Administrative Office of the Courts
Supreme Court of New Mexico

202 E. Marcy Street
Santa Fe, NM 87501

(505) 827-4800
(505) 827-4824 (fax)

Judicial Information Division (JID)

Creating and Disposing Failure to Appear Warrants

Standard Operating Procedure

Version 1.4.1

Updated: (9/2023)

Approved by: OJUG on May 18, 2023

Failure to Appear in Court Warrants

COURT / DEPARTMENT / DIVISION

This procedure is to be used by District Court, Magistrate Court and Metropolitan Court staff when creating a warrant in Odyssey.

USER

All court staff with rights to create warrants.

INTRODUCTION

This SOP will cover the process for issuing manual or automated Failure to Appear in Court (FTA) Bench Warrants. Some District and Magistrate courts submit automated warrants (warrants that are submitted electronically through Odyssey) to the Department of Public Safety (DPS) so throughout this SOP, **additional instructions for <u>automated warrants</u> will be notated in purple.** If warrants are not submitted electronically to DPS, users may ignore the instructions in purple.

This SOP instructs users on how to create warrants through the warrants tab. Some District Courts receive warrants through File & Serve and/or the warrant is created and submitted by the District Attorney's Office. For those courts, users will need to verify and/or enter information from the warrant into the **Parties tab, Warrants tab** and ensure that **warrant documents are related to both the event codes and warrant tab.**

PURPOSE

When a party fails to appear for a court hearing in front of a judge, or fails to appear on a criminal summons, and **Failure to Appear (FTA) in Court Warrant** is ordered by the judge. FTA Warrants should <u>not</u> be used when a party fails to report to:
- a specialty court,
- the probation office,
- to jail to serve time,
- Pretrial Services, or
- fails to appear for a <u>*Failure to Pay*</u> Summons.

RELEVANT DATA STANDARDS

General	Case Specific
1.7.0 Forms	2.0.0 Adult Criminal Data Standards
1.14.0 Reports	
1.15.0 Scanning	
1.16.0 Service	
1.17.0 Time Standards	
1.18.0 Warrants	

BASIC INFORMATION ON FAILURE TO APPEAR (FTA) WARRANTS:

FTA Warrants created in Odyssey must follow specific guidelines in order to show the correct event codes and reflect when a party fails to appear for a court hearing or fails to appear upon a criminal summons. FTA Warrants are entered through the **Warrants** tab or through the **Hearings/Courtroom Minutes** tab. FTA Warrants are tracked through the **Warrants** tab using the correct **Status** or disposition of the warrant. (See definitions under **DISPOSING OF AN FTA WARRANT**).

NAVIGATION

Odyssey Case Manager

STEPS

1. **RESULT HEARING**

   In the Courtroom Minutes screen, result the hearing as "**Failure to Appear – Defendant**"

2. **VERIFY DEFENDANT'S PARTY IDENTIFIERS**
   A. Click on **"Parties"** tab
   B. Click on the Party name to access the **Case Party** record
   C. Click on the Party's name again to access the **Global Party** record**.** Update the name and/or personal identifiers
   D. Click on **"Save"** or **"Exit"** to go back to the **Case Party** record
   E. Make sure changes to the address, DOB, SSN or DL number have been 'pinned'
   F. Click on "**Continue.**" (If changes were made, save the case before continuing)

NOTE** It is imperative that **all available** party information shall be entered into the global party record. If Race and Hair color are not known, 'Unavailable' and/or 'Unknown or Bald.' **must** be entered.
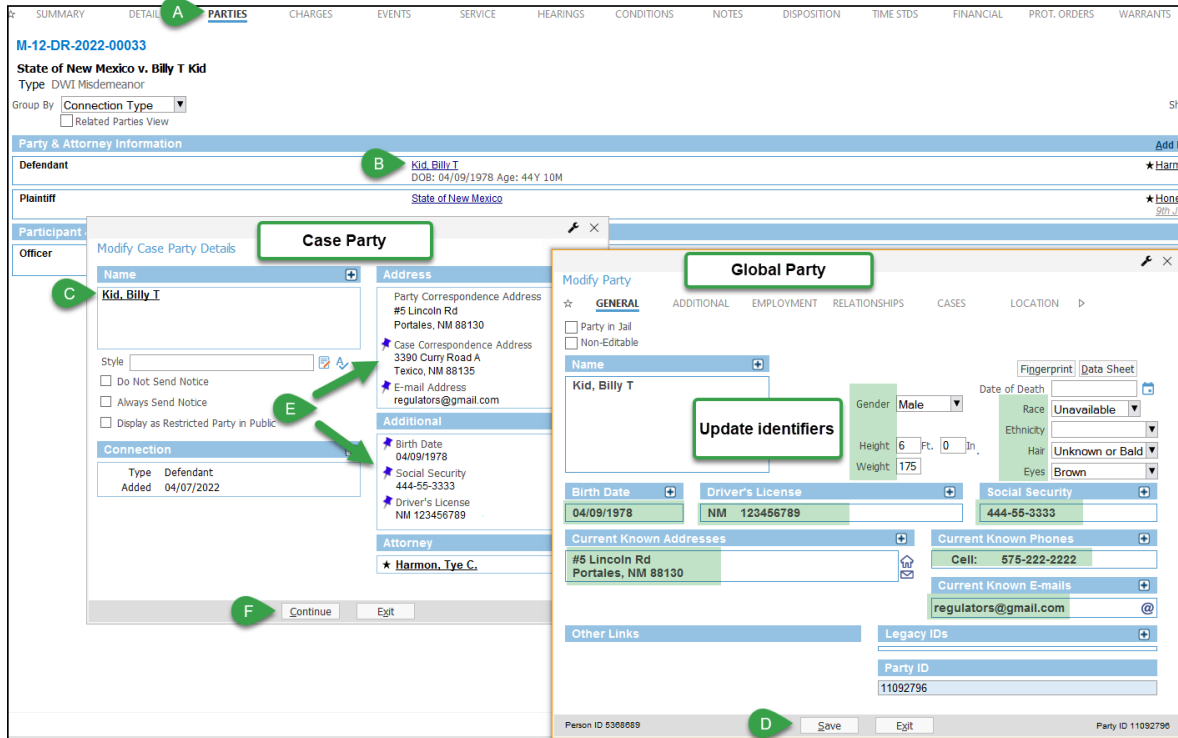
3. **CREATING AN FTA WARRANT**
   A. Navigate to the **"Warrants"** tab.
   B. Click on **"+"** to add a warrant
   C. Select the Type **"Failure to Appear in Court Warrant"**
   D. Select the name of the judge that ordered the warrant
   E. Click **"+"** to add Conditions
   F. Select **"Failure to appear in court as ordered"**
   G. Select **"Add Next"** to add the additional *required* conditions: **bond condition** (and amount if applicable), and an **extradition condition** (More conditions may be added but the 3 listed above are required)
   H. Select **"Continue"** when all Conditions have been added

Warrant Type	Bond Condition	Bond Amount	Extradition Condition	FTA Condition
Failure to Appear in Court Warrant	Required	Required if applicable to the type of bond ordered	Required	Required

EXTRADITION CONDITIONS (for District and Mag Courts only):
THIS WARRANT MAY BE EXECUTED WITHIN THE CITY
THIS WARRANT MAY BE EXECUTED WITHIN THE COUNTY
THIS WARRANT MAY BE EXECUTED WITHIN THE STATE
THIS WARRANT MAY BE EXECUTED IN NEW MEXICO AND SURROUNDING STATES
THIS WARRANT MAY BE EXECUTED ANYWHERE WITHIN THE CONTINENTAL US
THIS WARRANT MAY BE EXECUTED IN ANY JURISDICTION

WARRANT EXTRADITION LIMITATION TO BE SELECTED BY JUDGE*** (choosing this option will leave checkboxes for the judge to select the appropriate extradition condition):

**The State will extradite the defendant from:**
[ ]Anywhere [ ]Anywhere in the continental United States [   ]Any contiguous State [ ]Within New Mexico [ ]Within the County [   ]Within the City

> ***Once the judge selects the extradition, the clerk _must go back into the conditions in the warrants tab_ and chose the corresponding extradition condition.**
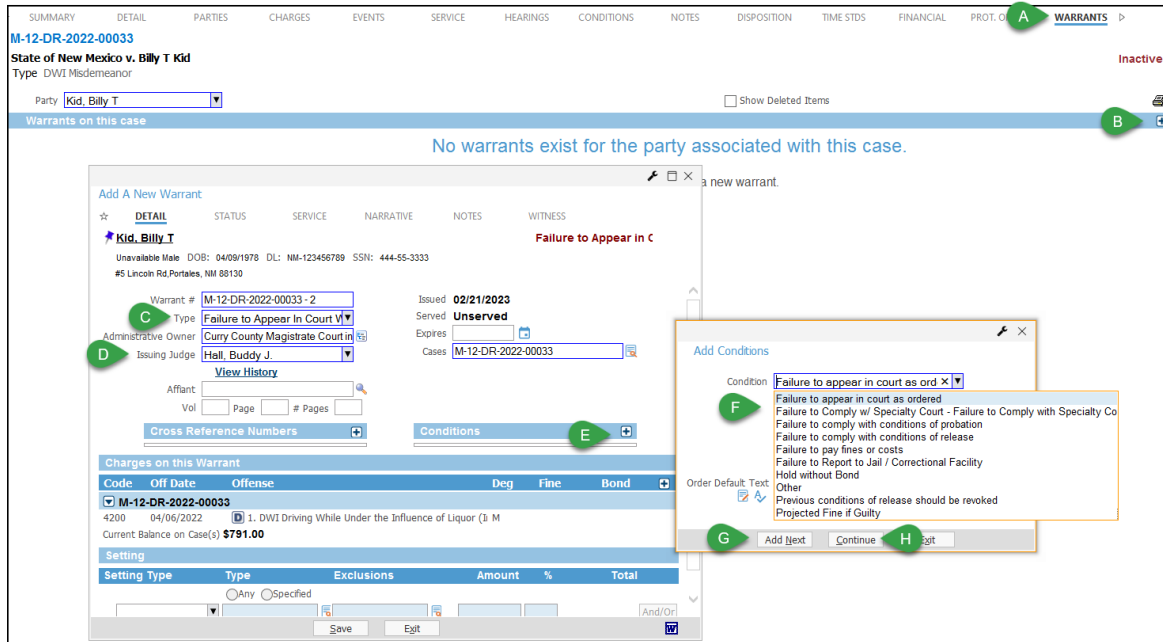
I. Click on the **"Status"** tab
J. Select the appropriate **Location** (for automated warrants, use NMSP – Electronically Submitted)

NOTE* If the warrant will not be signed the same day it is printed, select **"Warrant Printed - Unsigned"** for the **Status.** The default **Location** will then change to **"Judge's Chambers or Desk for Signature".**
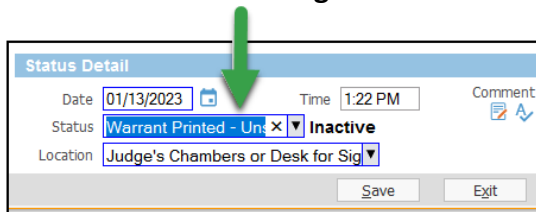
After the judge has signed the warrant, the status of **"Failure to Appear in Court Warrant Issued"** will need to be added, using the date the warrant is signed as the status date.

***For the automated warrant, remember to update the Location to **"NMSP – Electronically Submitted."**

K. If merging the warrant from Odyssey, click on the "**W**" icon to bring up the form options OR

L. If not merging the warrant form, click Save and continue on to Step 4
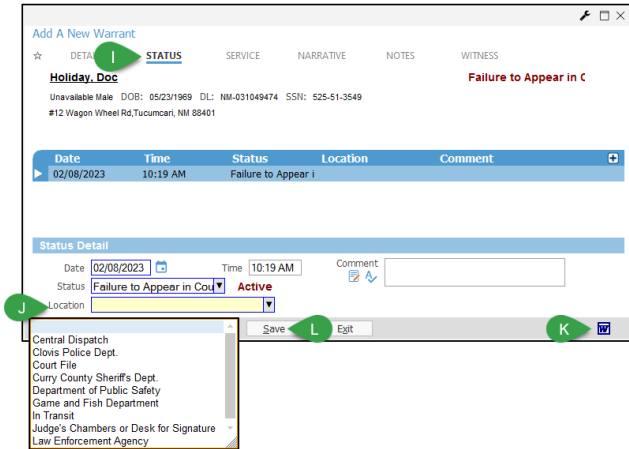
After clicking on the **"W"**, you may receive a message asking "Changes to this warrant must be saved before printing a warrant form. Do you want to continue?" Select **Yes.**
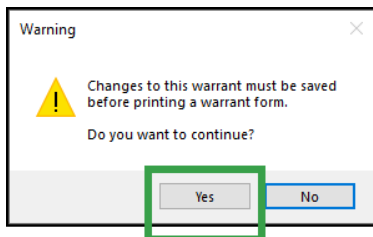
After saving the information, the **Select Document** box will open; select the appropriate warrant form to print:

District Courts: **D-CR-BENCH WARRANT – GENERIC**
Magistrate Courts: **M-CR-9-212C-BENCH WARRANT1 or M-JR-P-212B-JUVENILE TRAFFIC BENCH WARRANT**
Metropolitan Court: **M-CR-9-212 C BCMC ONLY FTA BENCH WARRANT**

For Metro Court**
After selecting the form **M-CR-9-212C BCMC ONLY FTA BENCH WARRANT,** a pop-up box (or prompt) will appear. The information entered into the prompt will determine the jurisdiction that the defendant can be arrested in.

Enter 1, 2, 3 or 4
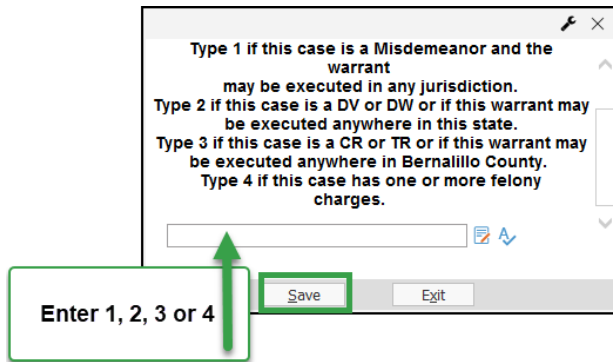
4.   RELATE WARRANT DOCUMENT

Once the warrant is issued (signed by the judge), scan, attach, relate or link the document to the warrant issued event code.

The warrant must also be related in the **Warrants tab**
- M. In the **Warrants tab**, right click on the 'FTA Warrant Issued' status
- N. Select **Relate Documents.** This will open the **Select Documents** window
- O. Check the box next to the Warrant Issued document
- P. Save
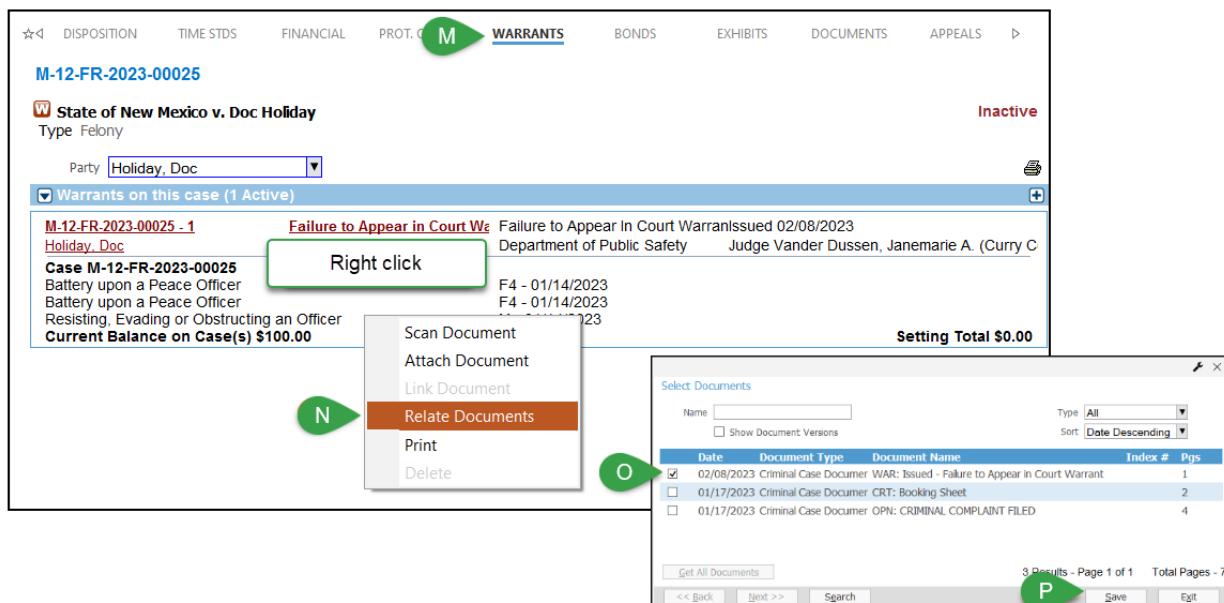
The next section in purple is for Automated Warrants. See **DISPOSITION OF AN FTA WARRANT** for instructions on how to inactivate an FTA warrant.

FOR AUTOMATED WARRANTS:

Once a warrant is issued, the court will receive an email either verifying the warrant was successfully submitted to DPS, or that validation errors were found. If the submission was successful, the comment 'e-sent to DPS' will appear in the Warrant Issued event code.

If there are validation errors, the errors must be corrected and the warrant resubmitted.

For **SAME DAY** corrections:

If the corrections only need to be made in Odyssey (warrant document does not change), correct the party identifiers and/or the warrant conditions. Then, in order to trigger the application, right click on the Warrant Issued event code and select 'Relate Documents'. **Uncheck** the box next to the warrant document and **Save**.
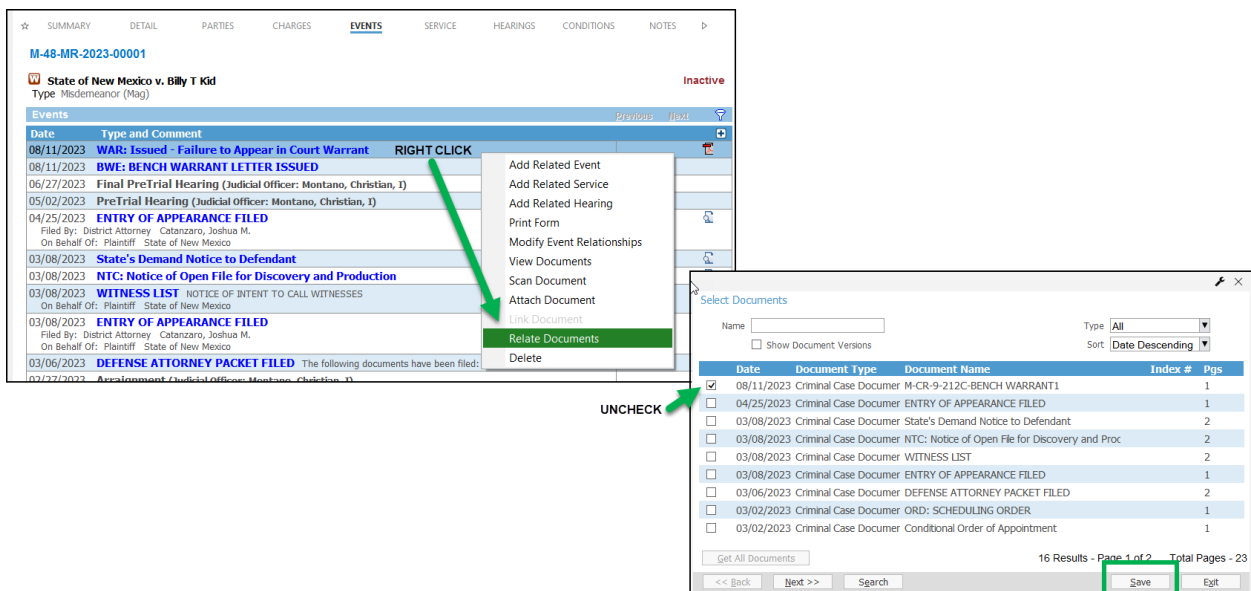
Right click again on the Warrant Issued event and choose Relate Documents. **Check** the box next to the warrant document and **Save**. If the warrant is successfully sent to DPS, the comments 'e-sent to DPS' will appear in the Warrant Issued event.

If the warrant document also needs to be updated, **OBSOLETE** the incorrect warrant from the documents tab and correct the errors.

***District Courts may need to cancel the existing warrant and have a new warrant submitted according to their court's local practice.
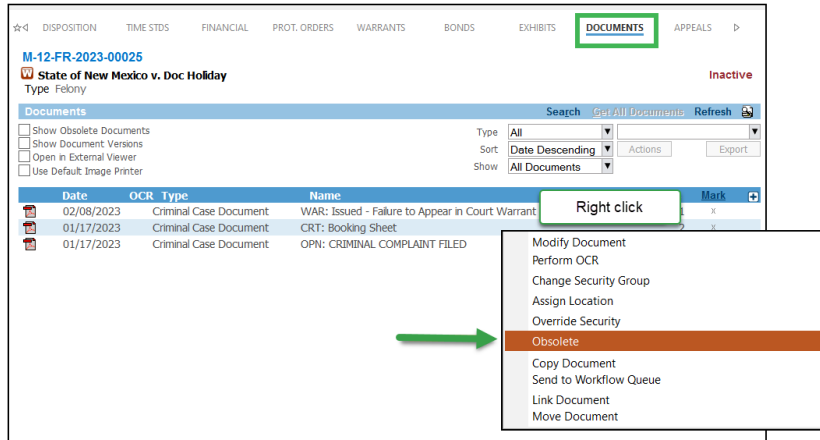
Create an updated warrant using the same warrant instance in the warrants tab (**DO NOT ADD** a new warrant). After the updated warrant is created and signed by the judge, relate the warrant document to the **existing** event *and* **existing** status in the warrants tab.

For **SUBSEQUENT DAY** corrections:

In the Warrants Tab, add a cancelled warrant status and in the comments section add 'due to validation errors.' Add the same comments to the cancelled event code.

***For Magistrate Courts:
In the financial tab, enter a credit for the bench warrant fee, using the Type 'Warrant Fee Credit/Warrant Re-Issued'. **MAKE SURE** only the Criminal Bench Warrant Fee is check marked.

Correct the errors then **ADD** a new warrant in the warrants tab. After the new warrant is signed by the judge, relate the document to the event and to the new warrant instance in the warrants tab.

If the warrant is successfully sent to DPS, the comments 'e-sent to DPS' will appear in the Warrant Issued event.

DISPOSITION OF AN FTA WARRANT

Below are statuses available to dispose of an FTA Warrant, their definitions and some examples of when they might be used. (NOTE: Only FTA statuses should be used to dispose of an FTA Warrant).

- Failure to Appear in Court Warrant Served
- Failure to Appear in Court Warrant Canceled
- Failure to Appear in Court Warrant Surrender
- Failure to Appear in Court Warrant Issued in Error
- Failure to Appear in Court Warrant Returned Unserved (District and Magistrate)
- Failure to Appear in Court Warrant Served on Booking Notice (District Court)

Served - when a party is arrested and booked on a warrant

- Example: A party is pulled over and an officer serves an outstanding warrant, arrests the individual and books them into a detention facility
- Example: When the court is notified that a party was arrested out of the county or the state
- Example: When a party turns themselves in to law enforcement, is arrested and booked into a detention facility
- Example: The court receives a booking or arrest a notice from a detention facility showing the party was arrested (Mag & Metro)

Canceled – when a warrant is withdrawn for any reason other than the warrant was issued in error, was served or the party surrendered himself to the court

- Example: Case was dismissed

- Example: The party is deceased
- Example: When the court is notified the party was in custody at the time the warrant was issued
- Example: A Motion to Quash Warrant is granted

Surrender - when a warrant is removed from the system because of a surrender by the party or because the party addresses outstanding issues by mail/phone/email/fax

- Example: Party surrenders themselves by coming into the court, sees the judge, the judge schedules the party for another hearing and removes the warrant by sending a cancelation order to law enforcement

Issued in Error - when a warrant is issued in error and the warrant is voided

- Example: Warrant is issued on the wrong case or for the wrong person

*** warrant fees should be adjusted out or waived

Returned Unserved (District and Magistrate) - when a warrant is returned to the court by law enforcement because it is lacking identifiers or pertinent information (bond amount, category/jurisdiction, incorrect DOB or SSN)

- Example: Original warrant is returned to the court with a notification from law enforcement to correct or add information in order for it to be entered into NCIC

Served on Booking Notice (District Court) - when the court is notified of an arrest by receiving a booking notice

- Example: The court receives documentation (release sheet, booking sheet, arrest notification) from the detention facility showing the party was arrested on a warrant

> Refer to the Warrant Status and Usage Notes Quick Guide for the different codes used in each particular court.

5. **DISPOSING OF AN FTA WARRANT**
   A. Click on the "**Warrants**" tab
   B. Click on **"Failure to Appear in Court Warrant Issued"**
   C. Click on the **"+"** sign
   D. Click on the drop down arrow to bring up the warrant "**Statuses**" and select the appropriate "**Status**"
   E. Select the appropriate **"Location"** of the warrant (some statuses will default a **Location**)
   F. If merging the Order of Cancellation, click on the **'W'** icon to bring up the form options OR
   G. Click **"Save."**
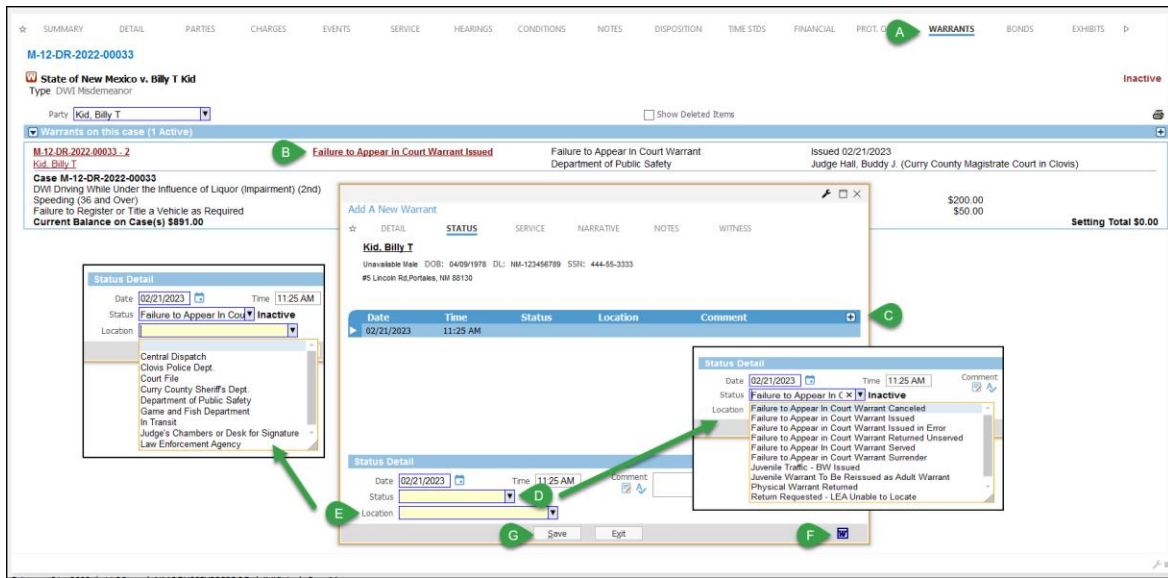
District Courts: **D-CR-ORDER OF CANCELLATION OF BENCH WARRANT**
Magistrate Courts: **M-CR-ORDER FOR CANCELLATION OF WARRANT**

Once the Order of Cancellation has been signed, attach, scan, relate or link the document to the **Warrant Cancelled** event code and then relate the same document in the **Warrants tab.** (When relating in the **Warrants tab,** leave the box checked next to the Warrant Issued document)

There should now be two documents related to the warrant in the **Warrants tab.**

FOR AUTOMATED WARRANTS:

Courts will receive an email verifying the warrant cancellation was successfully submitted to DPS. If the submission was successful, the comment 'e-sent to DPS' will appear in the Warrant Canceled event code.

When an automated warrant is *__served__*, no action is required by the court. The program will:

- Send an email notifying the court of the arrest
- Auto-docket event code WAR: Served - Failure to Appear in Court Warrant
- Update the warrant status and case status
- Relate the served warrant document to both the event code and warrants tab

For both automated and manual warrants: If the warrant was served and arrest information is available, click on the **Service** tab (within the Warrants tab) to add the information, then **Save.**

If the following message appears, confirm and /or update the correct **Target Date** and **Save**.

NOTE***Target dates are triggered by the date of the event code. For example, if a warrant is served ten days before it is docketed, the Target Date will need to be modified according to which Time Standard is being created.

1. For manual (physical) warrants: If the original warrant is returned:
   - H. Click on previously entered status
   - I. Click on the **"+"** sign
   - J. Select **"Physical Warrant Returned"**
   - K. Click **"Save"**

NOTE** The served warrant document should be scanned, attached, linked or related to the Warrant Served event code

If the original physical warrant has not been returned, the court should make a request to law enforcement to return the warrant and if the warrant cannot be located, the court should enter a status of **"Return Requested – LEA Unable to Locate."**

Note*** (For *some* District Courts)
✓ Because warrant event codes do not auto docket when a warrant status is entered, it is important to remember to docket the appropriate event codes so that case statuses are updated. Also, failure to docket FTA warrant events will affect the age of active pending cases and also the time to disposition.
✓ 'Physical Warrant Returned' does *not* indicate a disposed warrant, change the case status or affect the case aging clock, so when an FTA warrant is disposed of, one of the following events must be docketed as well:
  o Failure to Appear in Court Warrant Served
  o Failure to Appear in Court Warrant Canceled
  o Failure to Appear in Court Warrant Surrender
  o Failure to Appear in Court Warrant Issued in Error
  o Failure to Appear in Court Warrant Returned Unserved (District and Magistrate)

      o   Failure to Appear in Court Warrant Served on Booking Notice (District Court)

***Refer to the Warrant Event Codes and Usage Notes Quick Guide for the different codes used in each particular court.

   ✓ A good practice to follow is to set up warrant reports that will show discrepancies in warrant statuses and events.