

Baltimore City  
Juvenile Court  
Writs and  
Warrants  
Committee  
Report

## Table of Contents

Introduction.....	p.3
Rationale for This Report.....	p.4
Recommendations.....	p.6
Committee Members.....	p.8
Committee Recommendations	
A. The Clearing and Disposing of Old Writs and Warrants.....	p.9
B. Prioritizing Writs and Warrants.....	p.1
1. Delinquency Matters.....	p.17
2. CINA Matters.....	p.19
3. Warrants Issued For Persons Other Than The Respondent.....	p.21
4. Co-committed Respondents.....	p.22
C. Actions To Be Taken For Warrants.....	p.24
1. Emergency Requests for a Warrant.....	p.24
2. Other Requests For a Warrant.....	p.25
3. Processing of Writs and Warrants Once They Are Received In The Sheriff's Office.....	p.26
Appendix	
Sample Writ and Warrant Orders.....	p.28

## INTRODUCTION

In April 2000, the Judge-in Charge of Baltimore's Juvenile Court, Judge Martin P. Welch, led a delegation of officials to Portland, Oregon in order to determine "lessons learned" and "best practices" from their efforts at juvenile detention reform. The site visit was sponsored by a grant from The Annie E. Casey Foundation. The delegation met with their counterparts in the Juvenile Court, prosecutor and public defender offices, and the local Department of Juvenile Justice Services. The delegation was able to review various policies, procedures, and practices to improve the effectiveness and efficiency of the Court and discuss key issues related to both the child welfare and delinquency dockets.

In an effort to streamline the Court's policies and practices regarding the issuance of juvenile writs and warrants, officials in Portland promulgated new definitions and procedures. These new policies and procedures include Unable to Locate/Contempt of Court Warrants, Failure to Appear Warrants, Probation Violation Warrants, Dependency Warrants, Monitoring Delinquency Warrant Status Cases, Serving/Clearing Warrants, and Warrant Recall.

In February 2001, Judge Welch asked Master Gregory Sampson to chair a working group of key agency officials to review Baltimore's policies and procedures

regarding juvenile warrants and writs. The committee members are listed on page 8. The first meeting of the Juvenile Warrants and Writs Committee was held on April 5, 2001. The Committee met on 11 occasions during 2001 and now submits its Final Report.

The Policy and Procedures document on Warrants developed by the Multnomah County (OR) Department of Juvenile Justice and Adult Community Justice, Division of Juvenile and Community Justice, served as a valuable resource to Baltimore's working group.

### **The Rationale For Addressing The Management of Writs and Warrants**

Writs are currently issued by the court based upon the non-appearance of a respondent in court after the court finds that the respondent was given proper notice to appear.

Warrants are issued by the court based upon the request of the agencies (The Department of Juvenile Justice, The Baltimore City Department of Social Services, etc) when a respondent who is placed with that agency, either temporarily or permanently, leaves the care of that agency. When either a writ or warrant is issued, the writ and warrant is processed by the Clerk's Office and then is made known to law enforcement officials.

Currently there are 2012 writs and warrants open in the juvenile system. Additionally, there are approximately 121 new writs and warrants issued each month(averaged over the last six months as of November 30, 2001).

The method of reviewing open writs and warrants has not been the most efficient in that there is no mechanism by which they are reviewed using formalized standards. Also, there is no system in place by which non-productive writs and warrants<sup>1</sup> can be disposed consistent with any designated policy. The above circumstances result in an ineffective use of the resources of the court in the management of these matters. More importantly, as a significant number of writs may be considered non-productive, the lack of a system to review previously issued writs and warrants and to issue new ones may have an impact on public safety. The large number of open writs and warrants may place an undue strain on the resources of the Baltimore City Sheriff's Office, The Baltimore City Police Department, and other law enforcement officials by having those agencies attempt to locate and bring individuals before the court for matters which are largely unproductive. The resources of those agencies could be better used for matters which the court or those agencies can properly prioritize as threats to public safety.

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<sup>1</sup> Due to age of the respondent, age of the offense, inability to locate witnesses, respondents being in custody, etc.

## Recommendations

After reviewing the Multnomah County (Portland) Court document, this committee chose as its goals and objectives improvement in the following areas:

1. ***The Clearing and Disposing of Old Writs and Warrants.*** The State's Attorney office has identified a large number of writs and warrants that are currently open. It was the opinion of everyone on the committee that for a number of reasons, (age of the respondent, age of the offense, inability to locate witnesses, respondents being in custody, etc.) that many of those writs need to be recalled or closed by the court.

2. ***Prioritizing Writs and Warrants.*** Currently, the writs and warrants that are issued give no information as to the seriousness of the offense, the likelihood that the respondent would harm self or others, or the importance the court or other agencies place on the respondent being located or placed into custody. At this point, all parties are essentially agreed that writs and warrants need to be prioritized. Law enforcement would then have a clearer understanding or the level of urgency needed in executing writs and warrants.

3. **Actions To Be Taken For Warrants.** Presently, there are no guidelines for the agencies to follow as to the issuance of a warrant. The committee recommends that the agencies (BCDSS, DJJ, or other agencies) take the steps, as outlined in this report, when

feasible, in a case in which a warrant is requested. However, adherence to the outlined procedures by the agencies is not required prior to the court issuing the warrant or prior to the parties submitting a request for a warrant to the court.

## Committee Members

Master Gregory Sampson, Chair

David Fishkin, Division Chief, Office of the Public Defender, Juvenile Division

Julius Silvestri, State's Attorney's Office, Juvenile Division

Ann Halpern, Baltimore City Department of Social Services

Darcy Masoff, Supervising Atty., CINA Div., Baltimore City Department of Social  
Services

Sylvester Greene, Area I Director, The Department of Juvenile Justice

Sgt Ed. O'Halloran, The Baltimore City Police Department

James Benton, Chief Clerk, Juvenile Clerk's Office, Baltimore City Circuit Court

Richard W. Friedman, Juvenile Court Consultant

Joan Little, Supervising Attorney, CINA Division, The Legal Aid Bureau

Marshall Goodwin, The Baltimore City Sheriff's Office

Marianna Burt, Lazarus and Burt

## Committee Recommendations

### A. The Clearing and Disposing of Old Writs and Warrants.

There are currently a large number of writs and warrants open which all members of the committee tend to believe are no longer productive to remain open.

The mechanism by which these matters will be set is that the Clerk's Office will be given the criterion by the court, based upon this report and the agreement of the parties involved, as to which matters are to be set for writ and warrant review hearing. The Clerk's Office will complete a query and compile a list of cases based upon that criterion. The Clerk's Office has already used the same process to compile the list of writs and warrants open three years or more or respondents nineteen or older(see below)<sup>2</sup>. All parties involved (the court, the SAO, the OPD, BCDSS) will determine on what days the reviews of these open matters will be held.

In order to ensure that these matters are continually reviewed, the committee recommends that a specific day be set aside by the court for this function (such as every third Tuesday of each month on the morning docket). Separate days or times will be set for delinquency and CINA matters.

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<sup>2</sup>As of July 3, 2001, it was reported that the number of writs and warrants open for three years or more were 795 and the number of writs and warrants open for respondents 19 years and older were 769.

As each of the below categories are cleared, the court and the parties should move to the next category to begin clearing those matters. The Clerk's Office, by use of the Quest system, can monitor the progress of the clearing of the open writs and warrants.

The committee recommends that the currently open writs and warrants be reviewed by the below stated categories, moving to the next category when the matters in the previous categories are significantly diminished.

**1. Writs and warrants for those respondents age nineteen (19) and older or writs and warrants open for three years or more.**

The clerk's office has identified all current writs and warrants for those respondents age 19 and older or writs and warrants open for three years or more.

The objective is to have the court review those matters with the objective being to dispose of those matters the parties view as non-productive. It is expected due to the period of time these matters have been open, and/or the age of the respondent, that virtually all these matters can be disposed of as non-productive.

Upon approval of the recommendations of the committee by the Judge in Charge of Juvenile, a schedule will be devised to place these matters on the docket.

**2. Writs and warrants for those respondents age eighteen (18) and older or writs and warrants open for two years or more with consideration to the offense.**

In many instances, respondents at or near their eighteenth birthday at the time of the offense are charged with relatively minor charges such as loitering, disorderly conduct, failure to obey, and simple possession of marijuana. If the respondent has no or a minor prior juvenile history, it would be suspected that the juvenile justice system would have little in the way of services that would meet the respondent's needs. Therefore, if the respondent has failed to appear on these charges, the respondent would be a low priority when the writ is issued (see below *Prioritizing Writs and Warrants*). At the time of the reviewing the writ, the court should give consideration to recalling and quashing the writ. As it is the purview of the Office of the State's Attorney or BCDSS to determine whether the matter should be dismissed or closed, the State, BCDSS, DHMH, or any agency initially requesting the writ and warrant can make such a determination at the hearing reviewing the matter.

**3. Writs and warrants for those respondents age seventeen (17) and older or writs and warrants open for two years or more with consideration to the**

**offense.**

Much like the above, any writ or warrant open for such a long period of time without any action taking place in the way of the respondent being apprehended by either the police or The Sheriff's Office or by being arrested on a new charge has a good likelihood of being non-productive. As such, these matters should be reviewed with an eye toward recalling and quashing the writ *based upon the charge and the court's assessment of the possible need for services for the respondent*

**4. Writs and warrants open for one year or more with consideration to the offense.**

Although there is a smaller likelihood that these writs and warrants, if acted upon would produce a non-productive disposition, *once the above categories are reviewed and disposed of*, it is anticipated that a significant number of these matters would be reviewed and disposed of as non-productive.

**5. All other writs and warrants.**

The current procedure is that all writs and warrants are reviewed on the delinquency docket every 60 days after its issuance by the issuing judge or master,

or the judicial officer that follows the judge or master in the rotation. On the CINA docket, the warrants are reviewed at every CINA review hearing (approximately every six months).

The committee proposes the following changes *once the above categories are reviewed and disposed of*:

That both on the CINA and delinquency dockets that the issuing judicial officer initially reviews the writ or warrant issued 30 days after its issuance. Following such a procedure would produce a better likelihood of obtaining additional information from the parents, guardians, or agencies as to the possible location of the respondent, enhancing the likelihood of the respondent being returned to care.

The committee also recommends that the matter be reviewed again in 60 days after the initial review. This review would determine whether there is any additional information on the respondent's whereabouts.

After the 60-day review, all subsequent reviews would be handled by the court designated by the judge to review all the writs and warrants. This process would provide all the parties with a centralized docket which would assist in the efficient operation of the court's docket by placing all parties, or their designees before the same court.

Once the implementation of the policy begins, the committee will reconvene 60 days thereafter in order to determine the level of success. The committee may then suggest any modifications to the policies and procedures.

### **Exception to the Above Policy**

An exception would be all writs and warrants designated Priority One or Priority Two (see below *Prioritizing Writs and Warrants*). Because of the respondent's danger to self or others, or the seriousness of the offense, the committee recommends that these matters be reviewed every thirty days by the issuing judicial officer for a period of one year. After, that time, the matter can be moved to the consolidated writs and warrants docket.

### **B. Prioritizing Writs and Warrants.**

Currently, the writs and warrants that are issued give no information as to the seriousness of the offense, the likelihood that the respondent would harm self or others, or the importance the court or other agencies place on the respondent being located or placed into custody. At this point, all parties are essentially agreed that there needs to be priorities designated on the writs and warrants so that either the Sheriff's Office or the police department can be given an understanding of the level of urgency needed in placing the respondent in the warrant. Also, the prioritizing of writs and warrants and the accompanying information contained in the modified writs and warrants will more properly give law enforcement officials an idea of the level of threat thus enhancing the safety of the officers and public safety when the writs or warrants are executed.

#### *The Process*

As there will be a determination in court as to what priorities will be placed in writs, the committee recommends that a hearing be held prior to the issuance of a writ and that all affiants be present at the hearing in the event the court has any questions. As to the writ request for a delinquency matter both state and defense are currently present when the writ is issued. As to the warrant request the party requesting the warrant is encouraged to designate in the warrant request form what its belief is as to what priority should be assigned.

The committee recommends that all parties be encouraged to use to Quest System in order to prepare the affidavits for the court file. In this way, a complete record can be kept in the Quest System to be viewed by law enforcement officers so that any concerns or special issues concerning the respondent can be addressed once these officials come in contact with the respondent. The use of the Quest system will be of particular importance as juvenile booking and DJJ intake will have access to Quest and will be presumably using it to make determination of preliminary treatment and temporary placement issues.

In any event, in the case of a warrant, the committee recommends that the affidavit accompanying the request be submitted to both the sheriffs office and the police department so that those agencies can be more fully apprized of any special circumstances surrounding the respondent.

*The Appendix* contains examples of the look of the proposed new writs and warrants. Some fields in the Quest System would have to be added or modified in order to accommodate the new information. In addition, a "free type" field will be needed in order to be able to add any other information deemed by the court or the parties to be necessary for the writ or warrant.

## **1. Delinquency Matters**

The following offenses or circumstances were deemed by the committee to be those which law enforcement should place available resources to locate and bring the respondent before the court depending upon how the court views the severity of the circumstances with Priority One being the highest level of seriousness.

### ***Priority One:***

A respondent charged with homicide or any attempt to commit same.

A first or second degree sex offense or any attempt to commit same.

A robbery with a deadly weapon or any attempt to commit same (handgun or knife).

An offense in which the alleged victim received a serious or life threatening injury.

A respondent who has AWOLed from a secure facility

A respondent who has a significant psychiatric history such that the respondent may be a danger to self or others.

A respondent with a history of violent or multiple sexual offenses

A violation of community detention and meeting the criterion as stated above in priority one.

***Priority Two:***

Any handgun charge

A respondent with a history of handgun or weapons charges.

A respondent with a history of serious assaults.

An arson charge or any attempt to commit same.

A respondent who has a minor history of psychiatric hospitalizations or treatment.

A violation of community detention and meeting the criterion as stated above in priority two.

***Priority Three:***

A respondent who has a history of drug arrests (3 or more)

A respondent who has a history of property crimes (4 or more)

A respondent who leaves a community placement or is AWOL from a non secure placement.

***Priority Four***

Priority Four is reserved for all other matters or circumstances which do not fit in any of the above categories but where a writ must still be issued. Among those

circumstances is a failure to appear for a hearing or failure to appear for arraignment.

It should be noted here that the opinion of the committee at this point is that community detention may be overused and that it should continue to be used only for those respondents where community detention is the *only* option to detention. Otherwise, the court should consider placing the respondents in other community programs pending adjudication or disposition including but not limited to DRAP, CJCJ, or any other program that the Department of Juvenile Justice manages or which that agency may create or contract for in the future. Community Detention and its uses may be an issue around which the court, The State's Attorney's Office, The Office of The Public Defender, and The Department of Juvenile Justice may wish additional training at a later time.

## **2. CINA Matters**

As to the CINA matters, the vast majority of orders in question are warrants. As these matters usually involve a respondent leaving an approved placement, the committee recommends the below listed circumstances have the following priorities:

***Priority One***

A respondent who has an existing mental health or physical condition such that the respondent may be an imminent harm to self or others.

A respondent with a history of sexualized behavior and/or may have a communicable disease.

A respondent age 13 or under and/or may be out of the jurisdiction of the city or state.

A respondent with a significant, current, or active history of violence or serious bodily harm to others.

***Priority Two***

A respondent who has an existing mental health(including developmental disability) or physical condition but that the respondent is *not* an imminent harm to self or others.

A respondent with a history of sexualized behavior.

A respondent with a significant delinquent history which indicates a danger to others

***Priority Three***

A respondent with a significant delinquency history

***Priority Four***

Priority Four is reserved for all other matters or circumstances which do not fit in any of the above categories but where a warrant must still be issued.

The issuing of the warrant however, will not relieve The Baltimore City Department of Social Services, DHMH nor any other agency the respondent is placed with under an order of commitment from its obligations to attempt to locate the respondent and place the respondent back in care.

**3. Warrants Issued For Persons Other Than The Respondent**

There are situations when the court issues warrants for adults and others for failure to appear or other failures to follow the court order.

Under those circumstances, the court and the other agencies shall follow the same policies and procedures as stated in sections 1. and 2. above.

#### **4. Co-committed Respondents**

When a respondent is co-committed, the agency requesting the warrant is obligated to notify any other agency(s) the respondent is committed to that the respondent is not in placement and that warrant has been issued.

#### **Committee Note:**

It should be noted here that the above criteria for categories 1- 4 stated above for determining priorities are guidelines, not concrete rules in determining what priorities will be assigned to writs and warrants. This process leaves the discretion as to what priority will be assigned to the judge or master hearing the matter.

It is anticipated that the vast majority of writs and warrants issued, whether for delinquency or CINA matters will be designated Priority Three or Priority Four with the larger being Priority Four.

It also should be noted that as DJJ now has access to Quest information when the respondent is being processed on any new charge. Therefore, the likelihood is that many

respondents would identified and held on a writ or a warrant when arrested for a new offense, thus increasing the effectiveness of the issuance of any writ or warrant.

This committee also recommends that the police and sheriff's office develop standard operating procedures as to actions to be taken based upon the priorities the court assigns to writs and warrants.

## **C. Actions To Be Taken For Warrants**

### ***1. Emergency Requests for a Warrant***

The committee recognizes that there are circumstances in which an agency may need to request a warrant due to an emergent circumstance which may need the immediate attention of the court. The circumstances which an agency may emergency request for a warrant include, but is not limited to:

- a. kidnaping of a respondent
- b. the respondent being a significant danger to self or others
- c. the respondent having a psychiatric or other serious medical condition requiring immediate attention

When there is an emergency request for a warrant, the agency or party will complete a form (preferably on Quest) labeled "Emergency Request for Warrant". The form will include all the pertinent information and will indicate the specific reason(s) why the party considers the matter an emergency in which a warrant should be issued immediately by the court. The form will be submitted to the Juvenile Court Clerk's Office. The Clerk's Office shall refer the matter to the judge as soon as feasible but under no circumstances more than 24 hours or the next court operating day after it is received in the clerk's office.

The court will make every attempt to act upon the Emergency Request for a Warrant as

soon as it is received by the court.

## ***2. Other Requests For a Warrant***

Presently, there are no guidelines for the agencies to follow as to the issuance of a warrant.

The committee recommends that the agencies (BCDSS, DJJ, or other agencies) take the following steps, when feasible, in a case in which a warrant is requested.

- a. Contact the last placement of the respondent
- b. Contact any known relatives.
- c. Contact schools or the school system.
- d. Contact any persons, organizations, or sources who the agency reasonably believes may have knowledge of the location of the child.

Adherence to the above procedures by the agencies is not required prior to the court issuing the warrant or prior to the parties submitting a request for a warrant to the court.

However, the court will consider these factors when making determination as to whether a warrant will be issued.

When there is an request for a warrant other than an emergency, the agency or party will complete a form (preferably on Quest) labeled "Request for Warrant". The form will include all the pertinent information and will indicate the specific reason(s) why the party is requesting a warrant. The form will be submitted to the Juvenile Court Clerk's

Office.

The committee also recommends that on the form requesting a warrant, there should be a portion of the form where the parties can suggest what priority should be given to the warrant (see section *B. Prioritizing Writs and Warrants.*). Accompanying that suggestion should be as full an explanation as possible as to the rationale for the suggested priority.

The Clerk's Office will refer The Request for Warrant to the judge the greater of not more than 48 hours or the next court operating day after it is received in the clerk's office.

The court will make every attempt to act upon the Request for a Warrant as soon as it is received by the court.

Once a warrant issued, the above agencies are not relieved of their responsibility to continue to make efforts to determine the location of a respondent using the same methods listed above (a-d) or any other methods deemed reasonable by the agency.

### **3. Processing of Writs and Warrants Once They Are Received In The Sheriff's**

**Office.**

The procedures recommended by the committee, if implemented, will only be effective if they are processed in a timely manner by the sheriff's office and the police. The committee therefore recommends that the police and the Sheriff's Office devise a procedure by which writs and warrants are processed in a timely manner. This procedure should include guidelines for the frequency in which the warrant information is transferred between the Sheriff's Office and the police, the period of time that writs and warrant are entered into the database of both those agencies, and which agency's responsibility it is to transmit or receive the warrant information in a timely manner.

## Appendix

### Sample Writ and Warrant Orders

MATTER OF

IN THE

JOHN SMITH

I.D. 0131121

CIRCUIT COURT FOR BALTIMORE  
CITY  
DIVISION FOR JUVENILE CAUSES  
petition No.

29000814

WARRANT STATE OF MARYLAND  
PRIORITY FOUR

TO: Any Law Enforcement Officer:

Whereas, petition has been made before me, the Judge of the Circuit Court for Baltimore City, Division of Juvenile Causes, on the oath of Gregory Sampson (Master) who charges JOHN SMITH, The respondent left his Baltimore City Department of Social Services placement without permission.

The court determines this writ to be a PRIORITY FOUR warrant for the following reason(s):

The respondent left his BCDSS placement (see attached affidavit).

You are therefore hereby commanded immediately to apprehend JOHN SMITH and bring him before me at the Courthouse in the City of Baltimore to be dealt with according to law.

Given under my hand and seal this 23rd day of September, 2011, sitting in the Circuit Court for Baltimore City, Division for Juvenile Causes.

\_\_\_\_\_  
Judge

CIPI this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ AM/PM and copy of writ delivered.

NON EST \_\_\_\_\_

Age: 17Yr lMo                      DOB: 08/05/84                      Race: Black                      Sex: Male  
 Birthplace:    SSN:  
 Height:                      Weight:                      Hair::                      Eyes:

Charge: "On the wing"  
 Parent/Guardian: BERNADETTE SMITH  
 1001 Jones Street  
 BALTIMORE MD 21218

When the Respondent is apprehended, immediately contact the Baltimore City Department of Social Services at (410) 361-2235, and;

- During times when the Court is in session, transport the youth to the Court, or
- During times when the Court is not in session, transport the youth to a foster home, other placement, or facility as requested by the Baltimore City Department of Social Services.

MATTER OF

JOHN SMITH I.D. # 0131121

BALTIMORE CITY

JUVENILE CAUSES

IN THE

CIRCUIT COURT FOR

DIVISION FOR

Petition No.

390008014

WRIT  
PRIORITY ONE

TO: The Sheriff of Baltimore City:

Whereas JOHN SMITH, the respondent in the above-entitled cause, was released into the custody of BERNADETTE SMITH on recognizance pending further proceedings, and the said custodian has failed to produce the respondent at a hearing before the Court, you are commanded to take the said respondent into custody and deliver him before the Court in order that the Court may make further provision for his appearance when so ordered.

The court determines this writ to be a PRIORITY ONE writ for the following reasons:

The respondent has a significant psychiatric history such that the respondent may be a danger to self or others.

The respondent has a significant history of sexual offenses such that he may be a danger to self or others.

The respondent is known to carry dangerous or deadly weapons.

Issued this 23rd day of September, 2001.

\_\_\_\_\_  
Judge

CIPi this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, at \_\_\_\_ AM/PM and copy of writ delivered.

NON EST \_\_\_\_\_

Date of birth: August 5, 1984

Address: 1001 Jones Street, BALTIMORE,

Charge: Theft over \$300

Race: Black

Sex: Male

Hearing: Adjudicatory hearing on September 23, 2001 at 9:00 a.m. in part 1

MATTER OF

JOHN SMITH  
I.D. P 0131121

BALTIMORE CITY

CAUSES

IN THE  
CIRCUIT COURT FOR  
DIVISION FOR JUVENILE  
Petition No. 390008014

WARRANT STATE OF MARYLAND  
PRIORITY TWO

TO: Any Law Enforcement Officer:

Whereas, petition has been made before me, the Judge of the Circuit Court for Baltimore City, Division of Juvenile Causes, on the oath of Gregory Sampson (Master), who charges JOHN SMITH, The respondent left his Department of Juvenile Justice placement (The ABC group home) without permission..

The court determines this writ to be a PRIORITY TWO warrant for the following reasons:

- The respondent left his DJJ placement without permission (see attached affidavit)
- The respondent has a history of assaultive behavior.
- The respondent has a minor history of psychiatric hospitalizations.

You are therefore hereby commanded immediately to apprehend JOHN SMITH and bring him before me at the Courthouse in the City of Baltimore to be dealt with according to law.

Given under my hand and seal this 23rd day of September, 2011, sitting in the Circuit Court for Baltimore City, Division for Juvenile Causes.

Judge

CIPI this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_ AM/PM and copy of writ delivered.  
NON EST \_\_\_\_\_

Charge: "On the wing"  
Parent/Guardian: BERNADETTE SMITH  
1001 Jones Street  
BALTIMORE MD 21218

When the Respondent is apprehended, deliver him to this Court at once and notify the witnesses whose names appear hereon.