

ILLINOIS STATE POLICE OPS-078, FUGITIVES

RESCINDS: OPS-078, 2022-157, revised 03-10-2022.	REVISED: 01-03-2023 2023-091
RELATED DOCUMENTS: None	RELATED CALEA STANDARDS (6th Edition): 61.1.2, 74.1.2, 74.1.3, 74.3.1, 74.3.2, 82.3.1

I. POLICY

The Illinois State Police (ISP) will provide procedures for documenting, investigating, and apprehending fugitives.

II. DEFINITION

Fugitive - a subject for whom a warrant or capias has been issued for arrest and the subject flees or otherwise takes steps to avoid prosecution.

III. PROCEDURES

III.A. Investigations

III.A.1. If the ISP is holding the warrant, the appropriate ISP Troop will enter a wanted person record in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) when the subject becomes a fugitive.

III.A.1.a. If a county or local police department is holding the warrant, the ISP Troop executing the warrant should make an "Add On" to the local entry in LEADS, if new or additional information on the fugitive is discovered.

NOTE: If ISP attaches an add-on to the Originating Agency's Record, this does not guarantee that ISP will be notified when the subject is apprehended. Also, the add-on record is NOT sent to NCIC.

III.A.1.b. Entry of the warrant into NCIC is authorized for a felony or misdemeanor.

III.A.1.b.1) NCIC allows entry of Non-Extraditable Warrants for officer safety purposes.

III.A.1.b.2) There must be authorization for extradition from the prosecuting authority.

III.A.2. The investigating officer will:

III.A.2.a. Coordinate reasonable efforts to locate a wanted subject considering the following priorities: (Priorities may be altered by aggravating or mitigating factors.)

III.A.2.a.1) First degree murder

III.A.2.a.2) Class X felonies

III.A.2.a.3) Class 1 felonies

III.A.2.a.4) Class 2 felonies

III.A.2.a.5) Class 3 felonies

III.A.2.a.6) Class 4 felonies

III.A.2.a.7) Class A misdemeanors

III.A.2.a.8) Class B misdemeanors

III.A.2.a.9) Class C misdemeanors

III.A.2.a.10) Petty offenses

NOTE: "Failure to appear" warrants are to be prioritized by the original charge in accordance with paragraph III.B.1.

- III.A.2.b. Contact the appropriate troop by telephone. A completed Fugitive Notification form, ISP 4-040 (see the Criminal Investigation Report Writing Manual, must be submitted to the Troop within 24 hours of telephonic entry.
 - III.A.2.c. Place the original warrant/capias on file with the sheriff of the issuing county, if initial efforts to arrest a subject wanted on a warrant/capias are negative.
 - III.A.2.d. Immediately contact the appropriate troop to remove the warrant and fugitive information from LEADS and NCIC when a fugitive is apprehended or no longer wanted.
 - III.A.2.d.1) If the warrant was entered by another agency, contact the appropriate ISP Troop to have a LEADS locate transaction placed on the entry.
 - III.A.2.e. Review each fugitive warrant annually with the respective state's attorney to determine if extradition/prosecution is still authorized. The determination will be reported on a TraCS report or an appropriate/equivalent ISP report management system report, in the case file, and reported to the investigating officer or trooper responsible for the warrant.
 - III.A.2.f. If TraCS is not available, a supplemental or Investigative Report, form ISP 4-003, will be completed. If the investigating officer is a patrol officer a TraCS report or the appropriate ISP report management system report will be completed. A Field Report, form ISP 5-048, will be completed only if officers do not have access to TraCS or appropriate ISP report management system.
- III.A.3. Each troop will:
- III.A.3.a. Enter the fugitive information (if the ISP possesses the warrant), and/or make the "Add On" in LEADS, and ensure completion of a Fugitive Notification form.
 - III.A.3.b. Ensure the investigating officer is notified of any messages regarding the fugitive.
 - III.A.3.c. When authorized, cancel the fugitive from LEADS and NCIC and ensure completion of a Fugitive Notification form.
 - III.A.3.d. Maintain a file of all active and cancelled fugitive notifications.
- III.A.4. Documentation
- III.A.4.a. On a non-rush or non-emergency entry, the investigating officer will complete a Fugitive Notification form on each fugitive and forward it to the appropriate troop. Ensure the "Entry" portion of the form is completed as outlined in the Criminal Investigation Report Writing Manual.
 - NOTE:** Enter on the Fugitive Notification form if immediate notification upon contact is necessary and provide the telephone number, if applicable. Unless noted on the Fugitive Notification form, troop communications personnel will route notification via troop mail.
 - III.A.4.b. Upon being contacted or upon receipt of the Fugitive Notification form, the appropriate troop will make entry into LEADS and NCIC and complete the LEADS information section (D) of the form recording the LEADS number, date of entry, and the LEADS operator, if ISP is holding the warrant.
 - III.A.4.b.1) If the county or local police department is holding the warrant, an "Add On" message must be made, and section (F) of the LEADS Fugitive Notification form must be completed.
 - III.A.4.b.2) After completing the LEADS information section, the communications supervisor, or designee, will review the form to ensure accuracy and forward the form to the LEADS operator to make a copy that will be maintained in the investigative case file.
 - III.A.4.b.3) The original will be maintained on file in the communications center.

III.A.4.c. When criminal process is served, or there has been an attempt to serve criminal process, the service, or the attempt at service, will be documented on an appropriate electronic ISP report management system. If an appropriate electronic ISP report management system is not available, an ISP 4-003, or, if the investigating officer is a patrol officer, form ISP 5-048, will be completed. The documentation must include the:

- III.A.4.c.1) Date and time service was executed or attempted
- III.A.4.c.2) Name of the officer(s) executing or attempting to execute the service
- III.A.4.c.3) Name of the person against whom service was executed or attempted
- III.A.4.c.4) Method of service or reason for non-service
- III.A.4.c.5) Address of the service or attempt at service

III.A.5. Upon a fugitive entry being made, the investigating officer will submit a TraCS Investigative Report or appropriate ISP investigative report system report, if available or if not available, a Case Action Report, ISP 4-008.

III.A.6. A patrol officer will complete a TraCS report or appropriate ISP report management system report if she/he has access or form ISP 5-048 if they do not have access, indicating the warrant or docket number, fugitive's name, charge(s), crime code(s), and status changes, such as "pending fugitive apprehension."

III.A.6.a. A case placed in "pending fugitive apprehension" status must be reported on within 90 days, and every 90 days thereafter until the case is closed. The report will document the investigative action taken to locate the fugitive(s). At the discretion of the Zone/ Troop Commander, or his/her designee, a fugitive case may be placed in 365-day status if it is determined that the fugitive has taken up permanent residence in a foreign country.

III.A.6.b. A case placed in "pending fugitive apprehension" status will be reviewed annually with the respective state's attorney issuing the warrant or capias to determine if prosecution/extradition is still authorized. The determination will be reported indicating the date of review, person reviewing the case, and outcome of review.

III.B. Apprehension

III.B.1. A sworn officer will serve all ISP criminal process.

III.B.2. When a fugitive is apprehended or no longer wanted, the investigating officer will immediately contact the appropriate troop by telephone, authorize cancellation of the fugitive entry from LEADS and NCIC, and advise the reason for cancellation.

III.B.2.a. Upon receipt of authorization, the Troop will cause the cancellation of the fugitive from LEADS and NCIC and complete the cancellation portion of the Fugitive Notification Form maintained in the communications center indicating the LEADS number, date of cancellation, LEADS operator, and whose authority cancelled it.

III.B.2.a.1) If the warrant was entered by another agency, contact the appropriate ISP troop to have a LEADS locate transaction placed on the entry.

III.B.2.b. After completing the cancellation portion, the communications supervisor will review the form to ensure accuracy and forward the form to the LEADS operator to make two copies.

III.B.2.b.1) The original will be maintained on file in the communications center for a period of one year.

III.B.2.b.2) The LEADS operator will forward the remaining copies to the investigating officer who will place a copy in the case file and

forward a copy to the Records Management Section, Division of Justice Services (DJS).

- III.B.2.c. If the warrant was entered by another agency, ISP Hit Procedure steps as outlined in the Communications Manual should be followed.
- III.B.3. Upon receipt of a message from an agency stating an ISP fugitive is in custody, the Troop will notify the investigating officer.
 - III.B.3.a. If unable to contact the investigating officer, notify the duty agent, the Zone Commander, or the Troop Commander.
 - III.B.3.b. Once notification has been made, a reply message will be sent advising the investigating officer has been contacted along with any information the investigating officer requests be sent.
 - III.B.3.c. Unless extenuating circumstances exist, the Troop will cause the ISP fugitive information to be cancelled from LEADS and NCIC by following the same procedures as detailed in paragraph III.B.2.
- III.C. When an individual is apprehended for an in-state warrant, the individual should only be fingerprinted if the original arrest fingerprint card was not previously submitted to the Bureau of Identification (BOI), DJS, pursuant to 20 ILCS 2630/5.
 - III.C.1. Once it has been determined the original arrest fingerprint card was not submitted, the county issuing the warrant should be contacted to determine if the county wishes to extradite the individual. If extradition procedures are to take place, the agency currently holding the individual should complete and submit the arrest fingerprint card.
 - III.C.2. It is important that only original arrest citations are reported. Do not report the offenses of "notice to appear," "failure to appear," or "issuance of warrant." These are not considered reportable offenses.
 - III.C.3. When reporting a warrant arrest, it is important to indicate the appropriate "arrest type" in the arrest type code field. The arrest type codes are listed on the back of the arrest fingerprint form. In the case of Livescan transmissions, this code can be selected from a drop-down menu on most machines.
 - III.C.4. Fingerprints should not be submitted to the BOI for out-of-state warrants.

| Indicates new or revised items.

-End of Directive-