

Chapter: 74	Legal Process
Effective: 03/01/2014	By the Order of: Patrick L. Gallagher, Chief of Police
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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 full extradition, and the District Attorney's Office shall be contacted to make extradition arrangements.
- B. Misdemeanor warrants will be entered with no extradition upon meeting NCIC entry criteria.
- 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 (NCAWARE) 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 (NCAWARE) as established by North Carolina General Statute Section 15AGO1.1 for process tracking.

74.1.3 Warrant/Wanted Person Procedures - The department utilizes the Electronic Repository (NCAWARE) as established by North Carolina General Statute Section 15A-301.1 for tracking legal processes. The following procedures are identified or provided by the repository:

- A. Criteria for entering notices**
- B. Criteria for receiving information from other jurisdictions**
- C. Recording information in agency files**
- D. Verifying information**
- E. Canceling information**
- F. Requiring 24-hour access to the warrant**

Officers will also comply with Administrative Order as entered by the Craven County Superior Court for the processing of electronic legal processes.

Officers serving or returning processes in NCAWARE will also notify the Technology and Records Unit of the service or return. Technology and Records Staff will then mark the process served in RMS. 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. This will be completed by providing a copy of the arrest report documenting the service to Communications prior to transporting the subject to the magistrate's office.

74.2.1 Procedure, Civil Service - The New Bern Police Department does not deal with Civil Processes. The Craven County Sheriff's Office handles all Civil Process procedures within the City of New Bern with the exception of involuntary commitments and subpoenas for criminal court to individuals within the jurisdiction of the department.

Sworn members of the New Bern Police Department may serve Involuntary Commitment Papers in compliance with General Order 41.2.7

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 effect arrest for custodial processes in accordance with established procedures including the Administrative Order filed for 3B Judicial District addressing the development of NCAWARE

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.