

## **Exhibit 2**

Chicago Police Department		Special Order S06-12-02	
<b>NON-TRAFFIC ARREST WARRANT PROCEDURES</b>			
ISSUE DATE:	24 April 2012	EFFECTIVE DATE:	24 April 2012
RESCINDS:	version dated 10 April 2012		
INDEX CATEGORY:	Processing Persons		
Rescinded on 13 June 2013 by S06-12-02; 13 June 2013 Version			

## I. PURPOSE

This directive:

- A. outlines Department procedures for requesting, processing, and servicing nontraffic arrest warrants.
- B. introduces the use of the Intrastate Hold Affidavit.
- C. continues the:
  - 1. requirements for bond forfeiture notifications by the court sergeant / officer.
  - 2. direct recall procedures to expedite the removal of criminal warrants from the Department's computer system.
  - 3. procedures for processing persons arrested by outside agencies.
- D. discontinues the use of the Warrant Control card (CPD-31.265).
- E. discontinues the use of the Warrant Control Suspense File card (CPD-31.266).
- F. discontinues the use of the computer generated "Weekly Listing of Active Warrants" (PGM-9258).
- G. discontinues the use of the computer generated "Daily Activity Listing" (PGM-9259).
- H. outlines procedures for the completion of the Arrest Warrant Execution Verification (CCG0657) form, available on the Department Directives Systems.
- I. establishes responsibilities for the Central Warrant Unit, relative to processing an offender on a failure-to-appear, nontraffic arrest warrant, whether in or outside of Cook County.

## II. REQUEST FOR NONTRAFFIC WARRANTS

- A. Persons seeking a summons or an arrest warrant for misdemeanor or ordinance offenses **other than domestic violence related offenses** will be directed to apply to the police officer / warrant clerk assigned to Court Branches 23, 29, 34, 35, or 43, Monday through Friday (excluding court holidays) between 0830 and 1130 hours. The summons / warrant will be made returnable to the court branch where the case would normally be assigned as outlined in the Department directive entitled "**Court Call Schedule**."
- B. Persons seeking a summons or an arrest warrant for **misdemeanor domestic violence related offenses** are to be directed to apply to the police officer / warrant clerk assigned to the Domestic Violence Court Warrant Office, Monday through Friday (excluding court holidays) between 0830 and 1130 hours.
- C. Police officers may request misdemeanor nontraffic arrest warrants from the police officer / warrant clerk assigned to any branch of the First Municipal District, Circuit Court of Cook County (Municipal Court of Chicago). However, the warrant will be made returnable to the court branch where the case would normally be assigned as outlined in the Department directive entitled "**Court Call Schedule**."
- D. Requests for felony warrants will be processed in accordance with the provisions of the Department directive entitled "**Felony Review by Assistant State's Attorney**."

E. Upon request for an arrest warrant, the police officer / warrant clerk will:

1. ensure that probable cause exists for the complaint to apply for a warrant or summons and, when probable cause exists, prepare a formal complaint, an arrest warrant, and a summons.
2. accurately record as much personal information as possible for the person named in the warrant (e.g., name, address, sex, race, height, weight, date of birth, age, complexion, etc.) in the **Information and Description of Defendant** section of the warrant. If available, record the Identification Record (IR) number and/or Central Booking (CB) number of the person named in the warrant.
3. have the Assistant State's Attorney assigned to the court branch review the warrant, summons, complaint, and any other related documents for approval before they are presented to the court.
4. inform the officer obtaining a warrant that prior to an immediate execution of the warrant, the officer **must first deposit the warrant with the Central Warrant Unit and obtain a warrant number before the warrant can be served**. Unserved warrants or copies of unserved warrants will not be retained or circulated in the field.
5. complete the unshaded portion of a Court Complaint Transmittal Listing (CPD-11.551) for each warrant and forward it to the court clerk assigned to the court hearing the complaint.

F. A police officer / warrant clerk who ascertains that the person named in the warrant is a Department member will follow the provisions of the Department directive entitled "**Complaint and Disciplinary Procedures**".

### III. PROCESSING NONTRAFFIC ARREST WARRANTS

- A. Public Safety Information Technology (PSIT) will maintain a computer system to process pertinent information regarding arrest warrants.
- B. The Central Warrant Unit will:
  1. upon receipt of an arrest warrant from the clerk of the Circuit Court, obtain a current Chicago Police Department (CPD) criminal history record of the person named on the warrant. If the IR number is listed on the warrant, verify the demographic information contained in the warrant and enter it into the computer system. Warrants which do **not** contain sufficient information to distinguish the person named in the warrant from others of similar names will be returned to the issuing court.
  2. stamp the warrant number assigned by the computer on the BACK of the warrant document.
  3. file the warrant and the complaint until served or returned to the Clerk of the Circuit Court.
  4. enter criminal warrant data into the Law Enforcement Agency Data Systems (LEADS) computer **only** when the charge is a felony or a class A or B misdemeanor charge and enter criminal warrant data into the National Crime Information Center (NCIC) system when the charge is for a Class "X" felony (homicide, armed robbery, aggravated arson, etc.).

**NOTE:** In exceptional cases and upon the approval of the States Attorney or Chief, Bureau of Detectives, a felony warrant may be placed in the LEADS and NCIC systems for an offense other than those enumerated above.

5. when notified that a person named in a warrant has been taken into custody:
  - a. verify the validity of the warrant via the Clerk of the Circuit Court computer.
  - b. after verifying the validity of the warrant, document the warrant in the hot desk and record the time that verification was attempted and/or completed.
  - c. record the name and star or employee number of the Department member making the notification entered into the clerk's mainframe, then print out a hard copy.

- d. immediately notify the station supervisor of the detention facility when it is determined that the warrant is invalid or the person in custody is not the person named in the warrant.
- e. if the inquiry reveals that the warrant is valid, make photocopies of the arrest warrant and complaint when available, stamp all copies with a stamp denoting "COPY," and transmit a facsimile copy of the warrant and complaint, if any, to the district of detention.
- f. provide warrant information to the arresting officer, such as docket number or case number, and send a facsimile copy of the Arrest Warrant Execution Verification (CCG0657) form to the district of detention.

6. update warrants to "inactive" status in the computer system when a warrant is to be removed from the active file (e.g., served, quashed, deleted).
7. upon return of a facsimile copy of a warrant by a unit to which it was sent for reasons as outlined in Item V of this directive, ensure that the original is reinstated to the active file.
8. upon notification that the person named in the warrant is already in the custody of an outside agency, take appropriate action to ensure that the warrant is served.

C. The Field Services Section will notify the appropriate station supervisor via the telephone of any alias warrant hits discovered by the Instant Update Unit. The member making the notification will obtain the station supervisor's name and star number.

D. When a person in custody is found to be wanted on a warrant issued by an Illinois Court, the LEADS Desk in the Field Services Section will immediately notify the extradition officer. In instances when a warrant is discovered during the identification processing, the notification will be made immediately by the Identification Section / Instant Update Unit.

E. The extradition officer will complete the initial top sections of the Intrastate Hold Affidavit sections from the top of the document down to, but not including, the section labeled "IDENTIFICATION / DESCRIPTION OF PERSON IN CUSTODY" for each warrant issued by an Illinois court after a determination of identity has been made, and will send the partially completed Intrastate Hold Affidavit, for each warrant, to the district of detention station supervisor via facsimile.

#### **IV. PROCESSING PERSONS ARRESTED ON WARRANTS**

A. The arresting officer will:

1. in addition to the procedures outlined below, process arrestees in accordance with the procedures outlined in the Department directive entitled "Processing Persons Under Department Control."
2. indicated on the Arrest Report the warrant charge and local charges, if any. In addition, the following information for each warrant is to be listed on the Arrest Report:
  - a. Warrant number
  - b. Warrant charge
  - c. Court branch
  - d. Amount of bond
  - e. Judge's name
  - f. Identification Record (IR) number listed on the warrant, if any
  - g. Docket number, if known.

**NOTE:** The arresting officer will complete all required fields on the Arrest Warrant Execution Verification form and submit it to the station supervisor. The station supervisor will ensure the form is included with the documents that comprise the court package for this arrest.

3. follow procedures for charging a fugitive apprehended on a **warrant issued in another state** in compliance with the Department directive entitled "Extradition Procedures." All fugitive warrant arrests go to Court Branch 98, even with local charges.
4. process persons apprehended on warrants issued within the State of Illinois:
  - a. The original signature of the arresting officer should appear on the Intrastate Hold Affidavit whenever possible. However, the processing and/or transporting of arrestees to the Central Detention Section when required, will not be delayed in order to obtain the partially completed affidavit from the extradition officer or the original signature of the arresting officer. Instead, the Intrastate Hold Affidavit will be completed by the station supervisor at the district of detention or by the 001 District station supervisor when the Intrastate Hold Affidavit is hand-delivered by the extradition officer who will ensure the LEADS hit printout is attached to the affidavit.
  - b. If further information is needed to complete the affidavit, the station supervisor will verify the required information via the extradition officer (e.g., a fingerprint or photograph comparison if significant discrepancies between the physical description of the person in custody and the person named in the warrant are noted).
5. verify the information and physical description of the subject named in the warrant matches the subject in custody.

**NOTE:** If significant discrepancies between the physical description of the arrestee and the person named in the warrant are noted, the station supervisor of the detention facility has the final authority of determining whether or not the arrestee will be processed for the warrant.

6. include the original charges on the warrant, stated in the narrative section of the arrest report.

B. The station supervisor will ensure that:

1. all persons arrested on a Cook County Sheriff's warrant returnable to the First Municipal District are transported from the district of arrest to the court of issuance (the local Branch Court, Traffic Court, or 26th and California, as appropriate).
2. all persons arrested on a warrant issued outside of the first Municipal District and who have local charges are transported from the district of arrest to the local branch court according to the Case Priority Listing Unit Matrix outlined in the Department Directive entitled "Court Call Schedule."
3. the following will be transported to Central Bond Court:
  - a. all persons arrested on a warrant outside of the First Municipal District and no local charges,
  - b. all persons arrested on a warrant issued from Criminal Trial Court and no local charges, and
  - c. all persons arrested on all warrants on Saturday, Sunday, and Court Holidays.
4. all persons arrested on a Illinois Department of Corrections Warrant without local charges are transported to the Central Detention Section.
5. all serviceable Child Support Warrants are transported the Central Detention Section.
6. arrestees are processed in accordance with the procedures outlined in this directive and the Department directive entitled "**Processing Persons Under Department Control.**"
7. the arrestee's IR number, if available, and the IR number listed on the facsimile copy of the warrant are the same before the arrestee is let to bail or sent to court.

8. all facsimile copies of local warrant(s) and complaint(s), if available, have been received. If a copy of the warrant is not received by the time the booking process is completed, immediately:
  - a. notify the Central Warrant Unit;
  - b. request that a copy of the warrant be transmitted immediately; and
  - c. at the end of the tour of duty, inform the oncoming station supervisor that the Intrastate Hold Affidavit has not been received.
9. the following documents identified in the Checklist for Required Documents for Prisoner Transfer to Cook County Sheriff Personnel (CPD-34.441) are attached to the remaining court papers as indicated in the Department directive entitled "**Processing Persons Under Department Control.**"
10. if at the end of the tour of duty, a facsimile copy of the warrant, complaint, and the Intrastate Hold Affidavit have not been received, the oncoming station supervisor is informed. The oncoming station supervisor will then be responsible for ensuring that the facsimile copies of the warrant, complaint, Intrastate Hold Affidavit, and copies of the computer-generated printouts of the LEADS hit are received and attached to the appropriate court papers.

C. The 001 District station supervisor will ensure that:

1. in cases where the arrestee is not picked up by the demanding agency, the arrestee is sent to the next regularly scheduled court session as outlined in the Department directive entitled "**Court Call Schedule**" for persons detained on fugitive warrants and warrants issued in other Illinois counties.
2. the Intrastate Hold Affidavit is received, completed, signed, clerked, and has a LEADS hit printout attached to the Intrastate Hold Affidavit and that the documents are attached to the Court Complaint Transmittal.

D. the LEADS desk will make proper notifications to the affected police agency when an arrestee is being held on an outside warrant.

#### **V. WARRANTS RETURNED BY UNITS**

When a facsimile copy of a warrant is **not** served and is returned to the Central Warrant Unit (i.e., the wanted person is no longer in custody), the station supervisor of the unit of detention will **immediately** make a telephonic notification to the Fields Services Section and, in addition, submit a To-From-Subject report along with the copy of the returned warrant, indicating the reason(s) why the warrant was not served.

#### **VI. BOND FORFEITURE PROCEDURE**

- A. Whenever a bond forfeiture warrant is issued in any court with regularly assigned Court Section personnel, the Court Section personnel will:
  1. ensure that the case number and disposition are recorded on the Court Section Copy of the Arrest Report.
  2. make a photocopy of the Arrest Report and maintain it in an alphabetical file for a minimum of one year.
  3. forward the original Court Section Copy of the Arrest Report to the Identification Section.
- B. When a bond forfeiture order is vacated and a bond is reinstated, the Court Section personnel will:
  1. search the bond forfeiture file for the photocopy of the Arrest Report and obtain the information needed to make the appropriate notifications.
  2. notify the arresting officer's unit of assignment of the continued court date in cases where the arresting officer's court appearance is required.

## **VII. DIRECT RECALL PROCEDURES**

Upon receipt of the transmittal listing of warrants from a judge of the Circuit Court of Cook County, the Central Warrant Unit will:

- A. update the warrants in the computer system to "inactive" status.
- B. pull the respective warrants from their files.
- C. complete the transmittal listing of warrants.
- D. send a completed facsimile copy of the transmittal listing of warrants back to the Circuit Court's Office.
- E. return the recalled warrants to the Chief Clerk of the Circuit Court's office with the Warrant-Recall Order.

## **VIII. PERSONS ARRESTED BY OUTSIDE AGENCIES**

### **A. Field Services Section Responsibilities:**

Upon receiving notification from an outside agency that a person wanted on a Chicago warrant is in their custody, the Field Services Section will:

1. verify the status of the warrant and the identity of the arrestee.
2. contact the agency to determine whether or not the arrestee will make bond and will be detained on other local charges.
3. if the wanted person will not make bond and will not be detained on other local charges, advise the arresting agency of arrangements being made for return of the wanted person to Chicago.

### **B. The Central Warrant Unit Responsibilities:**

1. When the agency holding the arrestee is within Cook County, the Central Warrant Unit will notify the Office of Emergency Management and Communications (OEMC) and request assignment of a two-officer car or squadrol from the district nearest to the holding agency be assigned to return the arrestee.
2. When the agency holding the arrestee is outside Cook County, the Central Warrant Unit will notify the Bureau of Detectives unit having the responsibility for the follow-up investigation and request that they assign detectives to return the arrestee. If no Bureau of Detectives unit has follow-up responsibility for the investigation, the Central Warrant Unit will notify the area Bureau of Detectives unit nearest the holding agency and request that they assign detectives to return the arrestee.

*(Item indicated by italics/double underline were revised )*

Authenticated by: JKH

Garry F. McCarthy  
Superintendent of Police

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