

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 74.1

RECORDS

ISSUED APRIL 2006

74.1.1 Maintenance of Warrants

Criminal and Traffic Warrants

The Services Division Fugitive Warrants Detail is responsible for processing and maintaining all warrants from Superior or Traffic Court that have been issued for criminal or traffic offenses that fall within the City of Santa Clara jurisdiction. A warrant tracking in-house computer system shows all warrants received by this agency and the status of each one.

Original warrants will be filed and available for verification 24 hours a day, 7 days a week.

- Monday through Friday, 7 a.m. to 4:30 p.m., Records Specialists assigned to Warrants will maintain warrant files.
- Monday through Friday, 4:30 p.m. to 7 a.m. and weekends/holidays, the Services Division Records staff will maintain warrants.

74.1.2 Legal Process

Subpoenas/Citations

Superior Court subpoenas, as well as other City Department citations (Fire, Planning, Code Enforcement, etc.) will be delivered to the Community Service Officer in Investigations.

These criminal process documents will be entered on a Subpoena/Citation log that includes the following information:

- Date and time received
- Type of subpoena/citation
- Name of witness/defendant/complaint
- Nature and source of document
- Date of assignment (for service)
- Citation number/court docket number
- Date service due
- Officer and Date of Assigned Service

The Community Service Officer will be responsible for the service of subpoenas. Subpoenas will be delivered to a Patrol Sergeant, who will arrange for them to be properly served at the earliest possible time. After action is completed, the documents will be returned to the Investigations CSO who will log in the action taken, and return the items to the appropriate offices/courts/investigators.

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A record on the service/attempted service of legal process documents is maintained by both the Warrants Unit and the Investigations CSO, and includes:

- Date and time service was executed/attempted;
- Name of officer(s) executing/attempting service;
- Name of person on whom legal process was served/executed;
- Method of service/reason for non-service; and
- Address of service/attempt

Most Santa Clara County court appearance dates for sworn agency personnel are delivered to the department by electronic mail on a daily basis. The Traffic clerk and Investigations CSO are responsible for delivering these notifications to the appropriate supervisor in a timely manner.

Warrants

Warrants staff will receive all Superior and Traffic Court warrants that are issued as a result of Santa Clara Police Department investigations/incidents.

The warrant information will be entered into Tiburon, and an electronic tracking number will automatically be assigned at that time. Further entry into the DOJ, WPS and AWS system will be accomplished at this time.

All CJIC warrants will be activated at this time. Activation is required for service to occur.

This information entered into the in-house computer system will include at least:

- Date warrant was processed
- Charge
- Nature of document (Arrest or Bench Warrant)
- Name of defendant
- Source of document (Court)
- Court docket number
- Bail amount
- Court control numbers
- Issuing Judge
- Issue date

Each warrant shall be placed into a file folder, and may be assigned to the Field Operations for service. As attempts are made to serve the warrant, they will be recorded on a Warrant Attempt Service form and the files will be updated as to due diligence by the Warrant staff.

When an arrest warrant is received, a warrant worksheet form will be routed to the investigator responsible for the case, and that person shall provide updated personal information on the wanted suspect. This information will be entered in the in-house computer system, and will be provided to the Warrants detail to assist in the service of the warrant.

Other Legal Processes

Civil Process Papers

The Santa Clara County Sheriff's Department, as required by law, handles the civil process.

Legal Process Function Funds

The Santa Clara Police Department does not maintain or disburse funds for the service of legal process. No accounting system has been created for this purpose.

74.1.3 Attempted Legal Process Service

Subpoenas

Officers who have subpoenas/citations to be served will complete an "Attempted Subpoena/Citation Service Form" that is attached to each subpoena/citation. The form will be completed after each separate attempt and shall include:

- Address of attempted service
- Date and time service/attempt
- Method of service (personal or mail)
- Name of person served/attempted service
- Officer attempting/executing service
- Reasons for non-service (e.g., not at home)

If, within 10 days, the subpoenas/citations remain unserved for a substantive reason, (i.e., person has moved, no forwarding address), they shall be returned to the assigning clerk or CSO's desk. The investigator will be informed of the non-service, and attempts will be made to secure more current information on the whereabouts of the person for whom the subpoena was issued. Unissued citations may be returned to the City Department from whom they were sent if they couldn't be served.

Warrants

The original warrant and worksheet is to remain in the active Warrants filing cabinet until it is served or is recalled.

All warrants will be initially assigned to the Warrants Officers, Field Operations, or the case investigator for service. Depending on the seriousness of the crime, urgency involved, amount of bail, etc., the Operations Division may be asked to help in service of the warrant. The Special Enforcement Team (SET), or the Specialized Crimes Action Team (SCAT), may be utilized for this purpose.

If it is determined that the wanted person is not within the local Bay Area, Warrants personnel will request an attempt for warrant service by the police agency in which the jurisdiction falls, if

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the address is listed on the warrant. If it is determined that the wanted person has moved to another jurisdiction and the new address is known, the assigned officer will request an attempted warrant service by the jurisdiction.

A copy of the request for attempted service will be attached to the Warrant Attempt Service form and filed in the active warrant packet until the warrant is either served or recalled. The Warrant Attempt Service form will be annotated with service/attempted service information as set forth in this section.

If the subject no longer lives in the Santa Clara Police Department jurisdiction and no new address is found, this will be so noted on the Warrant Attempt Service form and the warrant will be re-filed in the active warrant file until it is either served or recalled.

74.1.4 Legal Process Service

Subpoenas/Citations

The Community Service Officer or Traffic Clerk will return Subpoenas/citations that have been served to the point of origin.

Warrants

The officer serving the warrant will attach it to the arrest/booking form.

The Warrant Detail will remove the warrant information from the active warrant file folder, and note on the Warrant Worksheet the date served, name of server, and agency of server. The original copy of the warrant may be sent with the arrestee if he/she is further booked into County Jail. All electronic entries, both local and Federal, will be immediately updated and/or removed from the various Wanted Person databases.

Related documentation on served or recalled warrants are retained by the Warrants Detail two years from the month of service. The unit also retains inactive Warrant Worksheets for the two-year period.

74.1.5 Legal Process Service / Foreign Jurisdictions

In cases where Santa Clara Police Department personnel serve an arrest warrant for any other outside agency, an electronic notification of the service will be sent to the originating agency.

Conversely, when an outside jurisdiction requests confirmation of a locally held Santa Clara PD warrant, Warrants or Records personnel will electronically confirm information as requested.

Police officers having warrants (including search and arrest warrants) in other California jurisdictions may contact that jurisdiction's law enforcement agency and advise them of the investigation and pending warrant. The investigating Santa Clara officer may request a law

enforcement officer from the local jurisdiction serve the warrant. The Santa Clara officer will advise and assist the officers of the foreign jurisdiction.