DIRECTIVE 74.1
LEGAL PROCESS RECORDS

Issue Date: 05/27/2020	By Order of Chief of Police
Rescinds: (Issue 07/24/2009) Pages: 4	CALEA Standards Referenced: 74.1.1; 74.1.2 & 74.1.3

This directive consists of the following sections:

74.1.1 Information, Recording
74.1.2 Execution/Attempt Service, Recording
74.1.3 Warrant/Wanted Person Procedures

POLICY AND PROCEDURE:

The functioning of the courts is affected by the prompt service of court documents. Thus, effectiveness and image of the judicial system are dependent, in part, upon the effective and timely service of court documents. Inadequate record keeping and/or inappropriate procedures may subject a law enforcement agency to litigation or liability. Miami Township Police Department shall provide for the effective and efficient processing and service of warrants directed to this agency for service.

All civil actions including the processing and serving of civil warrants are conducted by the Clermont County Sheriff's Office. Miami Township Police Department is not required to serve civil warrants or other civil papers.

74.1.1 Information, Recording

All arrest warrants received from Clermont County Municipal Court will be submitted to records personnel for validation. The validation of an arrest warrant will be based upon the accuracy and completeness of the warrant. Each arrest warrant will consist of an original arrest warrant, defendant's copy of the arrest warrant and a criminal complaint. Bench warrants will be certified copies.

Arrest warrants found to be invalid will have the reason for which they were found to be invalid attached and returned to the Municipal Clerk of Courts Office.

Validated arrest warrants will be promptly processed, placed in a service shuck and entered in the department's in-house computer system.

Information regarding each item of arrest warrant is recorded and includes the following elements:

- Date and Time Received
- Type of Legal Process
- Nature of Document
- Source of Document
- Name of Complainant and Name of Defendant
- Department Assigned for Service
- Date of Assignment
- Court Docket Number
- Date Service Due

Records personnel shall make a copy to be placed in the warrant file in records.

Processed arrest warrants will be placed in the warrant bins in the patrol room in the appropriate district where the defendant resides.

74.1.2 Execution/Attempt Service, Recording

Arrest warrant service shall be performed by sworn personnel 24/7. All sworn personnel are responsible for the service or attempted service of arrests warrant in their assigned district.

A record on the execution or attempted service of arrest warrants is maintained and includes:

- Date and Time Service was Executed or Attempted
- Name of Officer Executing or Attempting Service
- Name of Person on Whom Legal Process was Served
- Method of Service or Reason for Non-Service
- Address of Service or Attempt

74.1.3 Warrant/Wanted Person Procedures

Miami Township does not enter or remove warrants in regional, state or federal information systems. This is a function of the Clermont County Department of Public Safety. The Miami Township Police Department contracts with the Clermont County Department of Public Safety, which includes the data transmission systems which include: LEADS/NCIC. The Standard Operating Procedures of the Clermont County Department of Public Safety shall be followed regarding the following:

- Criteria for Entering Notices in Regional, State and Federal Information Systems
- Criteria for Receiving Information from other Agencies
- Recording Information in Agency Files
- Verifying Information
- Distribution of Information to Agency Personnel
- Cancelling Information

- 24-Hour Access

Criteria for Entering Notices in Information Systems

Information concerning active warrants will be recorded in agency files as previously mentioned through the in-house records management software.

Criteria for Receiving Information from other Agencies

Upon notification of an arrest warrant from another jurisdiction an officer, after verifying that the warrant is valid and active, shall:

- When the person named in the arrest warrant is in their possession, take the person into custody after making arrangements with the agency who shall make service of the arrest warrant and will be taking custody of the person that is to be arrested.
- When the person named in the arrest warrant is in their possession, take the person into custody and issue a recite, if the agency requests the officer to do so.

If officers are requested to make service on a warrant of a person not in their custody, the officer shall make a reasonable attempt to do so. Officers shall document in writing their activities in verification of and service or attempts at making service on such warrants. The Clermont County Department of Public Safety shall require a teletype confirmation or copy of the warrant, verifying that a warrant exists and detailing the information of the person to be arrested before making service on such warrant.

Recording Information in Agency Files

Records personnel shall enter validated warrant information on warrant shucks and in the in-house records management software.

Cancelling Information

If cases where warrant service is made, officers shall be responsible for notifying the Clermont County Department of Public Safety of service so that the removal of warrants in regional, state or federal information systems occurs. Officer shall also:

- Physical Arrest – Indicate the execution of service on the warrant shuck, place the shuck in the pending approval paperwork bin.
- Summons in Lieu of Arrest – Indicate the execution of service on the warrant shuck, place the shuck in the pending approval paperwork bin with the summons endorsement/executed warrant by summons attached.
- Recite Issuance - Indicate the execution of service on the warrant shuck, place the shuck in the pending approval paperwork bin with the new misdemeanor summons attached.

In cases where service is not made officers shall be responsible for placing the shuck in the pending approval paperwork bin with all included documents within the shuck.

Records personnel shall do the following:

- Return the Summons in lieu of arrest document or recite summons to the Clermont County Clerks of Court.
- In cases where service was not made, records personnel shall return the original warrant with the reason for non-service indicated to the Clermont County Municipal Court.
- Update the in-house computer records management software with service or non-service information obtained from warrant shuck.

Requiring 24-Hour Access to Warrants

Processed arrest warrants will be maintained in the district car assigned or the patrol area, accessible to department personnel 24-hours a day.