

*Maryland-National Capital Park Police
Prince George's County Division*

DIVISION DIRECTIVE

TITLE			PROCEDURE NUMBER
LEGAL PROCESS PROCEDURES			PG612.0
SECTION	DISTRIBUTION	EFFECTIVE DATE	REVIEW DATE
Investigative Procedures	A	10/15/04	10/15/06
REPLACES			
PG612.0 "Legal Process Procedures", issued 05/01/02			
RELATED DIRECTIVES	REFERENCES	AUTHORITY	
	CALEA 74, 82	Commander Larry M. Brownlee, Sr. - Division Chief	

I. PURPOSE

This directive establishes procedures for handling wanted persons located by Division officers and for handling legal process (warrant, domestic violence petition, district court summons, etc.) received by this Division for service.

II. POLICY

The policy of this Division is to afford the service of criminal warrants a high priority. Attempts to execute all warrants received for service will commence no later than twenty-four hours of their receipt by the Division. Officers assigned warrants for service will formally report their progress weekly to the Investigative Operations Sergeant until such time as an apprehension is made or all investigative leads have been exhausted.

Pursuant to the guidelines set forth in this directive, it is the policy of this Division that all personnel will complete a Warrant Supplemental Record form whenever a warrant is to be entered, updated, or cancelled by Communications Personnel; or physically removed from the Communications Section.

III. LEGAL PROCESS PROCEDURES

- A. Criminal process will be served or executed by sworn officers only.
- B. All warrants obtained by Division officers, if not served immediately, will be entered into MILES/NCIC by Communications Section personnel.

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1. A Warrant Supplemental Record (attached) will be placed in the folder of each incoming warrant. The following information will be recorded on the form for all criminal process received by this Division for service:
 - a. Date and time received;
 - b. Type;
 - c. Nature of document;
 - d. Source of document;
 - e. Name of plaintiff/complainant and name of defendant/respondent;
 - f. Officer assigned for service;
 - g. Date assigned;
 - h. Court docket number; and
 - i. Date service or attempts are to be completed.

2. The officer(s) assigned to serve the process will record the date, time and location of each attempt at service, the officer's name and the reason for non-service on the Warrant Supplemental Record form. Whenever the warrant is updated by an officer/investigator, another Warrant Supplemental Report form must be completed.
 - a. An officer/investigator wishes to remove the original warrant, for any reason, a copy of the warrant will be retained by the Communications Section.
 - b. Warrants should only be removed in order to attempt service, to turn over to the Sheriff's Office, to nolle prossed the case, or return to the State's Attorney Office.
 - c. **At no time, until the authority to clear or cancel a warrant is received, will a case jacket be removed from the Communications Section.** This authority to clear or cancel will consist of a Warrant Supplemental Record form.

3. The following information will be recorded on the Warrant Supplemental Record form for all criminal process that is served:
 - a. Date and time served;
 - b. Name of server;
 - c. To whom process was served or on whom executed;
 - d. Method of service; and
 - e. Location of service.

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4. The Communications Section will maintain a warrant and wanted persons file, to include:
 - a. Establishing criteria for entering notices in the MILES/ NCIC systems;
 - b. Establishing criteria for receiving information from other jurisdictions;
 - c. Recording information in Division files;
 - d. Verifying information; and
 - e. Canceling information.

If additional information is discovered by Communications Personnel during the validation process, the information will be forwarded to the Investigative Operations Manager. The information will be disseminated as necessary and a Warrant Supplemental Record form will be completed and returned to the Communications Section.

- C. Civil process', including any sent to this Division to be served, will be served by sworn officers only.
 1. Civil process will include conveyance (vehicle)/property/currency seizure notices.
 - a. Seizure notices will be served on defendants at the time of arrest whenever possible.
 - b. Officers will comply with the procedures detailed in Division Directives relating to seizures.
- D. No officer will **serve** any legal process outside of Prince George's County. This does not preclude officers of this Division from making arrangements with the appropriate jurisdiction to accompany them.
 1. In Maryland – once the legal process has been served on the individual(s)/location, by an officer of the appropriate jurisdiction, officers of this Division may take any actions permitted by the scope of the legal process (i.e. take custody, search, etc.).
 2. Out of State – officers of this Division will comply with the laws and procedures of the jurisdiction where the legal process is being served (i.e. extradition hearings, etc.).

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IV. INVALIDATION (QUASHING) PROCEDURES

Requests to invalidate (quash) warrants must go through the State's Attorney's Office to be presented in court. This requires that the initiating officer write a detailed Supplement Report providing the following:

- A. Explain the reason(s) a warrant is to be invalidated.
 - 1. Misidentification of the suspect due to false identification cards.
 - 2. False statements by complainant/victim.
 - 3. Any other available information.

- B. Details of actions taken.
 - 1. New warrant issued under correct name for suspect.
 - 2. Charges brought against individual that made false statements.
 - 3. Any other actions.

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