


The Tarrant County College District Police Department

GENERAL ORDER

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|  | SUBJECT | GENERAL ORDER NUMBER |
| | LEGAL PROCESS | 307.00 |
| | CALEA STANDARDS | EFFECTIVE DATE |
| | 74.1.1, 74.1.2, 74.1.3, 74.2.1, 74.3.1, 74.3.2 | May 1, 2015 |
| | APPROVAL | REVISION DATE |
| | Shaun Williams, Chief of Police | PAGES |
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Policy Statement - Law enforcement agencies are mandated by state constitution, statute, or ordinance to execute criminal process in support of the judicial function. The functioning of the courts is affected by the prompt service of court documents. Thus, the effectiveness and image of the Judicial System are dependent, in part, upon the effective and timely service of court documents. The types of process to be served or executed vary among jurisdictions as do some of agencies' accompanying responsibilities, depending on the source of legal authority. Inadequate record keeping and/or inappropriate procedures may subject the law enforcement agency to litigation and civil liability. This directive gives guidance to police officers in performing and recording its criminal process functions.

307.01 - CIVIL PROCESS A 74.2.1 and 74.2.2

- A. Constables and Sheriffs are charged by state law to serve civil processes. Police Officers of the Tarrant County College Police Department shall only escort civil process servers when they are on the property of the Tarrant County College District.

307.02 - CRIMINAL PROCESS: ARREST/SEARCH WARRANTS A 74.3.1 and 74.1.3b

- A. Only sworn law enforcement officers of the department may execute a valid warrant.
A 74.3.2
1. All warrants which appear to be in proper form shall be presumed to be valid and legal.
 - a. Any warrant which appears not to be in the proper form shall not be executed, but shall be returned to the court by which it was issued. This shall include any warrant containing significant errors in identifying the person(s) to be arrested or place(s) to be searched or the property to be seized.
 - b. No one shall alter an issued warrant.
 - c. Should an officer have questions about the details or current validity of a warrant, they shall attempt to verify the information on the warrant before executing the warrant.

- d. At the time of arrest or thereafter, if an arrestee asserts mistaken identity, or plausible alibi, mistake, or defense, a reasonable investigation will be made to clarify, confirm, or refute it.
- 2. An officer need not have actual physical possession of an arrest warrant in order to execute it; However, before executing a warrant not in his possession the officer shall personally determine that the warrant does in fact exist, where it is located, and its number.

B. Determination of Time of Execution.

- 1. An arrest warrant may be served at any convenient time of the day or night or at any place, public and private, where the individual named is reasonably believed to be, as determined by knowledge of the individual's whereabouts and likely movements and consideration of safety and security of the arrestee, officers, and third parties; However, where possible, service of the warrant will be made during daylight hours.
 - a. The warrant need not be served at the first possible opportunity, but must be consistent with the consideration for safety of all parties.
 - b. The time and place of arrest shall not be selected solely with a view to creating the opportunity to conduct a search incident to the arrest or to unnecessarily embarrass, oppress, or inconvenience the arrestee.
- 2. A search warrant shall be executed as soon as is practical after it is issued, but in no event later than the time provided for by statute. The time of actual execution shall be determined by balancing the safety, effectiveness, and convenience of the officers and the premise occupants according to the following considerations:
 - a. The execution should occur during daylight hours unless other circumstances make this impracticable; and
 - b. The execution should occur at a time when:
 - (1) The property to be seized is believed to be present;
 - (2) The least resistance is expected or resistance can best be controlled; and
 - (3) It will least inconvenience persons who may be upon the premises to be searched, unless other circumstances make this impracticable.

C. Scope of Authority Under Search Warrant.

- 1. The search warrant shall be executed at, and the search made of, only the place or places described in the warrant:
 - a. The search may extend to all buildings or structures within the curtilage of the described place where the items sought may be kept;
 - b. A warrant describing the place to be searched as a limited portion of larger premises, may not be extended to other unnamed portions; and

- c. Vehicles found upon the premises shall not be searched unless specifically named in the warrant or unless independent probable cause and exigent circumstances develop.
- 2. The search shall be limited to discovering those items named in the warrant and examining those places or things which could contain or conceal the items described in the warrant. However, items not named in the search warrant, but discovered during a lawful search, may be seized if:
 - a. They were found in a place reasonably within the scope of the search;
 - b. They are contraband; or
 - c. There is probable cause to believe they are stolen or are evidence or instrumentalities of a crime.
- 3. Any person found on the premises may be searched:
 - a. If the officer has reasonable belief that he is armed;
 - b. To prevent the disposal or concealment of any instrument, articles, or things particularly described in the warrant, if there is reasonable suspicion that the person may have such items upon their person;
 - c. Incident to arrest; or
 - d. In the following circumstances:
 - (1) If the warrant gives the name and useful description of that person, e.g., usually the owner or person in charge of the premises;
 - (2) If the warrant specifies "any person or persons unnamed found on the premises" based on their connection with or access to the property to be seized; or
 - (3) If the officer has reasonable suspicion that a particular person is armed and endangers the officer or other persons.
- 4. In cases of warrants commanding both arrest and search, officers may ask persons on the premises to identify themselves in order to determine whether any of those persons are named in the arrest warrant. Persons on the premises may also be asked to identify themselves if they are witnesses to the search or arrest. However, refusal does not authorize arrest.
 - a. If during the search contraband or other items are found, the presence of which yields probable cause to believe that an offense has been committed, the officers may arrest any or all of those persons on the premises for whom probable cause exists, pursuant to the laws and rules for arrest without a warrant; or where required, obtain an arrest warrant; and
 - b. Unless the situation falls within one of the preceding sections, officers may not require any person on the premises to identify themselves.
- D. In executing any warrant, a Tarrant County College Police Officer shall:

1. In case of arrest:
 - a. Announce to the person being arrested that the arrest is made pursuant to a warrant;
 - b. Exhibit the warrant to the arrestee, or if the officer does not have the warrant and the arrestee requests to see the warrant, obtain a copy for the arrestee as soon as possible;
 - c. Miranda warnings shall be administered prior to custodial interrogation.
 - d. Take the person (or have them taken), without unnecessary delay, before an appropriate magistrate:
 - (1) If the arrest is within the City of Arlington, the arrestee is booked into the Arlington City Jail. The Magistrate hearing is conducted according to Arlington Jail procedures;
 - (2) If the arrest is within Tarrant County or an adjoining county, return the arrestee to the Tarrant County and book them into the Tarrant County Jail, or take the person before a Magistrate in the jurisdiction where the arrest occurred, if it is more expeditious to do so;
 - (3) If necessary to provide prompt Magistrate Warnings, the arrestee may be taken first to a Magistrate in an adjoining county to the place of arrest.
2. In case of search:
 - a. Present a copy of the warrant to an appropriate person or leave a copy of the warrant in the searched premises prior to leaving; and
 - b. Comply with the provisions of section D 1. c and d as listed above.

E. Jurisdictional Provisions Relating To Arrest Warrant Execution.

1. An officer may execute an arrest warrant outside Tarrant County if in "Hot pursuit."
2. A Tarrant County College Police Officer will not execute a warrant outside the District jurisdiction unless accompanied by an officer of the jurisdiction where the defendant is found.
3. When an officer of this department has received reliable information that another agency holds an arrest warrant for a person found or known to be within the Tarrant County College District jurisdiction, the officer should:
 - a. If the warrant is from another agency within Texas:
 - (1) Verify the status of the warrant with the initiating agency. (If verification cannot be made within a reasonable time, the person will be released.);
 - (2) Arrest and book the person identified in the warrant;

- (3) Notify the agency holding the warrant and advise the location of the arrested person; and
 - (4) Take the arrestee before a Magistrate, as specified in this written directive.
- b. If the warrant is for a felony offense committed in another state:
 - (1) Verify the validity of the warrant and ascertain whether the agency will extradite. Arrest the person upon probable cause to believe that he has committed a felony;
 - (2) Notify the agency holding the warrant and advise the location of the arrested person; and
 - (3) Take the arrested person before a Magistrate as specified in this written directive.
4. A Tarrant County College Police Officer shall not execute a misdemeanor warrant issued by an out-of-state jurisdiction unless approved by the Tarrant County District Attorney.

- F. **Jurisdictional Provisions Relating To Search Warrant Execution.** Tarrant County College Police Officers will not execute a search warrant outside the District jurisdiction unless accompanied by an officer of the jurisdiction where the search is to be conducted.

307.03 – TARRANT COUNTY COLLEGE PD ARREST WARRANTS

- A. **Entry.** Criteria for entering notices in regional, state and federal information systems are found in NCIC/TCIC manuals located in the Communications Center. **A 74.1.3 a.**
- B. **Receiving.** Criteria for receiving information from other jurisdictions are found in NCIC/TCIC manuals located in the Communications Center. **74.1.3 b.**
- C. **Access.** Police Officers of the Police Department will have 24 hour access to warrant information through the agency's computer link to the National Crime Information Center (NCIC), Texas Crime Information Center (TCIC) and Region computer systems.
 1. Original warrants to be served by The Tarrant County College Police Department will be filed alphabetically, by suspect name, in a secure file located in the Communications Center.
 2. A copy of issued warrants will be forwarded to the Investigation Division with reference to the corresponding agency report number. Warrant information will be entered into the ARMS System (Warrant Module) by Records personnel. Officers and Communications personnel will have 24 hour access to this information via the local area network. **A 74.1.3 c. and f.**
 3. It is not necessary that an Officer possess the actual warrant or even a copy in order to serve an arrest warrant. Officers are to verify warrants through the issuing agency before taking the subject into custody. A copy of the warrant will accompany the subject as soon as practical after the subject is arrested. **A 74.1.3 d.**

307.04 - RECORDING OF LEGAL PROCESSES

- A. Each item of criminal or civil process will be recorded when it is received by a component within the Department. This recording will be completed by the appropriate Component Commanding Officer or his designee. The information to be recorded will include the following:
1. Date and time received; **A 74.1.1 a.**
 2. Type of legal process, civil or criminal; **A 74.1.1 b.**
 3. Nature of document; **A 74.1.1 c.**
 4. Source of document; **A 74.1.1 d.**
 5. Name of complainant/plaintiff or defendant/respondent; **A 74.1.1 e.**
 6. Officer assigned (if any); **A 74.1.1 f.**
 7. Date assigned (if any); **A 74.1.1 g.**
 8. Court docket number; **A 74.1.1 h.**
 9. Date service due (if any). **A 74.1.1 i.**
- B. The Tarrant County College Police Department will maintain a record on the execution or attempted service of legal process documents. Officers attempting to execute or serve legal process documents will follow these procedures:
1. Contact Communications;
 2. Advise Communications to open a call-for-service into the Computer Aided Dispatch (CAD) System regarding the service attempt;
 3. Document in an Incident Report the following information:
 - a. Date and time service was executed/attempted; **A 74.1.2 a.**
 - b. Name of officer executing/attempting service; **A 74.1.2 b.**
 - c. Name of person on whom legal process was served; **A 74.1.2 c.**
 - d. Method of service/reason for non-service; **A 74.1.2 d.**
 - e. Address/location of service/attempt. **A 74.1.2 e.**
 4. Clear the call through Communications.