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**POLICE
SCOTLAND**

Keeping people safe

Warrants

Standard Operating Procedure

Owning Department	Criminal Justice
Version Number	6.00
Date Published	15/02/2016

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Compliance Record

Equality Impact Assessment: Date Completed / Reviewed:	01/05/2013
Information Management Compliant:	Yes
Health and Safety Compliant:	Yes
Publication Scheme Compliant:	No

Version Control Table

Version	History of Amendments	Date
1.00	Initial Approved Version	27/03/2013
1.01	Removal of local instruction from section 3.1 regarding Means Enquiry Warrants	10/05/2013
1.02	Deletion of information in relation to local practice from the D Division appendix.	12/02/2014
2.00	Update to section 27 in relation to changes across the NCA and SCD as a result of formal review	03/03/2014
2.01	Update to section 27 in relation to changes across the NCA/Fugitive led process	08/04/2014
3.00	Insertion at section 27 to include Schengen Information System changes	09/04/2015
4.00	Amendments made to section 27 to reflect Schengen Information System changes	21/04/2015
5.00	Change to section 27.42 contact details	29/09/2015
6.00	Inclusion of D Division procedures in Appendix H relating to Means Enquiry Warrants	11/02/2016

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1. Purpose

- 1.1 This Standard Operating Procedure (SOP) applies to all police officers / police staff involved in the administration, processing and execution of all warrants and orders issued by the courts and other authorised bodies.
- 1.2 The Police Service of Scotland (PSoS) hereinafter referred to as Police Scotland is committed to ensuring all warrants issued by the Crown Office and Procurator Fiscal Service, Scottish Government and the Scottish Court Service, are dealt with effectively and efficiently and in accordance with the Protocol for the Prioritisation of Warrants in the Scottish Criminal Justice System.
- 1.3 Officers and members of police staff should be aware of local variations in procedures and IT systems and should refer to local geographical guidance for specific local instruction where applicable (Appendix A-H).

2. Categories- Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System

- 2.1 The [Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System](#) has been in place since April 2007. It determines a priority for each warrant, which considers the status of the issuing court and takes cognisance of the offence in question. With the exception of the Scottish Prison Service and Scottish Ministers, the agency issuing an Apprehension Warrant will now recognise the potential **risk to the public** by recording a grading against the warrant (determined by the undernoted agreed criteria), prior to sending it to Police Scotland.
- 2.2 Within each category there are timescales for initial attempts at execution and standards for reporting.
- 2.3 Notwithstanding the above, all warrants **must** be executed without undue delay. The categorisation and timescales for execution of warrants are as follows:

(i) Category A – Execute Within 21 Days from Date of Receipt

- All petition warrants.
- All warrants for failure to appear at the High Court of Justiciary.
- All warrants for failure to appear in a Sheriff and Jury Court.
- Any other warrant where the accused presents a substantial risk to the public.
- Any warrant in relation to a case which involves a sexual element.
- Any warrant in relation to a matter which has been agreed as a local priority.

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(ii) Category B – Execute Within 28 Days from Date of Receipt

- Any warrant which is not a category 'A' warrant, but which involves possession or use of a weapon.
- Any warrant which is not a category 'A' warrant, but which is racially aggravated or involves religious prejudice.
- Any warrant which is not a category 'A' warrant, but which involves domestic violence.
- Any warrant for a serious Road Traffic offence (for example dangerous driving, driving whilst disqualified or driving whilst unfit through drink or drugs).
- Undue delay warrants in terms of section 136(3) of the Criminal Procedure (Scotland) Act 1995 unless the statutory time bar falls within 28 days of the date of issue of the warrant when such warrants will be treated as category 'A' warrants
- Any warrant in relation to a matter which has been agreed as a category 'B' warrant locally.

(iii) Category C – Execute Within 60 Days from Date of Receipt

- All other warrants which have been sent for execution but are not categorised as 'A' or 'B' warrants.

- 2.4 The purpose of the grading system is to ensure that the most serious cases and those cases where the accused poses a **significant risk** to the public are dealt with as a priority.
- 2.5 On receipt of a warrant, whether graded or ungraded, the local policing area will ensure a process is in existence to **assess each warrant** based on intelligence held and/or the criminal history of the offender.
- 2.6 Where, following local area assessment, the subject of a warrant, not already graded 'A', is deemed to pose such a risk, then that warrant may be upgraded or, if ungraded (Means Enquiry/Extract Conviction) warrant, may be graded accordingly. For example, where intelligence identifies an individual to be a registered sex offender, an 'A' Grade may be allocated notwithstanding the nature of the offence cited on the warrant.
- 2.7 All Police Scotland Officers and staff involved in the administration, processing and execution of all warrants and orders issued by the courts and other authorised bodies must ensure they comply with the [Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System](#).

3. Types of Warrants and Orders

- 3.1 The following warrants and orders, whilst not exhaustive, are most commonly encountered by the police:

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- **Apprehension Warrant** - Issued by a Court to bring an accused person before that Court in respect of a crime or offence. In some instances, further powers may be granted as specified on the Warrant.
- **Apprehension Warrant, Children**- Warrants to apprehend children may be issued by a Children's Panel which, for the purposes of Section 136(8) of the [Criminal Justice and Public Order Act 1994](#), is a Court as defined in Section 84 of the [Children \(Scotland\) Act 1995](#). These powers may be executed throughout Scotland, Wales, England and Northern Ireland.
- **Means Enquiry Warrant** - Issued by a Court where an offender, who has been fined, has failed to pay the fine within the stipulated period. The Warrant empowers the Police to collect the outstanding fines or bring the offender to Court.
- **Extract Conviction Warrant** - Issued by a Court where an offender has failed to pay an outstanding fine and an alternative prison sentence has been imposed. The Police are entitled to collect the outstanding fine or arrest the offender and convey him/her to prison.
- **Witness Warrant** - Where a witness, having been duly cited to any diet, deliberately and obstructively fails to attend, a Court may issue a warrant to have that witness brought before the Court.
- **Revocations of Licence** - Prisoners released on parole before completing their full sentence are released subject to 'Conditions of Licence'. Should these conditions be breached, the Court has the power to issue a Revocation of Licence warrant empowering the Police to arrest the prisoner and return him/her to prison.
- **Breach of Home Detention Curfew Warrants** - Full details contained within the [Electronic Monitoring of Offenders SOP](#).
- **Direct Issue Warrants** (see Section 24).
- **European Arrest Warrants** (see Section 27).
- **Search Warrants** (see Section 30).

4. Local Area Processes

- 4.1 Local Policing Areas within Police Scotland are responsible for an additional review and grading of warrants which, up to that point, have been graded under the [Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System](#). The identification of offenders to which the Local Area Strategy can be applied will target potentially dangerous offenders, persistent offenders and other operational priorities. This will apply to **all** warrants allocated to a local area.
- 4.2 Means Enquiry and Extract Conviction Warrants will not be graded by the issuing agency and may be dealt with by way of the warrants system 'auto-generated letter' in the first instance, where local arrangements permit this.
- 4.3 Where this occurs, this will be the standard response unless an intelligence assessment indicates that an offender's profile requires the warrant to be allocated for enquiry, at which time an appropriate grading will be applied.

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- 4.4 Local procedures and available resources will determine if Means Enquiry and Extract Conviction Warrants, which remain 'unclassified', are routinely allocated to an enquiry officer, however the following should be noted:
- Grade "A" Priority – Potentially dangerous offenders, as described in the foregoing, would always be classed as a Grade "A" warrant. Youth offenders may be dealt with in this category or any other specific Local Area priority requiring urgent action as identified at Tasking and Co-ordinating.
 - Grade "B" Medium – Noteworthy offenders with less serious criminal convictions and others who present less danger to the community. Warrants issued for less serious crimes and offences.
 - Grade "C" Routine – Minor Road Traffic Offences, Wireless Telegraphy Act and other similar 'low tariff' statutory contraventions.
- 4.5 Where, following assessment, it is decided to change the grade on a warrant the warrants officer/ responsible person (refer to Geographical Appendix for guidance on responsible person) will apply a new grade and complete a brief explanatory note e.g. "This is now upgraded to Grade "A" following intelligence assessment. Please refer to SID/PNC' (make reference to source system where information is held)". This will be on the direction of the Intelligence Manager/ person responsible for managing intelligence, identified locally. Warrants will be executed without undue delay and, in addition, an initial enquiry period will be set, dependent on the warrant grade:
- Grade "A" 14 day initial enquiry period;
 - Grade "B" 21 day initial enquiry period;
 - Grade "C" 28 day initial enquiry period.
- 4.6 The 'initial enquiry period' will commence from the date of receipt by the PSoS. It is vital that the responsible person allocates warrants as soon as possible and in any case within 2 working days, to ensure that the initial enquiry period may be fully utilised.
- 4.7 A 'professional standard' of investigation and must be completed as quickly as possible and, in any case, within the relevant 'initial enquiry period'.
- 4.8 No single definition exists as to what constitutes a 'professional standard' of enquiry; this will vary depending on the circumstances.
- 4.9 As a general rule however, attendance at the address where the subject is believed to reside and completion of local enquiries would be considered mandatory.
- 4.10 It is expected that supervisors will exercise their own judgement when determining whether a professional level of enquiry has been carried out prior to confirmation.
- 4.11 Only once a supervisor is satisfied that such a level of enquiry has been completed in respect of a warrant (s)he must, without delay, confirm the Professional Standard Enquiry completed via the supervisory check on the relevant data base.
- 4.12 Full and proper investigation of a warrant must be carried out without delay in order to expedite its execution.

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- 4.13 Where a warrant has been allocated to a Local Policing Area, and the address of the named subject is located outwith, the holding Local Area must check the relevant local systems thereafter updating the electronic enquiry record with any relevant information found prior to transferring the warrant. Refer to the Geographical Appendices for further guidance.
- 4.14 When a warrant is transferred from one local area to another, the receiving local area may reassess the grading applied.
- 4.15 The receiving Local Policing Area shall not apply a lower grade to a warrant without the express agreement of the Local Area Intelligence Manager/ responsible person within the holding Local Area. The reason for the change in grading and the identity of those authorising the change must be documented on the electronic warrant enquiry form.
- 4.16 Where the receiving Local Policing Area wish to apply a grading higher than that applied by the holding Local Policing Area, there is no requirement to obtain the agreement of that Local Policing Area, however the reason for the new grading must be recorded on the electronic warrant enquiry form.
- 4.17 Where an accused person fails to appear at the High Court, the Procurator Fiscal will apply to the Sheriff court for a warrant to arrest. This warrant, although granted by a Sheriff, will be treated as high priority and will be classed as Grade A as it relates to solemn proceedings. Therefore staff at the Local Policing Area should read carefully any literature accompanying a Fail to Appear (FTA) Warrant to identify if this relates to non-appearance at the High Court.
- 4.18 In cases involving multiple accused where any accused fails to appear at the Preliminary Hearing, the hearing will be continued for 3 weeks to allow sufficient time for the accused to be traced. Where this occurs, and a warrant has been issued for Failure to Appear, it is critical that all efforts are made to trace the accused immediately. Literature accompanying the warrant will indicate where a report is required, along with the due return date.
- 4.19 Such warrants will be Graded A, and allocated to an enquiry officer. The officer will ensure that thorough enquiries are made, including those enquiries identified in the after mentioned professional standard guide.
- 4.20 Warrants issued by the High Court are initially reviewed after 3 months. As a result the High Court Unit will issue a letter to the Warrants Officer/ responsible person of the holding Local Area, requesting a report be submitted detailing the steps taken to execute the warrant. The letter intimates a 3-week return date.
- 4.21 On receipt of this letter the Warrants Officer/responsible person, without delay, will ensure that the warrant is graded 'A' and reallocated to an officer for enquiry. The officer will ensure that all enquiries meeting the required professional standard have been carried out and the enquiry field updated accordingly. The warrant should be returned to the Warrants Officer/responsible person within the 14 day due date. This will allow sufficient time for the Warrants Officer/responsible person to compile and submit a report to the Fiscal.

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- 4.22 All information recorded on the Warrant Enquiry Record must be compliant with the [Data Protection Act 1998](#), which places certain responsibilities on both the officer and Police Scotland.
- 4.23 All information recorded on the warrants system must be:
- Relevant;
 - Accurate;
 - Held for policing purposes only;
 - Surrounded by proper security;
 - Must not be excessive for the purpose; and
 - Must not be kept longer than necessary.
- 4.24 Warrant enquiry records are disclosable under criminal justice rules and therefore updates contained therein may be made known to the offender.
- 4.25 Intelligence should not be transferred from another system to the 'Enquiry Results' field. Instead, reference should be made to the source system e.g. 'Please refer to SID prior to attending at home address'.

5. Execution of Warrants - General

- 5.1 Warrants are to be executed as soon as practicable and without undue delay, but if there are circumstances, which render this imprudent, oppressive or otherwise undesirable, the facts are to be communicated to the PF for their instructions.
- 5.2 The time of apprehension must be left to the discretion of the supervisory/enquiry officers in light of the circumstances known at the time.
- 5.3 On making an arrest under warrant, the constable must inform the person apprehended of the substance of the warrant. The officer is also bound to show the warrant, if asked, unless by doing so the warrant is liable to be lost or destroyed.
- 5.4 Where it appears that the individual concerned has difficulty understanding, either through language or mental disorder, then appropriate steps must be taken to address this. (Refer to the [Interpreting and Translating Services SOP](#) and [Mental Health and Place of Safety SOP](#) for guidance)
- 5.5 It is competent for a Police Officer to apprehend a person under warrant although he does not have the warrant in his possession at the time. The warrant should be read over to the arrested person as soon as possible thereafter.

5.6 Apprehension Warrant

- 5.6.1 By virtue of Section 135 [Criminal Procedure \(Scotland\) Act 1995](#) an arrest warrant implies authority, where it is necessary for its execution, to break open all shut and

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lock fast places. Entry into any house or building, therefore, may be affected by any constable in order to enforce the provisions of the warrant.

- 5.6.2 If admittance is refused, doors may be broken open, but this should only be done as a last resort, and only when actually in possession of the warrant. Any cultural sensitivity should be considered before entering premises.

5.7 Extract Conviction / Means Enquiry Warrant

- 5.7.1 An Extract Conviction/Mean Enquiry Warrant (back fine warrant) is issued by the Clerk of Court when an accused person fails to pay the fine imposed within the period allowed for payment. This extract is a sufficient warrant for the apprehension of the accused, but unlike an ordinary warrant of arrest, it does not authorise a constable to break open doors in order to affect arrest.
- 5.7.2 Provided that the person concerned has a permanent address, if there is dubiety as to whether or not a fine has been paid the warrant is not to be executed. The circumstances are to be reported to the appropriate Warrants Officer/ responsible person, who will obtain confirmation from the clerk of the issuing court as to whether the fine has been paid.

5.8 European Arrest Warrants

- 5.8.1 Refer to Section 27.

5.9 Search Warrants

- 5.9.1 Refer to Section 30.

6. Procedure

- 6.1 All allocations, enquiries and finalising of warrants are processed through the relevant warrants system. Refer to the geographic appendices ('A'-'H') for further guidance.
- 6.2 Group Supervisors shall ensure that warrants passed to their group for enquiry are allocated timeously and in any case within 48 hours.
- 6.3 Supervisors shall regularly monitor their allocation queue for new allocations, reallocations for further action and completed enquiries.
- 6.4 Supervisors shall monitor the progress of each warrant allocated to their group to ensure that enquiries are being made and they are to a sufficient standard.
- 6.5 Supervisors may require to extend the enquiry due dates where this additional time may lead to the arrest of the accused or where results of external enquiries are awaited.
- 6.6 Any additional time should be allocated taking cognisance of the 14, 21 or 28 day enquiry period as specified by the grading. This information should be clearly stated in the warrant enquiry field.

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- 6.7 When an enquiry is returned for finalising, supervisors shall ensure that all possible enquiries have been carried out and updated accordingly. The level of enquiry must, at the very least, meet the professional standard, taking cognisance of the priority level of the warrant. Supervisors shall return warrant enquiries to the enquiry officer if they fail to meet the standards set, directing the further action required.
- 6.8 Once a warrant enquiry has been completed to the professional standard required it should be finalised and returned to the Local Area Warrants Officer.
- 6.9 The Local Area Warrants Officer shall ensure that all returned warrants meet the required professional standard and where they do not, return same via the Administration Supervisor and respective Local Police Commander.
- 6.10 All warrant enquiries that are deemed to be exhausted, will be held for a maximum period of 3 months, when they will be reissued for review.
- 6.11 Every effort should be made to have completed enquiries returned to the Local Area Warrants Officer by the due date/s.

7. Means Enquiry Warrants - General

- 7.1 Where the subject of the warrant resides outwith the Local Policing Area and is unable to pay the fine, discretion can be exercised. If the address can be confirmed then a report of the circumstances requesting a transfer of fines is to be submitted by the Warrants Administration.
- 7.2 Where a subject has been arrested outwith the Local Policing Area and intimation has been received that the area holding the accused will detain him to await escort, the Duty Officer/responsible custody officer of the Local Policing Area holding the warrant will arrange an escort without delay. The relevant Custodial Services should be contacted by way of a "Non Core Escort" request. It is preferable that the warrant be paid, however if the subject is in custody and refuses to pay or make arrangements for payment then they should be conveyed to the appropriate court.
- 7.3 In general, where the fine is small, the warrant is to be retained until such times as the accused is found to have a fixed address, has returned to Scotland or the Clerk Of Court recalls the warrant.
- 7.4 When a warrant is paid outside the Local Policing Area, and notification is received, a receipt will be issued by the officer taking the notification.
- 7.5 This will be faxed to the force taking the money and a copy of relevant warrants system cancellation should be given to the Warrants Administration.

8. Extract Conviction Warrants - General

- 8.1 An offender who has failed to pay an outstanding fine imposed by a Scottish Court can be apprehended and imprisoned elsewhere in the UK and vice-versa.

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The subject will be accepted by the Prison Authorities at any appropriate prison in Scotland, England, Wales or Northern Ireland as detailed in Section 38A [Criminal Law Act 1977](#).

- 8.2 Whilst a fax copy of the warrant may be accepted by a prison in the first instance, this is not legally sound and all attempts should be made to physically deliver the actual warrant within the appropriate timescales. Where a fax copy is accepted, the actual warrant should be forwarded immediately. Failing any agreement, a default position would be to deliver the actual warrant to the nearest prison and allow the Scottish Prison Service to validate the existence of the warrant through their internal system.
- 8.3 When an individual is arrested, the warrant is to be endorsed with the names and rank of the apprehending officers and the time and date of arrest. Prison Service Procedures require two signatures on the warrant to validate its execution. It is advisable that the Duty Officer/ responsible officer stamp the warrant.
- 8.4 Where the offender has a permanent address in Scotland, the warrant may be allocated to an enquiry officer to be executed, either by collecting the outstanding fine or placing the offender in the nearest prison.
- 8.5 Where the offender declines to pay the outstanding fine for a Means Enquiry or Extract Conviction Warrant and is conveyed to court or prison, the Local Area Warrants Officer will ensure that this information is forwarded to the Warrants Team. The 24-hour warrant cancellation list should be examined to ensure that the warrant has been disposed of correctly.
- 8.6 Where the offender is detained in one local area and the warrant is elsewhere, the local area concerned is to be contacted and informed. If the offender is unable to pay the outstanding fine, the area holding the warrant is to be informed and confirmation obtained as to the arrangements being made to have the offender and warrant conveyed to prison.
- 8.7 The responsibility for transferring the offender to the appropriate prison lies with the local area holding the warrant through relevant custodial services.
- 8.8 If for any reason the offender is not delivered to a prison, the Duty Officer/custody officer holding the offender will ensure that a report is forwarded to the appropriate issuing authority. If required, the warrant can be faxed having been suitably marked up as a copy, and shown to the relevant Custodial Services.

9. Statement of Arrest under Judicial Warrant

- 9.1 A statement of arrest is required to be completed in respect of an Apprehension Warrant and a Means Enquiry Warrant and sent to the Procurator Fiscal or Court along with the warrant.
- 9.2 A separate form is to be raised in respect of each Apprehension Warrant executed. Refer to the geographic appendices ('A'-'H') for further guidance.

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10. Payment of Fines

- 10.1 Where a person pays a fine at a Police Office a receipt is to be issued for every fine paid, from a separate book kept for that purpose. The name and address of the payee along with the warrant number, date and court of conviction and the name of the person to whom the warrant refers should be appended to the receipt.
- 10.2 The original receipt is to be given to the person who pays the fine, with the copy retained as a record of the transaction. When the warrant is cancelled the receipt number **must** be entered on the disposal section of the warrant on the warrants system.
- 10.3 It is considered best practice that all monies received should be checked by two members of staff and sealed in the appropriate manner e.g. sealed within an envelope. The warrant number, the name of the person to whom the warrant refers and amount of money enclosed (in words) should be noted on the outside of the envelope. Both members of staff should sign across the envelope seal. In exceptional circumstances where no other Police Officer/ member of police staff is available, the payee may be asked to sign across the envelope seal.
- 10.4 The monies will then be lodged in accordance with local procedures. This will be the subject of the Local Policing Commander's examination on a weekly basis.
- 10.5 The Local Area Warrants staff will receive the monies once checked by the Local Police Commander and thereafter reconcile the executed warrants and any monies. All monies will be banked and reconciliations and payments made to the appropriate authority in accordance with local procedures.
- 10.6 Where a Means Enquiry or Extract Conviction Warrant is executed as arrested and subsequently the fine is paid, the warrants system **must** be updated accordingly and receipt number added to the disposal section.

11. Cancellation Procedures

- 11.1 The cancellation of any warrant will generate a report enabling the Warrants Team, to update the PNC and for the warrant to be included in the 24 hour cancellation list which should be checked by the Local Area Warrants Officer.
- 11.2 The Local Area Warrants Officer will ensure that all warrants on the 24 hour return have been cross referred to those marked out on the Local Area Audit Log/Warrants Removal Sheet and the available Courts List on the relevant data base.
- 11.3 The Warrants Officer will ensure that all relevant warrants have been cancelled and withdrawn from circulation. Once a warrant has been executed, i.e. the subject of the warrant has been arrested or has paid the outstanding fine, the Duty Officer / authorised officer at the police office where the warrant is executed is responsible for ensuring that the warrant is cancelled on the warrants system and PNC without delay.

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- 11.4 Outwith office hours, the Duty Officer / authorised officer is responsible for the security of the Local Area Warrants Office, ensuring that access and any warrant removed is recorded on an audit log, which should be retained for any future examination.
- 11.5 The Duty Officer / authorised officer will ensure that a statement of arrest is completed and along with the warrant, placed in a secure location for delivery to the PF. The relevant form is to be completed with the disposal and returned to the Local Area Warrants Office.
- 11.6 Where the warrant is held at another office, the Duty Officer / authorised officer holding the prisoner will arrange for the Local Policing Area holding the warrant to have it delivered. The warrant should be accompanied by the relevant form which should be stamped and returned to the Local Area Warrants Officer/ responsible person who held the warrant.
- 11.7 Where it is operationally impractical to deliver warrants between Local Policing Areas and the warrant requires the accused to appear at a court within the Local Policing Area holding the warrant, it may be faxed to the Local Policing Area or Force holding the prisoner who requires to be shown the warrant. This procedure will require the faxed copy to be clearly marked "COPY/DESTROY AFTER USE, ORIGINAL HELD AT (Local Area)".
- 11.8 Petition Warrants are required to be read over on tape to the prisoner. Therefore, the original warrant will still require to be delivered to the Local Policing Area holding the prisoner and returned to the appropriate PF prior to 1000hrs on the day of the court appearance along with one copy of the interview tape.
- 11.9 In the case of Means Enquiry Warrants, the relevant Custodial Services, who hold the contract for the transfer of prisoners to and from courts, will accept Means Enquiry Warrants secured within the prisoners property bag. The warrant cancellation procedure is similar.
- 11.10 However, if the warrant is subsequently paid after arrest the warrants system is to be changed from 'arrested' to 'fine paid' and the warrant should be removed from the prisoner property bag and returned to the Local Area Warrants Officer/responsible person.
- 11.11 Where the warrant is secured in the prisoner property bag, its presence should be recorded on the Prisoner Transfer Form, which should be acknowledged by the Custodial Services Escort.
- 11.12 Where a person is apprehended on an Extract Conviction Warrant, the arresting officers are required to endorse the warrant with the time and date and sign the warrant immediately, also noting the arrestees CHS identification number ('S' number). The warrant should then be cancelled on the warrants system in the appropriate manner.
- 11.13 The relevant Custodial Service should be contacted as soon as possible thereafter to have the prisoner transferred to the appropriate prison along with the warrant. Whenever possible, the Duty Officer/ authorised officer should endorse the warrant with his stamp.

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- 11.14 Where there are additional outstanding warrants in force or there are other criminal matters to go before a court, the Extract Warrant still requires to be endorsed and to accompany the prisoner to whichever court(s) he/she is to attend. If the accused is sentenced to a term of imprisonment for that matter he/she will go to prison with the Extract Conviction Warrant in the property bag to be dealt with by the Prison Service. If the accused were not sentenced to imprisonment they would be conveyed to prison under the terms of the Extract Conviction Warrant.
- 11.15 The exact time at which the accused begins a sentence, which is stipulated on the Extract Conviction Warrant, is determined by the Prison Service, not the Police.

12. Multiple Warrants

- 12.1 When a person is detained on multiple warrants only the warrants that the person is able to answer at court the next lawful day should be cancelled. The Duty Officer/ authorised officer will ensure that the appropriate 'holds' are placed on the prisoner and clearly indicated on the relevant Custodial Services Forms that the prisoner is, 'NOT FOR RELEASE'.
- 12.2 Where a person is detained and both a warrant and Revocation of Home Detention Curfew or Recall of Licence is in existence, the person will firstly appear at court in relation to the warrant before being conveyed to the establishment detailed on the Recall or Revocation.

13. Movement of Prisoners

- 13.1 If successfully executed, the arresting Local Policing Area will arrange the prisoner escort via the relevant Custodial Services.
- 13.2 The warrant and the statement of arrest are to be taken to the Procurator Fiscal's Office to arrive no later than 1000hrs on the morning the accused is due to appear in court.
- 13.3 The relevant Custodial Services must be made aware of any other outstanding warrants and the Local Policing Area transferring the accused to court must ensure that the Prisoner Escort Forms are marked 'NOT FOR RELEASE' with the appropriate information recorded.

14. Police National Computer Wanted Index

- 14.1 In addition to the relevant warrants system, the Police National Computer Names Index will be used to circulate details of all warrants held by Police Scotland, including those received from and sent to another Force for enquiry.
- 14.2 Where insufficient details are available to create a record (including those with instruction for Voluntary Attendance) these warrants will not be entered on the PNC e.g. no date of birth available. Such warrants will be sent back to the relevant PF to clarify the required information.

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- 14.3 In all cases where an accused person is apprehended on warrant or calls at a Police Office to pay an outstanding fine, the Police National Computer Nominal Index is to be checked.
- 14.4 A check of the relevant warrants system is to be carried out and where a person resides outwith Scotland a further check is also to be carried out with the local force.
- 14.5 Where it is found that other warrants are outstanding against an accused, it is the responsibility of the Local Policing Area apprehending the person to inform the Local Area Warrants Administration or other Force as appropriate and to ensure that the appropriate 'holds' are placed on the prisoner escort forms.

15. Children

- 15.1 Where a child is arrested on a warrant issued by the Children's Hearing to secure the attendance of that child at a Hearing and the child has to be detained until the Hearing is called, the child shall wherever possible be placed into the care of the Social Work Department and is not to be detained in a Police Office any longer than is necessary to achieve this. Where a warrant is a "direct issue" or "urgent", refer to section 28 for guidance.
- 15.2 If the Reporter is satisfied that secure accommodation. i.e. lockfast, is not essential for such children, the Duty Officer need not require such secure accommodation when requesting placement for a child unless there is a clear indication that the child or some other person would be at risk.
- 15.3 The Social Work Department have accepted responsibility to escort children on a Children's Hearing warrant from the Police Office to suitable accommodation and thereafter to the appropriate Hearing.
- 15.4 Where it is decided that the child is to be detained at a Police Office because, for instance, no local authority placement is available immediately, the warrant itself is sufficient authority to detain the child and a certificate of detention is not required. However the officer in charge of custodies should record the full circumstances on the custody record. The relevant local authority are still required though to make all effort in arranging suitable temporary accommodation for the arrested child and conveying them to the Children's Hearing.
- 15.5 The warrant should be cancelled in line with normal procedures and the physical warrant is returned to the issuing authority.

16. Deceased Persons

- 16.1 If enquiry reveals that the person named on the warrant is deceased, confirmation of the death should be obtained from the Registrar of Births, Deaths and Marriages and PNC record updated to this effect. The warrant should thereafter be returned together with a subject report detailing the circumstances.

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- 16.2 Where 'Unconfirmed Death Report' is discovered on PNC at the time of processing, the warrant is **not** to be entered on the PNC.
- 16.3 A record is to be created on the relevant warrants system but cancelled immediately and the paper warrant forwarded to the appropriate Local Area Warrants Officer advising of the existence of the abovementioned report.
- 16.4 The Local Policing Area will undertake further enquiry ultimately leading to a report being submitted with the circumstances in respect of all Means and Extract Warrants and directly to the Procurator Fiscal for all Apprehensions Warrants.

17. Disputed Identity

- 17.1 When a person asserts that he/she is not the person to whom a warrant refers, **all reasonable steps must be taken** to establish that the warrants does refer to that person prior to its execution.
- 17.2 Where it is established that two persons of the same name and date of birth exist, a report providing full details is to be submitted for the information of the Warrants Team. This will enable both the warrants system and PNC and, where necessary, undertake further administrative processes

18. Persons in Custody

- 18.1 Where the person named in the warrant is found to be serving a term of imprisonment/detention the warrant is to be returned to the appropriate Procurator Fiscal or Clerk of Court with a report giving particulars of the sentence currently being served, charges, date and court of conviction/remand, place of detention and earliest date of release.
- 18.2 Reports relating to Means Enquiry Warrants should be forwarded through the relevant department.
- 18.3 If the release is imminent (some courts consider release within 14 days insufficient time to deal with a fine warrant) and delay caused by the return of the warrant to the initiating authority would allow the person named in the warrant to be liberated prior to its execution, the warrant is to be retained and arrangements made to effect arrest on release from detention/prison.
- 18.4 In the case of an Extract Conviction warrant, if the person named in the warrant has been released having served a sentence of 12 months imprisonment or longer or, after detention in a Detention Centre (in each case for a subsequent offence) and some time has elapsed since liberation, the warrant is to be returned along with a subject report to the appropriate Clerk of Court.
- 18.5 Where a person is imprisoned on an Extract Conviction Warrant and other such warrants are in existence, these should be delivered immediately to the appropriate prison to be dealt with by the Prison Service.

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- 18.6 Where a person appears before a court on a Means Enquiry Warrant, all other such warrants in respect of that person, issued by that court, are to be made available to the Clerk of Court for disposal at that time.

19. Return of Warrant

- 19.1 Where the Warrants Officer or officer in charge of a case considers that certain facts regarding the case should be placed before the Procurator Fiscal who issued the warrant (e.g. that an accused is in prison), he/she is to return the warrant together with a report to the Procurator Fiscal.
- 19.2 **Any warrant being returned to the issuing agency must be transmitted personally or in accordance with local practice.** The warrant is to be cancelled in the normal manner.
- 19.3 If the Procurator Fiscal decides that the Police should retain the warrant, it will be re-issued and processed as a new warrant. A copy of the report should be forwarded to the Warrants Administration Team.

20. Unexecuted Warrants

- 20.1 The responsibility for withdrawing Apprehension Warrants rests with the individual prosecutors. Local Area Commanders are to liaise with such prosecutors with the aim of having unexecuted Apprehension Warrants withdrawn **at the latest** following a period of 3 years.
- 20.2 Warrants that have been graded Category A by the issuing agency, as per the Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System, will only be returned on the issuing agencies request.
- 20.3 Means Enquiry and Extract Conviction Warrants, unlike Apprehension Warrants **cannot**, in law be withdrawn.
- 20.4 In order to reduce the volume of unexecuted warrants to a reasonable level, those warrants still held unexecuted by the Police at the end of the financial year during which the fine becomes 3 years old are to be returned to the issuing Clerk with a report.

21. Solicitors Queries Concerning Outstanding Warrants

- 21.1 Unless there are specific reasons for non-disclosure of the existence of a warrant to a solicitor, this information should be provided so long as the solicitor concerned is able to confirm his or her identity when making the enquiry and the person dealing with that enquiry is satisfied as to the authority by which the enquiry is being made.
- 21.2 Requests for information by solicitors must be made in writing (faxed requests are acceptable). Information as to the existence of a 'Locate/Trace' marker on PNC is **not** to be disclosed.

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- 21.3 Replies may be made in writing. Telephone responses are acceptable, provided the identity of the recipient can be verified. Under no circumstances should email be used as the security of this method of transmission cannot be guaranteed. Any replies given to solicitor queries must be logged in the Warrant's enquiry section.

22. Priority Initial Warrants/Undue Delay Warrants

- 22.1 Priority Initial Warrants must be executed without "undue delay". A case will become 'time barred' unless it can be shown that everything possible has been done to prevent delay in its execution.
- 22.2 Although each case will be dealt with on its own merits, some previous court decisions for example, have held that 9 days from the issue of the warrant to the point of execution was 'undue delay'. Therefore all such warrants will be graded A.
- 22.3 The Local Area Warrants Officer/ responsible person will ensure that such warrants are endorsed with the appropriate return dates and are then **allocated immediately** for enquiry.
- 22.4 Supervisors will ensure that such warrants are allocated to an enquiry officer **without delay**.
- 22.5 Unsuccessful attempts to enforce the warrant are to be recorded by the enquiry officers attempting execution with all enquiry updates placed on the relevant warrants system. Enquiry officers will inform a supervisor if there is a requirement to re-allocate the warrant to an oncoming group where delay would defeat the ends of justice.
- 22.6 When, for any reason, a warrant is returned unexecuted to a PF, it is to be accompanied by a report and a copy of all updates from the relevant Warrants System, showing the record of all enquiries made.

23. Abandoned/Refused/Dismissed Appeal Warrants

- 23.1 These warrants require that the person serves his/her sentence in a Scottish Prison.
- 23.2 If traced outwith Scotland then an escort is to be arranged and the person lodged in the nearest prison. The PF is to be notified when the warrant is executed.

24. Urgent Warrants/Direct Issue Warrants

- 24.1 **Direct issue warrants** are not common and initially fall outwith Police Scotland normal processing arrangements. They are issued in person to a Police Officer by a court or other issuing agency such as the Scottish Government Justice Directorate.
- 24.2 Where the warrant is issued by a Court, the court staff are required to telephone the warrants administration for issue of a PNC identification number and to have the warrant entered on the relevant warrants system.

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- 24.3 The Police Officers attending at a Court to uplift a direct issue warrant will ensure that the court staff have made contact with the Warrants Department either directly by telephone, fax or e mail.
- 24.4 Where an **urgent warrant** issued by the Scottish Government Justice Directorate is handed to a Police Officer, the Police Officer **must** contact the Warrants Administration for the issue of a PNC identification number and to have the warrant entered on to the relevant warrants system. The Warrants Department will record the officer's details on PNC.
- 24.5 Where a warrant issued by the Scottish Government Justice Directorate is urgent and can not be uplifted by the Police Officer due to the geographical location, the issuing agency must fax the warrant to the Warrants Administration and thereafter forward the original warrant to them as soon as possible.
- 24.6 The paper warrant **must** be uplifted and must not be sent through the internal or external post.
- 24.7 The officers receiving the warrant will ensure that the warrant is legal (i.e. signed and dated) and all relevant documentation is present and charge sheet if applicable. Recall to Licence Warrants issued directly from the Scottish Government Justice Directorate will not be issued with a Form.
- 24.8 The warrant should be taken to the Local Policing Area Warrants Administration as soon as possible where the warrant will be processed in line with the appropriate administration procedures. If the warrant was executed as a matter of urgency the arresting officers will ensure that the Warrants Officer is made aware, or outwith office hours, the Duty Officer.
- 24.9 Where the person is arrested the warrant should be cancelled, even if it was not at the time listed on the warrants system or PNC. In **all cases** of direct issue warrants the Local Area Warrants Officer **must** be informed.

25. Apprehensions on behalf of other UK Forces

- 25.1 Where a warrant is in force, the subject of it may be detained in custody until the arrival of an escort, e.g. (the relevant Custodial Services), the arrangements for which are to be made without delay.
- 25.2 In the case of a warrant issued in England or Wales it is not competent to place the person detained before a Scottish Court of Summary Jurisdiction with a view to remanding him / her in custody pending the arrival of an escort. Such a person may be detained without a court appearance in the Police cells provided a warrant is in existence.
- 25.3 The Force of the area where the warrant was issued is to be informed that the accused will be detained no longer than 24 hours from the time of apprehension, pending the arrival of an escort, and thereafter only where proven extenuating circumstances exist will his/her continued detention be considered. Arrangements are thereafter to be made for the prompt arrival of the escort and warrant.

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- 25.4 Any decision involving the prospect of detention beyond 24 hours is to lie with the Local Area Police Commander (or in his/her absence, the senior officer on duty).
- 25.5 Where a Police Force requests the apprehension of a person in respect of whom a warrant has been issued but not yet forwarded to Police Scotland, confirmation of the existence of the warrant and its details are to be obtained by fax from the Force concerned before the person is taken into custody.
- 25.6 In all but urgent cases, these enquiries should be directed to the Warrants Administration as per the guidance contained in the Police Almanac.
- 25.7 In the case of a request from the Police Service of Northern Ireland, or any English or Welsh Police Force, enquiry must be made to ensure that the warrant is NOT endorsed 'ARREST AND ADMIT TO BAIL' or 'BACKED FOR BAIL' as this type of warrant is not competent in Scotland.

26. Isle of man or Channel Islands

- 26.1 Where a summons or warrant to arrest is issued by a Scottish court and requires to be executed in the Isle of Man or the Channel Islands, it must be 'backed' before such a warrant may be competently executed. This 'backing' is also known as a Declaration of Handwriting. A Declaration of Handwriting on Oath must be attached to the warrant, which officers must be in possession of prior to travelling to uplift the prisoner.
- 26.2 In the event of a warrant having to be executed within these Force areas, officers should liaise with the relevant Force for full guidance and fax copies of the necessary documentation, i.e. "Declaration of Handwriting" prior to travelling.
- 26.3 Channel Islands: Police Scotland has no provision to collect monies for Means Enquiry Warrants or Extract Conviction Warrants and will not imprison a person on an Extract Warrant.
- 26.4 Isle of Man: Police Scotland will collect monies for Means Enquiry Warrants (without the warrants being backed).
- 26.5 Where a person has failed to pay a fine imposed by a Court in Scotland and a warrant of commitment to prison for non-payment has been issued, such a warrant **cannot** be executed by lodging that person in an Isle of Man prison. Such an arrested person would have to be escorted back to a Scottish Prison.

Note: The present contract with the relevant Custodial Services does not include the transfer of prisoners from these two Force areas. This responsibility remains with the Police.

27. European / International Arrest Warrants

- 27.1 Police Scotland Fugitive Active Search Team was established in March 2013 with a national remit to locate and arrest fugitives from justice whether wanted by the

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Scottish Courts for offences committed in Scotland or those sought by foreign authorities for offences committed elsewhere. The Fugitive Active Search Team have the national (Scotland) remit for all European and International Apprehension warrants and Interpol Red Notices issued by Scotland. The Fugitive Active Search Team can be tasked to assist with appropriate enquiries and provide advice, assistance and guidance to SIO's and enquiry officers as required.

- 27.2 National Crime Agency (NCA) is the central authority for the UK in respect of International and European Arrest warrants. On receipt of a warrant NCA create a PNC Record for the Fugitive and an initial marker, generally a Locate/ Trace on PNC providing details of the warrant. NCA thereafter distribute these warrants to the relevant geographic area (if known) Police Scotland Fugitive Active Search Team will receive these warrants for enquiry and will inform the relevant partners.
- 27.3 This NCA generated marker remains on the Fugitives PNC record until that individual is extradited to the issuing country. The marker will be removed by NCA at the conclusion of any extradition process. If NCA cannot confirm if a warrant relates to a particular person who has an existing PNC record they will create a new record which will include the details of the warrant and the Locate/Trace marker.
- 27.4 This NCA generated marker remains on the fugitive's PNC record until that individual is extradited to the issuing country. The marker will be removed by NCA at the conclusion of any extradition process.
- 27.5 If NCA cannot confirm if a warrant relates to a particular person who has an existing PNC record they will create a new record which will include the details of the warrant and the Locate/Trace marker.
- 27.6 To comply with the implementation of the Schengen Information System 2 (SIS2) all European Arrest Warrants where a Fugitive is believed to be resident in Scotland, England, Wales and Northern Ireland must be legally competent in terms of UK law and as such will be certified by the NCA. All live EAWs will be placed onto SIS2 by NCA.
- 27.7 All International Arrest warrants (non EAW) arriving in Scotland (inbound) will continue to be certified by a Procurator Fiscal Depute within COPFS ICU. International Warrants (non EAWs) are not placed on SIS2.
- 27.8 All European/ International Arrest Warrants issued by Scotland (outbound) seeking the arrest of a Fugitive wanted for crimes committed in Scotland and who is believed to be abroad are approved by Crown Counsel and signed by a Sheriff at Edinburgh Sheriff Court.
- 27.9 Should subsequent enquiry ascertain that a Fugitive, thought to be in for example Manchester, is to be located in Scotland the certified warrant will be transferred by NCA to Police Scotland Fugitive Active Search Team for further enquiry.
- 27.10 All certified European or International warrants (inbound/outbound) where there is a Scottish link are forwarded by email to Police Scotland Fugitive Active Search Team for action (execution or package for local enquiry).

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- 27.11 On receipt of an appropriately certified warrant Police Scotland Fugitive Active Search Team will create an appropriate PNC "Live Warrant" marker and create appropriate CHS record and an initial SID log relative to the Fugitive/Warrant.
- 27.12 Police Scotland Fugitive Active Search Team review all warrants on arrival and assess these in terms of SOCG Mapping, threat, risk, harm and community impact and in respect of criminality libelled within the warrant itself and current intelligence or criminal activity within Scotland. The unit will also undertake a range of enquiries on all warrants received.
- 27.13 Police Scotland Fugitive Active Search Team will apply for International Previous Convictions from the Fugitive's home country and if applicable the country issuing the warrant via ACRO (ACPO Criminal Records Office).
- 27.14 Police Scotland Fugitive Active Search Team will either:
- Undertake further detailed enquiry and execute the warrant themselves; or
 - Prepare a Guidance and Intelligence Package for dissemination to divisional personnel for further enquiry and action.
- 27.15 All Guidance and Intelligence packages will be forwarded by Police Scotland Fugitive Active Search Team via local SPOC's to the most appropriate officer/unit in order to ensure enquiry can be undertaken without any undue delay.
- 27.16 In conjunction with a degree of local enquiry and appropriate timing that the content of the Guidance/Intelligence Package will enable local enquiry officers to have the confidence:
- That the Fugitive will be located and arrested
 - To carryout and understand the procedural requirements which need to be followed when executing an international or European Apprehension warrant.
- 27.17 On the occasion where no Scottish link had been identified but the individual is located in Scotland and is subject of an EAW/International Arrest Warrant confirmation should be sought from NCA that the warrant is live and executable. NCA can be contacted on [REDACTED] or [REDACTED] and appropriate action then taken. On these occasions NCA will forward a copy of the warrant to the arresting officers
- 27.18 It is the responsibility of the arresting officer to ensure that a DETAINED marker is placed on PNC against the Fugitives record.
- 27.19 When an EAW is executed anywhere Scotland, all matters are dealt with by Edinburgh Sheriff Court. The accused is required to appear at Edinburgh Sheriff Court no later than the next lawful day. It is the arresting officer's responsibility to organise an interpreter for this first appearance at court. Interpreters are required in **all** cases where English is not the accused's first language. Interpreters should be arranged through [REDACTED].
- 27.20 The European Arrest Warrant (EAW) consists of two parts, (English version of warrant or Form A and in the language of the requesting country) both in electronic PDF format. The EAW (both parts) **must** be physically handed to the accused who

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is required to sign the [Execution of Service form \(146-001\)](#). The Execution of Service must be completed. In terms of the Extradition Act 2003 the accused **must** be allowed access to or retain both parts of the EAW during his time in custody or prisoner transport.

27.21 It is the responsibility for the arresting officers to seize the arrested persons Passport or identity card (Police powers under Extradition act) these documents should be retained within prisoners property and may be required by the court should bail be considered.

27.22 The Execution of Service is **not** a substitute for statements. Statements are required by Crown Office **prior** to the accused's first appearance at court. It is the arresting officer's responsibility to ensure that the Execution of Service and statements pertaining to the arrest and the service of the warrant are forwarded to:

- The International Co-Operation Unit (ICU), Crown Office

and

- The Fugitive Active Search Team

27.23 Statements should also include:

- Details of the time, date and place of arrest and must confirm that the warrant was read over to the accused and they are aware they have access to the warrant at all times.
- That the accused is the person referred to in the warrant.
- Whether any identity documents have been seized and are available in the prisoner's property
- The arrangements that have been made for the first appearance at court and that an interpreter has been booked
- Any antecedents (length of time in the UK, who they reside with, time at current address, employment details and employment history)."

27.24 Officers should ensure that previous convictions are available to Crown Office as these are relevant to matters of bail. CHS/PNC prints must be forwarded to ICU at Crown Office.

27.25 Unsuccessful Warrant Guidance/Intelligence packages should be returned to the Fugitive Unit for further enquiry. New intelligence will be added and either acted upon by the Fugitive Unit or allocated to Division for further action.

27.26 Where the Fugitive is believed to no longer have a connection with Scotland and all reasonable enquiries have been exhausted allocated packages will be returned to the Fugitive Active Search Team in order that the warrant can be returned to the NCA (and inform Crown Office) in order that it can be reallocated elsewhere in the UK or filed. NCA will be responsible for providing relevant updates on progress to the issuing country through Interpol.

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27.27 The Police Scotland Fugitive Active Search Team, located within the Scottish Crime Campus, can be contacted for advice and assistance via

[REDACTED]

27.28 Subsequent Extradition matters and subsequent removals relative to Fugitives arrested in Scotland will be undertaken by Police Scotland International Unit contactable via [REDACTED]

27.29 Regardless of where the subject is arrested from, they will **always** attend at Edinburgh Sheriff Court.

27.30 The Extradition Act 2003 provides the person must appear before court as soon as practicable and failing this, the person will be discharged and released by the Court. The Court will ordinarily be available until 1600hrs and where practicable, arrangements should be made for the person to appear in Court on the same day that they were arrested. If this is not possible, the ICU at Crown Office should be made aware of the arrangements for transfer.

27.31 Where it is anticipated there may be a delay in the person being transferred to the Court, an explanation ought to be available to enable this to be advanced before the court in event of defence challenge. If this is likely to occur, the ICU should be advised, which may instruct that the subject is not to attend court until the next lawful day, the subject must then be conveyed to [REDACTED]

27.32

[REDACTED]

27.33 When contacting the relevant language service provider, they should also be advised that an interpreter will be required to attend at Edinburgh Sheriff Court when the subject appears there from custody (regardless of the subject's understanding of English).

27.34 The arresting officers are responsible for making the necessary arrangements in respect of this function once the date of the subject's first court appearance is known. The details of the interpreter attending court should be included in the arresting officers statements supplied to the ICU.

27.35 The Execution of Service, Police statements, warrant and any identification documentation must accompany the subject to court.

Note: If the subject is granted bail, all identification documentation will be surrendered to the Sheriff Clerk or if they are remanded into custody, the documents will accompany them to prison.

27.36 The warrant details must be **updated** on PNC to reflect that the subject has been arrested and the warrant cancelled on the relevant local warrants system. If there is an Interpol locate trace marker on the PNC **it should not be cancelled**. It is the responsibility of the arresting officer to ensure that a detained report is updated on

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the PNC, in accordance with local procedure, stating that the subject has been arrested in respect of the warrant (refer to the [PNC SOP](#) for guidance on updating PNC).

- 27.37 The arresting officer's contact details must be available within the detained report. The details of the subject's court appearance date should also be updated in the report. (This detained report is necessary to avoid the subject being arrested again on the warrant should they be released on bail from Edinburgh Sheriff Court). If there is also a wanted/missing marker held on PNC then this must be **cancelled** at the time of arrest, again in accordance with local procedure.
- 27.38 Following appearance at Edinburgh Sheriff Court, the procedures will be adopted depending on whether the subject accepts or refuses extradition. For further guidance refer to sections 27.44 and 27.45.
- 27.39 Unsuccessful Warrant Guidance/Intelligence packages should be returned to the International Unit and forwarded to the Fugitive Unit for further enquiry. New intelligence will be added and either acted upon by the Fugitive Unit or allocated to Division for further action.
- 27.40 Where the fugitive is believed to no longer have a connection with Scotland and all reasonable enquiries have been exhausted allocated packages will be returned to the Fugitive Unit in order that the warrant can be returned to the Crown.
- 27.41 COPFS ICU will return the warrant to NCA in order that it can be reallocated elsewhere in the UK or filed. NCA will be responsible for providing relevant updates on progress to the issuing country through Interpol.
- 27.42 The Police Scotland Fugitive Unit, currently located within the Scottish Crime Campus, can be contacted for advice and assistance via
[REDACTED]
- 27.43 Subsequent extradition matters and removals relative to fugitives arrested in Scotland will be undertaken by Police Scotland International Unit contactable via
[REDACTED]

27.44 Extradition Accepted

- 27.44.1 If the subject accepts extradition, the Sheriff will decide to either remand them or release them on bail.
- 27.44.2 Once the extradition is ordered, Police Scotland have 10 days in which to complete the handover unless an appeal is lodged (see 28.4 below).
- 27.44.3 If the subject is bailed, certain standard bail conditions will be applied. The subject must be given 24 hours' notice of removal prior to being taken back in to custody to effect the extradition.

27.45 Extradition Refused

- 27.45.1 If the subject refuses extradition, the Sheriff will decide to either remand the subject or release them on bail.
- 27.45.2 If remanded, the subject will be held in custody pending further extradition procedures.
- 27.45.3 If released, they will be required to attend future extradition hearings with various bail conditions applied to them by the court.

27.46 Applying for a European / International Arrest Warrant

- 27.46.1 On the occasions where an enquiry officer has made enquiries which lead them to believe that their accused has fled the UK in order to evade justice an application can be made to Crown Office to obtain a European/International Arrest Warrant. There is a threshold on whether it is appropriate to proceed with this type of warrant, factors include; crime in question, potential prison term for crime, indications that subject is actively evading capture.
- 27.46.2 This has to be done after discussion with the appropriate Procurator Fiscal who has been allocated the case by completing a subject sheet outlining the background of the case along with any information which supports the premise that the accused has left the UK to avoid law enforcement and subsequent court proceedings. Within the subject sheet full detail of all subsequent enquiries that have been undertaken to trace the accused supported by relevant information obtained from these enquiries. This report should be forwarded to International Cooperation Unit at Crown Office & Procurator Fiscals Service (ICU COPFS) for their consideration.
- 27.46.3 In addition to this SIS2 'Form A' has to be completed by the requesting officer and sent along with the requesting subject sheet for onward transmission to NCA. This completed 'Form A' will allow NCA to place a marker on SIS2 if the warrant is issued by Crown Office, failure to complete Form A will result in the warrant not being transmitted to the appropriate countries

28. Extradition Procedures Guidance

- 28.1 The following notes have been produced for the guidance of officers and staff required to participate in the extradition of individuals from Scotland to countries within the European Union (EU) or elsewhere.
- 28.2 It is the responsibility of Police Scotland to transport the subject to a port to allow the handover of the subject to law enforcement officers from the requesting country. While not strictly required, if there are no direct flights in to Scotland from the requesting country Police Scotland will endeavour to transport the subject to a mutually agreed international airport elsewhere in the UK, usually Heathrow or Gatwick. **This may not always be the case.**

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- 28.3 From the date the court orders the extradition (which the subject accepted) Police Scotland will have **10 days** (including the day the decision was made to extradite the person) to complete the extradition process culminating in the surrender of the subject into the custody of the requesting country.
- 28.4 If the subject did not consent to the extradition (following the court ordering the extradition), Police Scotland will have **17 days** (including the day the decision was made to extradite the person) to complete the extradition process culminating in the surrender of the subject into the custody of the requesting country. This period included a period of 7 days (starting with the day the court ordered the extradition) for the subject to lodge an appeal. NIB should liaise with the ICU at the end of the 7 day period to ascertain if an appeal has been lodged.
- 28.5 ICU will contact NIB who will be responsible for conducting the extradition with the assistance of the Division covering the area in which the subject is resident. This will include the provision of resources for the extradition operation. Once the NIB has received notification that an extradition has been ordered, the NIB will contact the requesting country via Interpol/SOCA Fugitives to negotiate a mutually agreeable date and location for the handover. Travel arrangements will be organised by the Division where the subject was arrested from.
- 28.6 Risk Assessment, Staffing and Travel Arrangements**
- 28.6.1 If the subject has been released on bail they must be given **at least 24 hours'** notice of their removal. The NIB will notify the relevant Division of this requirement and it will be the responsibility of the Division to ensure that this notice is served to the subject in a timely matter. It is desirable to have this notice given in writing, in both English and the subject's native.
- 28.6.2 If the subject has been released on bail to the Division in which they reside, arrangements must be made to ensure they make themselves available to police prior to the extradition taking place and where appropriate, transferred to a Police Station close to the departure airport.
- 28.6.3 Should the subject fail to observe the special condition of bail (or fail to make themselves available for extradition) local police officers / ILOs should, without delay, advise the ICU who obtain a warrant to arrest in terms of Criminal Procedure (Scotland) Act 1995, Section 27.
- 28.6.4 This warrant then provides authority to local police officers to enter premises and arrest the subject and represent them before the Court for any further procedure. On their arrest an interpreter must be used.
- 28.6.5 NIB will complete further research in to the subject, including, but not limited to, SID, PNC, CHS, Crime Recording Systems and if relevant the Prison Intelligence Management Unit in order to conduct a Risk Assessment.
- 28.6.6 This risk assessment will inform the mode of transport used to convey the subject to the handover point (air or road), the number of staff required to undertake the extradition and the appropriate training of those staff.

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- 28.6.7 When flying a prisoner it is desirable to use a British registered carrier. British Airways have provided transport for many extraditions and have the processes in place to handle such requests. A British Airways Risk Assessment Form must be completed. British Airways Security can be contacted by telephone [REDACTED] to advise of an incoming Passenger under Escort request. [REDACTED]
- 28.6.8 This is a commercially secure email address where only six SC vetted duty managers have access to the information. This is a national BA form that has been graded confidential by BA. To meet Police Scotland GPMS requirements the email sending the document should be graded **RESTRICTED**.
- 28.6.9 Contact must also be made with the airport and Police Force where the handover is to take place.
- 28.6.10 If the subject is leaving Glasgow Airport, the [Glasgow Airport Letter](#) and Glasgow Airport notification must be completed and forwarded to the Divisional CID officer at Glasgow Airport.
- 28.6.11 If the subject is leaving from Edinburgh Airport, the approved [BA Risk Assessment form](#) must be emailed to the Edinburgh Airport duty Sergeant or Inspector.
- 28.6.12 If the destination airport is Heathrow, a [Heathrow Airport Letter](#) must be completed and contact made with Heathrow Operational Support Office, Metropolitan Police who can be contacted by telephone [REDACTED], to update and advise them of any proposed extradition that is travelling via Heathrow Airport. The Heathrow Airport Letter along with the British Airways Risk Assessment Form must then be emailed to: [REDACTED]
- 28.6.13 If the destination airport is Gatwick, a Gatwick Airport Letter must be completed and contact made with Sussex Police Control Room.
- 28.6.14 If the subject(s) is to be driven to London, the Area Control Room must be contacted [REDACTED]
- 28.6.15 A Command Control Incident must be created for the operation and this, along with notification of the operation and a request for assistance must be forwarded to the Police Duty Officer at the relevant airport in Scotland.

28.7 Undertaking the Extradition

- 28.7.1 If the subject has surrendered their passport or Identity Card as part of the bail conditions, it is the **responsibility of the NIB Extradition Officer to ensure that the subject has any appropriate documentation to travel**. It is not always essential that the subject has travel documents and in the event that the subject does not have any travel documents this should be communicated to the requesting country via Interpol.

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- 28.7.2 If the ID documents were surrendered it will be necessary to retrieve them from the Sheriff Clerk at Edinburgh Sheriff Court. If required the single point of contact at the Sheriff Court can be contacted by telephone [REDACTED]
- 28.7.3 The single point of contact at the ICU can be contacted by telephone during normal office hours [REDACTED]
- 28.7.4 The personal details of the overseas officers and also their outbound flight will be required. These can be obtained from Interpol/SOCA Fugitives.
- 28.7.5 If travelling by air, the extradition team and prisoner will be the last to disembark the aircraft and will be met on the air bridge by local Police Officers who will convey you to the Police Station within the airport or other secure area. If custody facilities are available, the custody process will be completed. Airside passes will have been prepared and issued to the attending officers.
- 28.7.6 Officers **must** be in possession of their **police issue warrant card** or no airside pass will be provided.
- 28.7.7 Approximately 2 hours prior to the departure of the extradition flight, the attending Police Scotland officers will meet with the foreign law enforcement officers within the terminal and the subject will be checked in and any luggage handed over – **note that valuables will not be handed over at this point.**
- 28.7.8 Signatures should be provided for the receipt of the luggage and identification documents. The foreign law enforcement officers will then provide their handcuffs to Police Scotland officers to be applied to the subject prior to handover. It should be established that no other control and restraint equipment is being carried by foreign officers.
- 28.7.9 Approximately 1 hour prior to the departure of the extradition flight the attending Police Scotland officers will arrive at the aircraft with the subject, where either on board the plane or the air bridge the exchange will take place. **At this point any cash or valuables will be handed over in the presence of the subject and signed for by the foreign law enforcement officers.**
- 28.7.10 The uplifting officers have no jurisdiction until the prisoner is on board the aircraft and the prisoner will remain in the custody of the attending Police Scotland officers until they have escorted him/her on to the aircraft. Standard officer safety rules will apply during the transportation of the prisoner at all times until handed over on board the extradition flight. Foreign law enforcement officers will be permitted to search the prisoner and take custody of him in handcuffs prior to boarding the aircraft.
- 28.7.11 Once the aircraft has departed, the attending Police Scotland officers must remain at the airport for the first 30 minutes that the plane is airborne. This is in case it has to return for any unforeseen circumstance. Once this time period has lapsed the process is complete.
- 28.7.12 If there is a technical problem or other circumstances that require the aircraft to return to the departure airport or land in the UK within 30 minutes, the attending Police Scotland officers will again take custody of the prisoner.

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- 28.7.13 The Police Scotland officers will, in conjunction with the foreign law enforcement officers, have to make urgent enquiries as to the next flight to the requesting country. If an alternative flight is readily available temporary custody for the subject should be requested from the local Police Force. If no alternative is readily available the Police Scotland officers will be required to transport the prisoner back to Scotland. They must notify the NIB and ICU immediately.
- 28.7.14 In this event a court process will be put in place to seek an extension warrant.
- 28.7.15 If the subject takes ill or some other incident or issue occurs that results in the handover failing to take place, the above process must also be undertaken.

28.8 Guidance for Subjects Arrested Abroad on a European Arrest Warrant

- 28.8.1 When a suspect is wanted for a crime committed in Scotland and is known to be residing in a foreign country, an EAW should be requested.
- 28.8.2 If the subject is then arrested by foreign authorities, NIB will initially be made aware of this via Interpol.
- 28.8.3 At this time, NIB should then contact the relevant Division where the crime was committed and make them aware of this. ICU at the Crown Office should also be made aware. (Contact details can be found in section 27.10).
- 28.8.4 The arrested person will then appear before the court in the country they were arrested in and the extradition process will commence. This process could take many months dependent on hearings / appeals, etc.
- 28.8.5 Once the court process is complete, Interpol / ICU will contact NIB and update them with the outcome.
- 28.8.6 If the decision is to extradite the arrested person, Police Scotland have 10 days from the date of being informed to arrange transporting the subject back to Scotland.
- 28.8.7 The NIB will then follow the reverse of the process outlined in 28.1 – 28.7, in conjunction with the OIC/SIO, to arrange the extradition of the subject back to Scotland.

29. Roles and Responsibilities - Enquiry Warrants

29.1 Local Police Commander / Deputy Local Police Commander

29.1.1 The Local Policing Commander is responsible for:

- The overall management of the warrants system and effective Local Area processes;
- Liaison with the local Procurator Fiscal in respect of the warrants processes to ensure that, as far as possible, exhausted enquiry warrants are subject of review by the Procurator Fiscal;

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- The inclusion of warrants as a standing item at Local Area Tasking and Co-ordinating and ensuring that warrants are being prioritised appropriately;
- The inclusion of warrants and related offenders in the Tasking and co-ordinating briefings as determined by the Local Area Control Strategy and briefings supplied by the Intelligence Manager;
- The quality control of the warrants system with qualitative examination of a minimum of five unexecuted or allocated warrants and five executed warrants per operational group on a quarterly basis;
- Ensuring through qualitative examination that the appropriate grading of warrants is being applied by the Intelligence Manager/Responsible Person and Warrants Officers;
- Reviewing allocation procedures and instigating warrant initiatives to keep outstanding warrants to a minimum;
- Qualitative examination of Fines paid, Fine receipt Books and Return of Fines/Warrants Form on a weekly basis.

29.2 Local Area Intelligence Manager or Nominated Responsible Person for Intelligence

29.2.1 The local intelligence manager is responsible for:

- Identifying an officer within the intelligence capability to act as Local Warrants Liaison Officer;
- Ensuring an intelligence assessment is completed in respect of **all** warrants prior to allocation to the Local Area to confirm appropriate grading and, where necessary, change existing warrant grade/grade previously ungraded warrant;
- Interrogation of the warrants system to support intelligence requirements and target offenders and offences aligned to the Local Area Control and Violence Reduction Strategy in relation to **all** warrants;
- Briefing of Local Area Officers and Senior Managers for inclusion of selected warrants into the Daily Briefing and Tasking and co-ordinating process;
- Briefing of Warrants Staff as to the appropriate grade to be applied to warrants and level of Local Area priority as agreed by senior management through Tasking and Co-ordinating

29.3 Local Intelligence Officer

29.3.1 The Local Intelligence Officer is responsible for:

- The daily liaison with Warrants Officers to review **all** warrants held and newly issued warrants. This will involve interrogation of relevant databases (PNC/SID etc.) to identify those offenders who pose a significant risk to the public and ensure appropriate grading is applied;
- Identifying and highlighting any officer safety issues, which come to light, for the attention of the enquiry officer;
- Briefing the Intelligence Manager/ responsible person in respect of offenders requiring inclusion in Daily Briefings, ensuring that the content is relevant, impactful and specific;

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- The single point of contact with outside agencies where Data Protection legislation applies.

29.4 Local Area Warrants Officer/ Person Responsible for Processing and Administration of Warrants

29.4.1 The local warrants officer is responsible for:

- The quality control check of paper warrants received match those listed on the warrants system;
- Checking that the warrants relate to the Local Area of receipt;
- Checking that the warrants appear lawful with no errors or omissions;
- Checking that the information on the paper warrant is accurate and reflects the information held on the electronic system;
- Notifying errors uncovered;
- Informing line management of consistent errors and omissions found in the process to allow remedial action to be taken;
- The updating of the warrants system with appropriate Local Area Grading as dictated by 'Local Area Assessment Criteria';
- Setting "due dates" in line with the Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System and Local Area Grading and monitoring return dates;
- Checking the Warrants System for offenders with more than one warrant, cross-referring the warrants ensuring that the enquiry update appears on **all** warrants held and that resource allocation is prudent;
- Dealing with all correspondence from the PF or Court Authorities in relation to warrants enquiries, reporting to the issuing agency within timescales determined by warrant grade;
- All administrative and clerical functions in connection with the receipt, recording, execution and cancellation of all warrants in accordance with procedures;
- Ensuring all monies are secured in a safe or lockfast area where access is restricted to designated key holders;
- The reconciliation of fines paid, relevant warrants and documentation and completion of the relevant form in accordance with local procedures;
- The banking of all monies weekly;
- Providing the Local Police Commander with a status report in relation to unexecuted warrants.

29.5 Local Area Administration Supervisor/Nominated Person

29.5.1 The local administration supervisor is responsible for:

- The supervision of the Warrants Officer and clerical staff and the processes for which they are responsible;
- Responding to any issues regarding the quality of warrants allocated to the Local Area or to officers for enquiry;

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- Ensuring that the Local Police Commander is updated with the status of warrants allocated to the Sub Local Area, unexecuted warrants and statistical information for any criminal justice purposes.

29.6 Group / Departmental Supervisors

29.6.1 Local supervisors are responsible for:

- Allocating warrants received from the Local Area Warrants Officer to individual officers without undue delay and in any case within 48 hours;
- Monitoring the progress of those warrant enquiries on a frequent and regular basis, ensuring diligent enquiry is carried out expeditiously;
- Ensuring that, at the very least, a professional standard of enquiry is completed timeously and, in respect of graded warrants, within the relevant timescales and confirming same on each warrant;
- Ensuring that all enquiries carried out are recorded accurately and appropriately on the warrant with no vague or incomplete entries;
- Returning unexecuted warrants to Local Area Warrants staff only after exhaustive enquiries have been completed;
- Briefing all officers under their command with regard to warrants held by the Local Policing Area relating to persistent offenders or persons identified by the Local Area Intelligence Manager through the relevant local process;
- Ensuring that officers are trained in the use of the warrants system.

29.7 Enquiry / Arresting Officers

29.7 Enquiry / arresting officers are responsible for:

- Executing warrants allocated to them without undue delay;
- Timeously completing enquiries in respect of warrants allocated and ensuring that, at the very least, a professional standard of enquiry is completed within the initial enquiry period determined by the warrant grade;
- Updating unexecuted warrants with all enquiries carried out with the specific information recorded including relevant aspects of the 'Standard Checks' field:
 - Addresses attended;
 - Local Enquiries;
 - PNC/CHIS;
 - Prisoner Processing/OMIS;
 - Scottish Intelligence Database;
 - Voters Roll;
 - Crime Management;
 - Local Area Case Registry/Sudden Death Reports;
 - Housing Check (subject to Data Protection criteria);
 - Homeless Units (subject to Data Protection criteria);
 - Department Of Work and Pensions (Subject to Data Protection criteria);
 - Prison Service (Subject to Data Protection criteria);

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- Immigration (Subject to Data Protection criteria);

Note: this list is intended as a guide only and is not exhaustive.

- Although the enquiry officer will require the assistance of the Local Area 'single point of contact' in making contact with several agencies, it remains his/her responsibility to ensure such checks are recorded on the warrants system;
- Prior to carrying out enquiries to execute a warrant, the officer should satisfy themselves that all relevant checks have been completed to establish if there are warning signals or intelligence markers of note in respect of the person named on the warrant;
- Returning warrants to the supervisor only when all enquiries have been exhausted and ensure the relevant warrant's system is updated, taking cognisance at all times of the due dates;
- On arrest, updating the warrant with the location of arrest and creating an associated SID log if applicable.

29.8 Duty Officer / Responsible Custody Officer

29.8.1 Duty Officers / custody supervisors are responsible for:

- Ensuring that where a person is apprehended on a warrant or pays a fine in respect of a Means Enquiry or Extract Conviction Warrant, the warrants executed at their Local Area Office are cancelled **without delay** on both PNC and relevant warrants system;
- The paper warrant is removed from the Local Policing Area Warrants Officers room/ storage facility and set aside in a secure location for transfer to the Procurator Fiscal in accordance with any local procedures. The relevant Form is completed and left for the Local Area Warrants Officer;
- Electronic Notification to the Duty Officer in the Local Area where the accused is to appear in court to allow the details to be added to the daily court list provided to the Procurator Fiscal/Court Staff;
- The security of the Warrants Officer room / storage facility outwith office hours and the completion of a log for persons requiring to access warrants files. This audit log will record the following information:
 - Date;
 - Time;
 - Name of persons accessing files;
 - Warrants removed (yes/no);
 - Warrant/s numbers;
 - Accused name;
 - Local area of arrest;
- In the case of the transfer of warrants between Local Policing Areas, where an apprehension is made elsewhere and the warrant is required for a court in the Local Area holding the prisoner. The relevant form will be stamped by the receiving Duty Officer and returned to the Warrants Officer in the Local Area sending the warrant. It shall be the responsibility of the Local Policing Area holding the warrant to have it securely delivered to the appropriate location;

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- The despatch of a fax copy of the warrant to the Local Policing Area or Force holding the prisoner who requires to be shown the warrant and it is operationally impractical to transfer the paper warrants. This procedure will require the faxed copy to be clearly marked “COPY/DESTROY AFTER USE ORIGINAL HELD AT (Local Area);
- The transfer of Means/Extract Conviction Warrants to the relevant Custodial Services Escort and recording the transfer of the document on the Personal Escort Record (PER) Form, ensuring that all other unexecuted warrants are made known to the escort and the required ‘Holds’ are marked on the PER form. Custody staff must make custodial services staff aware of the existence of the warrant as part of the property checking process. The relevant custodial services will not accept the prisoner unless the appropriate warrant or copy (Means Enquiry Warrants only) is enclosed within the prisoner’s property;
- Collating statements of arrest where applicable and attaching same to the warrant;
- The receipt and record of fines paid at the Police Office along with the cancellation of the warrant on the warrants system which will include the following:
 - Completing the Fines Receipt Book with the amount paid, in words, the name of the payee, warrant(s) number and name of the person to whom the warrant refers;
 - All monies accepted to be witnessed by two members of staff, in all but exceptional circumstances, and thereafter sealed in the envelope provided and signed across the seal;
 - The warrant number, receipt number, money enclosed and the person to whom it refers will be written in words on the outside of the envelope;
 - All monies received will be recorded on the relevant form and retained in a secure location prior to uplift by warrants staff. The entries will be in receipt order number and once checked passed to the Warrants Officer for banking procedures.

30. Search Warrants

- 30.1 Applications for all search warrants should be submitted in writing to the PF, for consideration of the granting of a Sheriff Warrant. This procedure requires to be followed in all cases and at all times, even outwith office hours, except in cases of emergency or where it is otherwise not practicable for the police to contact the PF.
- 30.2 Detailed guidelines for the application for a search warrant have been issued jointly by the [ACPOS and COPFS Joint Guidance on Search Warrants](#) and must be adhered to in all cases. The agreed format contained therein must be used when applying for a warrant unless otherwise stated by locally agreed procedures.
- 30.3 The police may only make application directly to a Justice of the Peace in cases of emergency or where it is otherwise not practicable for the police to contact the PF. This procedure only permits the granting of a warrant to search in terms of the Misuse of Drugs Act 1971, Section 23(3) or at Common Law to search for property obtained by theft, any aggravation of theft or robbery. This does not include

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applications for warrants to search for evidence of the commission of an offence e.g. weapons, clothing etc. Furthermore, in cases that involve large quantities of drugs or where the circumstances are particularly unusual, the police must make application to the PF and not to a Justice of the Peace.

- 30.4 A warrant must only be craved from a Justice of the Peace where immediate police action is required and therefore normally precludes pre-planned operations.
- 30.5 So far as possible, applications for search warrants should be submitted to the PF during office hours, with the PF only being contacted out of office hours in cases of genuine emergency.
- 30.6 All applications for warrants under the [Wildlife and Countryside Act 1981](#), the [Forgery and Counterfeiting Act 1981](#), the [Immigration Act 1971](#) and the [Asylum and Immigration Act 1996](#) should, where possible be made to the PF within office hours.
- 30.7 Applications for such warrants made out of office hours must be, in the first instance directed to the PF for consideration and direction.
- 30.8 Only in highly exceptional circumstances and where there is difficulty in contacting a Sheriff and where evidence may (on a specified and not merely conjectural basis) be lost, the PF may issue authority to approach a Justice of the Peace direct.
- 30.9 A summary of the evidence upon which each warrant application is based must be submitted for the consideration of the PF. Applications supported only by vague or imprecise information will be refused. All applications for warrants will be examined and authorised by a supervisory officer.
- 30.10 When an application for a search warrant is presented to the PF the officer deponing will be fully conversant with all matters connected with the enquiry. They should be prepared to answer any questions relating to the evidence and where necessary the intelligence that forms the application under consideration.
- 30.11 Where the PF directs that a Justice of the Peace warrant will suffice, or where the aforementioned exceptional circumstances exist, the Investigating Officer will make a request to the Duty Officer. This request should outline the circumstances surrounding the warrant application and the reason why the sheriff warrant was not obtained.
- 30.12 The Duty Officer will issue an original warrant of an approved style.
- 30.13 Irrespective of whether the warrant is executed, a subject report outlining the circumstances should be submitted to the Local Area Commander and retained within the Divisional Registry / filing facility, together with the original request.
- 30.14 Where a Sheriff Search warrant has been granted, a brief subject report or e-mail providing detail of the outcome must be submitted to the Procurator Fiscal, whether executed or not. The warrant should thereafter be retained as a production or within the Divisional Registry/filing facility as appropriate. The warrant enquiry form attached to the application must be updated by the enquiry officer outlining any actions taken.

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- 30.15 Where execution of any search warrant results directly or indirectly in evidence being obtained, the original warrant must be lodged as a production and included in the Police Report submitted to the Procurator Fiscal.
- 30.16 When applying for a warrant based on intelligence contained on the Scottish Intelligence Database (SID), the PF will require the grading of each piece of intelligence and may seek how many separate sources are contained in the warrant application.
- 30.17 The rationale being, that uncorroborated intelligence from two or more sources adds credibility to the information. The Officer applying for the warrant though should not know how many separate sources are contained in the warrant application.
- 30.18 This information is available, if required, from the Confidential Unit (or equivalent). Officers requesting this must supply the Confidential Unit with details of the subject of the application and the relevant SID logs.
- 30.19 Confidential Unit staff will provide details of how many separate sources are included in the SID logs provided but will **not** provide individual source details or state whether the intelligence came from a Covert Human Intelligence Source. The evaluation of the source and the intelligence will be reflected in the grading given on the SID log. Please note that attention should be given in the handling code which gives specific instructions regarding dissemination of any particular intelligence log.
- 30.20 If the source is anonymous, applicants should be aware that the application might fall if there is little or no supporting information.
- 30.21 For further local guidance on the application for search warrants refer to the geographic appendices ('A'-'H').

'C' Division

4. Local Area Processes

All warrants whether category A, B or C, issued by Courts, whether within or outwith the CSP area are received and retained by the Falkirk Area Command at the Falkirk Custody Suite and by Stirling and Clackmannan Area Commands at the Stirling Business Support Unit. On receipt of a warrant, the Clerical Warrant Assistants (police support staff) at Falkirk and Stirling will enter the full details of the warrant on to the Crimefile Wanted Persons application (creating a 'Warrantfile') which automatically generates a task to the Records Bureau to have the appropriate details entered on to the Police National Computer in accordance with PNC guidelines.

All principal warrants will be filed alphabetically in the live warrants retained within the Falkirk Custody Suite and the Stirling Business Support Unit and will be accessible to staff at all times.

Warrants will then be allocated for enquiry and execution in keeping with local procedures, using the tasking facility of the Crimefile Wanted Persons application. On receipt of this notification, a relevant supervisory officer will then allocate the warrant investigation to an enquiry officer (**ALL warrants are so allocated for enquiry with officers carrying 1 or more warrant enquiries as part of their work load**), again for enquiry purposes using the Crimefile Wanted Persons application tasking facility. The enquiry officer's supervisor has an overview of all warrant enquiries allocated to their officers as the 'Warrantfile' appears on their supervisory screen within CrimeFile alongside Crimefiles, etc.

The allocated Officer must accept this task promptly and undertake and record all enquiries in the Crimefile Wanted Persons application without undue delay. Checks should be made of other databases such as SID, CHS, PNC, etc to identify information which may assist in the expeditious execution of the warrant.

Should it be necessary to remove a principal warrant from the files outside of normal office hours, the removing officer must ensure the appropriate details are left for the attention of the Clerical Warrants Assistants at Falkirk and Stirling.

Recording of Enquiries

All officers must ensure that all warrant enquiries and results thereof are recorded within the tasking facility of the Crimefile Wanted Persons application. This logging process should be viewed as a synchronous record of all enquiries from the date of issue to the police until the date of execution (or recall), with no significant unaccounted time lapses in between.

Review of Enquiries

The PF may periodically request a report on the progress of enquiries relating to any warrant. Dependent upon the result of these enquiries the PF may decide to withdraw the warrant, based on the information given or any other prevailing circumstances.

6.1 Procedure

The Clerical Warrant Assistants (police support staff) at Falkirk and Stirling will enter the full details of the warrant on to the Crimefile Wanted Persons application (creating a 'Warrantfile') which automatically generates a task to the Records Bureau to have the appropriate details entered on to the Police National Computer in accordance with PNC guidelines.

9.1 Statement of Arrest Under Judicial Warrant

The [Statement of Apprehension](#) must be completed by the arresting officers when the subject is processed at the Custody Centre.

11.8 Cancellation Procedures

Once a warrant has been executed, it is the arresting officer's responsibility to ensure that the warrant is cancelled on the Crimefile Wanted Persons application and two tasks will be automatically generated; one to the Force Records Bureau (removal of warrant details from PNC) and a second to the relevant Falkirk or Stirling Warrants Clerk (update records etc). The original warrant should be retrieved and attached to the arrest documentation. Outwith office hours any warrant cancellation tasks will be dealt with by the Command and Control Centre.

The contents of the warrant will be read over to the subject thereof upon presentation at the respective charge bar within the Falkirk or Stirling Custody Suite and any reply noted.

30. Search Warrants

Application for Warrants

In the instance of an officer requiring a search warrant at common law or under statute out-with office hours, they will contact the Inspector of the Communication Centre and inform them of the circumstances. They in turn will contact the 'On Call' PF and either inform them of the circumstances, or arrange for the applicant to speak directly to the on-call PF. Good practice dictates that the applicant is the best person to make contact, in order to answer any questions or clarify points of dubiety.

The Officer applying for the warrant will then require to:

1. Explain why the application is so urgent that it cannot wait until office hours, and
2. Confirm that it is intended that the warrant will be executed immediately or at least before 9am on the next working day.

Where the PF directs that a Justice of the Peace warrant will suffice, or where the aforementioned exceptional circumstances exist, the investigating officer will make contact with the relevant Justice of the Peace, from the details held by the Communication Centre.

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Template form [OP10e](#) can be used in the cases of offences under the Misuse of Drugs Act 1971. This is available as a template on Microsoft Word.

Any warrant granted should thereafter be retained as a production in the normal fashion.

'V' Division

4.4 Local Area Processes

The warrants system is administered by Warrants Officers (support staff) who maintain warrants through the IMAGE system.

6.1 Procedure

The warrants system in Division 14 can be found by accessing the warrants section on IMAGE.

8. Execution of Extract Conviction Warrants

HMP Dumfries only accepts accused persons with original warrant.

9.1 Statement of Arrest under Judicial Warrant

The Statement of Arrest Form can be accessed via the Scottish Police Custody System when an arrestee is processed

10. Payment of Fines

Warrant money is banked at the station receiving it and then forwarded to the Finance Department for onward transmission to the appropriate court.

30. Search Warrants

Currently officers complete search warrant applications themselves and forward via Case Management.

'P' Division

4.4 Local Area Processes

Administration of warrants is carried out by the Corporate Support Unit (CSU) and any reference to 'Local Area Warrants Officers' and 'Warrants Administration' in this SOP relate to the CSU in Fife.

The Crimefile Wanted Persons application is used to record all warrants, to whom they are allocated and all efforts made to execute warrants. Any reference to 'electronic enquiry record' or the recording of information will be on the Crimefile Wanted Persons application.

6.1 Procedure

The warrants system in Division 8 is managed via Crimefile.

9.1 Statement of Arrest under Judicial Warrant

Once booked in to Custody Centre, the Arresting officer is responsible for emailing –FCC PNC with the warrant cancellation. If it is a Division 8 warrant, the custody Sergeant / Duty Sergeant / Arresting officer's supervisor should update the Crimefile Warrants system that the warrant has been executed and sending the record electronically to –CPD ARCH (archive for warrants).

The Court Teams receive the Cellfile Court List daily and retrieve the Warrants from the files and deliver them to the Court prior to the custody being transferred.

10. Payment of Fines

10.1 Receipt books are retained in Enquiry Offices; however there is not a separate book for the payment of fines.

10.4 Monies will be checked by the Local Commander or someone designated on their behalf.

11. Cancellation Procedures

It is the Arresting Officer's responsibility to ensure that the warrant is cancelled and PNC updated accordingly.

Original means enquiry, extract conviction and apprehension warrants are retained at Kirkcaldy, Dunfermline and Cupar and transferred to the court by the Police Court Officer and not in the prisoner's property bag.

The cancellation of any warrant will generate a report enabling the PNC Bureau to update PNC during office hours. Outwith office hours the Force Contact Centre will update PNC.

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27. European Arrest Warrants

Local Area Intelligence Manager or Nominated Responsible Person for Intelligence

The first two bullet points should be disregarded. Initial intelligence checks are carried out by the Corporate Support Unit prior to allocation. Thereafter, team supervisors will decide whether or not the subject is worthy of further dissemination and bring this to the attention of the Intelligence Office for inclusion on the Electronic Briefing System.

30. Search Warrants

All search warrant applications should be emailed direct to the PF Co-location Officer using the Word Template 'Search Warrant', and he will ensure that the application is processed timeously.

Irrespective of whether or not a search warrant is executed a debrief form should be submitted to the Intelligence Office.

'A' Division

4.4 Local Area Processes

The use of scan and secure 'pnn' e-mail is utilised. Fax is infrequently used.

A recommended menu of enquiries is carried out which is much more detailed than that shown as a 'professional standard of enquiry.

Means Enquiry Warrants - The Declaration of Income (DOI) Process - [DOI Forms](#) are completed in place of arrest guaranteeing the outstanding fine is recovered from the subject's bank account/allowances.

6.1 Procedure

Review dates for Apprehension Warrants are set by the PF. Warrants Administration liaises with the PF and a decision is made as to re-allocation for enquiry or cancellation.

Means Enquiry Warrants are managed by the Warrants Admin and held there. They are only re-allocated if fresh information regarding the subject is received. After 3 years they are returned to Court. They do not have review dates.

8. Execution of Extract Conviction Warrants

There is no Warrants Team or a 24 hour warrant cancellation list. Local arrangements exist for the allocation of Warrant enquiries to divisional officers and for the prompt and cancellation of Warrants once they have been executed.

9.1 Statement of Arrest under Judicial Warrant

A Statement of Arrest is not required for Means Enquiry Warrant. The arresting officers will complete a [Statement of Arrest](#) for Apprehension Warrants **only**. This is then sent with the original Warrant to the relevant Reports Office by 0600 hours on the day of Court appearance in order that it can be delivered to the PF/Court in time.

10. Payment of Fines

This process is generally in place at Grampian although in smaller offices with only one person on duty full corroboration can be difficult. In such circumstances there may only be one member of staff available and this is acceptable.

Processing of monies is undertaken on a daily basis and forwarded to the Warrants Admin team.

30. Search Warrants

There is an on call PF for the Grampian area who is always available on the 'on call' mobile number. This system works well and therefore the exception here will not apply.

In the Grampian area the use of Justices of the Peace is strictly controlled. They are not used in Moray or Aberdeenshire Divisions at all and used only in the most urgent of circumstances at Aberdeen Division and then only during office hours, with the authority of the Procurator Fiscal and for MDA Warrants only.

The PF in Grampian will never direct Police to a JP as per above.

All Warrant styles are available directly to officers who wish to apply for warrants on the Computer System. Enquiry officers select, complete and submit them for checking by a supervisor before continuing with their application.

Within 28 days of the granting of a Warrant, enquiry officers are required to submit a Subject Report through supervisors to the PF updating on the result of the warrant execution/reason for not executing same.

Application for Search Warrants

All applications for a warrant will be made using the pro-forma 'Search Warrant' which can be found on word/Force templates.

This document, when completed, should be saved as per the File Naming Convention and be protectively marked accordingly. Once saved, checked and confirmed as completed correctly the form should be forwarded to the →PF Co-Location Officer mailbox for progression.

All requests for search warrants will be submitted by the police in writing to the appropriate PF for consideration. If the PF is satisfied that the written information provided by the police is sufficient, an application will be made to the appropriate sheriff. Application to the sheriff will be made in the prescribed form, drafted by the Procurator Fiscal.

Only in urgent circumstances and on the basis of verbal information provided, the PF, if satisfied that a search warrant should be obtained, may make application to a sheriff. All verbal requests for search warrants made by the police must be authorised by an officer of or above the rank of Inspector.

Obtaining a Drugs Search Warrant

All requests for drugs search warrants will be made by the police in writing to the appropriate PF for consideration. This will be done using the required pro-forma, as detailed previously.

The requests must outline the basis of the intelligence received in respect of the search warrant. If the PF is satisfied that the written information provided by the police is sufficient, an application will be made to the sheriff.

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There will be instances when it is not practicable to adhere to normal working hours and the same procedure will apply via the on-call Procurator Fiscal.

When it is necessary to obtain a search warrant in respect of drugs-related cases, the following administrative procedures must be carried out to gain a full intelligence picture regarding the subject:

- Contact Communities Policing Divisional Intelligence Office, (CPDIO), and request that an urgent housing check be carried out with regard to the address;
- Check voters' roll via the intranet icon;
- Undertake Crimefile check;
- Undertake SID check; and
- Consider contacting Drugs Squad and local Crime Management personnel.

All reasonable steps must be taken to check the veracity of the information received before a warrant is sought. Officers must take extreme care during the preparation and compilation of the 'Search Warrants' form to ensure that the information contained in the document is valid and accurate.

On completion of the warrant request, the form should be forwarded to the –PF Co-Location Officer mailbox for progression.

Arrangements will then be made for the PFs office to telephone the officer with a suitable time when the search warrant will be ready for collection. A warrant will be granted only in circumstances where the Procurator Fiscal is satisfied that the written information provided by the applicant forms a sufficient basis for application to the sheriff.

The PFs Office will also arrange with the Sheriff Clerk's office a suitable time for the officer to take the Search Warrant to the sheriff for endorsement.

The officer should then attend at the relevant Procurator Fiscal's Office to uplift the search warrant, **checking it thoroughly** and making sure that there are no mistakes in the document (including the date, address, particulars and signatures).

After collecting the search warrant, the officer should attend at the Sheriff Clerk's office for the warrant to be completed.

The Sheriff Clerk's staff will thereafter arrange for the officer to swear on oath, in the presence of the sheriff, to the contents of the warrant. **The officer must therefore have a good knowledge of the details of the intelligence.**

The sheriff will request the officer to sign at the 'Deponent' part of the warrant prior to signing it himself or herself.

'E' and 'J' Divisions**4.4 Local Area Processes**

Criminal Justice Operations PNC Bureau is responsible for updating UNIFI Warrants and PNC with all Division 6 warrants and cancelling all warrants within Divisions 6 & 7. They are also responsible for training Division 6 & 7 warrants staff on procedure (after they have completed formal IT Training courses in the UNIFI Warrants application and PNC) so they are able to mirror the processes.

6.1 Procedure

The Warrants administration IT platform is UNIFI. Divisional warrants staff thereafter allocate the warrants for enquiry.

9.1 Statement of Arrest under Judicial Warrant

Following processing an arrestee at a Custody Centre within Division 6 & 7, the arresting officer must notify the Court Record Department via email who in turn will ensure the original warrant is sent to the relevant court. If the arrestee is to attend a court outwith Division 6 or 7, a [NP37](#) must be completed and sent along with the original warrant.

28.6 Risk Assessment, Staffing and Travel Arrangements

When undertaking an extradition, an [Extradition Risk Assessment](#) must be completed to ensure an appropriate Escorting Officer response option is deployed.

30. Search Warrants**Recording of Warrant Applications**

Officers intending to seek a Search Warrant will first contact the Divisional operations room in the Division in which the address to be searched is located. All Divisions will run a Background Incident Log on Command and Control on which every application for a Search Warrant for an address in that division, made to either the Procurator Fiscal and/or Justice of the Peace, will be recorded. This system will ensure that each application is given a unique divisional reference number. The investigating officer will enter that number on the warrant. This log will operate on a monthly basis, and will negate the requirement for any other form of recording system.

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Style Petitions and Applications

All applications for Search Warrants and associated orders now require to be made using the new format Warrant Applications and Style Petitions located on Word ([Fwarrant](#)). Each Petition (warrant) has its own specific application, which must be completed by the officer craving the warrant. This will replace any memoranda currently submitted to the Procurator Fiscal for this purpose.

In addition to the Style Petition and the Warrant Application, a [Search Warrant Monitoring Form](#) will also be raised as part of the Word document. This form must be completed when applying for a warrant to be executed in the Edinburgh fiscal area and must be numbered in conjunction with the Divisional Search Warrants Register held on Command and Control. The monitoring form should be disregarded when applying for a warrant to be executed outwith the Edinburgh fiscal area.

Application for Grant

Once the investigating officer has completed the warrant application, it must be authorised by an officer of the rank of Inspector or above. The authorising officer will ensure that all reasonable steps have been taken to verify the information which forms the basis of the application to search. If the authorising officer is satisfied that the application is justified, the investigating officer will endorse the application form with the authorising officer's name and the date/time of authorisation. Both parties should ensure that this authorisation is recorded in their official notebooks. Wherever possible, applications for a Warrant should be checked by a supervisory officer.

If the authorising officer is not satisfied with the information given then the application process stops.

Approach to Procurator Fiscal

When a warrant to be executed in the Edinburgh fiscal area (including Midlothian) is craved, officers require to submit the Search Warrant Monitoring Form together with the Style Petition and Warrant Application to the Procurator Fiscal.

During office hours, an initial telephone call must be made to discuss any warrant application with a Depute Fiscal. All agreed warrant applications must then be preceded by a telephone call to Case Reception, Procurator Fiscal's Office, [REDACTED]

Following the above, all completed warrant applications should be E-Mailed directly to the Procurator Fiscal's Office. All staff with the facility to E-Mail Statements to the fiscal now also have the facility to E-Mail Search Warrant applications. The application will then be progressed in the normal manner.

The Procurator Fiscal will print the application and complete the relevant sections of the Search Warrant Monitoring Form. If the application is refused the monitoring form will end with the fiscal who will return a copy to the Statistics Section, Criminal Records, Fettes.

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If the application is granted, the Search Warrant Monitoring Form will remain with the warrant for the duration of its 'life'. The form will then be completed by the officer executing the warrant and must also be sent to the above department for collation.

Once authorisation has been received then an approach to the PF will be made during office hours (9am-5pm) to the PF's office. Contact in the first instance will be by telephone. The PF may ask to see the application form in person or request it be e-mailed, or faxed.

Out of Hours Contact

Out with office hours, application will only be made in cases of urgency. Urgency can be defined as an immediate need for a warrant to prevent the potential loss of evidence in an enquiry into a serious offence then under active investigation and where the warrant requires to be executed immediately.

Out of hours the Divisional operations room holds the call-out rota for the PF. The E-Mail facility will not be available out of hours and officers will require to print hard copy warrant applications, which should thereafter be made in person to the Procurator Fiscal.

Appearance in front of the PF

The investigating officer must complete the application (form [xa47](#)) and the pro-forma warrant prior to meeting with the Fiscal. The Fiscal instructs that the warrants should be typed whenever possible. However, handwritten warrants will be accepted in cases of urgency or non-availability of typing staff.

Schedule of Search Document

A recent enquiry has revealed that a variety of schedule of search documents have been locally produced to assist officers when carrying out searches for evidential items. Whilst the use of such a document is necessary, it is felt that a uniform approach requires to be taken.

Form [xa52](#) comprises a front cover sheet and guidance notes regarding a schedule's completion. The separate sheets that make up a schedule itself are available as force form [xa52a](#). As many pages as are required to accompany the front cover and guidance sheet can be printed off and used.

After completion, all pages, including the cover sheet and guidance notes, can be fastened into the form of a booklet and submitted to the Procurator Fiscal in the usual manner.

In February 2009, [xa52](#) was updated to incorporate a 'Building Report'. Although this report forms part of the [xa52](#), officers should separate the 'Building Report' and 'Schedule of Productions' into two documents. Where a Schedule of Search is not required as a production for Court, all documents should be stored in line with local procedures.

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The purpose of the Building Report is to improve the recording practice of risks associated with the premises as well as recording damage caused, utilities used, etc, all of which give rise to complaints. It is envisaged that the Building Report will raise officers' awareness regarding potential complaints as well as providing Divisions/Departments with a document to assist in planning operations. These documents standardise search schedule documents across the force area, and supervisors must ensure that the use of any locally devised forms is now discontinued.

All officers are advised that a schedule of search should be prepared for all searches of premises. To ensure a consistent approach, so assisting the prosecution process, the officer-in-charge of a search must always consider using such a schedule.

Warrants as Productions

Where a Search Warrant has been executed and has resulted in the preparation of a police report to the Procurator Fiscal, a copy of the warrant must be taken, marked with the appropriate Case Reference Number and immediately forwarded to the Procurator Fiscal with a covering memorandum.

The original Search Warrant will continue to be treated as a Production. The Procurator Fiscal has intimated that no case proceedings will commence prior to his/her having had sight of the relevant warrant (copy), and being satisfied that it has been completed and executed correctly.

'N' Division

4.4 Local Area Processes

There is a bespoke Warrants System which is accessed by the Area Commands and acts as an interface for information which is automatically e-mailed to the Operations Centre who carry out the necessary PNC processes.

There is an in-built quality assurance process which is carried out by the Information Management Unit.

6.1 Procedure

A Warrants Database is maintained on the Force's Common Operating Environment (COE2). Where a warrant enquiry has been raised (i.e. a warrant enquiry outwith Division 4 / allocated to an officer to make further enquiry) an incident is raised on the Incident Management Control & Tracking system (IMPACT) to ensure an audit record of all enquiries undertaken is kept.

9.1 Statement of Arrest under Judicial Warrant

A [statement of arrest form](#) must be completed by the arresting officers and left with the Custody Supervisor.

30. Search Warrants

Refer to the [flow chart](#) for further guidance.

'G', 'U', 'Q', 'L' and 'K' Divisions

4.4 Local Area Processes

Information Resources (IR) will be responsible for the administration of the Warrants System. They are responsible for:

- The central processing of all warrants onto the Warrants System and Police National Computer (PNC);
- The allocation of all warrants to Divisions for enquiry. Apprehension warrants being allocated to the division where the crime was recorded, whilst Means or Extract Conviction Warrants allocated to the division where the subjects address is located;
- Prioritisation of work dependent on the warrant grade and, on occasions where an Apprehension Warrant is received without having been graded, then, in the interests of expediency, shall apply a grading thereto in accordance with guidelines based on the Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System;
- The single point of contact for warrant enquiries from outside the PSoS area and former forces Divisions and any authority processing a direct issue warrant which requires to be processed onto the Warrants System and PNC. The following contact details will appear in the Police Almanac:



- The reconciliation and resolution of all fines paid and management of the Warrants Account;
- The transfer of executed warrants and any cheques from the central warrants fund to the respective courts;
- The management of the contract with the Warrants Courier Service. (Any issues/queries regarding the uplift and delivery of warrants by the designated courier should be directed to the Duty Manager, IR);
- Check warrants and ensure that all relevant documentation is present, and where errors are identified, notify the issuing agency and maintain records for audit purposes.

6.1 Procedure

The warrants system within the former Strathclyde Police area is called the Strathclyde Police Warrants System

9.1 Statement of Arrest under Judicial Warrant

Force Form 1:25:10 must be completed by both arresting officers and sent along with the arrest warrant to the relevant court.

30. Search Warrants

Application for Warrants

Where the Procurator Fiscal directs that a Justice of the Peace warrant will suffice, or where the aforementioned exceptional circumstances exist, the Investigating Officer will make a written request to the Duty Officer.

This report should outline the circumstances surrounding the warrant application and the reason why the sheriff warrant was not obtained.

The Duty Officer will issue an original warrant of an approved style – 1:25:15 or 1:25:16, complete the counterfoil receipt or if not the Justice of the Peace Warrant Control Sheet (Form 1:25:21) and issue a consecutive number to the warrant.

Should the Duty PF direct that a JP warrant be craved, then the Duty Officer at Divisional Headquarters should be apprised in writing outlining the circumstances for the warrant application along with the name of the Duty PF authorising the said JP Warrant. The Duty Officer will issue an original warrant of the approved style (Form 1:25:15 or 1:25:16) and complete the counterfoil receipt and warrant control sheet. Whenever practicable, when a JP Warrant has been signed, a supervisor should again examine it to ensure its accuracy prior to execution.

'D' Division

4.4 Local Area Processes

Means Warrant Paid

All monies paid must be treated with urgency and the National Warrants SOP must be complied with. The following local processes if followed correctly will ensure compliance and must be adhered to for the payment of ALL means enquiry warrants.

Taking possession of money for a means enquiry warrant must be corroborated.

Failing any corroboration being available the options are discretion to pay the warrant at a pre-arranged time/date/location, or, have the payee sign your notebook and thereafter take the money immediately to LPA headquarters where the following process will be fully corroborated. Under no circumstances should warrant money be lodged at a local station.

The warrant must be cancelled on the Unifi system and PNC/CHS immediately via PNC/CHS Bureau. If a warrant is executed out with office hours, the warrant must be cancelled on both systems via the Area Control Room (CCC), and the warrant control sheet is to be updated accordingly

The warrant money must be placed in a clear self seal evidence bag and signed by both officers. Where no self seal bag available a clear plastic bag with a numbered seal should be used.

A warrant control sheet must be attached to the outside of the bag containing the warrant money, this will accompany the warrant money and every person who handles the warrant money must sign the control sheet. The control sheet will include the name, warrant number, officer details, cash amount and seal number.

A receipt must be issued to the payee, if this is not done at the time it must be posted. Receipt books specifically for warrants are available at all LPA stations.

The warrant money will be transferred directly and as soon as possible to the warrants safe in each LPA, located in Perth, Dundee and Arbroath. Warrant money will not be lodged in local stations. If this is not possible then the warrant money must be signed over to a supervisor prior to the termination of duty.

Once at Perth/Dundee/Arbroath the warrant money (still unopened) within the evidence bag, the warrant control sheet and the hard copy warrant shall be

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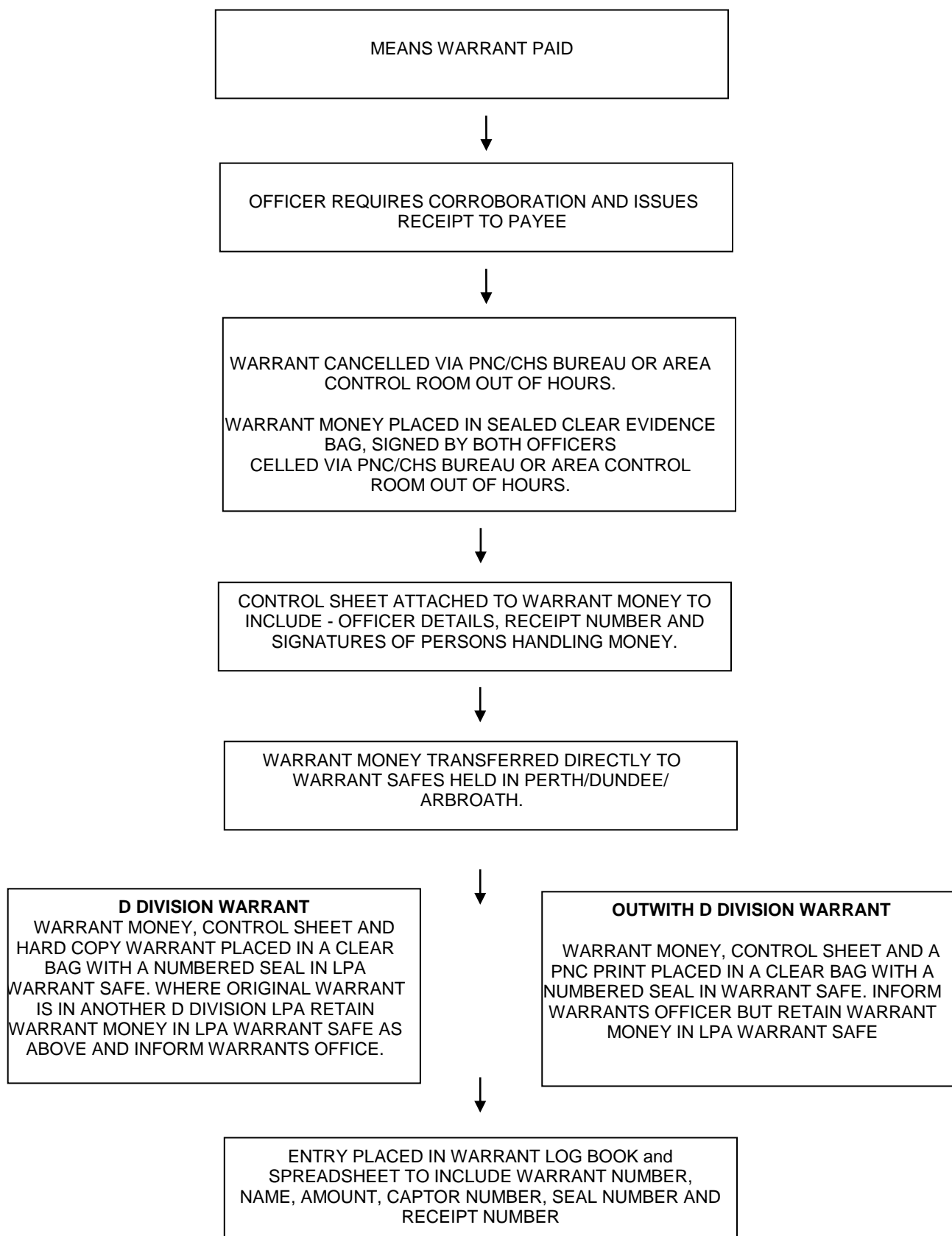
placed in a clear plastic bag and sealed with a numbered seal. Details including the warrant details, officers dealing, seal number, receipt number and receiving officer shall be entered in the warrants log book and the LPA spreadsheet. The sealed bag will be placed in the warrants only letterbox safe where it shall remain until banked.

Where a warrant is from out with, for example an Aberdeen warrant the money shall be lodged as above with a PNC print in lieu of the hard copy warrant and the warrants office informed.

Where a local warrant is paid out with the LPA area, for example a Dundee warrant paid in Perth the money shall be lodged as per above and the warrants office informed.

The following flow chart summarises the above information.

D Division Local Process – Means Warrant Paid



6.1 Procedure

The warrants system in Division 3 is called UNIFI and can be accessed via a desktop icon on the users PC.

30. Search Warrants

Application During Office Hours

(For the purposes of this document office hours should be regarded as 0900-1700, Monday – Friday)

The following procedures must be strictly adhered to:

Where an officer considers there is sufficient evidence to justify making an application for a Search Warrant, that officer will make a verbal application to their First-Line Manager. The First-Line Manager, if satisfied there is sufficient evidence to support the application, will sign a Search Warrant Application Monitoring Form.

The reporting officer will then prepare an Unrelated Memo (using SMART2) outlining the full circumstances, including:

- Details of premises to be searched
- The occupier
- The property sought.

The completed memo will then be submitted to a Supervisor who must be an officer of or above the rank of Inspector. It is the responsibility of this Supervisor to verify that there is both sufficient evidence and detail to substantiate the application.

If there is insufficient evidence or other sound operational reasons why the matter should not be progressed at this time, the Supervisor will reject the application and the reasons for doing so will be recorded in the free-text area of the Search Warrant Application Monitoring Form.

If the application is supported the Supervisor will endorse the application and the Reporting Officer will contact the Duty PF and apprise them of the circumstances.

The reporting officer will then forward the application to Case Management for onward transmission to the Duty PF where it will be approved or rejected. If approved, a Warrant will be prepared by the PF.

If rejected, the Fiscal may send a Memo via e-mail or telephone the Reporting Officer, stipulating the reasons for rejection. The reporting officer will record the reason given in the free-text area on the Warrant Application Monitoring form.

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If approval is given, the final stage of the process will require the reporting officer to take the Search Warrant to a Sheriff (the duty Procurator Fiscal may assist with this). The officer presenting the Warrant to the Sheriff will be expected to depone or be placed on oath by the Sheriff.

Once the warrant has been executed the reporting officer will contact the control room and provide such detail as the operator requires. The reporting Officer will then note the Incident number and endorse the Warrant and any Copy.

NB It is vital that the exact time and date the information was received by the reporting officer is recorded and included on the Search Warrant Application Monitoring Form.

Search Warrants Application Outwith Office Hours

(For the purposes of this document outwith office hours should be regarded as 1700-0900 hours, Monday – Friday, Weekends and Public Holidays).

Applications for Search Warrants will not be routinely directed towards Justices of the Peace (JP's).

In cases of extreme urgency the Area Procurator Fiscal has intimated that where a Search Warrant is required the reporting officer MIGHT be directed towards an approved JP by the duty or on-call Procurator Fiscal, but only after the matter has been fully discussed.

Where an officer considers there is sufficient evidence to justify making an application for a Search Warrant, that officer will make a verbal application to their First-Line Manager. If the First-Line Manager is satisfied there is sufficient evidence to support the application they will sign a Search Warrant Application Monitoring Form. The reporting officer will then prepare an internal memorandum outlining the full circumstances, including:

- Details of premises to be searched;
- The occupier;
- The property sought.

The Area Control Room (ACR) supervisor will always be considered the appropriate supervisor outside office hours and the warrant application memo should be forwarded to them by e-mail for approval.

The ACR supervisor must be satisfied that an approach to the on-call PF is justified at that time or whether the matter can reasonably be expected to wait until normal office hours.

If rejected, the reporting officer will record the reasons given in the free-text area on the Search Warrant Application Monitoring form.

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Upon approval being granted the Reporting Officer will make contact with the on-call Procurator Fiscal for the area in which the warrant is to be executed. The application will then be taken to the Procurator Fiscal for consideration. If approved, a Warrant will be prepared by the on-call Procurator Fiscal.

If rejected, the reporting officer will record the reasons given in the free-text area on the Search Warrant Application Monitoring form.

Where the PF approves the application, **only** the ACR supervisor will contact the on call Sheriff from the list retained by the control room.

The final stage of this process requires the reporting officer to take the documentation to the nominated Sheriff. The officer presenting the Warrant to the Sheriff will be expected to depone or be placed on oath by the Sheriff.

Once the warrant has been executed the reporting officer will contact the ACR and provide such detail as the operator requires. The reporting officer will then note the Incident number and endorse the Warrant and any Copy.

NB When e-mailing the ACR supervisor care must be taken to ascertain the identity of the Duty Officer as this may not conform to published duty sheets. This can be ascertained by contacting the ACR.

Under no circumstances should officers send a warrant application to a PF's home e-mail address. The duty PF is provided with a secure lap-top for this purpose which will have a '.gov' address. If the duty PF cannot provide such an address, the application must be delivered in hard copy.

List of Associated Legislation

- Criminal Justice and Public Order Act 1994;
- Children (Scotland) Act 1995;
- Criminal Law Act 1977;
- Extradition Act 2003.

List of Associated Reference Documents

- Protocol on the Prioritisation of Warrants in the Scottish Criminal Justice System;
- ACPOS and COPFS Joint Guidance on Search Warrants;
- Electronic Monitoring of Offenders SOP;
- Interpreting and Translating Services SOP;
- Mental Health and Place of Safety SOP;
- PNC SOP.

List of Associated Generic PSoS Forms

- BA Risk Assessment Form;
- Heathrow Airport Letter;
- Glasgow Airport Notification Form;
- Glasgow Airport Letter.