

## **POLICY AND PROCEDURE FOR ISSUANCE OF ARREST WARRANTS FOR PROBATION VIOLATIONS IN CERTAIN SITUATIONS**

Arrest warrants, instead of summonses, will be issued for probation violators in certain situations. Pursuant to I.C. 35-38-2-3(b)(2) the Circuit Court and Superior Court Judges have authorized the issuance of arrest warrants in the following situations:

1. When a probationer has missed two (2) consecutive probation appointments;
2. When the probation department has cause to believe that a probationer has moved away from the jurisdiction;
3. When a probationer has been summonsed into a probation violation hearing and the probationer fails to appear;
4. When a probationer who is on probation for a felony commits a new criminal act (misdemeanor or felony);
5. When a probationer who is on probation for a misdemeanor commits a new felony criminal act;
6. When a probationer on probation for domestic battery uses or possesses drugs or alcohol;
7. When a probationer fails to begin home detention within the period of time ordered in the "Home Detention Commitment Order", and;
8. Whenever the Court determines that a probationer commits any act that would create a risk of the probationer fleeing the jurisdiction or would create a risk of causing harm to others.

Warrants will be issued, subject to approval of the Court, upon the filing by the Probation Department/Prosecutors Office of a Petition for Revocation and a Request for Arrest Warrant. Upon arrest of the probationer on such a warrant the following procedure will apply, to-wit:

1. The probationer will be held, without bond, until his appearance in the appropriate Court at the next regular time for new cases;
2. At the hearing the Court will find on the record that there was probable cause to have arrested the probationer by warrant;
3. Probationer will be advised of the probation violation petition and given an opportunity to admit, deny or ask for an attorney;
4. If probationer admits, the Court can either dispose of the matter immediately or set the disposition for another date;
5. If probationer denies or asks for an attorney, the Court will set a fact finding hearing or new initial hearing, and;
6. The court may consider bond or release on own recognizance pending disposition.

The Courts will also issue a general order pursuant to I.C. 35-38-8-6 which requires a person currently on probation who is arrested for a new offense to be held without bail for a period of seven (7) days on that new offense. This will allow the probation department to have seven (7) days to determine if a probation violation petition should be filed and if an arrest warrant will be sought. Probation staff will maintain a system of "On Probation" flags in the county law-enforcement system jailer staff to consult for every arrested person to make sure said persons are eligible for bond during the first seven (7) days.