


DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 204	WARRANTS	
	Effective: 10/03/2019	Commissioner Approval: <i>AP</i>
	Authorities: <a href="#">AS 12.70.130</a>	
	Applicability: OFFICERS	
	Special Instructions: <a href="#">APSIN Training Guide</a> , <a href="#">NCIC Operating Manual</a> , <a href="#">ARMS Resource Guide</a>	

## 204.100 INTRODUCTION

This chapter applies to the administration and service of warrants ordering the arrest or seizure of persons. These include arrest warrants, parole warrants, bench warrants, "traffic" warrants, Governor's warrants, and other similar orders. Not covered by this section are search warrants or similar orders.

## 204.300 ACTIONS UPON SERVICE OF WARRANT BY OFFICER

**A. Notice to agency holding warrant required.** After a person is arrested on a warrant, it is the responsibility of the arresting officer to ensure notification is made to the agency responsible for entering the warrant into APSIN and NCIC. This notification shall be made by APSIN message and/or NCIC transaction. A record of the transmissions shall be placed in the ARMS incident.

**B. Return of warrant to court required.** After service of a warrant issued by an Alaska Court, the arresting officer must ensure a return of service is made to the arraigning court; the officer may coordinate with administrative staff to assist in sending the return of service to the arraigning court. The return of service must be completed and also returned to the originating court of the warrant.

## 204.310 ADMINISTRATIVE CONTROL OF WARRANTS

**A. Commanders responsible for control of warrants.** The Commander is responsible for the accurate control of all warrants held by posts and units within the detachment. This responsibility extends to the entry (into APSIN, NCIC, and ARMS), audit/validation, and return of these warrants under control of the detachment.

**B. Filing of warrants.** Each post holding warrants will enter all warrants into APSIN, NCIC, and ARMS. Entry of these warrants will be completed as prescribed in the APSIN Training Guide, NCIC Operating Manual, and ARMS Resource Guide.

**C. Served warrants to be immediately removed from APSIN, NCIC, and ARMS.** When a warrant held by the department is served within Alaska by an officer, or notification is received that the warrant has been served in another Alaska jurisdiction, any APSIN and NCIC entries for that specific warrant must be immediately removed and the record updated in ARMS. Written/electronic notification (APSIN/Nlets Administrative Message, TWIX, facsimile, etc.) will

be immediately sent to the Post or Detachment holding the original warrant listing the warrant number, whom it was served by, and the date, time, and location of service.

When a wanted person is arrested outside the State of Alaska as a "fugitive from justice" based upon an Alaska warrant, the Alaska warrant must be removed from NCIC by the originating agency when the agency is officially advised the wanted person is in the custody of the outside agency, unless the person is held on local charges.

If the subject is going to be held on local charges by the arresting agency, an NCIC Detainer message must be entered against the Located Warrant in NCIC (see APSIN Training Guide). The Detainer keeps the warrant active in NCIC until the person is extradited/returned to Alaska and the originating agency removes the warrant record. Upon the wanted person's return to Alaska, the APSIN/NCIC warrant entry shall be cleared and the record updated in ARMS.

**D. *Monthly warrant audit/validation required.*** A monthly audit of outstanding warrants entered in APSIN and NCIC is required for all posts holding arrest warrants. Each month a notification will be sent to each detachments' assigned Terminal Agency Coordinator (TAC) showing a portion of the warrants active in APSIN and NCIC that need to be validated. Every warrant will need to be validated annually, and the monthly notifications include a listing of roughly 1/12 of all active warrants for the detachment.

The warrants due for validation each month must be compared to the ARMS warrant incident to verify a warrant is still valid and accurate; validation includes contact with the Court to ensure the warrant has not been recalled, quashed, etc. and with the District Attorney for extraditable warrants to verify extradition is still approved. If warrant entries are no longer valid, they must be immediately removed from APSIN and NCIC and updated in ARMS accordingly. Similarly, if ARMS warrant incidents are discovered without APSIN and NCIC entries, then such entries must be created. Upon completion of the warrant validations, the TAC must return the validation certification to the CJIS unit or complete the certification through the CJIS Validation application.

#### **204.330 RETURN OF WANTED PERSONS TO ALASKA**

**A. *Protocol when notified of apprehension of Alaska fugitive out-of-state.*** When an out-of-state police agency notifies DPS of the apprehension of a fugitive from Alaska entered in NCIC, the originating agency will:

1. Confirm that the warrant is still outstanding with the post or detachment initiating the original ARMS warrant incident;
2. If a pre-approval for extradition from the local District Attorney is attached to the ARMS warrant incident, the arresting agency may be advised that Alaska will extradite (pre-approval for extradition is required and must be obtained prior to entering the warrant into NCIC as extraditable);
3. Contact the police agency in the jurisdiction the fugitive is located and provide them the information necessary to file a fugitive from justice complaint.

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**B. *Defendant does not waive extradition.*** If a defendant in custody out-of-state declines to waive extradition, DPS will, as soon as possible, obtain certified copies of the Alaska warrant; Complaint or Indictment; photograph; and fingerprints, if available, and forward them to the police agency in the jurisdiction where the fugitive is located. Formal extradition procedures in OPM 204.340 shall be initiated.

**C. *Defendant waives extradition.*** When an outside agency notifies Alaska the fugitive is in custody and has waived formal extradition, determine from them what paperwork the transporting officer(s) in their particular jurisdiction is needed. If more than the warrant is required, contact the District Attorney's Office so that they can prepare the required documentation.

1. Forward one copy of the warrant and any additional required paperwork to the officer who is designated to transport the fugitive back to Alaska.
2. Notify the out-of-state agency holding the fugitive of the Alaska agent's name and his/her estimated time of arrival to take custody of the fugitive.
3. Notify the DPS Prisoner Travel Desk of the pending prisoner pickup to allow for coordination of the transport with scheduled officer travel.

**D. *Confirmation that defendant is ready for pick-up.*** When an outside agency advises a fugitive is ready for pick-up and transportation back to Alaska, confirmation of the information must be received via reliable means before making transportation or escort arrangements.

### 204.340 FORMAL EXTRADITION PROTOCOL

**A. *District Attorney prepares Application for Requisition.*** When notified by an agency holding a fugitive from Alaska that the fugitive refuses to waive extradition, DPS will notify the District Attorney. The District Attorney's Office will prepare an Application for Requisition, which is sent to the Attorney General along with four certified and exemplified copies of the warrant/complaint or indictment, fingerprints, and photographs.

**B. *Completion of other paperwork by Attorney General.*** The Attorney General (or in some cases the District Attorney) will:

1. Prepare an Agent's Return, Requisition, and Agent's Commission;
2. Obtain the Governor's signature and seal on all copies of the Requisition and Agent's Commission;
3. Obtain the Governor's endorsement of the complaint/indictment; and
4. Forward them as required to DPS and the state holding the fugitive.

**C. *Documents returned to DPS.*** After the Governor of Alaska has issued the Agent's Commission and the Agent's Return to the Commissioner of Public Safety, they will be forwarded to the post or detachment initiating the original ARMS warrant incident.

**D. *Service of Governor's Warrant and transport of defendant.*** Upon receipt of the Governor's Requisition the holding State will issue a Governor's Warrant which will be served on the fugitive pending return to Alaska by Alaska's agent.

Unless specifically instructed to do otherwise, an agent shall not leave Alaska to return a fugitive without the original of the Agent's Commission and Agent's Return. Also, issuance of Governor's Warrant by the holding State does not mean the fugitive can be immediately returned to Alaska. A fugitive may contest the legality of the extradition and/or deny being wanted, in which case, hearings must be held in the holding state before the fugitive can be returned.

The holding State's District Attorney will usually keep the Alaska District Attorney advised. However, DPS will maintain close contact with the holding agency to prevent unnecessary trips, and to ensure the fugitive is not released due to expiration of the time limit for detention.

#### **204.350 UNLAWFUL FLIGHT TO AVOID PROSECUTION WARRANT**

When a wanted person with an outstanding warrant is most likely not in Alaska but whose location is unknown, a federal Unlawful Flight To Avoid Prosecution Warrant (UFAP) may be obtained from the local FBI through the local District Attorney's Office.

#### **204.360 ARREST OF FUGITIVES FROM OTHER STATES**

**A. *Arrest of fugitives from other states.*** A fugitive from another State can be arrested and held by this State when either a Fugitive From Justice or Governor's Warrant is issued by this state; however, if an outside agency contacts DPS and advises the fugitive is wanted on a serious felony charge and the matter is timely, the person can be taken into custody prior to securing a Fugitive From Justice Warrant from the District Attorney. [Ref AS 12.70.130]

It is mandatory for the out-of-state requesting agency to provide enough information for the fugitive complaint to be drawn up by either the District Attorney or DPS. They must also immediately forward certified copies of their warrant and complaint, or indictment, photographs, and fingerprints to the DPS office handling the case.

**B. *Arrests based upon NCIC "hits."*** When a possible "hit" is made on an NCIC check, the NCIC record will contain various demographic information such as the suspect's name, sex, race, place of birth, DOB, weight, height, hair and eye color, social security number, miscellaneous identification numbers, and the name of the originating agency/department, city, and state issuing the warrant. If after reviewing this information, the officer believes the information in the NCIC "hit" matches the person being checked, the following procedures shall be followed:

1. Contact the originating/wanting agency and determine the current status of the warrant, and if extradition is authorized from Alaska; some warrants will be entered with extradition limitations listed in the warrant. The officer may not hold an individual while the officer checks on extradition. Extradition status is needed immediately. (NCIC policy requires the wanting agency to respond within

10 minute to a 'hit confirmation' request if no other charges are pending; the wanting agency must respond within one hour if new criminal charges are pending subsequent to the arrest.)

2. If the warrant is current, extradition is confirmed, and probable cause exists as to the identity of the suspect, the person may be arrested and incarcerated as a "Fugitive from Justice." Fugitive arrests are handled like any other warrant arrest. The subject is taken directly to jail, an ATN is assigned, and the remand is completed with the NIC number from the NCIC entry ("NIC/W") and bail amount as set by the original court.

**C. *Information required if extradition is authorized.*** If extradition from Alaska is authorized by the originating/wanting agency the following information shall be obtained:

1. Warrant number, date, charge, bail, and classification (misdemeanor or felony);
2. Any miscellaneous information, e.g., dangerous, escape risk, etc.;
3. Originating/wanting agency's extradition instructions; and
4. Name and rank/position of person contacted. (Required for filing the fugitive complaint.)

**D. *Documentation required from originating/wanting agency.*** Once an out-of-state fugitive has been identified, whether they are in custody or free pending completion of a Fugitive from Justice Complaint, advise the originating/wanting agency to immediately send a certified copy of the warrant, complaint, photograph(s), fingerprints, and written confirmation that they will extradite.

**E. *Preparation of Fugitive from Justice Complaint.*** No person will be arrested and held only on the basis of an NCIC "hit", certified copy of a warrant, complaint, or indictment from another state. When a fugitive has been arrested based upon any of these documents, the documentation shall be provided to the local District Attorney who will prepare a Fugitive from Justice Complaint and Warrant. (If a District Attorney is unavailable, the arresting officer must complete the Fugitive from Justice Warrant/Complaint.)

The arresting officer is to ensure that a [Fugitive from Justice Complaint](#) is filed with the nearest court.

In the probable cause paragraph of the Fugitive from Justice Complaint, note by what means the defendant was identified by the officer; e.g., driver's license photograph, name, defendant's statement, social security number, physical description, police photograph, or fingerprints.

The last paragraph of the complaint shall be: "This complaint and the arrest warrant issued in conjunction with it are filed seeking commitment of the accused to custody for a time that will enable the arrest of the accused to be made under a warrant of the Governor of the State of Alaska. Except as provisions of AS 12.70.160 may apply, the commitment sought shall be for no more than 30 days."

**F. Documentation to be forwarded to Judicial Services.** The arresting officer will forward a copy of the complaint, police report, and all computer messages to the Judicial Services office that will be handling the extradition.

**G. DPS to keep requesting state advised.** DPS will notify the requesting state's police of the custody status of the fugitive and whether or not formal extradition has been waived.

1. If extradition is not waived, the wanting state has 30 days from the arraignment date to provide a Requisition for Governor's Warrant to the Governor of Alaska.
2. AS 12.70.160 provides that if a Governor's Warrant is not obtained within the 30 day limit or where other justifiable delay is encountered, an extension of up to 60 days may be granted by a Superior or District Court Judge.

**H. DPS to maintain extradition information in ARMS Incident.** The DPS office handling the extradition of a fugitive from Alaska will update the ARMS warrant incident with all documentation related to the proceedings. The DPS office handling the extradition of a fugitive from another state will update the original Fugitive from Justice incident with all documentation related to the proceedings. An officer is expected to attend each hearing on the extradition and obtain a copy of the Fugitive from Justice Temporary order or the Waiver, if applicable, and any other documents as appropriate. All documents will be attached to the ARMS incident and the summary updated to show the final status of the extradition (for example: subject returned to Alaska on 01012019, extradition denied, etc.).

**I. Extradition documents prepared by Attorney General.** Generally, the Attorney General will prepare the Governor's Warrant, the Return to Governor's Warrant, and the Issuance of Governor's Warrant of Arrest; will obtain the Governor's signature and seal of office on the warrant; and route the completed documents to DPS for service.

**J. Service of Governor's Warrant at arraignment.** An original and a copy (both with a blue cover) of the Governor's Warrant of Arrest and the Certificate of Delivery of the Fugitive to Agent of the Demanding State shall be received from the Attorney General and taken to court by the arresting officer at the time set for arraignment on the Governor's Warrant. At the arraignment the following dispositions shall be made:

1. The original Governor's Warrant (with a blue cover) is given to the court;
2. The blue bound copy of the Governor's Warrant shall be signed by the Judge and retained by DPS; and
3. A photocopy copy of the Governor's Warrant shall be served upon the defendant.

**K. Completion of Certificate of Delivery.** When the requesting agency arrives to pick up the fugitive, a DPS officer shall complete and sign the upper portion of the Certificate of Delivery attached to the blue bound copy of the Governor's Warrant retained at arraignment, and the out-of-State officer shall complete and sign the bottom portion. A photocopy of the

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Governor's Warrant and the Certificate of Delivery shall be given to the agent of the demanding State.

**L.      *Return of Governor's Warrant.*** After pick up of the fugitive by the out-of-State agency the blue bound copy of the Governor's Warrant of Arrest and the completed Certificate of Delivery shall be returned to the local District Attorney's office.