

FLORENCE POLICE DEPARTMENT GENERAL ORDER

Subject: LEGAL PROCESS - WARRANTS	Procedure: General Order 34.1 CALEA 74.1	Total Pages: 6
Authorizing Signature: Original with Authorizing Signature on File	Effective: 01/01/2011 <input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Rescinds	

I. POLICY

It is the policy of the Florence Police Department to execute criminal process services in support of the judicial function.

II. PURPOSE

This written order establishes guidelines for the proper processing of warrants issued by the court in order to aid in their prompt and efficient service.

III. SCOPE

This written order is applicable to all personnel.

IV. RESPONSIBILITY

All personnel are responsible for complying with this directive.

V. GENERAL PROVISIONS

- A. OFFICER: For the purpose of this directive, "Officer" is any sworn employee with arrest powers, regardless of rank or assignment.
- B. Sworn officers of the Florence Police Department will serve State and City criminal warrants, search warrants, juvenile pickup orders, and commitment orders as required.
- C. Officers may assist in serving warrants outside the city limits in cooperation with and under the authority of the appropriate agency's jurisdiction, unless otherwise authorized by a supervisor.

VI. LIMITATIONS ON SERVICE

Only sworn personnel will execute arrest warrants.

VII. RECEIPT AND STORAGE OF ARREST WARRANTS

- A. The Warrant Officer will ordinarily receive arrest warrants issued by Florence Municipal Court.
- B. When an officer takes possession of an arrest warrant directly from the Magistrate's office, the warrant is to be delivered to the Police Desk BEFORE any further action is initiated.

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- C. Each arrest warrant is to be entered into the Spillman database prior to any action is taken on the warrant. The following information should be entered into Spillman for each warrant:
 - 1. Date the warrant was received;
 - 2. Process type;
 - 3. Nature of the warrant;
 - 4. Issuing Court;
 - 5. Name of the wanted person and/or plaintiff if applicable;
 - 6. Warrant number;
 - 7. Docket Number;
 - 8. Expiration date, if any; and
 - 9. Current disposition.
- D. Once all of the above information has been entered into Spillman, the warrants are turned over to Dispatch, who enters the warrant information into NCIC. The warrants are then returned to the Police Desk for maintenance.
- E. When entering warrants into NCIC, employees will comply with all NCIC & ACJIS rules and regulations. Unless otherwise authorized, all misdemeanor warrants will be designated as regional pickup only. Upon execution of the arrest warrant, dispatch will be notified to remove the warrant from NCIC.
- F. Generally, all original copies of the warrants are left at the desk. Officers may record all pertinent information from any warrant they wish to attempt to serve, or obtain a copy of the warrant.
- G. However, if an original copy of a warrant is signed out from the desk for attempted service, the Desk officer will record the following information:
 - 1. The name of the defendant on the warrant;
 - 2. The name of the officer checking out the warrant;
 - 3. Date and time of the attempt or execution of the warrant;
 - 4. Result of service or reason for non-service; and
 - 5. Address of service/attempt.
- H. The Florence Police desk is manned 24 hours a day, whereby giving officers 24 hour access to the warrant files.
- I. The Police Desk will maintain an alphabetical file of all hard copies of warrants.

VIII. SERVICE OF ARREST WARRANTS

- A. Arrest warrants will be served only by sworn personnel and only on the person who is specifically named on the arrest warrant.
- B. The hours of service for misdemeanor arrest warrants on private property will be from 0600 hours to 2200 hours, or at any time when reasonable and necessary, or unless otherwise approved by a supervisor.
- C. There are no time restrictions on attempts to serve felony warrants.
- D. When an unsuccessful attempt to serve a warrant occurs, officers will indicate the attempt in their radio log.
- E. When an officer receives information that a person is possibly wanted, the officer shall verify ALL biographical information listed below with the origin of the warrant (s), prior to an arrest. Biographical information shall include all of the following:
 - 1. Name;
 - 2. Sex;
 - 3. Race;
 - 4. Date of Birth; and
 - 5. Social Security Number
- F. FELONY, MISDEMEANOR, TRAFFIC, ALIAS, AND CAPIAS WARRANTS: Current law [Code of Alabama; Title 15-10-3(a)(6)], requires the following procedure be followed when serving arrest warrants:
 - 1. Officers will, *whenever possible*, have the arrest warrant in their immediate possession when placing the defendant under arrest.
 - 2. However, officers may, if circumstances dictate, detain and transport the defendant to the detention facility without the warrant being in the officer's immediate possession. This may only be done when the following criteria have been met:
 - a. The officer must confirm that the warrant is in hand;
 - b. The person being detained is the individual the warrants were issued against;
 - c. The warrant must be shown to the defendant as soon as possible, if requested. If the warrant is not the arresting officer's immediate possession, the officer will inform the defendant of the offense charged and of the fact that a warrant has been issued.

IX. VERIFICATION OF HARD COPY

When officers receive information from other agencies about the presence of a

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warrant, officers will confirm the existence of a “hard copy” prior to the execution of the warrant. Officers may accomplish this by having the outside agency send a fax copy of the warrant to the police desk prior to an arrest on the warrant. This requirement does not prevent an officer from safely detaining an individual for a reasonable amount of time pending receipt of the hard copy of a warrant.

X. REQUIREMENTS AFTER SERVICE OF WARRANT

- A. **ARREST REPORTS:** The arresting officer will complete an arrest report and attach a copy of the warrant(s) that were served. Officers should complete supplement reports or supplement arrest reports when applicable.
- B. **EXECUTION OF WARRANT:** Upon service of an arrest warrant, the officer must sign and date the original warrant and leave it at the detention center for delivery back to the court.
- C. **REMOVAL FROM NCIC:** The arresting officer should instruct dispatch to remove the executed arrest warrants from NCIC.

XI. SEARCH WARRANTS

- A. **AUTHORITY TO ISSUE WARRANT:** All search warrants must be based on probable cause then sworn to and signed by a judge in the county where service is expected.
- B. **PROPERTY WHICH MAY BE SEIZED WITH A WARRANT:** A warrant may be issued to search for and seize any:
 - 1. Property that constitutes evidence of the commission of a criminal offense; or
 - 2. Contraband, the fruits of crime, or things otherwise criminally possessed;
 - 3. Property designed or intended for use or which is or has been used as the means of committing a criminal offense; or
 - 4. A person for whom probable cause for an arrest exists.
- C. **EXECUTION AND RETURN WITH INVENTORY**
 - 1. The search warrant may only be executed by the officer, or one of them, to whom it is directed, and by no other person, except in aid of such officer, at his request, he being present and acting in its execution.
 - 2. The warrant must be executed within the time framed established by the authorizing judge.
 - 3. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken, a copy and receipt of the property at a place from which the property was taken.

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4. The return shall be made promptly and shall be accompanied by a written inventory of any property taken.

XII. CIVIL PROCESSES

- A. Though not common, sworn members of the Florence Police Department may from time to time be called upon to serve criminal process documents issued by a judge or magistrate. These civil process documents could include, but are not limited to involuntary commitments, subpoenas or summons, protection from abuse orders, custodial orders, and/or asset forfeiture notices. When serving these civil process documents, officers will comply with the following guidelines.
 1. **LIMITATIONS ON SERVICE:** Civil process documents will be served by sworn personnel and only upon the person who is specifically named in the document. The documents will not be left with another person who might offer to deliver it to the named person.
 2. **HOURS OF SERVICE:** The hours of service for civil process documents on private property will be from 0600 hours to 2200 hours, or at any time when reasonable and necessary, or unless otherwise approved by a supervisor.
 3. **SERVICE OF CRIMINAL PROCESS DOCUMENTS:** It will be the responsibility of the officer who serves the document to complete any "Return of Service" that accompanies the document. The Return of Service will be delivered to the court where the documents originated.
 4. **UNSERVED CIVIL PROCESS DOCUMENTS:** It will be the responsibility of the officer who makes an **unsuccessful** attempt to serve a civil process document to record the date, time, and location of the unsuccessful attempt. The unserved document will be returned to the court where the document originated.
 5. The officer serving a civil process document should ensure that sufficient sworn personnel are present to deter potential breach of the peace during service of the document.
- B. **RECEIPT, DISTRIBUTION AND SERVICE OF FLORENCE POLICE PERSONNEL:**
 1. Subpoenas and summons which have been issued by a judge or magistrate for FPD personnel may be placed in departmental mail for distribution. Physical service will not be required.
 2. Each week, upon receipt of the court docket, desk officers should post the new docket at the police desk for officers to review. It is the responsibility of each officer to check the court docket weekly.
- C. All property acquired through the civil process (condemnation of cars,

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equipment, money, etc) will be accounted for in agency records and will be disposed of by the department pursuant to legal authority.

XIII. JUVENILE PROVISIONS

All departmental procedures, court opinions, rules of law, and applicable statutes will be followed when dealing with juvenile suspects. See other written directives section 22 of this general order for more information regarding juvenile procedures.