

## Processing of Warrants

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## Policy Statement

### Summary

West Yorkshire Police uses NICHE to record, task, execute and withdrawn warrants.

This policy procedure aims to explain types and grades of warrants, how warrants are executed and/or circuited, how warrants issued in another Force area are dealt with, how to request a warrant is withdrawn, and the wanted on warrant process.

This policy procedure does **not** cover the following types of warrant:

- Fine warrants;
- Community charge warrants;
- Maintenance warrants; or
- British Transport Police (BTP) warrants.

### Scope

This policy applies to all police officers and police staff.

## Principles

### NICHE

- NICHE is the system used by West Yorkshire Police to process warrants.
- It caters for warrants that are issued by:
  - Magistrates Courts;
  - Crown Court; and
  - Some County Court and Coroners Court cases.
- The system is linked to the courts within West Yorkshire via the LIBRA (Common Platform) interface, and enables the efficient management of warrants without the need to physically remove the warrant from the issuing court.

### PNC Bureau (PNC Warrants Team)

- PNC Warrants deals with:
  - Warrants issued by the courts in West Yorkshire (including outer courts);
  - Requests to execute warrants held by foreign Forces;
  - General warrant enquiries; and
  - Submissions of GDC29 forms for withdrawal.
- Guidance on any aspect of the warrant process that is not covered by this policy procedure can be obtained directly from PNC Warrants.
- PNC Warrants is staffed between:

- 08:30hrs and 17:00hrs Monday to Thursday; and
  - 08:30hrs and 16:30hrs Friday.
  - The office can be contacted via telephone or via the Warrant Office mailbox.
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**Warrants not covered**

The warrants not covered are dealt with as follows:

- Fine, community charge and maintenance warrants:
    - These will normally be executed by court enforcement officers (CEOs), who are employed by the courts for this purpose.
    - Breaches – when a person has been on unconditional bail (2<sup>nd</sup> warrant issued), a fail to appear warrant will be issued and the warrant allocated to West Yorkshire Police.
    - **Note** – Occasionally, where a CEO has met with a threat of violence, the court may request police assistance to execute the warrant.
  - British Transport Police warrants:
    - A warrant issued by the court in respect of BTP offences will be managed by the BTP.
    - These warrants are dealt with separately by court staff, and are not entered onto NICHE.
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## Issue of a warrant

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**Magistrates Court**

- When a warrant is issued by a Magistrates Court, the following process is undertaken by court staff:
    - Details of the warrant are entered onto LIBRA (Common Platform), the court information system;
    - The LIBRA (Common Platform) to NICHE interface creates the NICHE Occurrence; and
    - LIBRA (Common Platform) generates a TRIGGER (TRPR0002) for BICHARD, the interface system between the Magistrates Courts and West Yorkshire Police. The Trigger alerts WYP that a warrant has been issued.
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**Crown Court**

- When a warrant is issued by a Crown Court, the following process is undertaken by court staff:
  - Details of the warrant are immediately entered onto the Exchanging Hearing Information by Internet Technology (XHIBIT) system (Common Platform). The XHIBIT (Common Platform) system provides a terminal in every courtroom onto which the court clerks can instantly record events (including the issue of warrants) and record the outcome of hearings;

- Data is passed to the CJS exchange XHIBIT (Common Platform) portal, making it available to users in the wider criminal justice community;
- PNC Warrants is notified that a warrant has been issued by way of an alert facility on the system, which sends an email to the Warrant Office mailbox; and
- On receipt of an 'alert', the PNC Warrant will access the XHIBIT (Common Platform) system and input details of the warrant onto NICHE.

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**Warrants backed for bail**

- Details of a Magistrates' Warrant that is backed for bail will be entered onto LIBRA (Common Platform) and BICHARD by the courts.
  - For a Crown Court warrant that is backed for bail, the PNC Warrants staff must enter the bail details as indicated on the Warrant document.
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**Trade and Cooperation Agreement (TaCA) warrant**

- For guidance on applying for a Trade and Cooperation Agreement (TaCA) warrant, see the Trade and Cooperation Agreement (TaCA) Arrest Warrants and Extradition to the UK Policy.
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## Grading of warrants and their performance targets

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**Grading categories**

Warrants are graded into three categories:

- Grade A –
  - Crown Court – Fail to Appear (FTA);
  - Prolific and priority (PPO) FTA/persistent young offender (DYO) FTA;
  - FTA for robbery and domestic abuse; and
  - Breach warrants for multi agency public protection arrangement (MAPPA) cases.
- Grade B –
  - FTA for all notifiable offences;
  - FTA for driving under the influence of alcohol/drugs;
  - All other PPO, DYO (PYO);
  - All other youth warrants; and
  - All breach non MAPPA cases.
- Grade C –
  - All other warrants.

PNC Warrants are responsible for allocating the grade, providing a corporate approach across the county.

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<b>Court targets</b>	<ul style="list-style-type: none"> <li>• The courts have National Home Office performance targets.</li> <li>• The measure is the time lapse from the time the warrant is issued at court, to the time it is notified to the police.</li> <li>• The court send the warrant within 24 hours (end of business day) to PNC Warrants. PNC Warrants then have 24 hours from receipt to input on PNC. The total time from issue to circulation should be 48 hours.</li> <li>• The targets are: <ul style="list-style-type: none"> <li>○ 90% of FTA warrants issued to be with the police within one working day; and</li> <li>○ 100% of FTA warrants issued to be with the police within three working days.</li> </ul> </li> </ul>
<b>Unsuccessful outcome</b>	<ul style="list-style-type: none"> <li>• At three months, an unexecuted warrant is recorded as an unsuccessful outcome.</li> </ul>

## Receiving a warrant notification

<b>Principles</b>	<ul style="list-style-type: none"> <li>• PNC Warrants staff will: <ul style="list-style-type: none"> <li>○ Keep an overview of all warrants to ensure that the required action is taken in each case; and</li> <li>○ On a daily basis, check BICHARD and email for any new warrants.</li> </ul> </li> <li>• Within 24 hours (priority is given to Crown Court warrants for input first) of receiving the warrant, it must be updated onto NICHE from an 'alert' via XHIBIT (Common Platform). PNC Warrants will: <ul style="list-style-type: none"> <li>○ Create/complete the warrant record on NICHE;</li> <li>○ Input the required information into the required fields;</li> <li>○ Grade the warrant in terms of priority in accordance with Home Office guidelines. Note – Crown Court warrants will always be allocated as grade 'A';</li> <li>○ Link the warrant to a person (only when creating the warrant record), using details supplied by the court;</li> <li>○ Circulate details of the warrant on the Police National Computer (PNC) (see PNC Circulations for example entry) and endorse the system accordingly. NB – NICHE automatically records the time, date and member of staff responsible for this action within its audit log;</li> <li>○ Identify if hate/domestic/sex offender crime and send task to Witness Care; and</li> <li>○ Allocate the warrant to the relevant district intelligence unit (DIU). Note – once allocated, the warrant will appear in the respective DIU Task List.</li> </ul> </li> </ul>
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## PNC Circulations

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### Placing an entry on PNC

- PNC Warrants is responsible for circulating warrants on PNC immediately on receipt.
- When an entry has been made on PNC, PNC Warrants will indicate this on NICHE. This is timed and dated and identifies the member of staff making the entry.
- An example of an entry on PNC is displayed below:

WANTED (FTA) FOR DRIVING WHILST DISQUALIFIED

On 19/02/2016

AT KIRKLEES MAGISTRATES COURT

POWER WARRANT (NOT BACKED FOR BAIL)

FS/REF 13WR/xxxxxxxxxxx CASE PAPERS 13WR

REPORTED 19/02/16 WEED BY 19/02/22

DRIVING WHILST DISQUALIFIED & FAIL TO PROVIDE SPECIMEN 18/11/15

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### Removing a PNC entry

- When a person on warrant is arrested or bailed, and the warrant is executed on the custody tab of NICHE, an automatic notification is sent to the PNC Bureau (24/7) to add a detained report.
  - Once the detained report has been added to PNC, NICHE is updated with the time and date and identifies the member of staff making the entry.
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### Further information

- Further information about PNC circulations is available in the Police National Computer – People policy.
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## Allocation and monitoring of warrants by District Intelligence Unit

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### Allocation

- On receipt of the warrant, District Intelligence Unit (DIU) staff must allocate it for execution, in line with their own district procedure.
- An allocation task to DIU will be created once the occurrence has been updated through the LIBRA (Common Platform)-NICHE interface.

- At a minimum, each DIU must check their NICHE task box twice a day (0900hrs and 1600hrs) to review any new warrant allocation tasks and assign to officers at district.
- If the person's address is identified as being outside the district area, the DIU must task PNC Warrants on NICHE to reallocate the warrant to the correct district, ensuring the occurrence is fully updated with:
  - Details to justify the reallocation; and
  - The source of the intelligence.
- If an address is identified outside the Force area, the DIU must reallocate the warrant to the PNC Warrants, ensuring the occurrence is fully updated as above.
- PNC Warrants is responsible for initiating all out of Force enquiries, and monitoring their progress (See Warrants requiring action by another Force).

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**Monitoring progress of enquiries**

- DIU staff can access any warrant that has been allocated to an individual, and must manage and monitor the progress of enquiries on a daily basis with a view to achieving the targets set.
- The status of the warrant on NICHE must remain as new until the warrant has been executed or withdrawn (where it can then be finalised).

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**Extensions to target dates**

- If a warrant has not been executed by its target date, the target date may be extended.
- The new date must be no more than three months from the warrant's date of issue.

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**Requests for reallocation by officers**

- An officer may return a warrant to the DIU in the following circumstances:
  - To request a reallocation; or
  - Where, having completed their enquiries, the warrant remains unexecuted (See Warrants not executed).
- The DIU must consider if there are further lines of enquiry to explore and allocate accordingly.

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**Review of unexecuted warrants**

- It is important that DIUs monitor unexecuted warrants.
  - The warrants must be reviewed at three, six and twelve months.
  - To ensure this is completed, DIUs must update the target date which will provide an automatic reminder if the warrant is still live once that date is reached.
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## Defendants with multiple warrants

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### Priorities

- Crown Court warrants will always take precedence over Magistrates Court warrants.
  - Where a defendant is arrested purely on warrant related matters and there is both a Crown Court warrant and a Magistrates Court warrant in existence, the Crown Court warrant must be dealt with and the Magistrates Court warrant left 'live' until the conclusion of matters at the Crown Court.
  - Similarly, Police and Criminal Evidence Act 1984 (PACE) matters will always take precedence over warrants.
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### Recording

- In the above circumstances, the nominal's paperwork must be marked '**NOT FOR RELEASE**' and the details of the other warrant must be clearly available.
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## Out of area warrants

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### General

- NICHE allows for warrants that have been issued in another Force area, but where the person is believed to be residing in West Yorkshire, to be recorded and graded.
  - The system generates a comprehensive audit trail and performance data that is separate to that provided for warrants issued within the West Yorkshire area.
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### Principles

- Out of area warrants will be processed by PNC Warrants as follows:
  - PNC Warrants will receive details of the warrant from the 'home' Force via a 'Request to execute FTA warrant' form. This form is received by email;
  - Before any record is created on NICHE, PNC Warrants will ensure that the other Force has circulated the warrant on PNC. If West Yorkshire Police have their own PNC circulation (Power Warrant/ Power Arrest) the request will be returned, notifying the other Force that they will receive a detained report once arrested for West Yorkshire Police's matters. A warrant will not be entered onto NICHE without checking the address is on West Yorkshire Police's systems first and, if not, then clarifying with the requesting Force;
  - All 'out of Force' warrant enquiries will be allocated to the relevant DIU and must be updated and action taken a per local district



procedures. These must also be executed in line with West Yorkshire Police and national target guidelines.

- Custody staff must:
    - Ensure there is a live warrant entry on PNC (if not, and there are no outstanding matters, the nominal must be released at the earliest opportunity);
    - Where there is a live warrant entry on PNC, request a detained report to be added to the nominal's PNC record; and
    - Arrange for the nominal to be transferred to the relevant court area using local protocols.
  - Officers must update NICHE with:
    - Details of any action taken to execute the warrant;
    - In the event of a 'No Bail' warrant, make arrangements to transport the person to the issuing Force/court; and
    - In the event of a 'Bail' warrant, execute warrant on NICHE correctly with new bail appearance details.
  - For fail to appear warrants, the OIC must ensure that the MG11 (statement covering arrest if necessary) and Person Escort Record forms are completed prior to the nominal being transferred to the home Force.
  - It is the responsibility of the original enquiring Force to cancel the PNC entry once the warrant has been executed or withdrawn, and to notify the Warrant office.
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## Withdrawing a Warrant

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### Principles

- The police, CPS and courts have agreed a process to deal with warrants where all efforts to execute them have proved negative. This is known as the 'Warrant Withdrawal Protocol'.
- There are three stages to completing a GDC29a warrant withdrawal form:
  - District complete the GDC29a form, evidencing what enquiries have been made;
  - An Inspector authorises the suitability to request the withdrawal of that warrant;
  - A Chief Inspector completes the final sign off to confirm the application can be submitted to the CPS/courts via the PNC Warrants team.
- The only authority able to release a defendant from a warrant, or change bail conditions, is the court. The exception to this is where urgent medical treatment is required, mental hospital (unfit to stand trial) and in custody/prison at the time of issue.
- The police decide whether to ask the CPS to apply to withdrawn a warrant. Where suitable, CPS will apply to the courts, but the decision to withdraw is a judicial one.

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- Only PNC Warrants can apply on behalf of the police to CPS for a warrant to be considered for withdrawal.
- The decision to apply to withdrawn a warrant is for the CPS based on information provided by the police. It will be linked to a decision on the principal offence. The police are required to present CPS with strong and thorough details of all attempts made to execute the warrant.
- The views of the victim, where applicable, must be actively sought and taken into consideration when deciding whether to apply for a warrant to be withdrawn.
- Crown court warrants will only be considered for withdrawal in exceptional circumstances i.e. defendant deceased (requires copy of death certificate).
- All breach warrants issued on behalf of the Probation Service cannot be considered for withdrawal until they are three years old plus the date of the order, as per West Yorkshire Probation Service policy. These warrants will remain on district workload of the defendant's home address. If enquiries are negative, it must be allocated to the district of the issuing court due to Breach.
- Other warrants will only be considered for withdrawal after twelve months. The DIU must ensure that all relevant enquiries and research has been undertaken and endorsed on the action log. It is important to be aware that when a warrant is withdrawn, the case is nearly always withdrawn. Therefore, the suitability of the offender and the offence must be considered carefully. These warrants will remain on district workload of the defendant's home address. If enquiries are negative, it must be allocated to the district where the offence occurred.
- Where the prosecuting agency is not the CPS, a warrant will not be considered for withdrawal unless that agency has confirmed in writing that the case can be withdrawn. These warrants will remain on district workload of the defendant's home address. If enquiries are negative, it must be allocated to the district where the offence occurred.

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### Process

If the offender and offence are considered suitable for withdrawal, the following process will be adopted:

- If the warrant has not been executed after twelve months following issue, it is considered suitable for withdrawal by district. They must answer the following questions and submit a form GDC29a to PNC Warrants:
  - Is the warrant over twelve months old?;
  - If the warrant is under twelve months old, what exceptional circumstances are there for withdrawal? (The most common being death where death certificate will be required);
  - How serious is the case? The offence and the circumstances are important. The more serious the case, the less likely an application to withdrawn should be sought;

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- What is the likely penalty for the principal offences? The higher the penalty, the less likely an application to withdraw should be sought;
- Is there still a realistic prospect of conviction for the principal offence? Has the evidence changed i.e. witness no longer available or willing to give evidence;
- Is the defendant also liable for prosecution for a Bail Act offence? A warrant is normally retained to enable the Bail Act offence to be dealt with;
- Is there still a realistic prospect of arresting the defendant?;
- Are they satisfied that efforts to execute the warrant are exhausted?  
Checks must include:
  - DWP;
  - Local housing;
  - Full research on NICHE;
  - PNC;
  - Electoral roll; and
  - Neighbours;
- Are there any further avenues of investigation that could be actioned? If yes, then the warrant is not suitable to be withdrawn;
- Is the defendant known to be abroad and, if so, is the offence serious enough for extradition?;
- What is the status of the defendant i.e. PPO, MAPPA, DYO?;
- Are there any identification issues?;
- Are there any other matters outstanding against the same defendant?;
- If there is a victim, what are their views? Are they still available and willing to give evidence?;
- Can witnesses be traced and are they still willing to give evidence?;
- What are the views of the OIC? Is there any other information they have that could assist in tracing the offender?; and
- Are there any other issues that might impact on the case?;
- PNC Warrants staff will review and submit a completed and authorised GDC29a and update the occurrence to confirm the form will be submitted to CPS. If not suitable, the warrant will be returned to the relevant DIU;
- If suitable for withdrawal, the Warrant Office will forward the GDC29a together with any supporting information to CPS;
- The CPS will confirm within two weeks whether or not the warrant can be withdrawn;
- If the warrant is to be withdrawn, the CPS will endorse the GDC29a and make an application to the courts;
- If the application to withdraw is successful, the court staff will endorse the GDC29a and court file and email PNC Warrants. NICHE is updated with the time, date and person completing this process; and
- The PNC circulation will be removed by PNC Warrants.

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At any stage the warrant can be returned to the relevant DIU for further investigation, as it is not suitable to be withdrawn.

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## Prisoner Escorts

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### General

- Any request for a police escort for warrant related issues must be directed to the duty Inspector at the district where the offence took place.
  - It is the duty Inspector's responsibility to make the necessary arrangements.
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### Out of Force arrests

- For guidance on the transportation of prisoners to West Yorkshire who have been arrested in another Force area, see Warrants requiring action by another Force.
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## Responsibilities of operational officers and District SPOC

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### Receiving a warrant

- When the DIU allocates a warrant, NICHE must be updated with the OIC details.
  - The warrant will then appear on their individual workload.
  - Officers can view all warrants within West Yorkshire Police by using NICHE.
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### Immediate action required

- On receiving a warrant, the officer must:
    - Research local intelligence systems, including historical data held on NICHE; and
    - Conduct thorough enquiries to locate the suspect and execute the warrant.
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### Recording enquiries made

- The result of any enquiry made to execute a warrant must be entered on the OEL. This enables others to see what action has been taken, and will form the basis of form Pros 17 which custody staff are required to complete.
  - Entries on the OEL must be factual and contain details of the time, date, and the officer who made the relevant enquiry e.g.:
    - 01/01/2006 – DC 2628 reports ... (Report) ...
  - On entering an update on the OEL, NICHE will automatically record the details of the officer making the entry with the respective time and date.
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<b>Checked and eliminated addresses</b>	<ul style="list-style-type: none"><li>• If, during the conduct of enquiries, an address is checked and eliminated from enquiries because the wanted person no longer or never did reside there, then this must be clearly stated on the OEL of NICHE.</li><li>• This ensures that innocent members of the public do not experience visits from the police.</li></ul>
<b>Executing the warrant</b>	<ul style="list-style-type: none"><li>• A warrant need not be in the possession of the arresting officer at the time of execution.</li></ul>
<b>Information required on arrest</b>	<ul style="list-style-type: none"><li>• When a defendant is arrested, custody execute the warrant with specific details relating to the arrest. Custody will ensure the relevant fields are completed with the arrest details on the custody tab on NICHE.</li></ul>
<b>Bail warrants</b>	<ul style="list-style-type: none"><li>• In respect of bail warrants, only the appearance details must be completed.</li><li>• Again, officers must ensure that there is a valid address.</li></ul>
<b>Prosecution file</b>	<ul style="list-style-type: none"><li>• The prosecution file for a fail to appear warrant must consist of Pros 17 and previous convictions.</li></ul>
<b>Failure to execute warrants</b>	<ul style="list-style-type: none"><li>• If all lines of enquiry have been exhausted, but the warrant remains unexecuted, the officer must return it to their DIU requesting its removal from their workload.</li><li>• The DIU will undertake further research and allocate accordingly.</li></ul>
<b>District Warrants SCPO</b>	<ul style="list-style-type: none"><li>• Each district will have an appointed Warrants SPOC of at least Inspector rank. The purpose of this role is to champion and oversee the management of warrants within district. This includes monitoring outstanding volumes, providing advice and traction for identifying those cases suitable for withdrawal.</li><li>• A list of appointed SPOCs is available on the PNC Bureau intranet site.</li><li>• When a new SPOC is appointed within district, notification must be sent to PNC Warrants via email.</li></ul>

## Warrants requiring action by another Force

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<b>Responsibilities</b>	<ul style="list-style-type: none"><li>• PNC Warrants is responsible for initiating out of Force enquiries.</li><li>• Where it is identified that the defendant is not resident in West Yorkshire and enquiries are required to be conducted out of Force, the following process must be applied:<ul style="list-style-type: none"><li>○ The warrant must be taken to 'PNC Warrants and FFE enquiries' on NICHE, who must contact the relevant Force using the agreed protocol;</li><li>○ The Force executing the warrant must place a 'detained' marker on PNC and notify West Yorkshire Police of that arrest by way of secure email; and</li><li>○ On receipt of the above notification, PNC Warrants must update the relevant entry on NICHE.</li></ul></li></ul>
<b>Transporting the prisoner</b>	<ul style="list-style-type: none"><li>• If a warrant has been executed on our behalf, the arresting Force is responsible for transporting the prisoner to the nearest court/ West Yorkshire, the exception being Scottish Forces (see below).</li><li>• If the arresting Force does not have a contract with a private escort agency, Geo Amey must be requested to transport the prisoner on our behalf.</li></ul>
<b>Scottish Forces</b>	<ul style="list-style-type: none"><li>• Bail warrants will not be executed by any Scottish Force, as they are governed by a different legal system and, consequently, are unable to bail on our behalf.</li><li>• Scottish Forces executing no bail warrants will require an escort to be provided. As Geo Amey do not operate in Scotland, they cannot provide this service.</li><li>• For serious offences, Scottish Forces require assurances from a duty Inspector that West Yorkshire Police will collect the detained person.</li><li>• An escort must be arranged via the duty Inspector at the district where the offence took place. PNC Warrants must task the district to ask if they will collect before sending a FFE.</li></ul>
<b>Minor offences</b>	<ul style="list-style-type: none"><li>• If the offence relating to the warrant is considered by a duty Inspector to be of a minor nature, e.g. a minor traffic offence, and the wanted person resides in Scotland, it is not cost effective or in the public interest to send an escort to transport that person back to West Yorkshire.</li><li>• The wanted person will be circulated as arrest England and Wales only.</li></ul>
<b>Ireland</b>	<ul style="list-style-type: none"><li>• For persons residing in Ireland, the same process as for Scotland must be followed.</li></ul>

## Person serving a custodial sentence

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### Home Office production orders (GDC29b)

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#### **PNC Bureau (Warrants) staff responsibilities**

On occasions, a person may be arrested and taken to prison without the warrant being dealt with or to a person serving a custodial sentence.

In these cases, PNC Warrants must:

- Record the following on the OEL:
    - Current whereabouts of the defendant;
    - Details of the sentence;
    - Defendants prison number; and
    - Earliest Date of Release (ERD);
  - Notify the CPS/courts of the full details; and
  - Review the case for which the warrant was issued and make a decision to either:
    - Make an application to withdraw the warrant (if in prison/ custody at time of issue – email to court only); or
    - Apply for a Home Office production order (HOPO/GDC29b).
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#### **Decision to withdraw warrant**

- If CPS decide to apply for the warrant to be withdrawn, the process detailed in Withdrawing a Warrant must be followed.
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#### **Decision to apply for a HOPO**

- If the decision is to apply for a HOPO, the following process must be applied:
    - The file will be endorsed by CPS;
    - A suitable hearing date will be arranged;
    - Notification will be sent to witness care who will complete the HOPO request;
    - The defendant will subsequently be produced to court or video link arranged; and
    - Court staff will update LIBRA (Common Platform). This should create a trigger for BICHARD (TRPR0012).
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## Executing warrants as part of the custody process

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## Principles

- The following process must be undertaken by custody staff:
    - Follow the normal booking in procedure;
    - Once the booking in procedure has been completed and any PACE matters completed, NICHE must then be updated to indicate the warrant executed.
  - Note: Once a West Yorkshire Police warrant has been updated as executed, an automatic notification of arrest will be sent to the relevant courts (automated email), and PNC Warrants (via task).
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## Persons Wanted on Warrant – serving prison sentence/on remand

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### Principles

- If DIU identify any person currently serving a prison sentence/on remand, a NICHE task must be sent to PNC Warrants.
  - Where a serving prisoner is identified as wanted on warrant, PNC Warrants must consult with CPS/courts/probation.
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## Wanted on Warrant

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### Principles

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### Summary

- A page titled 'Wanted on Warrant' (WOW) is available to the public via the Force website, and contains details of images taken from police records where a warrant for a person's arrest has been issued by a court within West Yorkshire. The gallery contains images of people considered to be the top ten targets sought by the Force.
- The purpose of the web site is to:
  - Generate intelligence on identified people;
  - Engage all police officers, police staff and the general public in assisting with identification on the whereabouts of those wanted on warrant;
  - Bring such people to justice reinforcing confidence in the criminal justice system;
  - Increase public safety;
  - Alleviate public concerns;
  - Increase public confidence and satisfaction in the criminal justice system;
  - Discourage offenders;
  - Prevent and detect crime encouraging witnesses and/or victims to come forward; and
  - Apprehend suspects/people unlawfully at large, reassuring the public.



- The web page can be viewed via all police personnel and the general public via the internet on the West Yorkshire Police website located at [www.westyorkshire.police.uk](http://www.westyorkshire.police.uk), search Wanted on Warrant.
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## Criteria

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### Summary

- Once an offender has been identified as suitable for inclusion on the Wanted on Warrant website, the following criteria must be strictly adhered to:
    - No individual can be placed on the website if there are **any** identification issues at any point;
    - Requests must be made via the NICHE occurrence to PNC WOW Submissions; and
    - OEL must have an entry stating that the decision to be displayed on WOW website has been authorised by an Inspector and risk assessed.
  - Priority will be given to offenders who fall within the following:
    - Category A – over 21 days old, and where the offender's address is not known;
    - Category B – focusing on an original offence of burglary/ acquisitive crime, and PPOs wanted on warrant (18 years and over).
  - A list of all category A and B offences is available online.
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## Legislation

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### General

- Various issues must be considered prior to deciding when to publish a photograph and personal details of an individual who has failed to appear at court, and is subsequently wanted on warrant.
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### Human Rights

- The balance between rights of the individual suspect and those of the wider community acting legitimately to achieve a policing purpose must be considered before the release of photographs.
- Consideration must also be given to national and community interest, prevalent local crime and vulnerable victims before the release of photographs.
- Any decision to release an image must take into account any impact on victims and witnesses and must comply with the requirements of the Victims Code of Practice.
- Article 8 of the Human Rights Act: Right to privacy engages the publication of photographs – however, it unequivocally allows the police to interfere

with that right if necessary and proportionate to do so in the interest of public safety or for the prevention of crime.

- In summary, the considerations must be:
    - Is the release of the photograph for the prevention or detection of crime or the apprehension or prosecution of offenders;
    - Is the release of the photograph necessary; and
    - Is it proportionate i.e. are the details to be released the minimum necessary to achieve the intended purpose.
  - Justification for including each individual on the web page must be assessed on its own merit and consideration must be given to individual circumstances of the offender e.g. underlying reasons for failing to appear, the impact of publication on the individual or their immediate family.
  - Other means of tracing the individual must have been tried, where practical, before consideration is given to displaying an image.
  - Article 6 of the Human Rights Act: Right to fair trial could be breached in circumstances where the publication of a photograph is prejudice to fair trial.
  - Article 6 considerations are most likely to arise where identification is thought to be an issue.
  - However, the publication of an image will not necessarily undermine a fair trial or breach Article 6 rights.
  - It will still be possible to bring a successful prosecution where public protection has necessitated the release of an image.
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#### **Data Protection**

- The police must comply with the Data Protection Act 1998.
  - This is unlikely to prohibit any publication of an offender's details.
  - However, when assessing risk as to whether to release the photograph, consideration must be given to the governing principles in the Act.
  - These governing principles are specifically around ensuring that information is:
    - Fairly and lawfully processed;
    - Processed for a limited purpose;
    - Adequate, relevant and not excessive;
    - Accurate;
    - Not kept for longer than is necessary; and
    - Secure.
  - Images of individuals in police possession are classed as personal data under the Act.
  - The Act must be complied with unless exemption applies.
  - There is an exemption under Section 29 where complying with the Act would prejudice the prevention or detection of crime or the apprehension or prosecution of offenders.
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## Decision to publicise

### Summary

- The decision to publicise will be made by the DIU after conducting a risk assessment and consultation with any relevant departments.
- Where a victim is identified as vulnerable, the OIC will liaise with them.
- If the wishes of the vulnerable victim are not to display the image, their wishes must be respected.
- Authorisation by a senior leadership team member must then be sought.

### Principles

- The decision will only be made after key elements and Home Office guidance on the Release of Images of Suspects and Defendants have been considered.
- In any particular case there may be other relevant questions or factors depending on the circumstances.
- The below must be central to any decision to release the image.
- Necessity –
  - What is the purpose in releasing the image?
  - Is it for legitimate purpose such as the prevention or detection of crime or the prosecution or apprehension of offenders?
  - Does it reinforce confidence in the criminal justice system or reassure the law abiding public?
- Proportionality –
  - Have alternative ways of achieving this purpose been tried?
  - If not, have they been considered?
  - If considered but not tried, why have they been rejected? Are they not viable or unlikely to be effective?
  - Are the details to be released the minimum necessary to achieve its intended purpose?
  - Are the details accurate and up to date?
- Image retention –
  - The uploaded images must not remain on the web page for a period of longer than three months.
- Justification –
  - In what circumstances is the image being released?
  - Would the release of the image in these circumstances achieve the legitimate purpose?

### Considerations

The following actions must be taken into consideration by the DIU when selecting images for display –

- All basic police computer checks have been made to trace the offender;
- Visits to the home address have been made;
- DIU enquiries have been made;

- The seriousness of the original offence, or previous offending patterns;
  - Whether there are multiple warrants in existence;
  - Whether the individual presents a danger to the public and if so, how serious that danger is;
  - The warrant is still live;
  - The period of time between the issue of the warrant and the request for publication is being made;
  - The process is compliant with the Human Rights Act; and
  - The defendant is not in custody.
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## Web page declaration

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### Summary

- A declaration using the following wording must be shown on the public facing internet site, in all cases where an individual's image is displayed:  
"Information as to the location of those persons shown below is sought in order that they are brought to justice. Members of the public must not approach the suspects displayed upon this site."
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## Offence grading

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### Category A

- The following lists all category A offences:
    - Aggravated burglary/burglary
    - Arson
    - Bench warrants issued by crown court
    - Child cruelty
    - Death by dangerous driving
    - Dip sampling (Drug assessment)
    - Domestic violence (Section 39 Battery)
    - Hate/racial related crimes
    - Kidnapping/false imprisonment
    - Murder/manslaughter
    - Perversion of the course of justice
    - Possession with intent to supply class A drugs
    - Prolific/persistent offenders and MAPPA (as per PNC)
    - Robbery
    - Serious wounding/Section 18 and 20/GBH
    - Sexual offences (Rape, buggery)
    - Threats to kill
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**Category B**

- The following lists all category B offences:
    - Assault/obstruct police
    - Breach of orders
    - Burglary
    - Criminal damage
    - Dangerous driving
    - Deception
    - Disorder (Affray/threatening behaviour)
    - Driving whilst disqualified
    - Driving whilst unfit through drink/drugs
    - Failure to provide specimen
    - Fraud/forgery
    - Handling stolen goods
    - OPL
    - Possession of drugs (Class A, B, C)
    - Possession of firearms/weapons
    - Section 39 and 47 assaults
    - Theft (all theft offences incl. making off without payment)
    - TWOC
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## Responsibilities

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**General**

- When an offender is recognised by a member of police staff, appropriate action to bring about an arrest must be initiated by any police officer or police staff who recognises any of the individuals displayed.
  - More information can be found in the Police and Criminal Evidence Act – Code of Practice D – identification.
  - Members of the public should ring Crimestoppers with any information.
  - A link to the Crimestoppers website and telephone details are attached to the Wanted on Warrant web page.
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**DIU**

- On receipt of any information in relation to Wanted on Warrant, DIU staff must:
    - Update the OEL on the Warrant Occurrence on Niche; and
    - Action the intelligence for prompt enquiries.
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**Officer  
allocated the  
warrant**

- On receipt of information from DIU, the officer allocated the warrant must initiate diligent enquiries in order to effect an early arrest.
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- No arrest made**
- If no arrest is made following new information, the designated officer must update the OEL with full details of the enquiries that have been undertaken.
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- Arrest made**
- Following the arrest and execution of the warrant, automatic notification via Niche will be sent to the PNC Warrants team, who will remove the image of the arrested individual from the web page immediately on receipt of notification.
  - Custody must ensure that the warrant is executed correctly.
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## Media use of images

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- General**
- News agencies may, from time to time, wish to use an image from the Wanted on Warrant web page for inclusion in external publications, such as newspapers.
  - Considerations, such as those in the Decision to publicise section, must be given prior to release.
  - Where Crimestoppers are asked to help, the article will be authorised by the Crimestoppers regional coordinator.
  - Any other publication beyond the Wanted on Warrant web page must gain express permission of the West Yorkshire Police Corporate Communications department.
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## Crimestoppers

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- General**
- The West Yorkshire Police internet page must include clear written guidance to members of the public encouraging them not to approach anyone they believe to be displayed in the images.
  - The public must be advised to contact Crimestoppers via telephone or complete the online form at: [www.crimestoppers-uk.org](http://www.crimestoppers-uk.org).
  - This information may be given anonymously.
  - Where Crimestoppers receive information they will notify the relevant local DIU of intelligence received.

## Additional Information

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### **Supporting Information**

The supporting information for this policy can be accessed online.

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