



# Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

**Policy #** 106A

**Effective Date** 11/01/2024

**Policy Name** Arrest Warrants

**Approved Date** 11/01/2024

**Approved by** Dennis Larsen, Chief of Police

**Previous Date** 05/06/2024

## PURPOSE OF CHANGE:

Adding exigent circumstance to arrest warrants.

## POLICY:

Officers who have knowledge of an arrest warrant that meets legal and departmental requirements have a duty to serve the warrant should they make personal contact with the warranted person. However, in some circumstances (such as when the victim of a serious crime or injury has a minor traffic warrant outstanding), the cause of justice may be better served by postponing the service of the warrant to a more opportune time.

Officers may serve a warrant not in their possession when it is confirmed the warrant exists. The defendant must be notified the officer is acting under the authority of a warrant and must also show the defendant the warrant within a reasonable amount of time under the circumstances, if requested.

A bail holder may recommit a defendant to jail upon endorsement of a certified copy of the bond. Peace officers may be empowered by the bail holder to serve the recommitment. However, officers will not arrest a defendant in such cases unless a bench warrant has been issued. If a bench warrant has been issued, the officer will make the arrest on the basis of the warrant, not the recommitment.

**SUMMARY:** Procedures for serving arrest warrants.

**APPLIES TO:** All police personnel.

**DEFINITIONS:** None

## PROCEDURES:

### A. DETERMINE IF THE WARRANT MEETS LEGAL REQUIREMENTS

1. When serving a warrant in the officer's possession, the officer must determine that the warrant includes:
  - a. Name of the defendant. If name is unknown, any name may be used (normally John or Jane Doe).
  - b. Offense.
  - c. Date of issuance.
  - d. City, town, or county where issued.
  - e. Amount of bail (on bailable offenses).
  - f. Signature of a magistrate and their office. However, bench warrants are signed by the court clerk at the direction of the magistrate and must bear the Court's seal.
  - g. Directed to a peace officer.
2. When making an arrest on a warrant confirmed by the Records Section, but not in the officer's possession, the officer may assume the warrant is "fair on its face" until a copy of the warrant is actually seen.

3. When serving warrants at nighttime, officers must determine the warrant can lawfully be served at night.
4. Any felony warrant, including felony bench warrants, may be served at any time.
5. Municipal and state misdemeanor warrants, including misdemeanor bench warrants, may only be served between 6:00 a.m. and 10:00 p.m. inclusive, with the following exceptions:
  - a. An arrest on a misdemeanor warrant may be made at any time of the day or night (whether the warrant is stamped for night service or not) if the defendant is in a public place or on a public roadway.
  - b. Warranted persons in custody on other charges may have all warrants served on them.
  - c. Misdemeanor warrants stamped DAY OR NIGHT SERVICE may be served at any time.
  - d. As otherwise directed by the magistrate endorsed upon the warrant.

## B. PHYSICAL DESCRIPTIONS ON WARRANTS

1. Every warrant should list at a minimum the following descriptive information:
  - a. Physical description that includes at least race, sex, approximate age, and/or date of birth.
  - b. Identifying numbers such as social security, driver's license, or military service numbers.
  - c. Or a combination of both physical description and identifying numbers.
2. Officers who receive warrants that do not contain the appropriate descriptors, but are otherwise legal, must have positive knowledge that the person they arrest is without question the same person named on the warrant.

## C. CLASSIFICATION OF CRIMES ON WARRANTS

1. Any warrant not clearly marked FELONY will be treated as a misdemeanor.
2. Warrants for offenses that are classified as neither felony nor misdemeanor (e.g., juvenile, paternity, mental health, etc.) have the same force as a misdemeanor warrant and will be treated as such.
3. Oklahoma National Guard warrants will be treated as misdemeanors.
4. Federal military desertion notices are classified as felonies. Civil police authorities are empowered to arrest deserters of the federal military services. AWOL (Absent Without Leave) Notices will not be entered into the Tulsa Police records system. Officers will not arrest military personnel who are merely AWOL from the federal military services. The AWOL status does not automatically change to desertion when the member has been absent over 30 days.
5. Arrest warrants with the following designators, although rarely issued, are valid and may be served:
  - a. WH - Writ of Habeas Corpus warrants.
  - b. MI - Miscellaneous warrants.
  - c. NF - Not Filed - deferred prosecution warrants.
6. Officers are prohibited from serving warrants that are in the process of being issued from the District Attorney's office until such warrants have been:
  - a. Completed (typed up).
  - b. Processed by the District Court Clerk.

\*In instances where an investigation is sensitive or poses a significant safety risk, an arrest warrant that has been typed and signed by a judge may be served with a captain's approval before being processed by the District Court Clerk. The warrant should be presented to the District Court Clerk for

processing immediately following the execution of the arrest warrant.

#### D. CONFIRMING WARRANTS

1. Before attempting to serve any warrant not in an officer's possession, the officer must confirm the warrant with the appropriate confirming authority.
2. The Records Section is the confirming authority for local municipal and county warrants.
3. When notified by a defendant a warrant should have previously been canceled, an officer will notify the Records Section. The records clerk will verify the status of the warrant by calling the appropriate Municipal or District Court Clerk during normal business hours.
4. When the court clerks' offices are closed and unavailable to confirm warrants and the defendant has no bond/fine receipt or other tangible evidence to substantiate their claim, all warrants for the defendant's arrest found in the warrant's files will be considered valid.
5. When a defendant has a bond/fine receipt that establishes the warrant should have been canceled, notify the Records Section, and release the defendant. Advise the defendant to contact the appropriate court to have the warrant canceled. To prevent service of the warrant by another officer, advise the record clerk to note the warrant should have been canceled.
6. Confirmation of warrants from agencies outside Tulsa County must be in the form of a written teletype message.

#### E. SERVING OUTSIDE WARRANTS

1. Incoming warrants from agencies outside Tulsa County will be forwarded to the warrants clerk for processing.
2. Teletypes providing warrant information from agencies outside Tulsa County that do not request immediate action will be forwarded to the Fugitive Warrant Unit (DET).
3. If the teletype requests immediate action, the teletype operator will attempt to contact the Detective Division Commander or captain to determine whether to assign an officer to attempt service of the outside warrant. If the Detective Division Commander or captain is not available, contact a shift commander, division commander, or Staff Duty Officer.
4. If an outside warrant is served, the arresting officer will complete the Probable Cause Statement on the backside of the Arrest and Booking Data Sheet explaining the grounds for the arrest, attach a copy of the teletype to the Arrest and Booking Data Sheet, and place a hold on the arrestee for the outside agency.
5. NCIC Warrants: According to the NCIC handbook, an NCIC hit is not by itself probable cause to make an arrest. It is only one factor that may be added to other factors in order to establish probable cause.
6. When an NCIC hit is received, and an officer has no other charges against the defendant:
  - a. The officer will contact teletype and request confirmation from the originating agency.
  - b. If confirmation from the outside agency receiving the request is not received within 10 minutes, the teletype operator will resubmit the request.
  - c. If confirmation is not received within 10 minutes of the second request, the teletype operator will notify the officer.
  - d. The officer will ask the teletype operator to telephone the originating agency. If the agency confirms the warrant by telephone, ask the agency representative to immediately forward a teletype confirming the warrant.
  - e. If confirmation is not received within 30 minutes of an "NCIC hit," the officer will complete a Field Interview

Report (FIR) and release the suspect. Forward a copy of the FIR to the Fugitive Warrant Unit (DET).

- f. If an "NCIC non-extraditable warrant hit" is received, notify the requesting officer. The officer will complete an FIR and release the suspect. Forward a copy of the FIR to the Fugitive Warrant Unit, and to the investigative unit that handles the original crime type (e.g., S.W.I.K. to Homicide, 1st Degree Burglary to Burglary).
7. When a suspect is in custody on other charges and an NCIC hit is received:
  - a. The officer will contact teletype and request confirmation from the originating agency.
  - b. The officer will attach a copy of the teletype to the Arrest and Booking Data Sheet and place a hold on the arrestee for the outside agency.
8. Authority for arrest on out-of-state warrants:
  - a. Felonies: Any peace officer or person is empowered to make a warrantless arrest if the officer or person has knowledge that the subject is charged with a felony in an out-of-state court.
  - b. An arresting officer must set forth the grounds for the arrest in an Officer's Affidavit. (Note: This requirement is met by completing the Probable Cause Statement on the back of the Arrest and Booking Data Sheet).
  - c. Misdemeanors: In order to arrest a person who is charged with a misdemeanor crime in another state, an Oklahoma peace officer must file state fugitive charges. After a judge within this state has issued a warrant, an officer may serve this arrest warrant.

#### F. SERVICE OF TULSA MUNICIPAL WARRANTS OUTSIDE OF TULSA

1. Although the service of a municipal warrant may be made anywhere in the State of Oklahoma by an officer of the municipality, officers may not go outside the city limits of Tulsa to serve municipal warrants without first receiving permission from a supervisor, shift commander, division commander, or Staff Duty Officer.
2. Any county sheriff can serve Tulsa municipal warrants anywhere in the state. However, officers of other municipal law enforcement agencies cannot arrest a suspect solely on the basis of a City of Tulsa warrant. If officers have arrested a suspect on other charges for which officers have jurisdiction, they may release the suspect to a Tulsa Police officer when the suspect is ready to be released.
3. When notified that another law enforcement agency desires to release a prisoner with outstanding City of Tulsa warrants to our custody, the agency will be referred to the municipal court warrants officers during normal business hours (Monday-Friday, 8 a.m. to 5 p.m.). If the warrants officers are not available, contact a Fugitive Warrant Unit officer, a field supervisor, or a shift commander or division commander of the uniform division nearest the calling agency.
4. After normal business hours, contact a shift commander, division commander or Staff Duty Officer.
5. The decision to send officers to transport the prisoner shall be based on:
  - a. Severity of the charge.
  - b. Number of outstanding warrants.
  - c. Distance to the agency holding the prisoner.
  - d. Current number of available officers.

#### G. CANCELLING WARRANTS

1. When any warranted arrest is made, whether the warrant is in the Department's records or not, the arresting officer must proceed to the warrants desk and complete a Recall/Cancellation Notice. The record clerk will sign the cancellation and provide the arresting officer with a copy.

2. In addition, when serving state warrants, officers are to complete the return on the back of the warrant by:
  - a. Noting the date received.
  - b. Noting the name of the arrested person.
  - c. Signing above the signature line marked DEPUTY SHERIFF (allow room on the signature line for a Deputy's signature).
  - d. Print TULSA POLICE DEPARTMENT below your signature. This procedure is necessary to document the officer possessed the warrant at the time the warranted subject was booked, and to rebut any allegation the warrant had been recalled prior to arrest.
3. Give the booking officer the Warrants Recall/Cancellation Notice, the original warrant, and all existing copies of the warrant.

#### **H. YOUTHFUL OFFENDER WARRANTS**

1. When arresting a juvenile on a youthful offender warrant, the warrant checkout and cancellation procedures will be the same as those of an adult. For all other juvenile arrest warrant procedures see 121B, *Juvenile Arrest and Detention*.
2. Notify booking personnel the warrant is for a youthful offender so the juvenile can be housed at the county jail. (Do not transfer the juvenile to JBDC). The normal booking procedure will then be followed.

#### **I. OBTAINING AN ARREST WARRANT**

1. Tulsa County Procedures:
  - a. After completing an investigation of the incident and developing the necessary probable cause complete an *Out of Custody Affidavit*, submit the affidavit with all reports, supplementals, and property receipts by email to [REDACTED]. The affidavit will be reviewed by a judge and a warrant issued if the judge believes probable cause exists.
  - b. If an officer is already working a case with a particular District Attorney send the affidavit to that attorney and let them determine if an arrest warrant is appropriate.
  - c. Patrol officers wanting to obtain an arrest warrant should contact a corresponding detective and work with them on obtaining it.
2. Osage County Procedures:
  - a. After completing an investigation of the incident and developing the necessary probable cause complete an *Out of Custody Affidavit*, call the Osage County DA's Office at [REDACTED].
  - b. The Osage County ADA's will assist in getting the paperwork before a judge to get a warrant issued.
  - c. Patrol officers wanting to obtain an arrest warrant should contact a corresponding detective and work with them on obtaining it.
3. Wagoner County Procedures:
  - a. After completing an investigation of the incident and developing the necessary probable cause complete an *Out of Custody Affidavit*, submit the affidavit with all reports, supplementals, and property receipts by email to [REDACTED]. Please list your name and contact information in the email.
  - b. If an officer is already working a case with a particular District Attorney send the affidavit to that attorney and let them determine if an arrest warrant is appropriate.
  - c. Patrol officers wanting to obtain an arrest warrant should contact a corresponding detective and work with them on obtaining it.
4. Federal Procedures:

- a. Contact and work with an Assistant U.S. Attorney and a federal law enforcement officer and follow their guidance.

## **REGULATIONS:**

1. Officers shall not attempt to serve a photocopy of a warrant without first confirming the warrant with the Records Section or other confirming authority.

## **REFERENCES:**

22 O.S. 189, 192, 1141(13 & 14)  
10 U.S.C. 808  
121B, *Juvenile Arrest and Detention*  
121C, *Youthful Offenders*