

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 08/05/02	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 04/09/25
<b>Chief of Police:</b> 	Legal Process Documents, 74.1	
<b>Cross Reference:</b>	<b>Policy Sections:</b> 74.1.1 Legal Process Documents 74.1.2 Validity Verification Appendix A: Warrant Control Card Appendix B: Legal Process Document Action Sheet Appendix C: Warrant Action Sheet	

## **PURPOSE**

The purpose of this policy is to establish guidelines for tracking, serving and the recording of legal process documents.

## **POLICY STATEMENT**

It is the policy of the department to ensure the proper management of legal process documents to include cooperation with the respective state's attorney's office, sheriff's department, and outside law enforcement agencies. The department assigns a LEADS coordinator who is responsible for monitoring the warrant files and the documentation and maintenance of legal process documents.

## **DEFINITIONS**

**Arrest Warrant:** A written order from a court directed to a police officer, or to some other person specifically named, commanding him to arrest a person, 725 ILCS 5/107-1.

**Body Writ:** A writ of body attachment is a process issued by the court directing law enforcement to bring a person who has been found in civil contempt before the court.

**Law Enforcement Agencies Database Systems (LEADS):** A shared central computer system where participating law enforcement agencies pool information to share records with other participating agencies.

**LEADS Coordinator:** Communications shift supervisor or telecommunicator designated by the administration lieutenant as being responsible for coordinating the department's use of LEADS and ensuring that all LEADS regulations and policies are followed.

**National Crime Information Center (NCIC):** Shared database where criminal justice agencies input records into the system. The information is accessible to other law enforcement agencies nationwide and is used for a variety of law enforcement functions.

**Notice to Appear:** A written request issued by a police officer that a person appear before a court at a stated time and place, 725 ILCS 5/107-1.

**Order of Protection:** Means an emergency order, interim order or plenary order, granted pursuant to the Illinois Domestic Violence Act, which includes any or all of the remedies authorized by Section 214 of this Act, 750 ILCS 60/103.

**Short Form Order of Protection:** Used to effectuate service of unserved Orders of Protection, civil No Contact Orders and Stalking No Contact Orders upon respondents during traffic stops and other routine contact with state or local police officers, or while in custody of law enforcement of the Illinois Department of Corrections, as defined by the Illinois Attorney General's Office.

**Subpoena:** A court order commanding a person to appear in court as a witness or to produce documents related to a case, 735 ILCS 5/2-1101.

**Summons:** A written order issued by a court which commands a person to appear before a court at a stated time and place, 725 ILCS 5/107-1.

## **PROCEDURES**

### **74.1.1 CRIMINAL LEGAL PROCESS DOCUMENTS**

- A. For the purposes of this policy, criminal legal process documents shall include, but not be limited to the following court documents:
  - 1. Arrest Warrants
  - 2. Subpoenas
  - 3. Orders of Protection/Short Form Order of Protection
  - 4. Summons/Notices to Appear
- B. Legal process documents obtained by employees from cases originating in Elgin shall retain the original incident number throughout their duration.
- C. Under the authority of the criminal court system, the department shall serve arrest warrants and short form orders of protection in instances when police officers encounter a subject having a warrant that has not been served upon them. The respective sheriff's departments are responsible for serving subpoenas, orders of protection, summons and notice to appear documents to citizens.
- D. The administration lieutenant shall designate a telecommunicator or communications shift supervisor to serve as the LEADS coordinator to oversee arrest warrants that are submitted to the department for service.
- E. Arrest warrants received by the department's court liaison officer shall be forwarded to the Emergency Communications Division and routed to the LEADS coordinator or designee. The arrest warrant shall be reviewed and information pertaining to the warrant shall be input into the department's records management system, specifically the Wants and Warrants module, to ensure information pertaining to the warrant is accessible to personnel via the Warrant Control Log the agency's tracking system. Information on the department's warrant and wanted persons files are located in Standard Operating Procedure 82.3 Records Maintenance. The information below shall be input into the records management system and computer aided dispatch system:
  - 1. Date and time received
  - 2. Nature of the document
  - 3. Source of document
  - 4. Name of the complainant and defendant, if provided or available
  - 5. Police officer assigned for service
  - 6. Date of assignment
  - 7. Method of Service
  - 8. Date of service and/or return, if applicable
  - 9. Location of service or attempted service, if applicable

10. Reason for non-service, if applicable
- F. The leads coordinator or designee is also responsible for inputting active warrants into the LEADS database, and NCIC, for warrants originating outside Illinois.
- G. Hardcopy files for arrest warrants that need to be served are also maintained in the Emergency Communications Division where each arrest warrant shall have a Warrant Control Card attached; refer to Appendix A to view this card. The card contains a label with the following information, as specified in Standard Operating Procedure 82.3 Records Maintenance:
  1. Last, First Name and Middle Initial
  2. Gender/Race/Date of Birth
  3. The Offense
  4. Police Report Number
  5. LEADS Number
  6. Warrant Number
- H. Upon receipt of a court ordered Body Writ, the LEADS coordinator or designee shall verify the warrant is active in LEADS. Upon verification of an active warrant, the Legal Process Document Action Sheet shall be completed, and all documentation shall be forwarded to the Patrol Division and placed on the roll call board, to ensure the document is assigned to a police officer for service. Refer to Appendix B to view the Legal Process Document Action Sheet.
  1. Upon service of a Body Writ, police officers shall follow the applicable procedures established in Section 74.1.2 (c).
  2. The police officer shall forward a copy of the Legal Process Document Action Sheet to the Records Division for record retention purposes and saved to the designated Records folder within city's shared computer network.
- I. Subpoenas for employees are received in the following ways:
  1. The Kane County State's Attorney's Office emails the police officer directly with a copy to the court liaison officer.
  2. Cook County emails the subpoena to [epdrecords@cityofelgin.org](mailto:epdrecords@cityofelgin.org) with a copy to the court liaison officer. The court liaison officer forwards the email to the police officer with a copy in the police officer's mailbox.
  3. Those received via mail or facsimile shall be forwarded to the court liaison officer.
  4. If the police officer is no longer employed by the department, the court liaison officer obtains the police officer's last known email address through the city's Human Resources Department and electronically forwards a copy of the subpoena.
- J. If subpoenas are received requesting police records, reports, photographs, etc., they shall be forwarded to the Records Division for completion.
- K. Outside agency requests for service of arrest warrants shall be assigned to a police officer for an attempt of service. If the service attempt is unsuccessful, the result of this attempt will be reported to the host agency via a LEADS message, or other prescribed method. Upon service of the arrest warrant, the following procedure shall be followed:

1. The outside agency shall be notified via LEADS that the subject is in custody.
  2. The arresting police officer shall determine whether the subject is able to post bond or if the outside agency intends on taking custody of the subject.
  3. When the outside agency intends to take custody of the subject, the warrant shall be located via LEADS and the outside agency shall be notified that the subject is ready for pick-up.
  4. Service of the warrant shall be documented via a police report by the arresting police officer.
- L. Short Form Orders of Protection shall be used to effectuate the service of unserved Orders of Protection, Civil No Contact Orders and Stalking No Contact Orders upon respondents during routine law enforcement activities. Carbon copy booklets for police officer use are in each patrol lieutenant's office. The following instructions apply to these forms:
1. The white copy shall be provided to the individual by the police officer.
  2. The yellow copy shall be forwarded to the Emergency Communications Division with a copy of the police officer's police report for inclusion into the LEADS database.
  3. Upon receipt of the yellow copy and the police officer's police report, a telecommunicator shall complete an add-on to the original Order of Protection documenting that the order was served via a Short Form Notification and a LEADS message will be sent to the county holding the Order of Protection notifying them that the respondent was served via a Short Form Notification.
    - a. The telecommunicator shall forward the yellow copy, along with the LEADS printout of the Order of Protection, add-on, and LEADS message to the Records Division.
    - b. For Orders of Protection issued in Cook County, telecommunicators are required to email a copy of the completed form to the Cook County Sheriff's Office – Civil Process Unit via email at [ccso.protectiveorders@ccsheriff.org](mailto:ccso.protectiveorders@ccsheriff.org).
  4. Upon receipt of the above documentation, a records clerk shall scan the documents for uploading to the case report within the records management system. The hard copy of the documents are maintained in the Records Division for a period of two years in accordance with the department's records retention schedule.

#### **74.1.2 ARREST WARRANTS**

- A. Review of Active Arrest Warrants
1. On a monthly basis, the leads coordinator or designee conducts the validation process through LEADS and NCIC for active warrants on file with the department.
  2. Warrants found to be inactive shall be removed from LEADS and NCIC and the reason for their removal shall be documented.
  3. Any hard copy warrants issued by the Kane County Circuit Clerk still retained by the department that are found to be inactive shall be returned to the circuit clerk. Hard copy warrants issued by the Cook County Circuit Clerk that are found to be inactive shall be forwarded to the court liaison officer to be retained.

B. Outside Agency Notification

1. When the department receives notification from an outside agency that a subject has been arrested on an Elgin warrant, the following steps shall be taken:
  - a. If the subject is able to post bond for counties that accept bond for a warrant the locating agency shall be requested to allow the defendant to post bond to be released.
    1. The employee receiving notification shall provide a court date, when possible, to the outside agency.
    2. If a warrant action sheet is attached, the employee who completed the action sheet shall be notified or the requested actions shall be undertaken. Refer to Appendix C to view the Warrant Action Sheet.
  - b. If the subject is unable to make bond, the on-duty patrol supervisor shall, in cases where manpower allows, request the dispatch of a police officer to the agency holding the individual for transport to the department.
  - c. Upon notification from the Emergency Communications Division that a subject is posting bond on an Elgin warrant, the lead jailer shall prepare a supplemental report.
2. When the subject is in our custody, the warrant shall be canceled from LEADS and NCIC by a telecommunicator.
3. The arresting police officer shall obtain the original warrant card from the Emergency Communications Division. The warrant control card shall be signed by the arresting police officer and shall be completed by the telecommunicator. The warrant control card, and the LEADS entry record and cancellation shall be maintained and filed in the Emergency Communications Division for a period of seven years as required by the minimum retention period for LEADS related files.
4. Whenever a subject is wanted on a warrant from Elgin is located in the Kane/Cook County Department of Corrections or any other county, state or federal facility, both inside and outside of Illinois, a LEADS message will be directed to that facility providing all information relating to the charges in Elgin.
  - a. Upon request, a copy of the warrant will be sent to the outside agency where the subject is in custody.
  - b. These warrants are not cancelled in LEADS until notice is received regarding the bond process or other court action.

C. Service of Arrest Warrants in Elgin.

1. Only police officers are authorized to serve an arrest warrant.
2. Police officers may make an arrest when they are in possession of a warrant originating from Elgin or from other jurisdictions, with LEADS confirmation.
3. Police officers are expected to maintain a working knowledge of department policy, state and federal law relating to arrest procedures and detainee rights.
4. Police officers may routinely review the Warrant Control Log within the department's records management system, specifically the Wants and Warrants Module, to locate

existing Elgin warrants for possible attempt of service. The Wants and Warrants Module contains a warrant activity log enabling officers to document the warrant service on a subject or information on a wanted subject. Within the warrant entry screen of an individual's jacket contained within the module, officers shall input information into the fields below to document their activity:

- a. Activity Type
  - b. Officer
  - c. Description
5. At least two police officers shall be assigned to serve a criminal warrant unless circumstances dictate otherwise.
  6. All warrant arrests require:
    - a. Fingerprints and photograph of the person being arrested, for original warrants.
    - b. An incident report or supplemental report.
    - c. Completion of booking information.
    - d. Completion of all information on the warrant control card by the Telecommunicator.
  7. The LEADS entry message shall be cancelled by the telecommunicator in all Elgin cases when warrant service is accomplished. The cancellation verification shall be attached to the police report.
  8. If a subject is arrested during an Elgin warrant service and it is determined that they are wanted on a warrant from an outside agency, the following procedure shall be followed:
    - a. The outside agency shall be notified when the warrant is within the geographical limitations and verification will be obtained to ensure the validity of the outside agency's warrant.
    - b. When the subject can post bond for the counties that accept bond for a warrant, for the department charge, the outside agency shall be notified. Police officers need to determine whether the outside agency intends to take custody of the subject.
    - c. When the outside agency intends to take custody of the subject, a hold will be placed on the subject.
  9. Subjects arrested by the department due to an out of state warrant shall be taken to the next available bond call when:
    - a. The warrant is determined to be valid and,
    - b. The agency will extradite the subject.
  10. If a subject is arrested by an agency out of state on an Elgin arrest warrant, a supervisor shall be notified and notification shall be made to respective state's attorney's office. If the extradition is approved, the warrant and corresponding documents shall be brought to the respective sheriff's office for extradition.

#### **74.1.3 CIVIL LEGAL PROCESS DOCUMENTS**

- A. The service of external civil legal process documents is the responsibility of the respective

sheriff's department.

- B. The following internal civil process documents will be served by police officers assigned to the Patrol Division:
  - 1. Liquor Commission subpoenas and related documents.
  - 2. Elgin Fire and Police Commission subpoenas and related documents.
  - 3. Documents from the city attorney.
  - 4. Other legal documents from the City Manager or Chief of Police.
- C. The service of these documents shall be reviewed by a member of command staff prior to assignment to a patrol police officer for service. A spreadsheet is utilized by command staff to record and maintain information regarding these items of civil process documents. The spreadsheet is accessible to all members of command staff and is located via a secured folder located on the city's central computer network. The information below shall be maintained:
  - 1. Date received
  - 2. Nature of the document
  - 3. Source of the document
  - 4. Name of the complainant and respondent
  - 5. Police officer assigned for service
  - 6. Date of assignment
  - 7. Method of service
  - 8. Date of service
  - 9. Location of service or attempted service
  - 10. Reason for non-service
- D. When the documents have been served upon the individual or unserved, the assigned police officer shall email the command staff member who requested the service and provide, the method of service, date of service or attempted service, and location of service or attempted service. The command staff member shall ensure the spreadsheet is updated with the information provided by the police officer.
- E. When the assigned police officer is unable to make contact with the individual being served, the documents shall be forwarded back to the requestor by the command staff member who requested the service.

#### **74.1.4 DEPARTMENT'S ROLE IN CIVIL PROCESS**

- A. All evictions are handled by the respective sheriff's department.
  - 1. Police officers shall not effect an eviction of any person from a dwelling stemming from a civil dispute.
  - 2. Police officers may assist the sheriff's department in an eviction process after confirming that a valid eviction order exists.

- B. Police officers may be requested to standby during property removal, child visitation exchanges, and other civil matters in the interest of maintaining the peace. Police officers shall contact a supervisor regarding intervention, including providing assistance to a process server with the delivery of documents when it is in the best interests of the community to maintain peace and de-escalate a situation.



## APPENDIX A: WARRANT CONTROL CARD

DOE, JOHN M/W DOB: 01/31/1999 OFF: THEFT WNO: 2024CM1805 OCA: 24-58907 LDS: W24K8071	
OFFICER WILL SIGN THIS CARD AND PLACE BADGE NUMBER ON IT ONCE WARRANT IS SERVED	
Entered into New World by: 050-76	<u>84122</u>

## APPENDIX B: LEGAL PROCESS DOCUMENT ACTION SHEET



### ELGIN POLICE DEPARTMENT LEGAL PROCESS DOCUMENT ACTION SHEET



**Date/Time Received:** \_\_\_\_\_ **Nature of Document:** \_\_\_\_\_ **Source of Document:** \_\_\_\_\_

**Name of Complainant, if available:** \_\_\_\_\_



**Name of Defendant:** \_\_\_\_\_

**Last known address for Defendant:** \_\_\_\_\_

Date	Time	Officer Name/Badge	Address <u>if</u> different from above	Method of Service	Reason for <u>Non-</u> <u>Service</u>

Upon receipt of a court ordered Body Writ, the court liaison officer completes a Legal Process Document Action Sheet and forwards the documentation to the Patrol Division, specifically the roll call board, to ensure the document is assigned to an officer for service. Upon service or attempted service, the documentation is forwarded to the Emergency Communications Division to be input into the records management system for documentation purposes. A copy of the Legal Process Document Action Sheet shall be forwarded to the court liaison officer for record retention purposes and saved to the city's central computer network, accessible to all personnel.

## APPENDIX C: WARRANT ACTION SHEET

	<b>ELGIN POLICE DEPARTMENT</b> <b>Warrant Action Sheet</b>	
<div style="display: flex; justify-content: space-between;"><div>Report number: <input style="width: 150px;" type="text"/></div><div>Completed by: <input style="width: 150px;" type="text"/></div></div>		
<div style="display: flex; justify-content: space-between;"><div>Name of person: <input style="width: 200px;" type="text"/></div><div>DOB: <input style="width: 80px;" type="text"/></div></div>		
<b>Instructions for the arresting officer</b> <b>Please obtain the following upon execution of the warrant for the above listed subject.</b>		
<div style="margin-left: 20px;"><input type="checkbox"/> Inked FBI Fingerprint Card <input type="checkbox"/> Palm Prints <input type="checkbox"/> Taped Statement <input type="checkbox"/> Written Statement <input type="checkbox"/> Handwriting Samples</div>		
<div style="margin-left: 20px;"><b>Special Requests:</b>  <input type="checkbox"/> Notify the officer that completed this form of the subject's arrest, no interview is necessary. <input type="checkbox"/> Contact the officer that completed this form upon arrest. Person needs to be interviewed.</div>		