

Accreditation Standards: 74.1.1, 74.1.2, 74.2.1, 74.3.1, 74.3.2; CFA 24.01 Revisions: 08/97; 06/98; 05/07; 10/07; 02/15; 11/23 References: FSS 901.15; 901.16	University of Florida Police Department  Department Standards Directive	Responsibility: Administration Pages: 04 Related Documents: Case Management Checklist, Law Enforcement Disposition Checklist, Waiver of Search and Seizure
TITLE: LEGAL PROCESS		

1036 Legal Process

1036.1 Purpose. The purpose of this directive is to define the administrative procedures for handling legal process.

1036.2 Discussion. The administrative procedures for the filing of arrest and search warrant affidavits and the subsequent serving of warrants mandates specific actions on the part of law enforcement officers.

1036.3 Policy. All legal process will be executed by sworn law enforcement officers only. It shall be the policy of the University of Florida Police Department to follow the appropriate administrative procedures in the service and execution of legal process. The Department shall comply with applicable federal and state law. Officers of the Department shall aid and assist other agencies in the service and execution of legal process.

1036.4 Procedure.

A. Information. All items of legal process shall include the following:

1. Date and time received;
2. Type of legal process; civil or criminal;
3. Nature of document;
4. Source of document;
5. Name of plaintiff/complainant or name of defendant/respondent;
6. Officer assigned for service;
7. Date of assignment;
8. Court docket number; and

9. Date service due.

B. Execution. A record of the execution or attempted service of legal process shall include:

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

C. Criminal Process.

1. Sworn Complaints. Sworn officers of the Department may file a sworn complaint for the procurement of an arrest warrant for a felony or misdemeanor with the Office of the State Attorney for the Eighth Judicial Circuit.

- a.** Felony complaints shall be filed in accordance with the State Attorney's felony intake policy.
- b.** Misdemeanor complaints shall be filed in accordance with Department policy. The following shall be included with the sworn complaint;

- (1)** Incident report, including any supplements, and, if applicable, crash reports;
- (2)** Any statements, written or recorded, and any other evidence referred to in the report;

2. Arrest Warrants. Only sworn officers of the department shall obtain and execute arrests by warrant and they shall deliver the person arrested to the Alachua County Department of the Jail.

3. Search Warrants. A search warrant can only be obtained and executed when an officer has probable cause. See Department Standards Directive 1035 "Arrests, Search and Seizure."

- a.** Officers shall contact the Office of the State Attorney for the Eighth Judicial Circuit when necessary to obtain a search warrant.
- b.** An Assistant State Attorney will assist in ensuring that the following information is included when applying for and obtaining a search warrant:
 - (1)** Probable cause, based on the facts in the incident report, must be shown;
 - (2)** Directions to the appropriate law enforcement agency;

- (3) Complete description of property to be searched, location of property to be searched, and items to be searched;
- (4) Notation of specific state statute violated;
- (5) Ripeness of information;
- (6) Expressly providing that the officer (applicant) may search during the day, at night, or on Sunday;
- (7) Must be issued and signed by a judge;
- (8) Once the search warrant is obtained by the Department, the officer obtaining the warrant shall supplement the original incident report to include the time and date received, type of process, nature of document, source of document, name of plaintiff/complainant or defendant/respondent, officer assigned for execution, date of assignment, and date execution due. Officers shall knock and announce their presence. purpose and authority before making entry into a residence. “No knock” warrants are not authorized;
- (9) The docket number shall be assigned by the Clerk of the Court.
- (10) Every attempt to execute the warrant shall be documented;
- (11) Once the warrant is executed, the date and time, name of executioner, to who it was executed, method of service, and location of execution shall also be documented.
- (12) The original warrant and inventory list shall be returned to the judge who issued the warrant.
- (13) The Inventory and return shall be filed with the Clerk of the Circuit Court within ten days of the issue of the search warrant.

D. Property. Any property seized by the department shall be in conjunction with criminal process.

- 1. Property seized by the department pursuant to the delivery of legal process services shall be accounted for in Department records.
- 2. Seized property records shall include a description of the property seized, identifications numbers (where applicable), and the name of persons from whom the property was received.
- 3. All property acquired by the department through the legal process function shall be disposed of in accordance with state statutes or as directed by court order.

E. Civil Process. Most civil process functions are handled by the Alachua County Sheriff’s Office with two exceptions. Sworn officers can help obtain and serve a Temporary Injunction for Protection, see directive 5400, and they may initiate contraband forfeiture, see directive 6450. Sworn officers shall

assist those other law enforcement agencies authorized to execute civil process, including issuing and serving summonses or subpoenas, within the jurisdiction of this department when requested. The Administrative Executive Assistant shall take acceptance of criminal cases or civil traffic subpoenas on behalf of officers called to testify in official capacity. Officers shall be served either by individual service or by representative capacity pursuant to Florida State Statutes 48.031(4)(a).

1036.5 Glossary.

Arrest Capias - An order of arrest signed by the Clerk of the Court upon the order of a judge or when the State Attorney's Office has filed an information.

Arrest Warrant - An order of arrest signed by a judge. An arrest warrant can be executed by sworn law enforcement officers only.

Civil Process - Those writs, summonses, mandates, or other process issuing from a court of law or equity pertaining to a cause of action of a civil nature.

Criminal Process - Those writs, summonses, mandates, warrants, or other process issuing from a court of law compelling a persons to answer for a felony or misdemeanor. The term also includes process issued to aid on crime detection or suppression, such as search warrants.

Execution - The performance of an act required by the writ, warrant, or other process commanding the seizure of a person or thing, as opposed to mere delivery of an instrument without any accompanying seizure.

Legal Process - Any item of civil or criminal process, whether original, intermediate, or final that is valid on its face and is to be served or executed by a law enforcement agency.

Service - The delivery of any item of civil process that is complete with the act of delivery and does not require physical or legal seizure of a person or thing.

JJS 11/95 Filed: Legal Process 1036

Approved: _____
Bart Knowles, Chief

Effective Date: July 10, 2024