

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 08/05/02	STANDARD OPERATING PROCEDURE	Revised Date: 08/14/07
Chief of Police: 	Legal Process – Records, 74.1	
Cross Reference:	Policy Sections: 74.1.1 Legal Process 74.1.2 Validity Verification	

PURPOSE

The purpose of this policy is to establish guidelines for tracking and recording legal process activity.

POLICY STATEMENT

It is the policy of the Elgin Police Department to ensure access to criminal warrants, ensure proper recording of all legal process documents, and ensure the maintenance of records of service or attempted service of legal process.

PROCEDURES

74.1.1 LEGAL PROCESS

- A. For the purposes of this policy, legal process documents shall include, but not be limited to the following Court documents:
 1. Arrest Warrants.
 2. Subpoenas.
 3. Orders of Protection.
 4. Summons/ Notices to Appear.
- B. Legal process documents obtained by Department members, from cases originating in Elgin, shall retain the original incident number throughout their duration.
- C. The Department shall only serve legal process documents under the authority of criminal court systems. However, in the event a County Sheriff/legal process server experiences difficulties in serving legal process documents under the authority of the civil court systems, the Department may assist.
- D. The Communications Director shall designate a member of the Division as the Leads Coordinator to track legal process documents.
- E. Each item of legal process documents received shall be forwarded to the Communications Division Leads Coordinator, or designee. The Leads Coordinator shall file a hard copy of the legal process documents. Documents pertaining to warrants are also entered into the City of Elgin's internal database. Information regarding the legal process documents 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 complainant / plaintiff or defendant / respondent.
 6. Officer assigned for service.
 7. Date of Assignment.
 8. Court docket number.
 9. Date service due (if any).

- F. The legal process document and a legal process document action sheet, shall then be forwarded to the division/shift employee responsible for serving the legal process document.
- G. Documentation of the attempted service or execution of legal process documents shall be forwarded to the Leads Coordinator as indicated on the Legal Process Document Action Sheet. The Legal Process Document Action Sheet shall include at minimum:
 - 1. Date and time service was executed / attempted.
 - 2. Name of Officer(s) executing / attempting service.
 - 3. Name of person on whom legal process was attempted / executed.
 - 4. Method of service / reason for non-service.
 - 5. Address of executed / attempted service.
- H. The Communications Director is responsible for maintaining an updated manual and/or electronic file system for active Arrest Warrants that is accessible 24 hours a day.
- I. If subpoenas are received for Department members, they shall be served by a supervisory member of the department and a copy of the subpoena shall be forwarded to the Court Liaison who shall keep a record of service until the subpoena is filed with Circuit Clerk of origin.
- J. If subpoenas are received requesting police records, reports, photographs, etc., they shall be forwarded to the Records Supervisor who will maintain a file upon their completion.
- K. Outside agency requests for service of legal process documents, which may include Subpoenas, Orders of Protection, Summons or Arrest Warrants, shall be assigned for an attempt of service. The result of this attempt will be reported to the host agency via type 3 LEADS message, or other prescribed method, and then documented on an EPD Incident Report upon successful completion.

74.1.2 VALIDITY VERIFICATION

- A. Throughout the year, the Leads Coordinator will conduct a LEADS and NCIC check on active warrants on file with the Department.
- B. Warrants found to be inactive shall be purged from the Department's files and recorded as being removed. The purged documents shall be returned to the originator or the Circuit Clerk, depending upon the manner in which the document came into the Department's possession.
- C. Members of the Department, in all cases, shall be responsible for promptly verifying the validity of any warrant or other Court issued document in matters requiring custodial arrest.