

Salisbury University Police Department

CHAPTER 74 – LEGAL PROCESS

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Salisbury University Police Department

CHAPTER 74 – LEGAL PROCESS

Standards in this chapter address areas of agency discretion in performing and recording its legal process functions including record and civil/criminal process; a shared function throughout the agency with the Patrol and Administrative Divisions.

74.1 Records

74.1.1 Information Regarding Each Item of Legal Process

The proper handling of all warrants, criminal summonses and other legal documents that are received by the University Police Department is a shared responsibility that rests with all department personnel who receive, handle, file and serve these documents. The Patrol Commander, through the Communications Center and patrol squad personnel, will assume control of the service of legal documents and the completion of associated paperwork and entry into the Records Management System. The Administrative Commander will oversee the management of the document control system within the agency.

Whenever a legal document, criminal or civil, is received by this department either in person or via US mail, the document's information will be entered on the Legal Process Tracking form, SUPD form 014, which shall contain the following:

- A. Date and time received;
- B. Type of legal process, civil or criminal;
- C. Nature of document (arrest warrant, criminal summons, etc);
- D. Source of document (District or Circuit Court);
- E. Name of plaintiff/complainant or defendant/respondent;
- F. Officer assigned for service;
- G. Date of assignment;
- H. Court docket number;
- I. Date service due.

The original legal document (arrest and bench warrants excluding criminal summonses) will remain in the Communications Center until the document is served. The Communications Center personnel (excluding students) or the Squad Supervisor, in the absence of full-time PCOs, will be responsible for completing and attaching the Legal Process Tracking form 014 to the document received for service. A copy of the legal document (arrest and bench warrants) will be made by the Squad Supervisor and placed in the squad room for service attempts. All attempts and/or service of the document will be logged on the tracking form. Once the document is served, the legal tracking form will be attached to the copy of the legal document; both of which will be placed into the appropriate case file.

Original warrants will not be placed in the squad room, maintained by officers not completing service or kept in patrol units.

Police Communications Center personnel (excluding students) will be responsible for entry of the legal document's information outlined above into the agency's Records Management System and entry into METERS/NCIC. If department PCOs are not on duty, a copy of the warrant will be faxed to the Maryland State Police for METERS/NCIC entry.

ALL ENTRIES MUST COMPLY WITH METERS/NCIC STANDARDS AND CONTAIN CAUTIONS, APPLICABLE TO THE CHARGING DOCUMENT AND AS THE CRIMINAL HISTORY OF THE WANTED PERSON DICTATES.

74.1.2 Record of Service of Documents

Whenever an officer serves or attempts to serve an item of legal process, a record on the execution and attempted service of legal process documents is maintained and includes the following:

- A. Date and time service was executed or attempted;
- B. Name of officer executing/attempting service;
- C. Name of person to whom legal process was served/executed;
- D. Method of service or reason for non-service; and
- E. Address of service/attempt.

Officers attempting service on any legal document shall notify Communications Center personnel, via the radio, of his/her location and whether service was successful.

Refer to 1.2.1

All of the above information will be documented by the police officer attempting service on the SUPD Legal Process Tracking form 014. This form will be held in the file with a copy of the original legal document (arrest/bench warrant, criminal summons, etc) if served. If the legal process is unable to be served, SUPD form 014 will remain with the original arrest/bench warrant.

74.1.3 Procedures for Maintaining a Warrant and Wanted Persons File

It shall be the responsibility of this department for entry and maintenance of all University Police Department warrant documents in an accurate, timely and complete manner. SUPD personnel will adhere to NCIC policies and procedures. The department will not enter warrants for other agencies.

- A. Upon receiving a warrant, the PCO will complete SUPD form 014 – Legal Process Tracking form – and attach this form to the original warrant which will be held in the file drawer located in the Communications Center. The PCO will forward the copy of warrant to the Squad Supervisor/OIC for service. If the warrant is unable to be served immediately, it shall be entered into METERS/NCIC in accordance with established procedures. A criminal history and driver license check will be conducted on the defendant to obtain information on entry into METERS/NCIC. The warrant, with all identifying information, will be placed into the agency’s records management system (RMS) by the PCO.
- B. Information is received via METERS/NCIC for individuals wanted on outstanding warrants when they are apprehended by other law enforcement agencies. If defendants are located in other jurisdictions in Maryland, a copy of the warrant may be faxed to the apprehending agency for service. A return of service shall be requested of the agency serving the warrant and, upon receipt, will be placed in the warrant file; indicating service was completed.

If information indicates that the defendant is outside the State of Maryland, a written extradition request must be made of the Wicomico County State’s Attorney when the warrant does not meet the preauthorized extradition limitations. If extradition is approved by the State’s Attorney, officers will contact the appropriate law enforcement agency within the jurisdiction requesting their assistance in locating the defendant. The apprehending jurisdiction will be advised of the intent to extradite by this agency. This shall also be recorded, by PCOs, in the

METERS/NCIC entry upon approval of extradition with identified parameters. Hit confirmations of any wanted persons who are located by UPD officers will be handled in accordance with METERS/NCIC policies. The Patrol Commander will be responsible for extradition arrangements, as necessary.

- C. In addition to completion of form 014, PCOs will complete entry of each warrant into the Warrant Tracking log, form 030, which is maintained in the warrant file in the Communications Center. All warrants will be logged in this ledger in numerical sequence (including by the warrant and case tracking numbers) which is used as a cross-reference for retrieving information. This log contains the warrant number assigned, the issuing court, name/address of the defendant, date of warrant, officer serving and date of service and return to court. The warrant will be entered into the RMS system warrant module which also provides cross-reference with the master name index.
- D. All METERS/NCIC entries, modifications and cancellations of warrants by PCOs shall be verified by the Communications Center Supervisor. PCOs will use the Criminal Warrant Entry form 032 to log all necessary information required for the METERS/NCIC entry. This form, along with the METERS/NCIC entry printout, will be held in the warrant file. The Communications Supervisor shall also be responsible for the audit process by the Maryland State Police.
- E. Upon service of a warrant, the PCO will clear the warrant contained in METERS/NCIC in accordance with established NCIC procedures. The clearance will be printed and placed in the warrant file marked "served." The ARMS system entry will updated to indicate the service date of the warrant and the Warrant Tracking log will be completed indicating the date served/officer serving and date returned to the court.

In the event the warrant is recalled by the court, all records systems, METERS/NCIC entries will be canceled. The recall requested by the court will be placed in the warrant file with a copy of the warrant. The original will be returned to the appropriate court. Warrants that are not served shall stay filed in the warrant file for the life of the warrant unless they are recalled by the court.
- F. Criminal Summons will be documented and handled in the same manner as arrest warrants except criminal summonses will be logged into the Criminal Summons Tracking Log, SUPD form 031, and Criminal Summonses are NOT entered in METERS/NCIC.
- G. All original warrants and criminal summons documents will be held in the Communications Center; accessible by PCOs and on-duty patrol personnel 24 hours per day.
- H. Documentation and service of these documents will be handled as expeditiously as possible relative to computer entry, logging of documents and timely service. Officers will make daily attempts to serve all documents where sufficient information is obtained regarding the defendant's whereabouts.
- I. Where arrest/bench warrants and criminal summonses are served, all required reports and arrest forms including Arrest Ledger, form 021, will be completed.
- J. The Communications Supervisor will conduct monthly audits of arrest warrants to validate that all warrants are properly entered into METERS/NCIC and the agency's RMS. The Administrative Assistant shall ensure that all documents required to be returned to the court are sent as expeditiously as possible upon service or recall of the document.

- K. Officers who receive a subpoena to testify in any court proceeding will retrieve a copy from the Administrative Assistant who shall ensure that each officer acknowledges receipt of his/her respective subpoena by signing and returning SUPD form 082 to the Administrative Assistant.

74.2 Civil Process

74.2.1 Service of Civil Process Documents

University Police Officers do not handle or serve civil process orders issued by the judicial system. Service of these documents is handled by the Wicomico County Sheriff's Office.

The Education Article §26-102 of the Maryland Annotated Code authorizes the President of Salisbury University, or any person designated in writing by the President of Salisbury University, to deny access to the buildings or grounds of Salisbury University to any person who:

- A. Is not a bona fide, currently registered student, or staff or faculty member at the institution and who does not have lawful business to pursue at the institution;
- B. Is a bona fide, currently registered student at the institution and has been suspended or expelled from the institution, for the duration of the suspension or expulsion; or
- C. Acts in a manner that disrupts or disturbs the normal educational functions of the institution.

The President of the University has designated in writing that the Chief is authorized to deny access to persons as established in Education Article §26-102. Under this authority, the Chief may elect to issue a written no-trespassing notice.

Trespass notices will be sent via certified U.S. mail or hand-delivered to the individual by a UPD officer.

If hand-delivered:

- A. One copy is given to the individual;
- B. A second copy will be signed by the individual; acknowledging receipt of the copy. This signed copy of the Trespass Notice will be forwarded to the Administrative Assistant who will maintain a file of original trespass notices; and
- C. A third copy will be placed in the shift briefing book for officers' review.

Requests for trespass notices may also be made by the Office of Student Affairs. When the request to trespass an individual originates with the Office of Student Affairs, and the Chief issues the notice, a signed copy of the trespass notice will also be forwarded to that office. Students who receive a trespass notice that was issued at request of the Office of Student Affairs may file an appeal with the Office of Student Affairs.

The Administrative Assistant will forward a list of all persons who receive a trespass notice to the Police Communications Center which can be accessed in the event these persons are located on university property. Trespass notices are then placed in the appropriate module of the records management system by the Administrative Assistant.

74.3 Criminal Process

74.3.1 Execution of Criminal Process

- A. Maryland law and departmental policy govern the execution of criminal documents to include:
1. Types of warrants to be executed (arrest warrants, bench warrants, search/seizure warrants);
 2. Territorial limitations upon execution in accordance with agency jurisdiction/mutual aid;
 3. Time requirements for execution;
 4. Summoning aid;
 5. Issuance of summons in lieu of arrest - Refer to 1.2;
 6. Use of force - Refer to 1.3; and
 7. Immunity from arrest - Refer to the United States Department of State Manual "Diplomatic and Consular Immunity" maintained in the in-house computer system and the Squad Room.
- B. Occasionally, officers become involved in arrest situations and need immediate assistance.
1. Officers are authorized (MD law) to request citizen assistance in the following situations:
 - a) In the execution of their office in a criminal case;
 - b) In the preservation of the peace;
 - c) In the arrest of a person for breach of peace; and
 - d) In any case of escape or rescue.
 2. Persons neglecting to assist an officer after having been requested shall be guilty of a misdemeanor.
- C. Officers will make every effort to execute criminal documents assigned for service during their tour of duty.
- D. Normally, criminal documents will not be served between the hours of 0001 - 0600 hours except in the following cases:
1. Felony warrants shall be served at any time the defendant can be located;
 2. Priority attention will be given to arrest warrants issued due to a defendant's failure to appear in court.
 3. If there is reason to believe that an individual for whom there is an outstanding warrant, or detention order, may be a danger to himself or others, or may flee from the jurisdiction (i.e. fail to appear), execution shall be made when individual is located, regardless of the hour; and
 4. Officer makes an on-site arrest - statement of charges will be completed and the warrant service executed immediately.

- E. UPD officers may be requested to assist allied police agencies in the service of documents for individuals on campus. Officers will comply with the following:
1. Resident Students: Officers will attempt to contact the student at his/her resident hall and escort the subject back to UPD to meet with the allied agency officer;
 2. Students in class: UPD officers will check the class schedule and attempt to locate the student before or after his/her class. At no time will officers of this department, or another police department, interrupt a class unless exigent circumstances exist. UPD Officers shall meet with the instructor at the door and inform him/her of the situation. The student will then be transported to the department to meet with allied agencies.
 3. University Employees: Officers will contact Human Resources, as necessary, to determine the work assignment of the employee. Officers will notify the employee's supervisor and request the employee to meet with officers at UPD. If exigent circumstances exist, officers will respond directly to the employee's assigned location and transport the employee to UPD to meet with allied agencies.
- F. At all times on campus UPD officers shall use discretion to avoid creating unnecessary alarm in the use of handcuffs and disruption in general.

74.3.2 Arrest Warrants Executed by Sworn Law Enforcement Officers Only

Only sworn police officers will attempt the service of or execute any criminal process (arrest/bench warrants, search and seizure warrants) in accordance with statutory mandates and the potential for civil liability.

Edwin Lashley
Chief of Police