- D. Officers obtaining warrants, or assisting complainants in obtaining them, will obtain as complete a physical description as possible of the suspect(s), especially date of birth. Officers will ensure the magistrate puts a complete description on all warrants and signs them. Officers will write the APD case number in the lower right corner of all copies of the warrants.
- E. Supervisors will ensure officers properly comply with all aspects of this directive.
- F. Supervisors will review *and approve all* completed Threat Matrix *forms prior to officers attempting* warrant service *unless established thresholds on the Warrant Threat Assessment Matrix are reached (10.33.06B)*.
- G. Patrol commanders will ensure writ service is carried out as a primary part of their *sector's* activity. **[74.3.1]**
- H. The Commander of Technology Services will ensure the development of procedures to ensure all requests for wanted checks are answered without undue delay.
- I. The Information Services Section (ISS) Commander will ensure maintenance of the records and files (only writs that APD receives) required by this directive. The

commander will ensure the procedural responsibilities of Information Services are met. In addition, the commander will ensure the prompt entry and cancellation of all wanted persons who meet the criteria of the VCIN/NCIC computer files. (It should be noted that *AJIS* is a shared system). [74.1.1a] [74.1.3a]

- J. The Information Services Commander will, at least on a quarterly basis, submit (through channels) to the Commonwealth's Attorney's Office a complete list of all writs eligible for destruction.
- K. ISS will update the file that it controls. Locator requests, missing persons, runaways, and career criminals are centralized in the Wanted Persons Files.

#### **10.33.04 PROCESSING WRITS**

- A. All writs (warrants, capiases, and summonses) will be processed through ISS before any attempt at service is made. This does not apply to writs issued for on-view arrests. All files concerning writs are centralized in ISS. [74.1.1a]
- B. ISS will attach a completed Warrant/Capias Control Sheet (ADP-105) to each writ. The APD-105 must contain the physical description of the person to be arrested, case number, suspect ID# (A#), date issued, the charge, and originating agency. [74.1.2c]
- C. ISS will maintain files indicating all writs possessed by this Department and their whereabouts.
- D. ISS will forward to the appropriate jurisdiction all the writs requiring service outside the City. They will also receive all writs forwarded to this Department for service within the City. [74.1.3b]
- E. Officers served with a Subpoena Duces Tecum will immediately notify their supervisor. The supervisor will ensure that it is delivered to the ISS Commander for processing. Under no circumstances will officers or supervisors copy official Department records and forward them to the requestor. The ISS Commander will ensure that all records requested are delivered in accordance with existing state law and departmental procedures. Completed requests will be delivered to the City Council Liaison officer for filing.

#### **10.33.05 ISSUING WRITS FOR SERVICE**

- A. Employees taking writs from ISS except as outlined in B & C will complete the "copy" of the APD-105. For writs issued in this manner, the completed "copy" of the

APD-105 must remain in ISS. Officers must ensure all original copies of the APD-105's (with attached writs, if unexecuted) are completed and returned to ISS by the end of their shift. Officers will sign their name and the date and time of issuance in the "Attempts to Locate" section of the "copy" of the APD-105.

- B. Officers who attempt the service of a writ will record their attempts to locate the person in the proper spaces of the original copy of the APD-105. The exact address of the attempted service must be entered on the form. The use of the words "Above Address" or "Unable to Serve" or ditto marks are prohibited. Officers determining that the person has moved will attempt to locate a forwarding address and note the results on the original copy of the APD-105. **[74.1.2a,b,d,e]**
- C. Officers will place any investigative leads developed (employment, additional physical description, or a vehicle used by the wanted person) in the appropriate blocks of the original copy of the APD-105.
- D. Officers will not approach a residence solely for the purpose of serving a misdemeanor warrant between 2200 hours and 0600 hours unless the charge involves personal injury or the destruction of personal property. Any exception to this policy must be approved by a Patrol Commander before the warrant service is attempted.
- E. Officers will not make copies of writs or APD-105s when attempting service. Officers will sign out the APD-105 from the warrant unit of ISS and return it after the attempt is complete.

#### **10.33.06 THREAT MATRIX**

- A. *Officers will ensure that they complete the Warrant Threat Assessment Matrix form APD-0603 (Appendix A) prior to conducting a warrant service at any physical address. It is the officer's responsibility to make every effort to complete this form accurately and with as much supporting detail as possible.*
- B. *The Warrant Threat Assessment Matrix form outlines thresholds which, when reached require additional approval and mandatory notifications. Those thresholds are outlined in sections A and B of the Warrant Threat Matrix Form and the requirements are as follows:*
  - 1. *Section A*
    - a. *If any of the risk factors listed in Section A is present an on-duty commander (or designee) will consult with the SOT Commander (or designee) prior to the service of the warrant. The SOT commander (or designee) will be the deciding authority as to whether the warrant is executed by SOT or referred to the requesting unit for service.*

*b. The on-duty watch commander must be notified prior to an officer attempting the service of the warrant.*

*2. Section B*

*a. If THREE (3) or more of the risk factors listed in Section B are present an on-duty commander (or designee) will consult with the SOT Commander (or designee) prior to the service of the warrant. The SOT Commander (or designee) will be the deciding authority as to whether the warrant is executed by SOT or referred to the requesting unit for service.*

*b. The on-duty watch commander must be notified prior to an officer attempting service of the warrant.*

*C. If any warrant involves ANY felony drug or vice related offense, the Vice/Narcotics Commander (or designee) must be consulted prior to the service of the warrant for deconfliction purposes.*

*D. Approved Warrant Threat Assessment Matrix forms are valid for 72 hours from the time of approval. Any warrant services outside of the 72-hour period will require a new assessment and completion of an updated Warrant Threat Assessment Matrix Form.*

*E. All Warrant Threat Assessment Matrix forms must be scanned and uploaded to the Local Area Network (LAN) Threat Matrix Folder. This folder is located on the Department's network [REDACTED]*

*a. Warrant Threat Assessment Matrix forms will be scanned to PDF format.*

*b. The file name of each matrix PDF file should reflect the target address followed by the subject's name (if applicable).*

*Example file name: 400 N West Street – Ben Smith.pdf*

<b>10.33.07 EXECUTING WRITS</b>
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A. Officers executing writs will note on the original writ the date, their signature and serial number, the fact that it was executed, and the manner of execution. In addition, officers will complete the original copy of the APD-105 to include the fact that the writ is executed, the date, time, location of arrest, the arresting officer's name and serial number. Officers will leave the executed writ with the booking room deputy. The completed APD-105 will be turned in to ISS prior to the end of the officers' shift.

**[74.1.2a,b,d,e]**

- B. A copy of the writ must be given to the person upon whom it is served.
- C. Writs will be accompanied by finger and palm print cards, a Central Criminal Records Exchange (CCRE) form, a Virginia Uniform Summons (VUS), (See Directives 10.1- Adult Arrests, 11.21 - Traffic Enforcement, and 10.17 - Juvenile Procedures).
- D. For Circuit Court writs, the execution notations should be placed in the left margin of all three copies. Officers are also required to complete the Commonwealth's Attorney's "Memorandum of Arrest on a Bench Warrant" form that will be attached to the writ.
- E. For Detention Orders all three copies of the Detention Order are to be executed on the backside of the Detention Order part of the form. The three copies are to be distributed as follows: the original (first copy) goes to J&DR Court; the second copy goes to the Detention Center; and the third copy is given to the juvenile.
- F. ISS will staple the Memorandum of Arrest form to the Central Criminal History.
- G. Upon receiving executed writs, the Liaison officer will forward the original writs and appropriate copies of the CCRE to the appropriate court. [74.3.1]

<b>10.33.08</b>	<b>WRITS FROM OTHER JURISDICTIONS</b>	<b>[74.3.1]</b>
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- A. **Writs received from other jurisdictions will be processed in accordance with section 10.33.07; except, Writs received for immediate service from an outside jurisdiction will be routed to the on-duty watch commander. The watch commander will determine whether the warrant service will be handled by patrol or other resources within the Police Department.**

**The watch commander should assess the risk associated with the writ through criminal history, offense, location, weapons and any other factors that will help determine the appropriate type and amount of resources. [74.1.3b]**

- B. A writ received for a person in the custody of the Alexandria Sheriff's Office will be delivered to a supervisor at the Alexandria Correctional Center and executed as directed. Writs and warrants cannot be served on Federal prisoners. An exception to this is if a Federal Prosecutor returns the writ to ISS for further processing.
- C. Once a writ has been served, the arresting officer will mark "executed" on the original copy of the APD-105 and returned it to ISS prior to the end of the shift.
- D. If an arrest is made for a jurisdiction outside of Virginia, the arresting officer must take the arrested person before a magistrate and obtain a Virginia fugitive warrant. The warrant will be processed as an on-view arrest.

- E. If an arrest is made for another Jurisdiction within Virginia, the warrant or Teletype from the originating jurisdiction is sufficient and no other warrant need be issued. A Warrant Service Report must be completed to document the arrest.

**10.33.09 ARRESTS BY OTHER JURISDICTIONS****[74.1.3b]**

- A. The primary responsibility for the extradition and/or transportation (from outside the City) of arrestees on Alexandria writs for court issued papers (Capiases, Bench warrants, indictments, Probation violation) rests with the Office of the Sheriff. Patrol shift commanders may, at their discretion, authorize officers to perform this task in the Northern Virginia area.
- B. Arrests for Felonies outside of Virginia: The employee first determining a person wanted on an Alexandria writ is in the custody of a jurisdiction outside of Virginia will:
1. Confirm the existence of a valid writ;
  2. Determine if a Notice of Extradition (APD-51) is attached to the writ;
  3. If an APD-51 is attached, follow the extradition authorization indicated;
  4. If no APD-51 is attached, only adjacent states extradition is authorized;
  5. If there are any unresolved questions concerning extradition authorization, contact the appropriate Assistant Commonwealth's Attorney. (For after hours contact, a supervisor's approval is required);
  6. Obtain sufficient information from the holding jurisdiction to determine if they are detaining the same person specified in the writ;
  7. Notify the holding jurisdiction by Teletype whether this Department is requesting the person be held on the Teletype for our writ; and
  8. ISS will forward a copy of the Teletype notification/detention memo to the Commonwealth Attorney's Office and send an e-mail to the CIS detective assigned to the case. ISS will also copy the detective's supervisor on the e-mail.
- C. Arrests for Misdemeanors outside of Virginia.

Except in rare circumstances, extradition for misdemeanors will not be sought. Attempts to detain a person in another state for a misdemeanor will only be made with the specific authorization of the Commonwealth's Attorney.

- D. Arrests for Felonies within Virginia: The employee first determining a person wanted on an Alexandria writ is in custody of another jurisdiction within Virginia will:

1. Confirm the existence of a valid writ;
2. Obtain sufficient information from the holding jurisdiction to determine if they are detaining the same person specified in the writ;
3. Notify the holding jurisdiction via Teletype that this Department is requesting they continue detaining the person until arrangements can be made to bring them back to the City and forward a copy of the Teletype notification/detention memo to CIS.
4. Ensure the ISS supervisor is notified of the specifics of the case, so he or she can make the appropriate notification for having the person returned to the City.

E. Arrests for Misdemeanors in Virginia.

1. The effort expended to return a person from within Virginia will vary based on the severity and strength of each misdemeanor case.
2. If no reimbursement of expenses will be sought from the State (through the Commonwealth's Attorney), the decision will be made by an appropriate commander within this Department.
3. If reimbursement will be sought, the appropriate Commonwealth's Attorney must be consulted.

<b>10.33.10    PROTECTED FACILITIES</b>
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- A. It will be the policy of the Department to execute arrest warrants on clients of "protected facilities" (i.e., Alexandria Regional Detoxification Center, Alexandria Mental Health, or any other facility where staff is precluded from disclosing the identity of clients). Only felony warrants will be executed. An exception can be made by command level staff for an arrest for a misdemeanor only when it is necessary to further a major police investigation, or other critical reason.
- B. Federal regulations (42 CFR, Part 2) prohibit the staff at a "protected facility" from giving any information pertaining to a client. This includes verifying that an individual is on the premises. Further, these regulations, in effect, restrict law enforcement officers from entering the premises to serve an arrest warrant on a client without a court order (i.e., search warrant), unless the client sought gives the staff written permission to disclose his or her presence, or the police are summoned by the staff regarding a criminal act on the premises by the client.
- C. When information is received that a wanted person is currently a client at a "protected facility," the following procedure should be employed.



1. A supervisor or commanding officer will make contact with one of the administrators of the "Protected facility." Following are the contact numbers for the Alexandria Regional Detoxification Center and Second Genesis;
  - Detoxification Center, (703) 329-2015.
  - Director of Substance Abuse, (703) 329-2020.
  - Executive Director of Mental Health, (703) 838-4455.
2. The person contacted will make every reasonable effort within the guidelines of the law to deliver the wanted person to the police. If these efforts fail, a search warrant will have to be obtained.
3. If it is believed contact between the facility personnel and the suspect might cause the suspect to flee or escape apprehension, or if the nature of the crime or criminal background of the suspect may lead to a hostage situation, such contact between the police and the facility personnel need not be made.
4. If step 2 is omitted or unsuccessful, an officer will apply to the magistrate for a search warrant for the "protected facility" in the same manner in which any other search warrant would be sought.
5. If a search warrant is obtained, it will be executed according to standard practice. The officers will knock at the door of the "protected facility" and ask to speak to a staff supervisor.
6. Before entering, the officers will identify themselves, explain the purpose for being there, provide a copy of the search warrant and affidavit to the staff member, and request permission to enter.
7. If step 1 has been omitted, and the staff member served expresses a desire to notify a program director prior to the search, the officer(s) will enter and accompany the staff member to the nearest telephone.
8. If entry is refused at that time, the officer(s) may use whatever reasonable force is necessary to accomplish entry and conduct the search.

**By Authority Of:**

**Michael L. Brown**  
**Chief of Police**



# Alexandria Police Department



## WARRANT THREAT ASSESSMENT MATRIX

This risk assessment form relates to the service of Search and/or Arrest Warrants. It is intended to serve as a guide in determining what resources are necessary to minimize the risk of the warrant service and is intended to provoke consideration of issues relating to officer safety and the safety of the community. Recognize that each situation is unique, and this matrix may not apply to every circumstance.

### Section A

If any of the risk factors in this section are present, an on-duty commander (or designee) will consult with the SOT commander (or designee) PRIOR to the service of the warrant. Additionally, the on-duty watch commander must be notified prior to attempting service.

- Any subject believed to be present at the target location and had a previous arrest for using a firearm during the commission of a crime, or is known to carry a firearm, or has a history of violent crime involving weapons.
- Any subject believed to be present at the target location and has outstanding warrants or probable cause for arrest for Homicide, Kidnapping or Rape while armed, Violent Sexual Offense, Armed Robbery, or any type of a Felonious Assault charge.
- The Search/Arrest Warrant has been approved to be a "no-knock" service by any jurisdiction.
- The target location is fortified, or entry requires special breaching tools.
- Any concerns regarding safe access, approach, or secluded site location.
- Will UC officers or CI be in the premises at the time of entry?

NOTE: If the warrant involves ANY Felony drug or vice related case, the Commander/Supervisor of Vice/Narcotics must be contacted prior to any attempt of service. The Vice/Narcotics Commander/Supervisor will determine who will serve the warrant.

### Section B

If THREE (3) or more of the risk factors in this section are present, an on-duty commander (or designee) will consult with the SOT Commander (or designee) PRIOR to the service of the warrant. Additionally, the on-duty watch commander must be notified prior to attempting service.

- There is intelligence of firearms at the location (Concealed Weapon Permit, APD, and Officer Intel etc.): \_\_\_\_\_
- Subjects believed to be present at the target location have a history of assaulting LE, resisting arrest, or are known police fighters: \_\_\_\_\_
- Subject of the warrant has gang affiliations: \_\_\_\_\_
- Subject of the warrant is a drug user or alcohol abuser: \_\_\_\_\_
- Subject of the warrant is mentally unstable: \_\_\_\_\_
- Subject of the warrant has military/police/tactical background: \_\_\_\_\_
- Subject of the warrant is on Probation/Parole/Bond for a violent offense: \_\_\_\_\_
- Counter Surveillance personnel or monitoring devices are utilized by subjects at the target location: \_\_\_\_\_

Based upon an assessment of the situation/facts, the SOT commander may either accept the warrant for SOT execution or direct the requesting unit to conduct the warrant service.

### Section C

Matrix Completed by: \_\_\_\_\_ Serial #: \_\_\_\_\_ Unit: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Case #: \_\_\_\_\_

Address/Location of warrant service: \_\_\_\_\_ Estimated Date/Time of service: \_\_\_\_\_

Name of wanted person: \_\_\_\_\_ Charges: \_\_\_\_\_

Approving Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

#### If Applicable

Approving Commander: \_\_\_\_\_ Date: \_\_\_\_\_

On-Duty Watch Commander Notified: \_\_\_\_\_ Date: \_\_\_\_\_

SOT Commander Consulted: \_\_\_\_\_ Determination: SOT Unit Date: \_\_\_\_\_

Matrix Scanned to LAN \_\_\_\_\_ Date: \_\_\_\_\_