



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 1.9.2

TITLE: ARREST WARRANT / WANTED PERSONS

EFFECTIVE: 10/07/2018

REVISED: Replaces Policy 423

PURPOSE

The purpose of this Chapter is to establish a uniform process for maintaining warrants and wanted person files. This Chapter will establish criteria for entering wanted persons and warrants into local and state files to ensure that the policies established by the FBI for entering warrants into the FBI files and receiving information from other jurisdictions are adhered to.

DEFINITIONS

Arrest—The taking of one person into custody by another. To constitute arrest there must be an actual restraint of the person. The restraint may be imposed by force or may result from the submission of the person arrested to the custody of the one arresting him/her. (La. C.Cr. P. Art. 201)

Arrest report (gist)—For purposes of this Chapter, an arrest report consists of the completed “face sheet” of an incident report and a “Gist” sheet detailing the probable cause and essential elements of the offense(s) charged and linking the offense(s) to the person charged. The “Gist” sheet shall be reviewed for accuracy and sufficiency by a supervisor and signed by the reviewing supervisor prior to the person who is charged being booked at lockup. For the purposes of arrests only for violations of municipal code, the arresting officer’s sworn affidavit shall serve as the arrest report.

Probable cause—The facts and circumstances known to the officer at the time which would justify a reasonable person in believing that the suspect committed or was committing an offense.

Supervisor Feedback Log (SFL)—A web-based application utilized by Department supervisors to document close and effective supervision actions such as redirection, counseling, and support. SFL is available to all supervisors, the Compliance Bureau, and the Public Integrity Bureau on NOPD Web Apps under Applications.

GENERAL INFORMATION ON ARREST WARRANTS

1. A warrant of arrest may be issued by any magistrate with jurisdiction over the offense and, except where a summons is issued under La. C.Cr.P. Art. 209, shall be issued when all of the following occur:
 - (a) The person (or officer) making the complaint executes an affidavit specifying, to

the best of his/her knowledge and belief, the nature, date, and place of the offense and the name and surname of the offender and of the person injured, if applicable; and

- (b) The magistrate has probable cause to believe that the described offense was committed and that the person against whom the complaint was made committed it.
2. The New Orleans Police Department utilizes electronic versions of the warrant forms. The forms are found on the website <https://cloudgavel.com/>. Members shall utilize their City email address and password to log in. The most current paper forms to be utilized in the event the CloudGavel site is down or Departmental computers are off-line are found on **NOPD Web Applications, Nopd.org, FORMS (Form 206 - Application for Arrest Warrant and Form 205 - Arrest Warrant)**. These forms comply with the requirements of La.C.Cr.P. Art. 203.
3. Arrest warrants are directed to all peace officers in the state. Warrants may be executed in any parish by any peace officer having authority in the territorial jurisdiction where the person arrested is found or by any peace officer having authority in one jurisdiction who enters another jurisdiction in close pursuit of the person arrested (La.C.Cr.P. Art 204).
4. Arrest warrants remain in effect until executed (La.C.Cr.P. 205).

OFFICER'S RESPONSIBILITIES

5. Once received, an arrest warrant shall be executed without delay, unless delay is required by the circumstances of the case.
6. No arrest shall be made at a time or in a manner contrary to any express limitations upon the scope or language of the warrant.
7. In addition, no arrest shall be made in a manner or at a time or place prohibited by any of the following:
 - (a) Departmental regulation;
 - (b) State or Municipal law; or
 - (c) Applicable court decisions.
8. If an arrest warrant is not executed immediately, the officer initiating the warrant shall attach a copy of the warrant to the report or, if in a specialized or investigative unit, keep a copy of the warrant in the case file at his/her unit of assignment.
9. The original arrest warrant and application for the arrest warrant shall be maintained in the NOPD - NCIC Unit. Arrest warrants and applications for arrest warrants, without a bulletin attached, will not be accepted by NCIC. The following information for each arrest warrant or attachment received by NCIC shall be provided on the bulletin form by the officer filing the warrant with NCIC and recorded by NCIC:
 - (a) Date and time received;
 - (b) Nature of the document (arrest warrant or attachment);
 - (c) Source of the document;
 - (d) Name of the wanted person; and
 - (e) Court docket number (if applicable).
10. Officers shall not hold a warrant. All warrants shall be forwarded to NCIC immediately upon the warrant being signed by the judge.
11. The bulletin on the warrant shall be sent as a crime bulletin via the message entry

system (TTY) and as an email to NOPDAI@nola.gov. The following information shall be included in the crime bulletin message by the officer filing the warrant:

Crime Bulletin Message Header:

- (a) Subject shall read: Address Update/Wanted Subject

Crime Bulletin Message:

- (b) Item Number
 (c) Officer(s) Names and employee identification number
 (d) Original Offense Type and Location
 (e) Date and Time of Original Offense
 (f) Wanted Subject's Name, DOB, Race, and Gender and as much descriptive information as is available.
 (g) Address Section: Type "See Narrative/Comments Section"

Crime Bulletin Comments:

- (h) A gist of the incident to include all pertinent information explaining the charges the suspect is wanted for (i.e., the value of property damaged or stolen, the extent of injuries inflicted on the victim, etc.). This gist must include a statement of probable cause as it relates to each charge.
 (i) Justification for any address update/correction shall be listed in this section.

12. When a crime bulletin is sent, a notation shall be made by the officer filing the bulletin, on the face sheet and in the narrative section indicating the bulletin number, the date and time the bulletin was sent, and who sent the bulletin. The wanted bulletin shall then be made part of the incident report.
13. Whenever an arrest warrant is executed or an attempt is made to execute an arrest warrant, the following information shall be documented by the officer making the attempt at service of the warrant either on a daily activity sheet for district patrol officers or the case file for the District Investigative Unit or the Investigative Support Division:
- (a) The date and time the service was executed/attempted;
 (b) The name(s) of officer(s) executing/attempting service;
 (c) The name of the wanted person;
 (d) Method of service/reason for non-service; and
 (e) The address of service/attempt.
14. NOPD officers shall complete all arrest reports before the end of the shift. (See also: **Chapter 1.9 – Arrests**).

MUNICIPAL WANTED PERSONS

15. If an investigating officer determines that probable cause exists for the arrest of a person on municipal charges and that person is no longer at the scene, the offense shall be documented in an offense report (EPR).
16. A Crime Bulletin (TTY) and department email (NOPDAI@nola.gov) shall be sent before the end of their tour of duty informing other department members that the person is wanted for the offense. The investigating officer shall contact NCIC to verify receipt of the Crime Bulletin and note the verification in the offense report.
17. Because placing a person wanted for a municipal offense does not necessitate the completion of an arrest warrant, the arrest of the individual must be guided by the **Chapter 1.9 - Arrests**, particularly the sections pertaining to arrest without a warrant.

WANTED BULLETIN/ARREST WARRANTS

18. All felony offenses must be referred to Criminal District Court for possible prosecution.

Officers conducting investigations where the wanted subject is to be charged in Criminal District Court (felonies and misdemeanors) shall obtain an arrest warrant and send a wanted bulletin if the suspect is not apprehended prior to the end of the officer's tour of duty. The warrant and a copy of the bulletin shall be delivered to NCIC prior to the officer ending his/her tour of duty.

19. Once an arrest warrant is completed and an arrest is not immediately made, or if a suspect is wanted on a municipal charge, a Crime Bulletin must be sent by the investigating officer. In the case of State Felony and Misdemeanor charges, the wanted bulletin must be sent before the original warrant is delivered to the NOPD - NCIC Unit.
20. The officer sending the bulletin should complete the Crime Bulletin mask to the best of his/her knowledge.
21. When a crime bulletin is sent, a notation shall be made by the issuing/investigating officer on the face sheet and in the narrative section of the report indicating the bulletin number, the date and time the bulletin was sent, and who in the NOPD – NCIC Unit sent the bulletin. The wanted bulletin should then be made part of the incident report.

ASSISTING BAIL BONDSMEN AND/OR BOUNTY HUNTERS

22. Article IV, Section 2, Clause 2 of the United States Constitution states “A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.” This provision in the Constitution gives individuals, referred to as bounty hunters, authority to take individuals into custody and deliver them to the authority having jurisdiction over any crime. Additionally, Article 345a of the La. Code of Criminal Procedure allows sureties, or agents acting on its behalf, to arrest defendants and surrender them in open court.
23. The New Orleans Police Department acknowledges the legal authority of bail bondsmen and/or bounty hunters, but members of the police department shall not extend any special privileges or treatment to bail bondsmen or bounty hunters other than what would be extended to any other person.
24. Members shall verify the credentials or identification of persons representing a bail bonds company or acting as bounty hunters. In the event an arrest by a bounty hunter or bail bond agent is made and NOPD members are on the scene, the identity of the bondsman or bounty hunter shall be made part of any required police report.
25. Civilians, bounty hunters, bail bondsmen, etc. are prohibited from accompanying officers or taking part in the arrest of any wanted individual. Only individuals possessing law enforcement credentials are allowed to accompany NOPD members in the execution of a warrant, and subject to the approval of an NOPD supervisor.
26. NOPD officers shall not arrest individuals on a warrant unless the warrant can be verified through the NOPD - NCIC Unit. The mere possession of a warrant by a non-law enforcement officer, signed by the appropriate authority of another jurisdiction, shall not be sufficient grounds for NOPD officers to take an individual into custody.
27. All individuals arrested as a result of a verified warrant shall be transported to Central Lockup and booked accordingly. Commissioned members shall not deliver any arrested individual into the custody of a bounty hunter, bail bondsman, etc.

28. In the event a bail bondsmen or bounty hunter requests the assistance of the NOPD, and has a wanted individual in custody, the NOPD assistance will be limited to the following:
 - (a) Verification of the warrant on the individual in custody;
 - (b) Only if verified, transportation of the wanted individual to the Central Lock-Up; and
 - (c) Summoning emergency medical assistance, if required.
29. Officers shall document all incidents involving bail bondsmen or bounty hunters in a police report, whether or not an arrest is made. The identity of the bail bondsman or bounty hunter shall be included in the police report.

SUPERVISOR'S RESPONSIBILITIES

30. A supervisor shall review each request for an arrest warrant, including each affidavit or declaration, before it is filed by an officer in support of a warrant application, for appropriateness, legality, and conformance with this Chapter.
31. The reviewing supervisor shall assess the information contained in the warrant application and supporting documents for authenticity, including an examination for boilerplate or pat language, inconsistent information, lack of probable cause or articulation of a legal basis for the warrant and question the affiant/officer to verify the officer has not omitted material information either establishing or vitiating probable cause and document this occurrence.
32. Once the warrant has been reviewed by the supervisor, and prior to the warrant being presented to the judge, the supervisor who reviewed the warrant shall have his name and badge number listed in the last sentence of the application for the warrant, stating "reviewed by (rank, name, badge number) as the reviewing supervisor."
33. As part of the supervisory review, the supervisor shall document in a Departmentally provided, auditable format those warrant applications that are:
 - (a) Unsupported by probable cause;
 - (b) In violation of NOPD policy; or
 - (c) Indicate a need for corrective action or review of agency policy, strategy, tactics, or training.
34. The supervisor shall document corrective action in the Supervisor Feedback Log (see **35.1.7 – Non-Disciplinary Responses to Minor Violations**) or by initiating a formal disciplinary investigation (see **52.1.1 – Misconduct Intake and Complaint Investigation**). For each subordinate, the supervisor shall track each violation or deficiency and the corrective action taken in the Supervisor Feedback Log to identify officers needing repeated corrective action. Supervisors shall initiate a formal disciplinary investigation as appropriate
35. A district/division Commander shall review, in writing, all supervisory reviews that:
 - (a) Relate to arrests that are unsupported by probable cause,
 - (b) Are in violation of NOPD policy, or
 - (c) Indicate a need for corrective action or review of agency policy, strategy, tactics, or training. (See also: **Chapter 1.9 – Arrests**).
36. The quality and accuracy of arrest warrants and supportive affidavits or declarations will be taken into account in officer and supervisor performance evaluations.

37. Supervisors from units other than those in the District where they are attempting to execute an arrest warrant shall notify the on-duty platoon supervisor within the district where the arrest warrant is being executed prior to the execution of the warrant.
38. The executing unit supervisor shall be responsible for determining the threat level involved in the execution of the warrant and, **except for “High Risk Warrants”** which are executed by the Special Operations Division - SWAT, take the appropriate measures to ensure the safety of the officers executing the warrant, as well as the individual to be arrested. Appropriate measures may include, but are not limited to the following:
 - (a) EMS on standby;
 - (b) SWAT notification or involvement;
 - (c) Supervisory presence at the location of arrest; and
 - (d) The deployment or utilization of specialized equipment
39. Supervisors shall review each arrest report made by officers under their command, within 12 hours of submission. (See also: **Chapter 1.9 – Arrests**).