
CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 74.1

SUBJECT: LEGAL PROCESS - RECORDS

EFFECTIVE DATE: 10/01/09

REVISED DATE:

REFERENCE ILEAP: ADM.25.10
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OPR.11.05

ALSO REFERENCE CALEA: 74.2.1

INDEX AS:

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PURPOSE:

The purpose of this policy is to ensure access to criminal warrants, to ensure the proper recording of all legal process, to ensure the maintenance of records of service (or attempted service) of legal process, and to describe the procedures for serving legal process outside the City of Champaign.

POLICY:

74.1.1 LEGAL PROCESS RECORDS

A. The execution of all civil and criminal process shall be in compliance with State and Federal Statutes.

B. Criminal Process: Upon completion of service of criminal process (summons, etc.), the officer executing such process shall complete the "Return of Service". For criminal process (warrant) resulting in arrest, the officer shall forward a copy of the warrant, along with the following information, to the Records Division:

1. Date and time the legal service was received.
2. Type of process (i.e. civil or criminal).
3. Nature of the document (i.e. search warrant).
4. Source of the document.
5. Name of complainant/plaintiff and/or defendant/respondent.
6. Officer assigned for service.
7. Method of service or reason for non-service.
8. Date of assignment.
9. Court docket number.
10. File number, when appropriate.
11. Date service due (if any).
12. Location of service or attempted service.

13. Date of service and return.

C. Civil Process: The Champaign County Sheriff's Office is primarily responsible for service of civil process. However, there may be times when members of the Champaign Police Department assist with the service of civil process. In such instances, the following guidelines will apply:

1. All requests for civil process service must be reviewed and approved by a shift supervisor.
2. Employees shall not serve documents of civil process (subpoenas, summons, etc.) unless specifically ordered by a court of competent authority.
3. Civil process documents that do not mandate service by Department employees are to be referred to the Champaign County Sheriff's Office for service.
4. Civil process documents which name employees in legal proceedings arising out of their employment are to be referred to the Chief of Police for review.
5. Employees may occasionally receive court issued subpoenas to appear at civil proceedings. These subpoenas typically include a check made payable to the employee for travel time. In these instances the employee is to endorse the back of the check, write "Pay to the order of the City of Champaign", and forward the check to Fiscal Administration. Employees will be compensated for their attendance at such proceedings in accordance with the labor agreement.
6. Nothing in this directive shall be construed to limit the authority of a police supervisor to direct the service of documents of civil process when, in his professional judgment, it is the reasonable and proper course of action.

D. Orders for Civil Arrest: All civil arrest warrants shall be handled in a manner similar to criminal arrest warrants. Civil arrest warrants shall only be served by sworn employees of the Department.

E. Writs of Seizure: Seizures of property are not normally performed by officers of this Department. All seizures of property pursuant to court order will be transferred to the Champaign County Sheriff's Office and coordinated with the Champaign County State's Attorney's Office. Any employee required to perform a property seizure pursuant to court order must be a sworn employee of this Department.

F. If possible, this department will assist when asked to stand by for safety reasons while another agency's officer(s) serve civil process.

74.1.2 RECORD OF LEGAL PROCESS SERVED/ATTEMPTED SERVICE

A. Records on the service or attempted service of legal process documents shall include the following:

1. Type of document, source of document, and date received.
2. File number, when appropriate.
3. Date and time of service (or attempt) and return.
4. Name of officer executing/attempting service.
5. Name of person on whom legal process was served.
6. Method of service/reason for non-service.
7. Location of service/attempt.

B. As a courtesy and for informational and safety purposes, prior to serving arrest warrants outside of the City limits officers should notify the agency having jurisdiction over the location where the arrest is to occur. A supervisor may decide to forego the notification if, in his opinion, it would jeopardize the arrest procedure.

1. Copies of arrest warrants may be forwarded to outside jurisdictions with a request for service when the individual named resides in that jurisdiction.
2. All other legal processes, i.e., subpoenas, civil seizures, etc., shall be forwarded to the appropriate jurisdiction for service or to the Champaign County Sheriff's Office.

C. When receiving information from other jurisdictions about an arrest warrant, all information shall be verified prior to service.

74.1.3 WARRANT FILE

A. The Records Division Manager shall be responsible for the accurate and up-to-date maintenance of the Department's "City" warrant file.

1. Entry, maintenance, and cancellation of "City" warrants will be conducted in such a manner as to ensure, with the highest reasonable degree of accuracy, that warrant entry is based upon possession of a valid warrant on file and that removal is based upon proper service or cancellation.
2. "City" warrants are not entered into LEADS or NCIC. "City" warrant files are, however, entered into the ARMS database and may be accessed 24 hours per day by both members of this Department and by other local participating departments.
 - a. Original "City" warrants are stored at the Front Desk, where they may be accessed 24 hours per day.

3. When an individual with a City of Champaign arrest warrant is encountered or sought out, the warrant will be confirmed with Front Desk staff prior to arrest.

4. The Champaign Police Department participates in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC), and both contain computerized Wanted Persons Files that can be accessed 24 hours per day. These Wanted Persons Files contain personal descriptors and identifiers for persons who are being sought by the law enforcement community. Criteria for entry in the Illinois LEADS Wanted Persons File are outlined in the LEADS reference manual.

5. Warrants that are received by the Champaign Police Department from other law enforcement agencies for service will be verified either through LEADS, NCIC, or ARMS, whichever is applicable, and served only when verified.

6. The LEADS Reference Manual guidelines will be followed when verifying wanted person information.

7. The LEADS Reference Manual guidelines will be followed when canceling wanted person entries.

ISSUING AUTHORITY



Anthony D. Cobb
Chief of Police
Champaign Police Department