

<b>Chapter: 74</b>	<b>Legal Process</b>
<b>Effective: 03/01/2014</b>	<b>By the Order of:</b>  <b>Patrick L. Gallagher, Chief of Police</b>
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**74.1.1 Information Recording** - The Department maintains a computerized records management system (RMS) with a module designed for legal process tracking. Its function is to provide accurate information regarding the status of each warrant, summons, and subpoena assigned to the New Bern Police Department.

All warrants/orders for arrest that are assigned to the New Bern Police Department that are valid on their face and meet criteria for NCIC entry are to be entered into NCIC within 72 hours of date of issuance.

- A. Felony warrants will be entered with extradition parameters. Full extradition status requires approval from the District Attorney's Office.
- B. Misdemeanor warrants will be entered with no extradition if NCIC entry criteria is met.
- C. Orders for arrest for Probation/Parole violations will not be entered since they are entered by the responsible Probation/Parole officers.
- D. Custodial papers issued by other jurisdictions will not be entered by this agency.

The information recorded by the system includes the following:

- A. **Date and time received**
- B. **Type of legal process, civil or criminal**
- C. **Nature of document**
- D. **Source of document**
- E. **Name of plaintiff/complainant**
- F. **Officer assigned for service**
- G. **Date of assignment**
- H. **Court docket number**
- I. **Date service due**

In addition, the department utilizes the Electronic Repository (EWarrants) as established by North Carolina General Statute Section 15A-301.1 for process tracking.

**74.1.2 Execution/Attempt Service Recording** - The Department maintains a computerized records management system (RMS) with a module designed for legal process tracking. The following information is recorded by RMS:

- A. Date and time service was executed/attempted**
- B. Name of officer(s) executing/attempting service**
- C. Name of person on whom legal process was served/executed**
- D. Method of service/reason for non-service**
- E. Address of service/attempt**

The department also utilizes the Electronic Repository (EWarrants) as established by North Carolina General Statute Section 15AGO1.1 for process tracking.

**74.1.3 Warrant/Wanted Person Procedures** - The New Bern Police Department utilizes the North Carolina Warrant Repository "EWarrants" for all warrants. The function of EWarrants is to provide real-time statewide access to all law enforcement and court officials from any location with web access and to provide the ability to print and serve outstanding processes from any county in the state. Only copies of NCIC warrants obtained by the New Bern Police Department are kept in the Communications Center. Communications personnel provide twenty-four-hour access to the NCIC warrant file. The New Bern Police Department has established procedures for maintaining a warrant and wanted persons file to include:

- **Criteria for entering notices in regional, state and federal information systems.**  
The New Bern Police Department uses the North Carolina Division of Criminal Information System (DCI) and the National Crime Information Center (NCIC), which have computerized Wanted Person Files. Entries into these systems must comply with the rules and regulations set forth by DCI and NCIC. The Wanted Persons Files contain personal descriptors and identifiers for persons who are being sought by the law enforcement community. A wanted person record entry must meet the following criteria: an outstanding felony or serious misdemeanor warrant; and the entering agency must attempt to determine, to the maximum extent possible, that the extradition will be authorized if the individual is located in another state. All warrants that have been entered in DCI/NCIC Wanted Persons are maintained in a file within the communication center. The DCI/NCIC printout shall be attached to the warrant. All state criminal processes will be entered into the North Carolina repository, EWarrants, regardless of their entry status into NCIC.
- **Criteria needed for receiving information from other jurisdictions.**  
The criteria needed for receiving information from other jurisdictions will be the same as the criteria for entering notices in the North Carolina of Criminal Information (DCI) system and the National Crime Information Center (NCIC) system.
- **Canceling Information**  
Upon service of any warrant or order for arrest that has been entered into NCIC, officers shall complete the supplement required by NCIC to remove a record. An email will be sent to Communications requesting the removal of the NCIC entry. Officers serving or returning processes in EWarrants will notify the Technology and Records Unit of the service or return. Technology and Records Staff will then mark the process served in RMS.
- **Verifying Information**  
New Bern Police officers attempting to serve a warrant or Order for Arrest shall verify the status of the process in EWarrants. If an officer conducts a warrant search on a subject and locates an un-servable

process in EWarrants and it is during business hours, then the officer or a telecommunicator should attempt to contact the Clerk of Court and determine if the warrant can be converted in EWarrants. The Clerk of Court may only be contacted after hours if it is a serious offense warrant.

When encountering subjects and making inquiries for active processes such as Orders for Arrest, Warrants for Arrest, and Criminal Summons, officers should be aware that out-of-state processes are not included in EWarrants. Therefore, officers should also check NCIC for active processes.

### **NCIC Warrants**

If a subject has a confirmed NCIC entry Hit the following procedures shall be followed:

- The officer shall confirm the warrant is still valid.
- An investigative supplement documenting the details of the arrest shall be completed.
- Communication Center personnel who receive an NCIC Hit Confirmation Request will verify the information and notify the requesting officer.
- If we are the entering agency, Communication Center personnel will ensure the entry is cleared once the process is served by utilizing the outlined removal process. If we are not the entering agency, a Locate will be sent to the respective agency who is responsible for the NCIC removal.

Communications personnel shall upon request provide a requesting agency a faxed copy of an NCIC warrant on subjects who are arrested out-of-state based on a NCIC entry.

**74.2.1 Procedure, Civil Service** – The New Bern Police Department does not serve civil process documents, this is a function of the Craven County Sheriff’s Office.

**74.3.1 Procedure, Criminal Process** - The execution of criminal process documents is governed by the following North Carolina General Statutes:

- A. [15A-301, Subchapter 111. Article 17](#)
- B. [15A-401, Subchapter IV. Article 20](#)
- C. [15A-501, Subchapter V. Article 23](#)

If the officer finds that a criminal process exists, the officer will confirm with Communications that the criminal process is actively on file.

Officers will affect arrest for custodial processes in accordance with established procedures including the Administrative Order filed for 3B Judicial District addressing the development of EWarrants

**No Officer will serve any legal Process without first confirming the identity of the subject to be served.**

**74.3.2 Arrest Warrants Require Sworn Service** - Only sworn officers will serve legal process documents to include criminal summons and warrants/orders for arrest.