 Kinston Police Department	<u>POLICY: Legal Process</u>						<u>POLICY #:</u> 700-4
	<u>NCLEA Standards:</u>						
	<u>NCLM Standards:</u>						<u>Effective Date:</u>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21					07-01-2019
Approval: Chief of Police							

I. PURPOSE


The purpose of this policy is to provide guidelines for performing and recording the Department's legal process function including records, civil process, criminal process and financial requirements and property management.

II. DEFINITIONS

N/A

IV. POLICY

- A. Warrants entered into NCIC, will comply with all rules and regulations set forth by NCIC.
 1. Warrants entered into NCIC will be approved by a supervisor, and should have a copy of the warrant and incident report turned into the Records Department for the Hot Files.
 2. All warrants from other jurisdictions are received via NCAWARE (North Carolina Warrant Repository), that tracks all warrants issued by magistrates or clerk of courts in NC.
 3. All warrants issued by the magistrate or clerk of court within the City of Kinston jurisdiction will be forwarded to this department via NCAWARE.
 4. A member of the Intelligence Unit will generate a report that lists all active warrants for the department on a weekly basis.
 5. NCAWARE is web accessible by any law enforcement officer's mobile data terminal 24 hours; therefore, alleviating the need to print a warrant list per officer.
 6. When a NCIC warrant from this department is served, complete a supplement to be turned in along with arrest report and make sure all NCIC paperwork is completed on our end.
 7. When needing NCIC entry by KPD Records Division personnel, officers should notify the Records Division of all Felony warrants; otherwise, officers can utilize L.C. Dispatch personnel for NCIC entry.

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- B. Copies of Ex-parte Domestic Violence Protective Orders are picked up from the Magistrate's office and Clerks office each day by the Warrant Officer or on-duty Patrol Sergeant or Captain and turned over to Records Office personnel to be filed.
1. Copies of Ex-parte Domestic Violence Protective Orders are kept until the date order expires.
 2. Arrest resulting from violations of any Ex-parte Domestic Violence Protective Orders shall be performed by a sworn Law Enforcement Officer.
- C. The on duty magistrate issues mental commitment papers, if the papers have a city address the magistrate contacts the Department, at which time the officer will pick up the papers and try to serve them. If no contact is made the papers go back to the magistrate's office.
- D. The execution of Criminal Process is governed by North Carolina General Statutes. Processing for search, seizure and /or arrest, with or without a warrant, are governed by North Carolina General Statutes.
- E. This department will not serve court documents generated by Adult Probation and Parole, Department of Motor Vehicles (DMV), civil, non-civil papers of North Carolina Highway Patrol unless authorized by general statute and approved by the Chief of Police.
- F. Officers serving Department generated warrants in other North Carolina jurisdictions shall contact the jurisdiction's law enforcement agency and advise them of the pending action. The Department officer serving the warrant shall request the presence of a law enforcement officer from the local jurisdiction to be present and serve the warrant.
1. Territorial jurisdiction of city officers to make arrests is governed by North Carolina General Statutes.
 2. Arrest warrants are executed by sworn law enforcement officers only.
- G. Execution of arrest warrants shall be performed by sworn law enforcement officers only. This is governed by North Carolina General Statutes.
- H. The Department does not serve civil processes to that will acquire property. This standard is not applicable by function.