JOPLIN POLICE DEPARTMENT	6-10 STANDARD OPERATING GUIDELINE
SUBJECT: Legal Process	**REVIEW DATE: Annually - June**
EFFECTIVE DATE: June 1st, 2007	**ACTION DATE:**
AMENDS/SUPERSEDES:	**AMEND DATE:**
ACCREDITATION INDEX: 74.1.1 a, b, c, d, e, f, g, h, i, 74.1.2 a, b, c, d, e, 74.1.3 a, b, c, d, e, f, 74.2.1, 74.3.1, 74.3.2, 84.1.8	**APPROVED:** Richard A. Pearson **Chief of Police**

I. POLICY

Law enforcement agencies are mandated by state constitution, statute, or ordinance to serve civil process and/or execute criminal process in support of the judicial function. The functioning of the courts is affected by the prompt service of court documents. Thus, the effectiveness and image of the judicial system are dependent in part, upon the effective and timely service of court documents.

II. PURPOSE

To define the authority of officers to arrest, and maintain records of legal process

III. PROCEDURE: GENERAL

A. Recorded Information

1. Each item of the legal process is recorded on the face of the document, including, but not necessarily limited to:

   a. Date and time received; (74.1.1 A)

   b. Type of legal process, civil or criminal; (74.1.1 B)

   c. Nature of document (warrant, complaint, summons etc.); (74.1.1 C)

   d. Source of document (Judge, Court etc.); (74.1.1 D)

   e. Name of complainant or defendant; (74.1.1 E)

   f. Court docket number; (74.1.1 H)

   g. Date of issuance/assignment; and (74.1.1 G)

   h. Date service is due (if any). (74.1.1 I)

2. The information contained on criminal warrants is also covered by SOG 6-07, Arrests.

B. Types of Warrants Executed by this Department (74.3.1)

1. Arrest Warrants

2. Capias Warrants

3. Search Warrants

C. Criminal Process (74.3.1)

1. Only sworn law enforcement officers of the Joplin Police Department are authorized to execute arrest warrants. (74.3.2)

2. Sworn officers of the Joplin Police Department will execute any verified and valid criminal warrant which is presented to them or which comes to their knowledge while they are performing their duties within the City of Joplin.

3. Sworn officers of the Joplin Police Department may execute verified and valid criminal warrants outside of the City of Joplin with their supervisor's approval.

   a. Officers will, if at all possible and practical, notify the agency of primary jurisdiction when serving or attempting to serve legal process outside the City of Joplin.

   b. It is recommended that an officer serving a warrant outside the City limits of Joplin always have an officer from the proper jurisdiction present.

4. Use of force during the service of a criminal warrant is governed by department policy found in SOG 6-11, Search Warrants.

5. An officer may break any outer or inner door or window in order to execute an arrest warrant, if the officer is not admitted following an announcement of his/her authority and purpose.

   a. Officers may only force the entry outlined above after a reasonable wait for a response and if there is reasonable belief that the person to be arrested is on the premises (refer to SOG 6-07, Arrests).

6. Forced entry may also be justified, without knocking or announcing, if there are exigent circumstances that exist, such as a reason to believe that such conduct would endanger either the officers or someone inside the premises.

7. Even if the officer has an arrest warrant for a person believed to be in the residence of a third party, a search warrant must be obtained before entering the residence, unless the resident consents to the officer's entry or exigent circumstances exist.

D. Municipal Arrest Warrants (74.1.3.A)

1. New warrants are activated in the MULES computer system by Communications Center personnel. A copy of the original warrant will be placed in the active warrant file cabinet located in the Communication Center. Copies of municipal warrants will be forwarded to the Warrant Officer as assignment. (74.1.1 F)

2. Upon receipt of the new warrant, the Warrant Officer will attempt service or place a copy of the warrant in the squad room warrant box for assignment to the appropriate sector/beat officer(s). (74.1.1 F)

3. Attempts to execute warrants will be documented in the CAD system to include the address of service. Upon execution of the warrant, the Dispatcher will document execution of the warrant in the Incode Court System to include:

a. Date and time service was executed/attempted. (74.1.2 A)

b. Name of officer(s) executing/attempting service. (74.1.2 B)

c. Name of person on whom legal process was served/executed. (74.1.2 C)

d. Method of service/reason for non-service. (74.1.2 D)

e. Address of service/attempt. (74.1.2 E)

4. The executing officer will advise dispatch of warrant service and the dispatcher will cancel the warrant from the MULES computer systems.

5. The executing officer will document execution of the warrant in the appropriate police report or book in sheet.

E. Civil Process (74.2.1)

1. Officers of this department will not generally be required to serve civil process. This task is usually performed by the Jasper / Newton County Sheriff's department.

2. In certain cases, this department may be requested by the courts or other agencies to serve certain civil process documents.

a. Officers may attempt to provide service of these documents at the discretion of the shift supervisor.

b. If the process requires some type of enforcement action beyond simple service, the Jasper / Newton County Sheriff's department will be contacted to handle service of the process.

3. Sworn police officers may be sent to assist sheriff's deputies or others authorized to serve civil process documents and/or seize real personal property. However, the police officer's responsibility is limited to keeping the peace and ensuring the safety of those involved.

F. Property Accounting and Disposition (84.1.8)

1. All property, real and personal, seized pursuant to the execution of legal process by the Joplin Police Department shall be accounted for in department records. These records shall include but not limited to:

a. Case number;

b. Description of property;

c. Identification number (if applicable); and

d. The name of the person or corporation from whom the property was seized.

G. State and Municipal Warrant Records (74.1.3)

The Communications Center will perform the following functions for the Department:

1. All State Offense (felony, misdemeanor) Warrants are initiated by the Jasper/Newton County Prosecutor's Office and MULES/NCIC entry is made through arrangement(s) between the appropriate State Court and the Jasper/Newton County Sheriff's Department. (74.1.3 A,C)

2. City Warrants are received from the Municipal Court.

    a. The warrants will be filed alphabetically in the Communications Center and are accessible to operations personnel 24-hours a day. (74.1.3 C, F)

3. Serving/Purging City Warrants: (74.1.3 E)

    a. When an active City warrant is served, the Communications Center will forward the warrant to the jail.

    b. The original City Warrant is forwarded to Municipal Court.

    c. The Communications Center Dispatcher is responsible for canceling the City Warrant(s) in MULES. (74.1.3 E)

    d. Communications Center personnel are responsible for canceling the MULES entry when notified that Municipal Court has recalled the warrant.

        i. The original warrant shall be marked "re-called" and dated. It is then sent back to Municipal Court.

4. Warrants received from other jurisdictions will be stamped with time and date received and placed in the file. (74.1.3 B)

    a. Communications Center personnel are responsible for purging the files when warrants are served or recalled from the originating jurisdiction(s).

    b. A copy of a warrant received from another jurisdiction is not valid for arrest. Confirmation of the original warrant must be made with the originating Agency prior to arrest. (74.1.3 D)

IV. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules, or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies, shall comply with this policy.

V. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in any evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only inform the basis of a complaint by this department, and then only in a non-judicial administrative setting.