

2.421 LEGAL PROCESS (74.2.1, 74.3.1)

This directive does not apply to court summonses and dockets directed to employees for activities arising out of the routine performance of their jobs. Refer to **2.409 Court Scheduling and Liaison**.

2.421.02 Legal Processes – Generally (74.2.1, 74.3.1, 74.3.2, 84.1.8)

- A. Officers are responsible for serving legal process documents that fall within the agency's jurisdiction, authority, and mission.
- B. Consistent with MD Rule 4-212, only sworn police officers and sheriffs are authorized to serve criminal processes and civil processes requiring civil arrests. Officers whose powers of arrest have been suspended administratively or by operation of law may not serve legal processes.
- C. The amount of force used while serving legal processes will be consistent with **2.800 Use of Force and Weapons**.
- D. Officers will attempt to ensure a sufficient number of officers are involved in serving legal processes and making arrests. Officers will not request citizen assistance in making arrests except in the most exigent circumstances and upon consideration of crime enormity and the probability of resistance. Maryland case law does not rule out the possibility of police authority to summons citizens to assist in enforcing the law, but does not provide what the limits of that authority may be. *Keesling v. State*, 288 Md. 579, 585-589, and note 2 (1980).
- E. Refer to **2.411 Diplomatic Immunity** for directives relating to which foreign diplomatic officers have what type of legal immunity.
- F. It is the function of the Office of the Sheriff for Baltimore County (OSBC) to serve civil writs for the seizure of real or personal property.
- G. Criminal processes that may be obtained and/or served by officers include, but are not limited to:
 - 1. Arrest warrants – valid until served or recalled;
 - 2. Bench warrants – valid until served or recalled;
 - 3. Writs of attachment – valid until served or recalled;
 - 4. Criminal summonses – valid for 30 calendar days or as noted on summonses; and

- 5. Search warrants – valid for 15 calendar days.
- H. Civil processes that may be obtained and/or served by officers include, but are not limited to:
 - 1. Protective orders – valid as specified by issuing judicial officials;
 - 2. Peace orders – valid as specified by issuing judicial officials; and
 - 3. Emergency psychiatric services (EPS) orders – valid for five days if signed by a judge. The agency has adopted a five day limit on the service of EPS orders signed by physicians, etc. See also **2.413.08 EPS – Physicians, etc.**
- I. The agency has 24-hour access to warrant and wanted persons and other criminal and civil process documents through the:
 - 1. Agency's METERS/NCIC terminal;
 - 2. Maryland Judiciary Case Search; and
 - 3. Agency's records management system (RMS) system and Communications' active legal processes (Hot File) and LEGAL PROCESS TRACKING SYSTEM.

2.421.06 RECEIVING & Tracking Legal Processes (74.1.1, 74.1.3)

- A. Officers who obtain legal processes from their own cases or from other sources, such as when picking up legal processes from the District Court Commissioner, will, before ending their tours of duty wherein they obtain legal processes:
 - 1. Ensure a CAD Number, titled "Legal Process," is generated for each, separate legal process obtained. Related information to be entered into CAD includes, but is not limited to:
 - a. The type of legal process, such as arrest warrant, criminal summons, peace order, etc.;
 - b. Case Number of any related case; and
 - c. Name of suspect or respondent.
 - 2. Complete a **Legal Process Control Record (UPO.008.D)** ("CONTROL RECORD") for each, separate legal process obtained;
 - 3. Complete original or supplemental reports as appropriate, including information in the "**Warrants**" tab;

4. Ensure legal process originals and any copies are clearly stamped as such;
 5. Submit all documents for supervisory review; AND
 6. ONLY ON WRITTEN SUPERVISORY APPROVAL, SUBMIT THE ORIGINAL LEGAL PROCESS, APPROVED LEGAL PROCESS CONTROL RECORD, AND A COPY OF THE RELATED REPORT TO COMMUNICATIONS.
- B. SUPERVISORS WILL REVIEW AND APPROVE APPROPRIATELY COMPLETED CONTROL RECORDS THEN ENSURE THE CONTROL RECORDS, CORRESPONDING LEGAL PROCESS, AND COPIES OF THE RELATED REPORTS ARE SUBMITTED TO COMMUNICATIONS.
- C. Officers will not personally keep or store legal processes in locations other than the Hot File without permission of the Chief or designee.
- D. Bench warrants received by the agency via mail to Central Records will be promptly delivered to Communications so that officers are assigned to complete the process described in **A.** of this section.
- E. The supervisor of the investigations function (“investigations supervisor”) is the agency’s legal process coordinator with duties and responsibilities that include, but are not limited to:
1. Being the agency’s liaison with Baltimore County Police Department’s (BCPD) and OSBC’s warrant control functions and units;
 2. Ensuring control records and initial or supplemental reports are completed as appropriate for legal processes received from allied agencies;
 3. Performing secondary reviews on control records, CAD numbers and records, and supplemental reports;
 4. Ensuring documented inspections are conducted at least quarterly for all agency held or transferred legal processes to determine if they have been served, are current, or need to be recalled, withdrawn, converted or INVALIDATED AND DESTROYED CONSISTENT WITH CRIMINAL PROCEDURE (CP) § 4-109;
 5. Using the Records Management System (RMS) *Assign for Investigation* function to assign AND MONITOR the service of legal process documents within this agency;
6. ESTABLISHING AND MONITORING A SYSTEM TO ENSURE THAT ALL LEGAL PROCESSES THAT NEED TO BE RECALLED, WITHDRAWN, CONVERTED, OR INVALIDATED ARE PROMPTLY:
1. DOCUMENTED IN CAD, SUPPLEMENTAL REPORTS, AND ON ORIGINAL CONTROL RECORDS;
 2. CLEARED FROM METERS/NCIC AND THE AGENCY’S LEGAL PROCESS TRACKING SYSTEM; AND
 3. DELIVERED TO THE APPROPRIATE AUTHORITIES. LEGAL PROCESSES THAT ARE TO BE:
 - A. RECALLED, WITHDRAWN, OR CONVERTED MUST BE DELIVERED TO THE ISSUING OFFICE OF THE CLERK OF THE COURT; AND
 - B. INVALIDATED MUST BE DELIVERED TO THE ISSUING OFFICE OF THE STATE’S ATTORNEY.
- F. Communications personnel have legal process duties that include, but are not limited to:
1. Reviewing submitted legal processes and THEIR CORRESPONDING CONTROL RECORDS, asking submitting officers to correct any deficiencies, and requesting assistance from the on-duty patrol supervisor if deficiencies are not corrected;
 2. Ensuring CAD numbers containing required information are generated EVERY TIME OFFICERS ATTEMPT TO SERVE OR DO SERVE LEGAL PROCESSES.
 3. Filing the ORIGINAL COPIES OF LEGAL PROCESSES AND CONTROL RECORDS alphabetically in the Communications Hot File;
 4. Promptly FORWARDING COPIES TWO AND THREE OF CONTROL RECORDS to the legal process coordinator AND SENDING AN EMAIL TO THE LEGAL PROCESS COORDINATOR AND COMMUNICATIONS SUPERVISOR about each newly received legal process.
 5. Entering REQUIRED NEW LEGAL PROCESS information into METERS/NCIC AND THE AGENCY’S LEGAL PROCESS TRACKING SYSTEM;

6. Updating the agency's legal process tracking system AND HOT FILE WITH "OUT" CARDS IF LEGAL PROCESSES ORIGINALS OR COPIES ARE TAKEN OUT FOR SERVICE ATTEMPTS;

2.421.08 Serving Legal Processes (74.1.2)

- A. Patrol officers are responsible for serving most legal processes held by this agency. Officers in other units may be assigned to serve processes based on time constraints, staffing, tactical needs, suspect/respondent availability, etc.

B. OFFICERS WILL:

1. BE PRIMARILY RESPONSIBLE FOR SERVING PROCESSES OBTAINED AS THE RESULT OF THEIR CASE INVESTIGATIONS;
2. CONDUCT APPROPRIATE BACKGROUND INVESTIGATIONS TO ASSIST IN LOCATING SUSPECTS/RESPONDENTS;
3. PURSUE PROCESS SERVICE TO THE EXTENT OF REASONABLY AVAILABLE INVESTIGATIVE LEADS;
4. CONDUCT AND DOCUMENT A REASONABLE NUMBER OF SERVICE ATTEMPTS BEFORE ANY LISTED SUSPENSE DATES;
5. DOCUMENT THEIR ACTIVITIES ON CONTROL RECORD ORIGINALS;
6. ENSURE A CAD NUMBER, EVENT CODED "LEGAL PROCESS SERVICE," IS GENERATED BY COMMUNICATIONS FOR EACH SEPARATE ATTEMPT OR ACTUAL SERVICE. THE CAD ENTRY MUST CONTAIN:
 - A. THE INCIDENT NUMBER FOR THE LEGAL PROCESS;
 - B. THE TYPE OF LEGAL PROCESS;
 - C. ANY RELATED CASE NUMBER;
 - D. NAME OF ANY SUSPECT OR RESPONDENT;
 - E. LOCATION OF THE SERVICE ATTEMPT; AND
 - F. WHETHER OR NOT THE PROCESS WAS SERVED.

C. FOR LEGAL PROCESSES POSSESSED AND SERVED BY THIS AGENCY:

1. OFFICERS WILL:
 - A. ENSURE LEGAL PROCESSES ARE STILL VALID THROUGH METERS/NCIC;
 - B. CHECK OUT ORIGINAL LEGAL PROCESSES AND CONTROL RECORDS FROM COMMUNICATIONS;

C. ENSURE THE SERVICE IS DOCUMENTED AS REQUIRED IN CAD AND ON CONTROL RECORDS;

D. SERVE THE LEGAL PROCESS CONSISTENT WITH 2.600 ARREST PROCEDURES;

E. WRITE SUPPLEMENTAL REPORTS; AND

F. SUBMIT LEGAL PROCESS DEPARTMENTAL COPIES AND ORIGINAL CONTROL RECORDS TO CENTRAL RECORDS ALONG WITH ANY OTHER SERVICE OR ARREST RELATED DOCUMENTS; AND

2. PCOs WILL:

A. CONFIRM THE PROCESSES THROUGH METERS/NCIC AND BY LOCATING THE PHYSICAL DOCUMENT IN THE HOT FILE;

B. CHECK OUT ORIGINAL LEGAL PROCESSES AND CONTROL RECORDS TO REQUESTING OFFICERS;

C. DOCUMENT PROCESS SERVICE IN CAD;

D. CLEAR THE PROCESSES IN METERS/NCIC AND IN THE AGENCY'S LEGAL PROCESS TRACKING SYSTEM;

E. SEND A NOTIFICATION EMAIL TO THE LEGAL PROCESS COORDINATOR AND COMMUNICATIONS SUPERVISOR.

D. FOR LEGAL PROCESSES POSSESSED BY THIS AGENCY, BUT SERVED BY ALLIED AGENCIES, PCOs WILL:

1. SEND HIT CONFIRMATION MESSAGES THROUGH METERS/NCIC AND LOCATE PHYSICAL DOCUMENTS IN THE HOT FILE;

2. FAX LEGAL PROCESS COPIES TO ALLIED AGENCIES TO FACILITATE SERVICE;

3. DOCUMENT PROCESS SERVICE IN CAD, REPORT SUPPLEMENTS, AND ON CONTROL RECORD ORIGINALS;

4. RECEIVE FAXED RETURN OF SERVICE COPIES FROM ALLIED AGENCIES WHO SERVE PROCESSES;

5. CLEAR THE PROCESSES IN METERS/NCIC AND IN THE AGENCY'S LEGAL PROCESS TRACKING SYSTEM;

6. SEND A NOTIFICATION EMAIL TO THE LEGAL PROCESS COORDINATOR AND COMMUNICATIONS SUPERVISOR; AND

7. SUBMIT LEGAL PROCESS ORIGINALS AND ANY COPIES, RETURN OF SERVICE FAXES, AND ORIGINAL CONTROL RECORDS TO CENTRAL RECORDS.

- E. The agency's legal process coordinator, upon the direction of the Chief or a commander, may request that legal processes be referred to allied agencies to assist with service.
 - 1. A xerographic copy of the legal process and Control Record marked "**Copy**" will be submitted for referral to the allied agency.
 - 2. The original legal process and Control Record will be retained in the Hot File.
 - 3. The legal process coordinator will ensure:
 - a. Supplemental reports are completed when legal processes are referred to allied agencies; and
 - b. Control Records are completed, Hot File duplicate copies are destroyed, any required notifications made, and supplemental reports are written when this agency learns that legal processes transferred to allied agencies have been served.
- F. The arrest of suspects on outstanding warrants held by other agencies will be conducted consistent with **2.600 Arrest Procedures** and do not require agency personnel complete Legal Process Control Records.