



MONTGOMERY COUNTY FIRE AND RESCUE SERVICE  
MONTGOMERY COUNTY, MD.

**DIVISION OF COMMUNITY RISK REDUCTION SERVICES**

**DIRECTIVE**

**Date: March 6, 2007**

**Number: 07-11**

**TO:** All Fire and Explosive Investigations Section Personnel  
**FROM:** Division Chief Michael T. Love *Michael Love*  
**SUBJECT:** Adoption of Montgomery County Police Department Function Codes 525 and 534

All MCFRS Fire and Explosive Investigations personnel must comply with:

- MCP Function Code 525, *Extradition Policy*, April 12, 2002, and
- MCP Function Code 534, *Montgomery County Computer Warrant Index System*, April 27, 2005.

When a new MCP Department Directive or Headquarters Memorandum is issued that affects the Function Code(s) above, the FEI Section Chief will determine its applicability, and amend this Directive as required.



# MONTGOMERY COUNTY COMPUTER WARRANT INDEX SYSTEM

FC No.: 534  
Date: 04-27-05

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

## Contents:

- I. Montgomery County Computer Warrant Index System
- II. Warrant Control *Section* Responsibilities
- III. Access to Warrant Inventory
- IV. Service of Active Warrants
- V. Entry of Updated Information
- VI. Withholding Warrant Entry
- VII. Vehicle Information on Warrants
- VIII. Proponent Unit
- IX. Cancellation

## I. Montgomery County Computer Warrant Index System

- A. The Montgomery County Computer Warrant Index System is a computer-based warrant management system designed to maintain an automated file of criminal warrants and criminal/traffic bench warrants.
- B. The system maintains active warrant files and detailed information about wanted persons such as date(s) of birth, descriptions, addresses, dates of warrants and service, charges, bond, and other personal information. The system also contains historical information on previously issued warrants and wanted persons. This can provide a wealth of information for investigators.
- C. The system enables the department and the Sheriff's Office to share warrant and wanted persons' data.

## II. Warrant Control *Section* Responsibilities

- A. The Warrant Control *Section* (*WCS*), located in the *Major Crimes Division*, is responsible for researching, entering, validating, and

maintaining District Court and Juvenile Court warrants on a 24 hour basis. (CALEA 82.3.8.f)

- B. Warrants received by the *WCS* will be entered into the Warrant Index System as soon as practical. All warrants will be thoroughly researched and entered into MILES/NCIC.
  - C. Validation  
Warrants maintained in the *WCS* will be periodically validated per MILES/NCIC guidelines. This process includes but is not limited to the verification of the warrant status, researching and updating information on the defendant, and, if appropriate, flagging the warrant for targeting by the Warrant Reduction Initiative (WRI).
  - D. Warrant Reduction Initiative  
The *WCS* coordinates the WRI with other units throughout the department in a combined effort to reduce the number of warrants housed in the *WCS*. The WRI is the process whereby members of the *WCS* target warrants that are then researched in hopes of locating, contacting, and apprehending suspects named in the court documents.
  - E. *MVA Outstanding Arrest Warrant Program*  
*The WCS sends information on defendants with outstanding warrants to MVA for the suspension of licenses. This program does not allow defendants to renew drivers' licenses and registrations until the warrant(s) has been satisfied.*
- ## III. Access to Warrant Inventory
- A. Queries of warrant status can be accomplished through an on-line inquiry or by contacting the *WCS*. Officers will not use "hits" obtained through the Warrant Index System as probable cause for arrest, but will first confirm the existence of a warrant through the *WCS*.
  - B. On-line Inquiry  
An on-line inquiry can be accomplished by simply accessing the county CJIS System,

clearing the screen, typing in "WARR" and hitting the "Enter" key.

Warrant Lists

A printout of outstanding warrants by beat, PRA, or time frame may be obtained by contacting the *WCS*. These searches are most successful when the information is requested using the PRA.

IV. **Service of Active Warrants**

Officers will adhere to the following procedures once it has been determined, through either an on-line inquiry or by the computer printout list that an active warrant is on file for a person.

A. Confirm Status of Warrant

Before attempting service of a warrant listed on the computer printout, officers must confirm the status of that warrant by contacting the *WCS*, directly. Officers will not confirm the status of a warrant via ECC (refer to FC 252, "Radio Communications"). Once a warrant has been confirmed as being active, the officer may attempt service of it.

B. Arrest of Wanted Person

The discovery of the existence of a warrant through the Warrant Index System should be viewed as if it were an NCIC "hit," and the department will follow NCIC procedures: "An NCIC hit alone is not probable cause to arrest. An NCIC hit furnishes the inquirer the fact that a warrant has been filed and also provides the date of the warrant which are matters to be considered by the receiving officer in arriving at an arrest decision. A hit is one fact which must be added to other facts by the officer in arriving at sufficient legal grounds for probable cause to arrest." Therefore, the officer must confirm the existence of a warrant(s) before effecting an arrest. This confirmation is to be completed by contacting ECC personnel who will confirm the status of the warrant through the *WCS*.

C. Warrant Service

1. Officers will transport all adult suspects, and juvenile suspects charged as adults, with outstanding warrants (criminal or traffic) to the Central Processing Unit (CPU). CPU staff will obtain the warrants from the *WCS* and be responsible for the service and cepi of the warrants.
2. Juvenile suspects with outstanding warrants will be processed and served with

any outstanding warrants at the appropriate district stations by the arresting officer. Officers will cepi the warrants and immediately fax them back to the *WCS*.

3. Under no circumstances will a defendant be served on an original warrant or a court jacket copy without first notifying the *WCS*.

V. **Entry of Updated Information**

- A. Officers are responsible for notifying the *WCS* of any updated information obtained on any outstanding warrant.
- B. Officers can write any updated information directly on a photocopy of the computer screen printout, adding their name, ID#, and date. Then forward the copy to the WCU via fax, (240) 773-5325, after making contact with the WCU or via inter-office mail.
- C. The *WCS* is responsible for entering the updated information into the Warrant Index System as soon as practical after receiving it.

VI. **Withholding Warrant Entry**

Officers who obtain a warrant and intend to effect service themselves may retain control of the original warrant but within the following guidelines:

1. According to MILES/NCIC guidelines, the *WCS* cannot make an entry into the Warrant Index System nor MILES/NCIC unless the original copy of the warrant is in their possession.
2. If an officer chooses to retain possession of the warrant, the original document must be accessible 24 hours a day.
3. The State Warrant System now makes it possible for agencies to query District Court warrants on the day of issuance. For this reason, when service is not effected within seven days of warrant issuance, the original warrant will be forwarded to the *WCS* without exception.

VII. **Vehicle Information on Warrants**

- A. Officers requiring vehicle information to be entered into the Warrant Index System and/or Miles in relation to a wanted subject must include this information on the MCP 72, "Warrant/DCS Transmittal Form," or notify the *WCS* in writing.

- B. NCIC policy states that in order for a vehicle or tag to be attached to a warrant, the following criteria must be met:
1. The whereabouts of the vehicle must be unknown, and
  2. The officer must have reasonable grounds to believe that the suspect may be operating the vehicle or a vehicle bearing the referenced tag. Mere knowledge that the suspect is known to operate or be associated with the vehicle/tag is insufficient for entry.

VIII. Proponent Unit: Warrant Control *Section*

IX. Cancellation

*This directive cancels Function Code 534, effective date 08-18-99.*

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J. Thomas Manger  
Chief of Police



# Extradition Policy

FC No.: 525

Date: 04-12-02

## Contents:

- I. Authority to Extradite
- II. Considerations in Weighing Extradition
- III. Waiver or Refusal of Extradition
- IV. Overview of Extradition Guidelines
- V. Proponent Unit
- VI. Cancellation

### I. Authority to Extradite

Extradition is a process used in returning wanted persons to Maryland from out-of-state jurisdictions. The decision to extradite is determined jointly by the State's Attorney's Office (SAO), the Fugitive *Section*, and the Warrant Control *Section (WCS)*. The day-to-day decisions on extradition cases will be handled by the *WCS*. In most cases, the *WCS* and the Fugitive *Section* will determine extradition status and/or the distance of extradition at the time of computer entry with the ultimate authority resting with the SAO. All cases involving individuals serving sentences in out-of-state jurisdictions should be referred to the SAO to initiate the Interstate Agreement on Detainers. (CALEA 74.3.1)

### II. Considerations in Weighing Extradition

- A. The following factors, suggested by the Secretary of State's Extradition Manual, will be evaluated when determining whether to extradite:
  - 1. Circumstances of the case
  - 2. Character of the offense
  - 3. Magnitude of the offense
  - 4. Amount and/or strength of evidence that may provide proof in a criminal case
  - 5. Number of prior convictions and nature of the crimes
  - 6. Probability of the subject committing similar crimes in other communities
  - 7. Probable length of time of incarceration
  - 8. Financial cost of returning the subject
  - 9. Probability of a warrant of rendition (return of subject) being authorized by the governor of the asylum state (state in which subject is located)

10. Effect of a refusal (of the asylum state to issue a warrant) on those who may contemplate commission of a crime in the community

- B. Extradition will not be used as a collection process (i.e., to recoup money, property, or to make restitution). All pertinent facts will be investigated before making a recommendation or request for extradition.

### III. Waiver or Refusal of Extradition

- A. An individual may waive the extradition process and consent to voluntary return to the demanding state. This decision may be made by the accused at any time during the extradition process. The officer must ensure the decision is made in writing and executed before a judge of a court of record. Failure to meet this requirement may result in the law enforcement officer being charged with a misdemeanor and fined up to \$1,000 and/or six months imprisonment.
- B. A refusal to waive the extradition process would result in the SAO making a request for the issuance of a Governor's Warrant.

### IV. Overview of Extradition Guidelines

NOTE: The following are guidelines only and may be modified on a case-by-case basis in consultation with the SAO.

- A. Montgomery County will extradite from anywhere in the U.S. or its territories for the following crimes:
  - 1. All crimes (and conspiracies) listed in Article 27, Section 643B: abduction; first degree arson; kidnapping; manslaughter, except involuntary manslaughter; murder; rape; robbery; robbery with a deadly weapon; carjacking or armed carjacking; first degree sexual offense; second degree sexual offense; use of a handgun in the commission of a felony or other crime of violence; an attempt to commit any of the aforesaid offenses; first degree assault; and

assault with intent to commit murder, rape, robbery, first degree sex offense or second degree sex offense

2. Vehicular homicide
3. Child abuse
4. Violations of probation with at least five years of back-up time

B. Extradition decisions for the following crimes are made on a case-by-case basis:

1. CDS offenses and their conspiracies
2. Felony storehouse burglaries
3. Felony residential burglaries
4. Forgery, uttering, and felony theft
5. Auto theft (involving auto theft rings)
6. Violation of probation with three years back-up time
7. Family child abductions
8. All other extraditable felonies and misdemeanors

C. Montgomery County will also extradite from the D.C. Metropolitan Area (which includes parts of Virginia, West Virginia, Pennsylvania, Delaware, and New Jersey) for the following crimes:

1. *Felony theft*
2. Auto theft (does not include unauthorized use or auto theft rings)
3. *Failure to register as a sex offender (outside of the D.C. Metropolitan Area on a case-by-case basis)*

D. Any charging document requesting or involving a future extradition should be forwarded and filed in the *WCS* so that it is available should extradition proceedings be activated/initiated.

V. Proponent Unit: Fugitive *Section*

VI. Cancellation

*This directive cancels Function Code 525, effective date 06-04-99.*

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Charles A. Moose, Ph.D.  
Chief of Police