

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 08/05/02	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 08/08/07
<b>Chief of Police:</b> 	Legal Process – Civil, 74.2	
<b>Cross Reference:</b>	<b>Policy Sections:</b> 74.2.1 Civil Process Documents 74.2.2 Seizure of Property 74.2.3 Standby Service 74.2.4 Eviction Process	

## **PURPOSE**

The purpose of this policy is to establish guidelines for serving civil legal documents.

## **POLICY STATEMENT**

It is the policy of the Elgin Police Department to serve certain civil process documents referred to the Department for service. Other civil process matters shall be referred to the Kane/Cook County Sheriff's Department for service.

## **PROCEDURES**

### **74.2.1 CIVIL PROCESS DOCUMENTS**

- A. Sworn members of the Elgin Police Department will not generally serve or enforce documents of civil process without the specific direction of competent authority. As a matter of routine, the Kane/Cook County Sheriff's Department will fulfill all civil process requirements and responsibilities.
- B. All requests for civil process shall be reviewed by a Patrol Supervisor prior to service. The Patrol Supervisor after examining the document shall determine the appropriateness of service. Reasonable steps shall be taken to determine the validity and legality of the document.
- C. Civil process documents that do not mandate service by Officers of the Department shall be referred to the Kane/Cook County Sheriff's Department.
- D. The following civil process documents will be served by sworn officers of the Elgin Police Department:
  - 1. Liquor Commission subpoenas and related documents.
  - 2. Elgin Fire and Police Commission subpoenas and related documents.
  - 3. Documents from the City Attorney.
  - 4. Other quasi-legal documents from the City Manager or Chief of Police.

### **74.2.2 SEIZURE OF PROPERTY**

- A. Property, real or personal, shall only be seized by sworn Officers, and only pursuant to a court order.
- B. All evictions are handled by the Kane/Cook County Sheriff's Department.
- C. The Department's role in civil property seizures is to prevent a breach of the peace. Only in special and unique situations shall a Department member handle or move personal property seized during a civil seizure or repossession proceeding. The Officer's actions may be justified to expedite the situation and to facilitate prompt resolution.

### **74.2.3 STANDBY SERVICE**

- A. Officers may be requested to standby during property removal, child visitation exchanges, and other civil matters in the interest of keeping peace and avoiding future problems.

- B. Officers involved in such civil matters shall act only as an impartial observer and peace keeper.
- C. In such cases where agreement cannot be made by the parties involved, the officer shall refer both parties to the proper legal authority and not take any action unless authorized by a supervisor.

#### **74.2.4 EVICTION PROCESS**

- A. Evictions from dwellings are handled by the Sheriffs Office from the appropriate county.
- B. Members of the Elgin Police Department shall not effect an eviction of any person from a dwelling stemming from a civil dispute.
- C. Members of the Department may assist members of the Sheriffs department in an eviction process after confirming that a valid eviction order exists.