

## **840.00 ARREST WITH WARRANT**

*First Universal Review: 5/15/23 – 5/30/23*

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### **PROCEDURE (840.00)**

#### **Directive Specific Definitions**

An arrest warrant: An order in writing, in the name of the state, signed by a magistrate with his/her name of office, commanding the arrest of the defendant.

An arrest warrant must specify the name of the defendant. If unknown, the defendant may be designated by a fictitious name with a statement therein that his true name is unknown. An arrest warrant must also state a crime in respect to which the magistrate has authority to issue the warrant.

#### **Obtaining an Arrest Warrant (840.00)**

A complainant or an investigator will appear before a deputy district attorney and justify the complaint.

- a. All felony complaints will be handled either by the Detective Division, or by the complainant.
- b. On a felony complaint, an investigator may accompany the complainant to the District Attorney’s office and assist if necessary.
- c. The investigator may, with the concurrence of a deputy district attorney, justify a felony complaint without the complainant being present.
- d. If justified, an affidavit will be:
  - e. Prepared by a deputy district attorney or investigator.
  - f. Signed by the complainant or investigator.
  - g. Notarized.
  - h. Sent to a magistrate.

In felony cases, complainants or investigators will accompany the affidavit and swear an oath before the magistrate. The magistrate will examine the affidavit and, if justified, will issue an arrest warrant. On a felony complaint, the district attorney will have the option of bypassing the magistrate and submitting the complaint directly to the Grand Jury.

#### **Arrest Warrant Processing Responsibilities (840.00)**

The Multnomah County Sheriff’s Office (MCSO) is responsible for the physical maintenance of all warrants within Multnomah County. They will ensure the entry, modification and clearance of warrants into the computer, publish a computer printout of Warrants on File by Precinct and also a Notice of Warrant on File record card. The record card will be used to record the attempt or service of a warrant.

The Bureau restricts warrant service to the following guidelines:

- a. Major Warrants (felony, Class A misdemeanor, and major traffic offense warrants) can be served on any day, at any hour, when the defendant can be found.

- b. Minor Warrants (Class B and C misdemeanor, violations, traffic infractions, warrants, etc.) will generally be served during hours that will minimize the inconvenience to the defendant.
- c. Exceptions, caused by unusual circumstances, require approval by an immediate supervisor.

The Bureau will actively undertake the service of arrest warrants issued within the City. The MCSO will deliver daily to the Bureau's Records Division, Mail Distribution Section, envelopes addressed to the appropriate precincts. The envelopes will contain computer-produced listings of Warrants on File Notices issued the previous day and a Warrant on File Record card for each entry.

- a. Precinct commanders will be responsible for the maintenance of the Warrant File Notices computer listing. The computer listings will be retained by each Precinct for thirty (30) days and will reflect the following information:
  - 1. The assignment of the Notice of Warrant on File card to a relief officer and the date of assignment.
  - 2. The final disposition, whether served or an attempt of service is made, and the date.
  - 3. The date the warrant card is sent back to MCSO (must be ten (10) days of date assigned).
- b. Assigned district officers will make at least one documented attempt to serve the assigned warrant. The attempt will be noted in the space provided at the bottom of the Notice of Warrant on File card.
  - 1. Members attempting service of a warrant will verify its status, prior to making an arrest, by MDC, radio or telephone to MCSO warrants base. Verification can be made by members directly or through precinct/unit members.
- c. After the warrant has been confirmed and the member feels confident the checked subject is the person named on the warrant, the requesting member will complete the arrest procedure and transport the arrested subject to the appropriate booking facility.
  - 1. There is no need for the arresting member to physically serve the verified warrant on the arrested subject. The warrant will be served by MCSO staff during the booking process.
  - 2. Unless exceptional circumstances dictate otherwise, members will not pick up warrants from MCSO.
  - 3. Arresting members will not accept bail money or issue receipts to persons attempting to post bail. The arrested subject will be transported to MCDC for purposes of either posting bail or booking. Where specified on the warrant, a citation in lieu of custody may be issued.
  - 4. If the county warrant stipulates that a citation-in-lieu-of-custody can be written, and there are no other bookable charges, the arresting member may issue a citation-in-lieu-of-custody. The member must advise MCSO warrants base of the issuance of such as soon as possible.
- d. Members will complete the Notice of Warrant on File Card by noting the served date, time, the name of the serving member and the DPSST number. It will be routed directly to MCSO Detention and Warrant Records by precinct/division members.

In those instances where a member determines a subject has moved to a new address within the city, a supervisor's approval may be requested for travel to another precinct to continue the apprehension effort. The Notice of Warrant on File Card may be transferred to another precinct if the precinct's computer produced Warrant Notice List is updated to reflect the transfer. In all cases, the cards must be returned within ten (10) days to the MCSO.

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