STATE OF NORTH CAROLINA   **IN THE GENERAL COURT OF JUSTICE**
                                  DISTRICT & SUPERIOR COURT DIVISION
3B JUDICIAL DISTRICT

ADMINISTRATIVE ORDER

Pursuant to N.C.G.S. 15A-301.1, the North Carolina Administrative Office of the Courts has developed NCAWARE, an automated electronic repository for criminal process, allowing for the electronic creation, storage and remote access of criminal process. The following procedures are hereby implemented to direct the use of the NCAWARE system within the 3B Judicial District effective March 1, 2010.

1. All criminal process resulting in the arrest of an individual must be created and maintained in NCAWARE except that a judicial official may authorize issuance of a warrant outside of NCAWARE if it is determined to be in the best interest of an ongoing investigation.

2. Prior to bringing an individual who is being charged with a criminal offense before a magistrate, the arresting law enforcement officer or probation officer shall see that the criminal process is initiated in NCAWARE and that all mandatory date fields have been completed. In cases in which an individual is charged under the North Carolina General Statue with a Chapter 20 offense resulting in an arrest, the law enforcement officer shall also complete a general citation manually.

3. The Magistrate shall indicate his or her finding of probable cause, or lack thereof, and complete the Release Order in NCAWARE.

4. The Magistrate shall print out the official court copy of the criminal process or the Order of Release and transmit these documents to the Office of the Clerk of Superior Court (along with any general citation manually prepared by the law enforcement office). The Magistrate will provide copies to the defendant as may be required.

5. For those warrants or criminal summons that are pending service, the Magistrate shall electronically assign within NCAWARE the criminal process to be served by the requesting agency.

6. Prior to service of a criminal process or order for arrest that is electronically stored in NCAWARE, the law enforcement officer shall verify in NCAWARE that the process is valid.

7. Law Enforcement shall not serve any process in NCAWARE that is indicated as "UNSERVED PAPER" without contacting the Owning Agency indicated in NCAWARE to obtain the original paper process for service.

8. Any law enforcement officer who serves a criminal summons that is stored in NCAWARE shall update the system to reflect that the process has been served. For arrest warrants, and orders for arrests that are served, the system will be updated by the magistrate to reflect that the defendant has been arrested at the time the Magistrate completes the release order. Any return of a process that is not served to the Clerk of Superior Court's office shall be noted in NCAWARE by the law enforcement officer.

9. When an order for arrest is issued for a defendant's failure to appear in Court, the Clerk of Superior Court shall create the order for arrest in NCAWARE and shall assign it to the appropriate law enforcement agency for service.

10. When an order is entered striking an Order of Arrest that has been issued, the Clerk of Superior Court shall recall the order for arrest in NCAWARE. The Clerk shall also contact, electronically through NCAWARE, the agency to whom the order for arrest has been assigned to notify them of the recall.

11. At the request of the Clerk's Office, the Magistrate shall print and provide to the Clerk a print out of an existing process in the Magistrate's system for a destroyed case.

12. Nothing in this order shall prevent criminal justice agencies using NCAWARE from developing internal operating policies provided such policies are not inconsistent herewith.

This the 12th day of February, 2010.

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Jerry F. Waddell
Chief District Court Judge

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Benjamin G. Alford
Senior Resident Superior Court Judge