

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



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| TITLE: LEGAL PROCESS | NUMBER: 630 |
| EFFECTIVE DATE: July 18, 2008 | REVIEW DATE: |
| <input type="checkbox"/> New <input checked="" type="checkbox"/> Amends <input type="checkbox"/> Rescinds | General Order 630, dated March 18, 2002 |
| AUTHORITY: Chief Ronald A. Ricucci | ACCREDITATION STANDARDS: 74.1.1 - 74.3.2 |
| | TOTAL PAGES: 6 |

01 Purpose: To establish the policies and procedures for the reception, documentation and service of legal process.

02 Policy: To serve and accurately record legal documents assigned by the courts or delivered to the Department by other agencies for service or execution. Court decisions that add to the laws of arrest or search and seizure will be reviewed and updated in a timely fashion. Accessibility to documents, maintenance of records and a process to address accountability are strived for.

03 Records: Active criminal warrants issued by State Courts, or received from other jurisdictions for service in the City, are maintained by the Administrative Services Division. The Commander will designate a member of his/her staff to assume the duties of the Warrant-Summons Coordinator (WSC). The Commander will be responsible for the maintenance of documents on file and ensuring that the duties of the WSC are performed effectively. Information regarding these warrants is accessible to Department personnel on a 24-hour basis in the following ways:

- * By checking the Warrant/Summons Log kept by the WSC or in the files in Communications,
- * By accessing "Wants/Warrants" in the main menu of the Department's computer system,
- * By accessing "WAR" in the main menu of the MILES computer, and/or
- * By viewing the actual warrant (kept on file in Communications). (CALEA 74.1.3 d, f)

A. Existence of active criminal warrants from other jurisdictions can be verified 24 hours a day via the MILES computer system. (CALEA 74.1.3 b, d,)

B. Information regarding each item of legal process received by the Department will be recorded by the WSC or designee on Takoma Park Form #300-26 (Warrant/Summons Log). Each entry will be assigned a sequential control number and include the following:

- * Date and time received,
- * Type (criminal/civil),
- * Nature of the document (warrant, subpoena),
- * Source of the document (agency),
- * Name of complainant (plaintiff) or defendant (respondent),
- * Squad, division or officer assigned for service,
- * Date of assignment,
- * Document number, and

* Date of service due (if any).

Each recorded entry will be cross-referenced so that the information can be retrieved by means of the control number, court docket number, defendant (respondent) name, and date of document. (CALEA 74.1.1)

C. Upon receiving any legal process document, the WSC will time stamp the face of the document, initial the stamp and log the document. (CALEA 74.1.3 b, c)

D. Under no circumstances will money be accepted by any member of this Department for service of a document.

E. Information regarding the service or attempted service of a legal process document will be recorded on a Warrant/DCS Action Request form, and will include:

- * Dates and times served, or attempted;
 - * Name of officer(s) executing/attempting service;
 - * Name of person on whom the process was served;
 - * Method of service (arrested, hand delivered)/reason for non-service;
 - * Location of service/attempt;
 - * Date returned to issuing agency; and
 - * Any cautionary data or additional service requests.
- (CALEA 74.1.2)

F. A Warrant/DCS Action Form will be attached to each legal process document by the WSC.

04 District Court Summonses (DCS):

A. The WSC will send a form letter, by certified mail, to the defendant requesting that he/she respond to the station for service. Once served, the document will be logged out and returned to the Court.

B. In the event that the defendant fails to respond for service, the DCS will be returned to the Court by the return date indicated on the document.

05 Arrest Warrants (AW) Originating in Takoma Park:

A. AW will be logged in by WSC, to include entry into the department's local system. (CALEA 74.1.3 c)

B. AW will be forwarded to Communications where personnel will enter into MILES/NCIC as appropriate. AW is then filed in the Communications office. (CALEA 74.1.3 a)

C. The WSC will forward a copy of the face sheet and Warrant Action form to the Patrol Operations Commander who will distribute to patrol personnel for attempted service.

D. If served, the AW is logged out by the WSC. Communications will remove it from MILES/NCIC as appropriate.

E. If unserved, the AW will be maintained in the Communications office.

F. In cases where the defendant is located in another jurisdiction, the warrant will be logged and retained here. A certified copy will be forwarded to the appropriate agency for service.

G. If an AW remains on file for more that 45 days, the WSC will check for a new service address, and if necessary, re-attempt service as outlined in paragraph **05** of this General Order.

06 Bench Warrants:

A. Are logged in and entered into prism by WSC. (CALEA 74.1.3 c)

B. WSC will send a form letter to the defendant requesting that he/she respond for service.

C. The warrant will be forwarded to the Communications office where personnel will enter the information into MILES. Personnel will file the warrant pending service. (CALEA 74.1.3 a)

D. Once served, WSC will log the warrant out and remove it from PRISM. Communications personnel will remove the warrant from MILES.
(CALEA 74.1.3 e)

07 Warrants Received From Other Agencies for Takoma Park Service:

A. The warrant will be logged in by the WSC.

B. AW will be forwarded to the Patrol Operations Commander for service as outlined in paragraph **05** of this General Order. (CALEA 74.1.3 c)

08 Civil Process:

A. Subpoenas, summonses, orders and Family Court warrants will be served by Takoma Park officers under the following circumstances:

- * When directly appointed, in writing, by a court to be a process server,
- * When assigned by the Chief to serve as an agent of the City or Corporation Counsel, or
- * When requested by the appropriate State's Attorney's office, after approval from the Chief, to serve processes related to drug forfeitures in which the City is an interested party.

B. Officers will execute orders for civil arrest pursuant to a written order by a judge in a civil

proceeding.

C. If an officer has probable cause to believe a person is in violation of certain provisions of an Interim, Temporary, or Final Protective Order issued by a court of this or another state, and that the Order was in effect at the time of the violation, an arrest will be affected with or without a warrant. (See General Order 652 - Domestic Violence.)

D. All other requests for civil process service should be referred to the appropriate County Sheriff's Department. (CALEA 74.2.1)

09 Criminal Process: This General Order governs the execution of criminal process as it pertains to a summons in lieu of arrest and the execution of warrants, namely: Warrants for arrest, Search warrants, and Eavesdropping warrants. Officers should familiarize themselves with appropriate sections of the Maryland State Criminal Procedure pertaining to criminal process, and may also seek guidance from the State's Attorneys' offices.

A. District or Circuit Court arrest warrants are to be executed only by sworn officers. (CALEA 74.3.2) They may be executed anywhere in the State, at any hour of the day and on any day of the week. It is not necessary to have the warrant in hand; however, if requested by the defendant, it must be shown to him/her as soon as possible. Officers attempting a warrant service outside the City will request the assistance of the police agency wherein the warrant will be served. The warrant will be in the officer's possession and the assisting agency will make the arrest. The prisoner should then be turned over to the Takoma Park officer, unless the arrest results in additional charges be placed against the defendant by the assisting agency.

B. Search warrants issued by the District or Circuit Court may be executed anywhere in the State. An affidavit is required from a sworn police officer before a search warrant is issued by a judge. Property subject to seizure and search is enumerated in the Maryland Code, Criminal Procedure Article, §1-203. Search warrants will be executed by sworn police officers within 15 days of issuance. Officer will ensure that the execution provisions on the warrant are followed. Subsequent to execution, a copy of the warrant, the application and a detailed inventory of property seized will be provided to the owner, tenant or other person in possession of the property. If unoccupied, a copy will be left in a conspicuous location within the residence. The original warrant, application, a Report of Execution and a detailed inventory of property seized will be returned to the issuing judge (if not available, to another judge) within 10 days of execution.

C. Eavesdropping warrants may be executed by law enforcement officials. They are rarely, if ever, executed by uniform personnel. These warrants will be obtained with the assistance of the appropriate State's Attorney's office. They must be executed not more than 30 days after issuance or upon termination as authorized in the warrant.

D. A summons is issued by a District or Circuit Court judge solely to ensure a defendant's appearance in court. It may be served by a police officer, or by any other person 18 years of age or older, and only in the State. A defendant's failure to appear on a summons may cause a warrant to be issued.

10 Notification: Where an officer or detective wishes to be notified of an arrest, he/she will write their request in the comments section of the Warrant/DCS Action Request form. Any other requests, (e.g. photos, extra fingerprints, handwriting sample, etc...) should also be noted.

11 Service Priority: If a wanted person surrenders him/herself to the police, and the officer who obtained the warrant is working, that officer will serve the warrant. Under no circumstances will a known wanted person be tuned away and told to return at another time.
(CALEA 74.3.1)

12 Extradition: Subjects from out of state will be extradited in accordance with General Order 645 - Fugitives. All entries are to be attached to the Warrant/DCS Action Request, and placed into an envelope. The officer serving the warrant will ensure that removal of any computer entries are made, and that a copy of the entry and removal is attached to the arrest report. (CALEA 74.1.3 e)

13 Public Information on Legal Process: It will be the policy of this Department to give information to the public over the phone or in person concerning summonses only. When a citizen calls on the phone or appears in person requesting information on the existence of a warrant, he/she will be referred to the investigating officer or WSC.

14 Property Management: All property received by the Department pursuant to the delivery of legal process services will be accounted for in accordance with department property management/impound procedures. Disposal of all seized, found and recovered property will be conducted pursuant to all applicable statutes, to include advertising, if applicable.

15 Subpoena Acceptance: Officers, whether on or off duty, will accept any legal court or civil process served on them personally, unless such service directly interferes with an immediate police operation or task. Supervisors will not take officers out of service to enable attorneys or process servers to serve civil subpoenas. Generally, summons or subpoena service should be accomplished prior to officers going into service. Employees shall make every effort to locate and notify officers of the pending service, and will in no way impede the process. Employees shall not accept service of process, subpoenas, certified or registered mail on behalf of another employee (this does not include authorized procedures outlined in this General Order).

16 Deported Felon File in NCIC:

A. On-line inquiries using “WAR” or “VEH” result in an automatic cross-search of the Immigration and Customs Enforcement (ICE) Deported Felon File (DFF). The DFF contains records on criminal aliens who have been deported for drug trafficking, firearms trafficking and serious violent crimes. Criminal aliens who have been deported, and re-enter the U.S. without permission are in violation of Title 8, Section 1326, U.S. Code, which carries a fine of up to the amount specified for the felony committed and incarceration of up to 20 years.

B. TPPD officers will not serve ICE orders, detainers or warrants for violations of immigration and/or naturalization laws nor take any further enforcement action based solely on receipt of a DFF record or “hit” through NCIC on an individual. Upon receiving such a “hit”, officers should obtain all pertinent information on the subject and Communications personnel will forward a copy of the “hit” with the event number of the incident to the Office of the Chief, with notifications via the chain of command.

17 Annual Audit: Annually, during January, the WSC will review all warrants on file. Those that are not able to be served will be returned to the Court of origin.

18 Semiannual Inspection: Twice yearly, the Chief or designee will direct a spot inspection of the Warrant/Summons Control process. Inspector(s) will randomly select warrants and summonses, and track them through the process to ensure adherence to this procedure.