12.727 WARRANT COMPUTER ENTRIES, PRISONER RETURN AND EXTRADITION

References:

Procedure 12.554, Investigatory Stops
Procedure 12.600, Prisoners: Securing, Handling, and Transporting
Ohio Revised Code Chapter 2963 - Extradition
Ohio Revised Code 2945.72 - Extension of time for hearing or trial
Ohio Revised Code - Ohio Rules of Criminal Procedure, Rule 1(C) (2), 4, 9
RCIC Manual Chapter 7, Section 7.8

Purpose:

Establish the Hamilton County Sheriff's Bureau of Records, Central Warrants Processing Unit (CWPU), as the central agency responsible for computer warrant entries into the Regional Crime Information Center (RCIC), National Crime Information Center (NCIC) and Law Enforcement Automated Data System (LEADS) computer files.

Establish responsibility for the return of prisoners.

Establish Criminal Investigation Section (CIS) as:

- Having the authority to assign the proper pick-up radius for all standard warrant entries and warrant entries requiring a modified pick-up radius.
- The Department liaison with law enforcement agencies in coordinating prisoner returns.
- Having the necessary expertise to inform officers of the correct course of action required to obtain indictments where interstate extradition is necessary.

Information:

CWPU enters Cincinnati warrants into the RCIC, NCIC and LEADS computer files with the following pickup radius.

PUR (Pick-up Radius {Extradition}) Values:

1 Interstate or Enter into NCIC.
2 Any place in Ohio.
3 Ohio within 100 mile radius.
4 County of want and adjacent counties.
5 County of want.
A Entering agency only – no action by other agencies.
L Jurisdiction of the department of want only.

EXL (Extradition Limitation) values:

Felony Warrants:

1 – Full extradition
2 – Limited extradition (requires data in the MIS field)
3 – Extradition surrounding states only
4 – No extradition – In-State pick up only; see MIS field for limits
*5 – Extradition arrangement pending (requires data in the MIS field)
6 – Pending extradition determination

Misdemeanor Warrants:

A – Full extradition
B – Limited extradition (requires data in the MIS field)
C – Extradition surrounding states only
D – No extradition – In-State only, see MIS field for limits
***E – Extradition arrangement pending (requires data in the MIS field)**
F – Pending extradition determination

The CIS Commander may approve a modified pick-up radius not typically assigned to a warrant. Officers must submit a Form 450, Request for RCIC, NCIC and LEADS Wanted Person Computer Entry, justifying the request.

Procedure:

A. Warrant Entry

1. Traffic Warrants

a. Cincinnati traffic warrants are entered into RCIC, with a pick-up radius of 5.

1) In exceptional cases (multiple traffic warrants or aggravated circumstances), an officer may request a pick-up radius of 4.

a) The requesting officer must submit a completed Form 450 justifying the request.

2. Misdemeanor Warrants

a. Cincinnati misdemeanor warrants are entered into RCIC with a pick-up radius of 5.

1) Misdemeanor Domestic Violence warrants are entered into RCIC and LEADS with a pick-up radius of 4.

b. Misdemeanor warrants may be extended in Ohio to a pick-up radius of 2, 3 or 4. Officers must submit a Form 450 justifying the request.

3. Felony Warrants

a. All Cincinnati felony warrants signed by officers are entered into RCIC, NCIC and LEADS with a pick-up radius of 1 including:

1) Murder warrants, escape warrants and Grand Jury

2) Felony Domestic Violence warrants

b. Officers requesting a modified pick-up radius for felony warrants must submit a Form 450 justifying the request.

c. Private felony affidavits are entered into RCIC with a pick-up radius of 5 (e.g., an attorney who signs a felony affidavit on behalf of his/her client).

4. All persons having five or more Cincinnati traffic or misdemeanor warrants will immediately be entered into the RCIC and LEADS system with a pick-up radius of 4.

5. The officer originating a warrant or the officer involved in the warrant service can make a recommendation to decrease a pick-up radius. The requesting officer must submit Form 450 justifying the request.

B. Form 450, Request for RCIC, NCIC and LEADS Wanted Person Computer Entry

1. Officers requesting modification of a pick-up radius assigned to a warrant in the RCIC, NCIC and LEADS computer files must complete a Form 450 and forward it through the chain of command to the CIS Commander.

a. Upon approval the CIS Commander will forward a copy of the Form 450 to the CWPU Commander for a warrant entry with a modified pick-up radius into the RCIC, NCIC and LEADS computer files.

1) The CIS Commander will ensure a copy of the Form 450 is forwarded to the requesting officer.

2. CIS will maintain the original Form 450.

C. Warrant Confirmation Request

1. Officers will refer requests for a Cincinnati warrant hit confirmation to CWPU.

a. Forward all information via telephone (513) 946-6201 or teletype using the CWPU terminal identifier OH0310006.

D. Prisoner Transport

1. The closest district will respond to pick-up an individual arrested in another jurisdiction in Hamilton County or an adjacent Ohio county on a Cincinnati warrant.

2. All prisoner returns beyond an adjacent Ohio County are the responsibility of the district/section/unit originating the warrant. Officers will coordinate the prisoner return with CIS.

3. Upon approval of the CIS administrative supervisor, the prisoner transport/extradition service contracted by the City may be utilized for prisoner returns outside of the state of Ohio.

a. Officers must ensure a Form 527, Arrest and Investigation Report, Form 527A, Case and Bond Information Sheet, and /or a Form 527B, Trial Preparation Form, is completed and delivered to the Hamilton County Justice Center (HCJC) Central Intake prior to the arrival of the prisoner.

4. The prisoner transport/extradition service will not be used for prisoner returns within the state of Ohio.

E. Prisoner Return - Arrested in Hamilton County

1. CWPU will teletype Emergency Communications Center (ECC) with warrant confirmation.

2. ECC will dispatch the closest district to respond to pick-up an individual arrested in another jurisdiction in Hamilton County on a Cincinnati warrant.

a. The Computer Aided Dispatch (CAD) system is programmed to select the closest district to the arresting Hamilton County law enforcement agency.

F. Prisoner Return - Arrested in an Adjacent Ohio County

1. CWPU will teletype the warrant confirmation, telephone number and terminal identifier of CIS (OHCIP0010) to the arresting agency.

a. After confirming the warrant, CWPU will notify CIS of the arrest.

2. CIS will teletype or telephone the arresting agency informing them a unit will be dispatched to a specific location to accept the prisoner.

a. CIS will call ECC and request a field unit be dispatched to the agreed upon location for a prisoner pick-up. CIS will provide the name and control number of the prisoner which will be listed in the Computer Aided Dispatch (CAD).

G. Extradition - Arrested in an Ohio County Other than Hamilton County or an Adjacent Ohio County

1. An individual arrested in an Ohio county other than Hamilton County or an adjacent Ohio county may not be returned to Cincinnati until brought before a court of record and given the opportunity to consult with an attorney or a person of his choice and to post bail as determined by a judge of that court (as required by Ohio Revised Code (ORC) Criminal Rule 4, Section E).

2. CWPU will teletype the warrant confirmation, telephone number and terminal identifier of CIS to the arresting agency.

a. After confirming the warrant, CWPU will notify CIS of the arrest.

3. All further correspondence reference prisoner return will remain with the arresting agency and CIS until the decision to extradite is confirmed and a Rule 4 waiver is obtained or the posting of bail cannot be met by the arrested.

4. CIS will:

    a. Notify the district/section/unit of the arrest and determine if the arrested will be extradited to Hamilton County for prosecution.

    b. Teletype a request for a prisoner hold to the arresting agency while attempting or upon notification of the intent to extradite.

        1) If the district/section/unit originating the warrant declines extradition or if the subject of the warrant can no longer be prosecuted, CIS will notify the arresting agency that extradition will not occur.

    c. Ensure a Rule 4 waiver has been signed by the arrested.

        1) If the arrested refuses to sign the waiver, he/she is provided the opportunity to post bail within 24 hours. If unable to post bail, the arresting agency will request prisoner pick-up within 3 working days (time requirement for the pick-up of a prisoner will vary depending on the county law enforcement agency involved).

    d. Coordinate prisoner return with the district/section/unit originating the warrant.

H. Extradition - Arrested in Another State

1. When a subject is arrested in another state on a warrant issued by the Cincinnati Police Department, an extradition waiver must be completed if the subject is willing to waive the right of extradition. This waiver must be done in a formal judicial hearing.

2. CWPU will teletype the warrant confirmation, the telephone number and the terminal identifier of CIS to the arresting agency.

    a. After confirming the warrant, CWPU will notify CIS of the arrest.

3. All further correspondence will remain with the arresting agency and CIS until the decision to extradite is confirmed and an extradition waiver has been obtained by the arrested.

4. CIS will:

    a. Notify the district/section/unit of the arrest and determine if the arrested will be extradited to Hamilton County for prosecution.

    b. Teletype a request for a prisoner hold to the arresting agency while attempting or upon notification of the intent to extradite.

        1) If the district/section/unit originating the warrant declines extradition or if the subject of the warrant can no longer be prosecuted, CIS will notify the arresting agency that extradition will not occur.

    c. Ensure a waiver of extradition has been signed by the arrested.

1) Extradition of the arrested must be completed within 10 working days of the notification of waiver (time requirement for the pick-up of a prisoner will vary depending on the state law enforcement agency involved).

2) If the arrested refuses to sign the waiver of extradition, the district/section/unit originating the warrant must secure a Grand Jury indictment. A Governor's Warrant will be issued through the Hamilton County Prosecutor's Office requiring the holding state to release the arrested to the custody of the demanding state.

a) The Hamilton County Sheriff's Office (Fugitive Warrant Unit) has responsibility for coordination of the prisoner return once a Governor's Warrant is signed.

d. Coordinate prisoner return with the district/section/unit originating the warrant.

I. Extradition - Wanted in Another State

1. When a computer hit is received on a felony warrant for a subject wanted in another state, the arresting officer will notify the Cincinnati 1 (CIN1) terminal operator.

2. The CIN1 terminal operator will:

a. Send a teletype (hit request) to the agency where the warrant originated requesting confirmation.

1) Confirmation must be furnished within 10 minutes when responding to an urgent request. Urgent requests are customary when **no** original charges are filed by the arresting agency. The decision to extradite does not need to be made within 10 minutes, only the decision to hold pending the extradition process.

2) Confirmation must be furnished within one hour when responding to a routine request. Routine requests are customary when original charges are filed by the arresting agency.

b. Send a second teletype (hit request) if the confirmation request is not received within ten minutes.

1) If no response is received within ten minutes after the second teletype (hit request), the CIN1 terminal operator will call the originating agency by telephone and/or notify LEADS control.

c. Notify the arresting officer of the warrant confirmation.

1) If confirmation is not received the officer will notify a supervisor. The supervisor will decide whether to attempt further notification or to release the subject. The seriousness of the charge for which the subject is wanted must be considered.

d. Forward a copy of the extradition teletype to HCJC Central Intake.

e. Notify the originating agency to direct all further inquiries to the Fugitive Warrant Unit at (513) 946-5350 or by teletype using terminal identifier OH0310029.

3. The arresting officer will prepare a Form 527.

   a. The transporting officer will inform HCJC Central Intake personnel to attach the teletype to the Form 527.

4. The Fugitive Warrant Unit has responsibility for coordination of the prisoner return once the prisoner is in the HCJC.

   a. Officers will not contact the originating agency. If contacted by the originating agency, officers will direct questions regarding prisoner pick-up or extradition proceedings to the Fugitive Warrant Unit.

5. The Ohio Criminal Code prohibits the release of a subject to another state without a mandatory hearing before a court of record. Verbal or written waivers out of court are not valid.

6. No subject will be arrested for a misdemeanor or traffic offense from another state.

7. No subject will be extradited for a misdemeanor or traffic offense to or from another state.

J. Arrest Notification

1. Officers coming into contact with individuals who have a caution indicator in RCIC, LEADS or NCIC who are known to have an affiliation with groups or organizations which pose a domestic security concern must complete a Form 534, Contact Card; Form 527, Arrest and Investigation Report, etc., documenting the encounter (include photographs when possible) and forward to the appropriate section/unit. These groups may include but are not limited to terrorist groups, militia/hate groups, and Security Threat Groups (STG).

   a. A STG is defined by the Ohio Department of Corrections as any organized criminal group which, if operating inside the institution, poses a security risk to the institution or inmate population. Examples of STGs include: white supremacist organizations, outlaw motorcycle groups, and street gangs.

   b. Forward to Intelligence Section, a copy of any report and photographs of individuals affiliated with militia/hate groups and STGs.

   c. Forward to Tactical Planning Unit, a copy of any report and photographs of individuals affiliated with terrorist groups.

2. Intelligence Section personnel will ensure a caution indicator is added to the RCIC record of STG individuals which reads, “Caution, Subject identified as a Security Threat Group member, please forward any contact information to the Intelligence Section or call (513) 564-2200 or (513) 721-GANG”.