

Pasco Police Department Policy Manual

LEGAL PROCESS	Chapter No 74
Effective Date: 04/01/2018 Revised: 08/20/2021	Reference: Chapter 84 – Evidence & Property Control

Washington State has adopted legal protection to prevent and respond to abuse, violence, harassment, stalking, neglect, or other threatening behavior, through the enactment of different types of protection orders. The six enacted protection orders are:

1. Domestic violence [RCW 26.50](#)
2. Vulnerable adult [RCW 74.34](#)
3. Antiharassment [RCW 10.14](#)
4. Sexual assault [RCW 7.90](#)
5. Stalking [RCW 7.92](#)
6. Extreme Risk [RCW 7.94](#)

74.1.1 INFORMATION, RECORDING

The Pasco Police Department is responsible for the entry and service of several types of court orders. Proper records indicating actions taken by the Police Department with such orders are important to demonstrate a good faith attempt to serve as well as actual service of orders.

The Pasco Police Department shall only serve court-ordered documents, civil and/or criminal. Both criminal and civil court orders are entered in ACCESS. Each court-ordered document received by the Police Department is recorded and includes the following:

- Date/time received
- Type of legal process
- Nature of document
- Source of document
- Name of defendant/respondent
- Officer assigned for service
- Date of assignment
- Court docket number
- Date service due

Concealed Pistol Licenses

Records personnel are responsible for the process and issuance of concealed pistol licenses for the City of Pasco residents. Records personnel accept applications, fingerprint the applicant, and process the associated paperwork. The Chief approves or denies the application based on the results of the background check. The application includes the following information:

- Date and time received
- Type of document
- Nature of document

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- Name of applicant
- New or renewal license, or change of information
- Date of assignment

Application to Purchase/Transfer Firearms

State statute requires all gun dealers to have the purchaser of a handgun file an application with the state. Records personnel process these applications for resident applicants. In addition, the Records section is responsible for processing applications to transfer pistols. These applications include:

- Date received
- Type of document
- Nature of document
- Source of the document
- Name of the applicant

74.1.2 RECORDS OF ATTEMPTED SERVICE OF LEGAL PROCESS DOCUMENTS

Officers generate a written record on the execution or attempted service of legal process documents. These records are maintained in the Records section and include the following information.

- Date and time service was executed or attempted.
- Name of officer(s) executing or attempting service.
- Name of person on whom legal process was served or executed.
- Method of service or reason for non-service.
- Address of service or attempt.

Civil Anti-Harassment Orders, Criminal No Contact Orders, and Criminal Protection orders

In addition to the above, employees record orders for service on the Protection/Restraining Order log and include the following information:

- Court docket number
- Court file number (if different from court docket number)
- Type of order
- Date and time received
- Note when order forwarded to another agency

74.1.3 WARRANT/WANTED PERSONS FILE

The Records Unit maintains a record system for criminal warrants, which permits 24-hour access. An active warrants file is maintained in Records. Warrants are handled as follows:

- Warrants will be entered into WACIC for statewide retrieval in a timely manner in accordance with ACCESS policies and procedures.
- A 24-hour agency phone number is put in the miscellaneous field of the WACIC entry.

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- Warrants are filed in alphabetical order with 24-hour availability for Pasco and/or other law enforcement agencies.
- Warrants are maintained as active until they are served, recalled by the courts, or purged due to expiration.
- Computer “hits” received on warrant entries from another jurisdiction shall be verified by phone and/or electronically before an arrest is made on that warrant.
- Upon receiving an inquiry about a warrant entered into the system, the warrant shall be pulled from the file and “in hand” before being confirmed.
 - Upon request, a fax of the warrant or a teletyped copy of the warrant will be sent. If Pasco Police Department is requesting a hold be placed on a subject, then the WACIC entry will be updated.
- Once a person has been arrested by any agency on a Pasco warrant, the entry will be cleared from WACIC and all original paperwork forwarded to the appropriate court.
 - Once the warrant has been confirmed, and a Locate received for a subject being held at another facility on a Pasco warrant, all original paperwork is returned to the appropriate court.

The Crime Analyst is responsible for the distribution of special interested/dangerous wanted persons.

74.2.1 SERVICE OF CIVIL PROCESS DOCUMENTS

The Pasco Police Department provides assistance to the functions of courts by attempting to provide effective service of court-ordered civil process documents. When a Pasco Police Department officer is serving a civil process order, the following practices shall apply.

Civil Process Documents to be Served:

- Subpoenas: Service of subpoenas stemming from Pasco Police Department cases and at the court or prosecutor’s request.
- Protection Orders: The orders listed in this section have been limited to orders issued under the below-listed RCW sections. These orders will be served by a police officer when the party to be served resides or works within the city boundaries of Pasco.
 - [RCW 26.50 / Domestic Violence Protection Orders](#)
 - [RCW 10.14 / Anti-Harassment Orders](#)
 - [RCW 7.90 / Sexual Assault Protection Orders](#)
 - [RCW 7.94 / Extreme Risk Protection Orders](#)
- Mental Health Commitments: Commitments of a person to mental health facilities as provided for under [RCW 71.05.150](#).
- Court orders issued by courts of jurisdiction specifically directing a police action.

Domestic Violence Orders Service Practices:

- Distribution: The Records Unit places DV Orders in the on-duty watch commander box.
- Attempts to Serve: Patrol sergeants are responsible for orders distribution. Officers shall make a reasonable effort to serve the orders during their shift.

- Enforcement of orders at time of service: Police officers that are able to personally serve an order upon a respondent will take reasonable steps to ensure that the respondent is in compliance with the order at the time of service. The following guidelines will apply:
 - Civil orders do not automatically give an officer the right to enter a private residence.
 - If an officer believes an arrest may be justified at the time of service, the on-duty police supervisor will be notified.

Other Civil Orders

Officers shall serve all other civil court orders listed in Section A as specified by the order. The officer shall complete and return court papers called for in the service request. If the police actions taken usually require an incident report be completed, then the officer shall complete the appropriate incident report.

Extreme Risk Protection Orders

Service of notice of hearing and petitions, ex parte extreme risk protection orders, and extreme risk protection orders should take precedence over the service of other documents unless the other documents are of a similar emergency nature ([RCW 7.94.040](#); [RCW 7.94.060](#)).

Officers serving a notice of hearing and petition for an extreme risk protection order should attempt service within 24 hours of receipt of order whenever practicable.

Officers assigned to serve an extreme risk protection order should make reasonable efforts to personally serve the order no more than 10 days after the Pasco Police Department received the order ([RCW 7.94.060](#)).

When timely personal service is not completed, the officer should notify the court and take reasonable steps to notify the petitioner ([RCW 7.94.040](#); [RCW 7.94.060](#)).

The officer serving any extreme risk protection order, including an ex parte order, shall ([RCW 7.94.090](#)):

- Request that any firearms and any concealed pistol license be immediately surrendered and issue a receipt for the surrendered items. The officer should ensure the original receipt is forwarded to Records.
- Take into custody any firearms discovered in plain view or pursuant to consent or other lawful search.
- As soon as practicable, but by the end of his/her shift, submit the proof of service to Records.

All firearms collected shall be processed in accordance with the Property and Evidence Policy and the Court Order Surrendering of Firearm(s) or Other Dangerous Weapon(s) Procedure.

Questions

Any questions concerning jurisdiction of the Police Department in civil matters should be referred to the on-duty watch commander.

74.3.1 EXECUTION OF CRIMINAL PROCESS DOCUMENTS

Pasco Police Department personnel shall adhere to state law, case law, and court practices when obtaining and executing criminal court orders. In addition, the following practices shall apply.

Officers of this department execute civil process only as defined by law in certain limited areas.

Search Warrants

- Franklin County Superior Court search warrants are valid throughout the State of Washington.
- District Court search warrants are only valid within the county issued. Pasco Police officers may obtain search warrants for property in another county through the appropriate district court.
- Search warrants are generally valid for three days (72 hours) from the time issued unless otherwise stipulated by the issuing judge.
- An officer may not seek a search warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

Telephonic or electronic search warrants can be obtained when it is impractical for the officer or detective to go to court or the judge's house. Use the current practices dictated by the Franklin County Prosecutor and/or current court ruling.

Arrest Warrants

- Franklin County Superior Court felony arrest warrants are valid within the United States.
- Misdemeanor arrest warrants can be valid statewide.
- Temporary felony warrants are valid within the State of Washington.
- An officer may not seek an arrest warrant granting an express exception to the requirement for the officer to provide notice of his or her office and purpose when executing the warrant.

When executing warrants, officers use the least amount of physical force necessary to achieve the arrest or seizure.

Civil Anti-harassment, Criminal Protection/No Contact Order

Violations of these orders constitute a criminal offense. Officers may be mandated to make an arrest in accordance with the Revised Code of Washington. If an arrest is not mandated by law, officers may choose to cite and release based on their discretion.

Individuals may be immune from certain aspects of the criminal process. When a situation occurs, and immunity is claimed, if the officer is in doubt, contact the appropriate prosecutor for guidance. Complete a written case report on all cases where immunity is claimed and/or granted.

74.3.2 EXECUTION BY SWORN PERSONNEL

Only commissioned personnel are authorized to serve arrest warrants.

74.4.1 PROPERTY ACQUIRED THROUGH LEGAL PROCESS

All personnel shall submit property seized through any legal process to evidence **except** seizure of vehicles, which are documented in both the case narrative and on a department, vehicle impound report.

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Identify each item by description, identifying numbers (if any), and owner/business information from where the item was seized. Document circumstances surrounding the evidence seized in the case report. Evidence personnel is responsible for all evidence once it is accepted into evidence storage.

Policy 84.1.7 outlines the methods for disposition of property acquired through any legal process. Refer to [RCW 63.32](#) and [RCW 69.50](#).

74.4.2 REPORTS USED IN LIEU OF OFFICER'S PRESENCE IN COURT

The Pasco Police Department uses Pasco Municipal Court for adjudication of misdemeanor criminal offense and traffic infractions.

The court permits the use of written reports or sworn affidavits, as appropriate, in lieu of an officer's presence at preliminary court appearances and arraignments.