

**POLICY  
301**

**EFFECTIVE  
DATE  
11-15-99**

**Eugene  
Police Department**



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## **Warrant Arrests**

### **PART I - Responsibilities and Procedures for All Personnel**

- A. Generally
- B. Eugene Municipal Court warrants
- C. Other warrants
- D. Felony warrants
- E. Fugitive from justice
- F. Communications personnel

#### **A. GENERALLY**

1. Serve arrest warrants in a timely fashion and document attempts to serve them. You are responsible for arrestees until you transfer them to the Lane County Adult Corrections facility or release them. These arrangements must also be completed in a timely manner.
2. Confirm every arrest warrant prior to serving it.
  - a. If you anticipate serving the warrant, the confirmation should be done through Records. Field confirmations are done via Communications.
  - b. You may not arrest suspects on unverified warrants. This means the originating agency must confirm the warrant is active.
3. If a defendant challenges the validity of a warrant, make reasonable inquiries (e.g., police agencies, courts) to confirm its validity. Ask if the defendant has any court paperwork to support his/her claim. (Note: Circuit Court judges sometimes delegate decisions on release agreements to the Custody Referee at the LCAC facility. The Custody Referee, acting under direct authority from the judge, may elect to have the warrant served on the defendant; similarly, if the defendant ignores the judge's order to report to the Custody Referee, the warrant remains in effect. This creates the possibility of encountering a defendant who has appeared before a judge, but still has a valid warrant for

his or her arrest. In this particular type of situation, the Custody Referee's word is final on the warrant's validity.)

4. Except in cases of fresh pursuit, consent, or when exigent circumstances exist, a search warrant will be obtained prior to making entry into premises to serve an arrest warrant, unless the subject of the warrant resides in those premises and there is probable cause to believe that he or she is there at that time.
5. Notify Communications when a warrant is served. They will in turn notify Records.

## **B. EUGENE MUNICIPAL COURT WARRANTS**

1. Arrest warrants from Municipal Court will normally be sent to the initial arresting or citing officer for attempted service.
2. Serving the warrant:
  - a. Give defendant the opportunity to post bail.
  - b. If the defendant has the means to post bail during normal business hours, take him/her to the front counter of Municipal Court. If bail is posted at Municipal Court, notify Station 2 so that the warrant can be cleared. Communications will follow normal warrant clearance procedures.
  - c. If the defendant has the means to post bail after hours, take him/her to the EPD front counter to post.
3. Citation in lieu of custody:
  - a. You may cite a defendant who has an outstanding Eugene Municipal Court warrant whose custody would pose significant problems or cost. Examples of such circumstances may include:
    - Advanced stages of pregnancy
    - Injury or illness that would require extraordinary accommodations or care
    - small children that would require care that is not readily available
    - Lane County Corrections Facility is full and will not accept additional prisoners
  - b. You must have approval of your supervisor before you issue a citation in lieu of arrest.

- c. Issue the citation under the case number of the warrant. In the "charges" area, write in the name of the offense, followed by the following: Cited in lieu of custody - Warrant #.
  - d. You may clear multiple warrants in this manner as long as the warrant numbers and related cases are in the report.
  - e. The bail amount is the same as the warrant and is the total if there are multiple warrants.
  - f. Cite the subject to appear on the next available court date at the appropriate arraignment time.
  - g. You may photograph and/or fingerprint the subject in accordance with department procedures.
2. We should not authorize another agency to serve a Eugene Municipal Court warrant unless:
- a. The arresting agency can transport the defendant(s) to the Lane County jail or a mutually agreeable site may be arranged for transfer of the arrestee to EPD custody; or
  - b. The Watch Commander authorizes the arresting agency to lodge the defendant in that agency's jail, until the Watch Commander can make arrangements for prisoner transport before the next available arraignment.

### **C. OTHER WARRANTS**

- 1. Transport arrestees to the Lane County Adult Corrections facility for lodging and/or posting of bail.
- 2. You may not cite in lieu of custody for a warrant issued by a court other than Eugene Municipal Court unless the warrant itself authorizes this. We cannot do this simply because another agency requests it.

### **D. FELONY WARRANTS**

- 1. If you are assigned to conduct a follow-up investigation where a felony warrant has been issued, conduct the follow-up in a timely manner, so that the "speedy trial" provisions of the law are met.
- 2. Document any unsuccessful attempts to serve the warrant using a Supplemental Report under the original case number, and route to the District Attorney's office.

### **E. FUGITIVE FROM JUSTICE**

1. *ORS 133.805* authorizes the arrest of a person when a peace officer or private citizen has “reasonable information” that the person stands charged with a felony in the court of another state.
2. If a person is wanted in another state, you will arrest him/her for being a “fugitive from justice.” For your probable cause, you must establish two elements:
  - a. There is a valid felony warrant for the person in another state; and
  - b. The person you are arresting is the same person for whom the warrant was issued.
3. Your report should spell out in detail all the ways your arrestee was matched to the identity of the person for whom the warrant was issued. Be specific as to the type of ID the suspect had (e.g., a photo DL from a specific state). Indicate if the suspect acknowledged the existence of the warrant, and if the Social Security number given by the suspect matched that on the computer “hit.”

**F. COMMUNICATIONS PERSONNEL**

1. When you receive a teletype request for warrant service from an outside agency, determine if the warrant involves a felony or an issue of officer safety.
2. If the warrant involves a felony or an issue of officer safety, confirm the warrant and extradition information before dispatching an officer to serve it.
3. If the request involves a warrant of a less serious nature and there is no immediate need to dispatch an officer on it, route the teletype to Watch Commander for a determination of what further

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