

City of Anderson Police Department Anderson, South Carolina

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| DIRECTIVE TYPE General Order | EFFECTIVE DATE December 30, 2009 | NUMBER 2201 |
| SUBJECT Legal Process | | REVISED |
| REFERENCE SCLEA Chapter 22 | AMENDS/SUPERSEDES All Others | |
| DISTRIBUTION All Personnel | RE-EVALUATION DATE Annual | NO. PAGES 6 |

I. Purpose:

To ensure efficiency of information, accuracy, timeliness, and accessibility in the service of warrants. To minimize the chances for civil liability due to error resulting from the failure to cancel warrants.

II. Policy:

It is the responsibility of all officers of the City of Anderson Police Department to serve warrants and other legal process in a timely manner.

III. Procedures:

Access to Warrants:

The City of Anderson Police Department's warrants will be maintained in the warrant file located in the Front Booking Office. Warrants are accessible to departmental personnel on a 24-hour basis, seven days per week.

Recorded Information:

Once a warrant is issued to the City of Anderson Police Department, it will be immediately submitted to the Administration Division Supervisor, who will then enter the warrant into the Department's computer system. On occasion, at the direction of the Chief of Police, warrants pertaining to on-going investigations of a sensitive nature may be issued and not entered into the warrant system. Warrants may be entered into the State Warrant File through the South Carolina Law Enforcement Division's (S.L.E.D.) criminal justice information system if the warrant is not executed immediately or if the subject does not live in Anderson. Wanted person entries that are to be made in the National Crime Information Center (NCIC) system will be made only after obtaining approval for extradition from the Chief of Police or his/her designee.

Upon receipt of a warrant, the warrant officer will complete a warrant tracking sheet. This information will contain at a minimum the following: (SCLEA 22.1)

- Date and time received;
- Type of legal process (Civil or Criminal);
- Nature of document; (Arrest, Bench, or Rule to Show Cause)
- Source of document;
- Name of plaintiff/complainant or name of defendant/respondent;
- Officer Assigned for Service;
- Date of assignment;
- Court docket number;
- Date Service Due.

Responsibility for Assigning Warrants for Service:

The only personnel who may issue warrants to City of Anderson Police Department Officers from the warrant file are:

City of Anderson Police Department Detention personnel

City of Anderson Police Department Division Commanders or other Supervisors

Anytime a warrant is removed from the warrant file it must be recorded and signed out on the warrant log by the officer removing the warrant. All warrants signed out for service should be returned at the end of the working shift, if service was not possible, and properly logged back in. Warrants are to always remain in the warrant file until the warrant is canceled by the court, served by an officer, or logged out for additional attempts to serve the warrant.

Records on Execution, Cancellation, or Attempts to Execute Warrants:

Records will be kept on the execution and attempted execution of warrants. A record of attempts to serve active warrants is maintained on the warrant tracking sheet attached to the warrant. The records

will note the following information:

- Date and time served;
- Name of server;
- To who served;
- Method of service;
- Location of service;
- Explanation of non-service;
- Explanation of cancellation.

Tracking Attempts to Serve Warrants:

All information will be recorded on the warrant tracking sheet attached to the warrant. (SCLEA 23.1)

If the warrant is served, the arresting officer will complete the warrant tracking sheet and submit the sheet to the Detention Officer to be updated in the Department's computer system and to be filed;

If the warrant is canceled by court, the employee who is notified of the cancellation will be responsible for notifying the on-duty Detention Officer, who will then record the cancellation in the Department's computer system, complete and file the warrant tracking sheet, and return the warrant to the issuing court. The officer must also have any *State Warrant File* or *NCIC entry* canceled.

Updating Served Warrants In The Computer:

After any warrant is served, the arresting officer will complete a supplemental incident report in the Department's computer system, complete and forward the warrant tracking sheet to the Detention Officer and remove the warrant from the *State Warrant File* and *NCIC* if such entries were made. The Detention Officer will be responsible for ensuring that the warrant is immediately updated as being served in the Department's computer system and that the warrant tracking sheet is filed.

Warrant Service in Jurisdictions Other Than Anderson:

As a general policy, officers serving warrants on subjects outside the City of Anderson but within the State of South Carolina shall contact the appropriate jurisdiction's law enforcement agency, advise them of the pending action and request their assistance in its execution. This request for assistance may be made by mail, telephone, teletype, or in person.

Officers desiring to execute warrants in other jurisdictions within the State of South Carolina must get their supervisor's approval and contact that jurisdiction's law enforcement agency to coordinate assistance in the pending action. The officer must get the warrant countersigned and have the officer(s) from that particular jurisdiction execute it. The City of Anderson Police Department officer may accompany the other officer(s).

In those cases where a subject in Anderson is found to have an outstanding warrant from another

South Carolina jurisdiction, information must be verified before an arrest is made. In these cases, the dispatcher will request that the local jurisdiction determine if the warrant is still active. If confirmed, the dispatcher will request a confirmation be sent over the teletype system from that particular agency which sets forth all information about the person wanted and the warrant existing for that person. The requesting agency must also agree to pickup the person arrested immediately after being informed of the arrest. If the warrant is from a jurisdiction outside the State of South Carolina a copy of the warrant should be faxed to our Department in addition to the confirmation by teletype.

Execution of warrants for fugitives in this state upon fugitives from another state must be made in strict compliance with section 17-9-10 of the South Carolina Code of Laws. *The officer must sign a fugitive warrant on the subject.*

Execution of Criminal Process - Service of Warrants:

The Warrants Division will be responsible to see that all warrants are properly filed. The Warrants Division shall have the responsibility of making sure that an updated list of outstanding warrants on file is posted within the Patrol Room and the Criminal Investigations Division. Division Commanders, Shift Lieutenants or other supervisors are responsible for assigning warrants to personnel under their command. (SCLEA 22.5)

Only sworn law enforcement officers will execute warrants or other criminal process; (SCLEA 22.6)

Whenever it comes to the attention of an officer that an active outstanding warrant exists for an individual the officer has arrested, the officer shall serve that warrant;

Officers may use only that force which is reasonably necessary to affect the arrest while executing a warrant;

Warrants may be executed at any place within the City of Anderson;

Officers will verify that a warrant is still active prior to executing an arrest on the warrant;

Two officers should be present whenever possible when attempting to serve a warrant;

If attempting to serve a warrant outside the City of Anderson, the warrant must first be countersigned for service and the local law enforcement agency will be notified and asked to provide assistance in executing the warrant;

When not logged out the actual warrant should be retained in the Detention Office at all times until actually served or canceled by the court;

As officers conduct an investigation in an attempt to serve a warrant, notations of the officers' actions or attempts to serve the warrant should be noted on the warrant tracking sheet;

A copy of the warrant will be given to the defendant as soon as practical after execution;

Officers may not execute warrants that they have signed as affiant but may assist other officers in executing the warrant;

Prioritizing Warrant Service:

It is the policy of the department to serve all warrants without delay. The priority of warrant service is as follows:

Warrants requiring the arrest of individuals charged with threatening a life, any violent crime, or failure to appear in court will receive priority attention. However, all warrants received will be served, or a documented attempt of service will be accomplished within a reasonable time of our receiving the warrant. Quick action on the part of law enforcement agencies in serving outstanding warrants can significantly increase the likelihood of apprehension and should therefore be served as expeditiously as possible.

Pending Warrants:

If after an investigation a warrant cannot be served, the warrant tracking sheet will remain with the actual warrant in the warrant file for reference in future attempts to serve the warrant.

Forcible Entries to Serve Warrants:

If there is a warrant for a subject and the officer knows the subject is in his/her **own** home, forcible entry may be used after notice of the intention to make an arrest is given and admittance is denied, unless exigent circumstances exist which would appear to endanger the officers or others if an announcement is made.

If there is a warrant for a subject and the officer knows the subject is in **another person's home**, forcible entry is **not** permitted. A search warrant is required to gain entry unless exigent circumstances, or the owner, or someone acting as the owner allows entry.

In those situations where forcible entry is being considered as a final option, a supervisor is to be notified prior to entry.

Immunity from Arrest:

Section 17-13-60 of the South Carolina Code of Laws governs the circumstances where persons are not to be arrested but may be served process. No person shall be arrested while actually engaged in or attending military or militia duty or going to or returning from such duty, nor while attending, going to or returning from any court, as party or witness or by order of the court, except for treason, felony, or breach of the peace. However, in any such case, process may be served without actual arrest of body or goods.

Civil Process:


City of Anderson Police Officers do not serve civil process. All civil process in Anderson will be served by sworn deputies from the Anderson County Sheriff's Office as directed by section 23-15-40 of the South Carolina Code of Laws. If City of Anderson Police Officers are requested, an officer may

accompany Anderson County Deputies to serve a civil process or to provide back-up to a deputy making a civil arrest. No person, other than Anderson County Sheriff's Deputies, is authorized to execute a writ requiring the seizure of real or personal property or to make a civil arrest in Anderson. (SCLEA 22.3 & 22.4)

Property:

All property obtained through the legal process, i.e., search warrants, warrantless searches, vehicle inventories or seized for safekeeping, will be accounted for, and submitted to the property room as outlined in the procedure for "Property and Evidence Control". The Property Room Custodian is responsible for maintaining an accurate record keeping system (outlined in the "Property and Evidence Control"), for all property accepted by or stored in the property room. All property obtained through the legal process function is disposed of by the Police Department pursuant to South Carolina Code of Laws as outlined in our "Property Room Management" procedure. (SCLEA 22.7)

By order of:



Martin D. Brown
Chief of Police

12-30-2009
Date