# **26-239 DEPARTMENT OF ATTORNEY GENERAL**

Chapter 3: STANDARDS FOR THE OPERATION OF ARREST WARRANT REPOSITORIES

SUMMARY: By virtue of Chapter 402 of the Public Laws of 1991, the District Attorney of each Court District was directed to designate, with the approval of the resident District Court Judge, at least one law enforcement agency to be responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the Courts. That legislation also directed the Attorney General to adopt standards for the operation of the designated arrest warrant repositories. These standards provide direction to the repositories as to who may take physical possession of an attested copy of an arrest warrant; what information must be contained in an arrest warrant; when an arrest warrant must be entered into the State's computer database; under what circumstances a warrant may be entered into the National Crime Information Center [NCIC] database; where the original arrest warrant must be stored; how arrest warrants are validated and under what circumstances they may be cancelled or recalled and removed from any computer database; and the responsibility of the repository to prepare lists of outstanding warrants.

§ 1 LOCATION AND POSSESSION OF ARREST WARRANTS

A. ORIGINALS. There shall be only one original of an arrest warrant issued by any court and, except as otherwise provided by law, the original of any arrest warrant shall be maintained and stored by the issuing court.

B. ATTESTED COPIES.

1. Except as provided in this sub-paragraph (2), the court shall produce only one attested copy of any arrest warrant which it has issued. The court shall direct that the attested copy of any arrest warrant be directed to and maintained by the designated warrant repository for its court district.

2. The court may produce additional attested copies of an arrest warrant to be issued under the following circumstances:

(i) upon the request of the prosecuting attorney for purposes of inter-state or international extradition; and

(ii) upon the written request of a representative of a governmental agency or entity, including an agency or entity of another state or the federal government, for use at an official proceeding of that agency or entity. When an attested copy of an arrest warrant is issued under this provision, it shall be marked with the following or similar language: "For Filing Purposes Only - Do Not Execute."

C. LIMITED PHYSICAL POSSESSION BY INVESTIGATING AGENCY. The primary investigating law enforcement agency shall have the opportunity to physically possess the attested copy of an investigative arrest warrant for a period of 72 hours from the time of delivery to the repository for the sole purpose of attempting execution of the warrant.

An investigative arrest warrant shall mean a warrant for the arrest of a person charged with a criminal offense as distinguished from a bench warrant for failure to appear or to pay a fine.

The investigating law enforcement agency shall exercise this opportunity by advising the repository that it wishes to take physical possession of the attested warrant for the 72-hour period. A representative of the investigating law enforcement agency shall sign an appropriate receipt for the attested warrant, if required by the repository. It shall be the responsibility of the law enforcement agency to return the attested warrant to the warrant repository at the end of the 72-hour period, except in those cases governed by paragraph (D) below.

D. EXTENDED POSSESSION BY INVESTIGATIVE LAW ENFORCEMENT AGENCY. The primary investigative law enforcement agency may take physical possession of the attested copy of an investigative arrest warrant for two successive periods not to exceed five days each for the sole purpose of attempting to execute the warrant, if the Attorney General or the respective District Attorney or their designees make a determination that the likelihood of warrant execution will be substantially increased by permitting the law enforcement agency to take physical possession of the attested warrant.

The Attorney General, the respective District Attorney or their designees shall exercise this authority by advising the repository that the primary investigative law enforcement agency shall take physical possession of the attested warrant for an initial period not to exceed five days. At the expiration of the initial five-day period, the Attorney General, the respective District Attorney or their designees may authorize the primary investigating law enforcement agency permission to physically possess the attested warrant for an additional period not to exceed five days if the likelihood of execution will be increased. The repository shall maintain a record of the officer authorizing physical possession under this paragraph.

In the event the primary investigating law enforcement agency has possessed the attested warrant for the 72-hour period under paragraph (C) above, the five-day periods under this paragraph shall be calculated from the expiration of the 72-hour period. Otherwise, the five-day periods shall be calculated from the day of delivery of the attested warrant to the repository and the day of delivery shall not be counted. In no event, however, shall the primary investigating law enforcement agency physically possess the attested warrant for more than a total of thirteen days from the day of its receipt at the repository.

It shall be the responsibility of the primary investigating law enforcement agency possessing an attested warrant under this paragraph to return the warrant to the designated repository at the end of the authorized possession period.

§ 2 CONTENTS OF WARRANT

A. IDENTIFICATION INFORMATION. It shall be the responsibility of the officer requesting the issuance of an arrest warrant to provide the issuing court with as much identification information about the individual as is reasonably available. This information shall include, if available:

(i) The individual's name, date of birth, last known address, approximate height and weight, and color of eyes and hair;

(ii) The name of the investigative law enforcement department primarily responsible for the case;

(iii) A photograph of the individual which shall be attached to the attested copy of the warrant;

(iv) Any distinguishing physical characteristics, such as scars or tattoos, that will aid in the identification of the individual and the execution of the warrant;

(v) The last known whereabouts of the individual and the location where the individual is presently believed to be.

B. UPDATING INFORMATION - CONTINUING DUTY. Subsequent to the issuance of an arrest warrant, any law enforcement agency having information concerning the subject of an arrest warrant, shall have a continuing duty to provide such information to the designated warrant repository for the purpose of updating the identification information concerning the individual and his/her likely whereabouts.

C. REQUEST FOR ADDITIONAL INFORMATION. The designated warrant repository may, at any time, request the law enforcement agency which originated the warrant request to provide updated identification information regarding the subject of an arrest warrant, and the originating law enforcement agency shall provide such updated information as is available to it.

§ 3 DATABASE ENTRY AND REMOVAL

A. MAINE WANTED AND MISSING (MWM). Immediately upon receipt of an attested arrest warrant the arrest warrant repository shall enter the warrant in the State's wanted and missing persons computer database.

B. NATIONAL CRIME INFORMATION CENTER (NCIC). An arrest warrant shall not be entered in the National Crime Information Center database without authorization from the Attorney General, the respective District Attorney, or their designees except, however, that the Department of Corrections may enter warrants for violations of parole and probation or for escape. The repository shall maintain a record of the name of the officer authorizing entry of the warrant in the National Crime Information Center.

C. REMOVAL FROM DATABASE. The arrest warrant repository shall immediately remove a warrant from the MWM and NCIC databases upon notification that the warrant has been executed, cancelled or recalled.

D. NOTIFICATION. Whenever a law enforcement agency executes an arrest warrant, it shall immediately notify the appropriate repository of that fact. The repository shall immediately notify the issuing Court and the primary law enforcement agency, and shall return the attested warrant to the issuing Court and shall note on the return of service when the warrant was executed and by whom.

Whenever the issuing Court recalls or cancels a warrant, it shall immediately notify the appropriate warrant repository.

E. STATE POLICE DATABASE. The Maine State Police are responsible for maintaining a computerized database, including computer entry standards. If the computer entry standards as set by the Maine State Police are met, the warrant information shall be entered into the database. The Maine State Police shall establish a schedule for the regular printing and mailing of geographical code lists to police agencies as well as the printing and mailing of repository validation lists.

§ 4 WARRANT LISTS

A. BY REPOSITORY. Each arrest warrant repository must periodically, but at least monthly, prepare a list of all outstanding arrest warrants maintained by that repository. The lists shall include those warrants entered on the State's wanted and missing persons database and in the National Crime Information Center. Copies of the lists shall be provided to the originating law enforcement agencies and the issuing Court.

B. BY COURT. Each Court which has issued arrest warrants shall maintain an updated list of outstanding warrants which have been issued by that Court. A copy of the list shall be provided to the warrant repository, at least quarterly.

§ 5 VALIDATION BY COURT

The Judicial Department shall develop a plan for use by the Courts to insure that outstanding arrest warrants are, in fact, valid. This plan shall provide for the regular review of outstanding arrest warrants and prompt notification to the warrant repository of any warrants which have been recalled, cancelled, or amended by the Court.

§ 6 WARRANTS MANAGEMENT PLAN AND REVIEW

A. DEVELOPMENT BY REPOSITORY. Each warrant repository shall develop a structured warrants management plan designed to maximize the execution of outstanding arrest warrants within its area of responsibility.

B. REVIEW BY DISTRICT ATTORNEY. Each warrant repository shall consult with the respective District Attorney and regularly report to the District Attorney on the ongoing effectiveness of the warrants management plan. The repository and the District Attorney shall cooperate to maximize the execution of outstanding arrest warrants. The District Attorney and the repository shall develop a procedure by which the District Attorney may review and monitor the repository warrant files and procedures.

C. COURT INVOLVEMENT. The District Attorney and a representative of the repository shall cooperate and review with a representative of the Court the repository's record of performance.

D. ATTORNEY GENERAL. The District Attorney, a representative of the repository and a representative of the Court shall cooperate and review with the Attorney General or his designee the repository's record of performance, the Court's fulfillment of its obligations and any improvements to the Warrants Management Program which the Attorney General may, by rule, address.

STATUTORY AUTHORITY: 15 M.R.S.A. § 605

EFFECTIVE DATE:

April 22, 1992

NON-SUBSTANTIVE CORRECTIONS:

April 4, 2000

FISCAL IMPACT NOTE AS REQUIRED BY 5 M.R.S.A. § 8063:

As mentioned in the Fact Sheet, it is difficult at this time to provide an estimated fiscal impact of these Standards. There is some dispute as to whether the legislation (Chapter 402 of the Public Laws of 1991) will have a fiscal impact on counties, but it is not believed that these particular rules will have any fiscal impact.

WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK:

July 14, 2025