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			Distribution: All
Title: LEGAL PROCESS		Section: Arrest/Detention	
Issued: 04/24/2012	Effective: 05/02/2012	Revised: 06/13/2016	
Rescinds: All Previous		Amends:	
CALEA References: Chapter 74			
Review: Annual	Authority: Chief Michael A. Keller 		

I. Purpose

The purpose of this General Order is to establish procedures for performing the department's legal process function.

II. Policy

The prompt, accurate service of court directed criminal and civil processes effects the functioning of the legal system. It shall be the policy of the department to efficiently administer its legal process responsibilities in a prompt and professional manner.

III. Definitions

(This section intentionally left blank).

IV. Regulations

- A. After having been officially notified, either verbally or in writing, members of the Department shall report as directed by any supervisor, subpoena, or by any notices which dictates his/her required appearance before any hearing board or court [B].

V. Procedures

A. Subpoenas

1. The Records/Evidence Custodian or designee will maintain a log of all subpoenas and received by the department. The log will contain the following elements:
 - a. Date and time the subpoena was received by the department (74.1.1a);
 - b. Type of subpoena, civil or criminal (74.1.1b);
 - c. Nature of the subpoena (Appearance, Records, etc.) (74.1.1c);
 - d. Source of the subpoena (74.1.1d);
 - e. Name of plaintiff/complainant or name of defendant/respondent (74.1.1e);
 - f. Communications Officer receiving the subpoena (74.1.1f, 74.1.2b);
 - g. Date subpoena notification was received by the appropriate employee (74.1.1g);
 - h. Department case number and court case number (74.1.1h);
 - i. Date service is due or the court date and time (74.1.1i);



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- j. Name of the employee being subpoenaed (74.1.2c);
2. When a subpoena is received by any member of the department, the subpoena will be given to the on-duty Communications Officer.
3. The on-duty Communications Officer will check the duty schedule for the subpoenaed employee.
4. If the subpoenaed employee is scheduled to work between the receipt of the subpoena and the court date, the Communications Officer will (74.1.2d & e):
 - a. Log the subpoena in the Subpoena Log;
 - b. Send an email with the information required in V.A.1 to the subpoenaed employee and their immediate supervisor; and
 - c. Stamp the paper subpoena with the Subpoena Stamp, initial and date the paper subpoena, and placed the subpoena in the employee's mailbox.
5. If the subpoenaed employee is not scheduled to work between the receipt of the subpoena and the court date, the Communications Officer will (74.1.2d & e):
 - a. Confirm from the schedule that the Operations Commander is scheduled to work (not on vacation or leave).
 - b. Log the subpoena in the Subpoena Log with a note that the employee is unavailable/not working and that the subpoena was forwarded to the Operations Commander.
 - c. Send an email with the information required in V.A.1 to the employee's immediate supervisor and Operations Commander with the first line of the email being, "Employee Not On-Duty." If the subpoenaed employee is the Operations Commander, the email will be sent to the Chief of Police.
 - d. Stamp the paper subpoena with the Subpoena Stamp, initial and date the paper subpoena, and place the subpoena in the Operation Commander's mail box.
- E. The Operations Commander will call the employee who is not on duty to inform them of the subpoena along with the date and time of their court appearance.
- F. Once the employee has been notified, the Operations Commander will note on the subpoena the date and time of the notification.
6. In incidents where the employee is not scheduled to work and the Operations Commander is not scheduled to work prior to the court date, the information regarding the subpoena will be forwarded to the Chief of Police.
7. Upon receipt of the paper subpoena, the employee for who the subpoena is issued will sign the subpoena and write the date and time of receipt. The employee will return the subpoena to the Records/Evidence Custodian to log and file. The Records/Evidence Custodian will log the date and time the employee received the subpoena (74.1.2a).
8. The Records/Evidence Custodian will check the log weekly for subpoenas that have not been signed and returned from employees. If a subpoena is outstanding for longer than seven days, the employee's supervisor will be

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notified by email. If a subpoena is outstanding for longer than 14 days, the Operations Commander will be notified by email.

9. Subpoenas issued for records will be processed as previously described and the email and paper copy will be sent to the Records/Evidence Custodian or designee.

B. Arrest Warrants

1. Arrest warrants issued by the Andover Municipal Court and received by the department will be entered in the department's Records Management System (RMS) and Kansas Hot Files by the Communications Officer on duty when the arrest warrant is received by the department. The date and time received by the department, the name of the defendant, the charge(s) and court issued warrant number will be noted in the RMS entry. Entries into Kansas Hot Files will be conducted in accordance with KCJIS rules and regulations and will include a 100-mile limit on extradition (74.1.3a & c, 74.1.1a, b, c, d, e, & h).
2. The original arrest warrant will be scanned into the RMS entry and filed in the records area of the department and be available for 24-hour access (74.1.3f).
3. The on-duty Communications Officer will remove warrants from Kansas Hot Files upon service of the warrant by this or another agency (74.1.3e).
4. Officers attempting to serve arrest warrants issued by the Andover Municipal Court will notify Communications of the attempted service. Officers will notify Communications of and the Communications Officer will log the date, time, and address of the attempted service as well as the name of the officer attempting service and the reason for non-service in the Warrant Module of RMS (74.1.1f & g, 74.1.2).
5. Only sworn employees will execute arrest warrants (74.3.2).
6. Arrest warrants will be executed within the limits of authority outlined in General Order O2302 Arrest/Notice to Appear and will remain active until the statute of limitations is reached (74.1.1i).

C. Civil Process

Service of civil process documents is a responsibility of the Butler County Sheriff's Office. When an officer comes into contact with a person who needs to be served with civil process documents, they will notify the Butler County Sheriff's Office to perform service of the documents (74.2.1).

D. Search Warrants

1. Officers will follow procedures for obtaining and executing search warrants as outlined in General Order O2515 Search and Seizure (74.3.1).
2. The date and time received, the nature of the search warrant, the issuing court, name of the suspect (if known), and the name of the officer the warrant is issued

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to will be listed on the warrant, a copy of which will be attached to the RMS case file associated with the case for which the warrant is being served (74.1.1a, c, d, e).

3. Upon service of the warrant, which must occur within 96 hours of issuance, a receipt will be prepared containing the items seized, if any, the officer(s) participating in the service and the date and time the warrant was served. The original receipt will be returned to the issuing court with the original warrant and a copy of the receipt will be attached to the RMS case file associated with the case for which the warrant was served (74.1.1f, g, l, 74.1.2).
4. If the warrant is not served within 96 hours of issuance, a receipt will be prepared listing the date and time service was attempted, if attempted, name of officer(s) attempting service, and reason for non-service. The original receipt will be returned to the issuing court with the original warrant and a copy of the receipt will be attached to the RMS case file (74.1.2a, b, c, d, e).
5. Court issued warrant numbers are assigned to search warrants after their return to the court. Officers will obtain the number and note it on the copies of the warrant and receipt before attaching it to the RMS case file (74.1.1h).