



Warrants Withdrawal Procedure

Abstract

This policy provides information on the process involved in the withdrawal of a warrant.

Policy

Warrants Arrest Management and Execution Policy

Procedure

1. Information to Be Supplied Prior to Withdrawal

- 1.1 All outstanding warrants are reviewed on a regular basis by the Warrants Team.
- 1.2 The purpose of such a review is to consider what action has been taken, what further action is necessary to execute the warrant or decide if the warrant should be withdrawn. Where withdrawal of the warrant is considered the most appropriate course of action by the police, they must be able to make a strong and detailed case to the CPS.

2. Criteria for Withdrawal

- 2.1 The overriding principle is that all warrants should be executed as quickly as possible.
- 2.2 It may, however, be appropriate in certain limited circumstances, to seek to withdraw a "Fail to Appear" (FTA) warrant. Applications to withdraw warrants must never be made on the grounds of expediency alone. It will hardly ever be appropriate to seek to withdraw a "FTA" warrant issued after a finding of guilt or a guilty plea.
- 2.3 The withdrawal of a "FTA" warrant is a judicial decision.
- 2.4 Where a decision is taken by the police to ask the CPS to apply for the withdrawal of a warrant, the police must provide all the necessary information to allow the CPS to make this decision. This includes details of the attempts to execute the warrant, and the reason for the request. The Request to Withdraw Warrant Proform must be completed and sent to the Warrants Team for discussion with CPS.
- 2.5 The decision to apply to withdraw a "FTA" warrant will be made by the CPS, on receipt of the application to withdraw a warrant, from the police.

3. Foreign Nationals

3.1 The fact that a person has left the jurisdiction of England and Wales is not grounds alone for seeking an application to withdraw a “FTA” warrant. The process set out in this guidance must be applied. In particular:

Attempts must be made to confirm that an individual has left the jurisdiction and the new location of residence ascertained.

Where an address/location abroad has been given, confirmation can be sought via SOCA (Interpol - UKNCB). A decision as to the next enforcement step must be taken in consultation with the CPS, for example, an application for a Trade and Cooperation Agreement Warrant (TACA Warrant) or extradition order.

3.2 This process will also apply to British nationals leaving the jurisdiction of England and Wales.

Type of offence	Suggested Action
Non-imprisonable motoring offences	If attempts have been made to execute the warrant and the defendant cannot be located, or another police force has refused to execute the warrant, consider withdrawal of the warrant and proceedings six months from the issue of warrant. If the warrant was issued to consider disqualification from driving, request that CPS make application to the court to consider disqualifying in absence of defendant
Non-imprisonable other offences	If attempts have been made to execute the warrant and the defendant cannot be located, or another police force has refused to execute the warrant, consider withdrawal of the warrant and proceedings six months from the issue of warrant.
Imprisonable Offences	Review attempt(s) to execute the warrant and locate the defendant. Consider the seriousness of the offence, and age of the proceedings. Subject to the above, consider withdrawal of the warrant and proceedings twelve months from the issue of warrant.