

Geneva Police Department <b>GENERAL ORDERS</b>		<b>LEGAL PROCESS</b>	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 61.2-3 <input type="checkbox"/> amends:		<b>cross-reference:</b> G.O. 500; G.O. 510; G.O. 712  <b>Accreditation/Recognition standards:</b> C.A.L.E.A.: NYS L.E.A.P.: 8.12; 8.13	
<b>effective date:</b> 5.18.05	<b>issue/amend date:</b> 5.18.05 / 3.24.15 / 5.19.20 / 1.21.21		

<b>I. PURPOSE</b>	The purpose of this General Order is to establish and describe policies and procedures for the receipt, documentation, and service of legal process.
<b>II. DEFINITIONS</b>	<p><b>A. <u>Legal Process</u></b> - Any item of civil or criminal process that is valid on its face and is to be served by the Department.</p> <p><b>B. <u>Arrest Warrant</u></b> - “A warrant of arrest is a process issued by a local criminal court directing a police officer to arrest a defendant designated in an accusatory instrument filed with such court and to bring him before such court in connection with such instrument. The sole function of a warrant of arrest is to achieve a defendant’s court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.” New York Criminal Procedure Law (CPL), § 120.10-1.</p> <p><b>Note:</b> The procedures in this order apply to all warrants requiring the arrest of a person, including arrest warrants, bench warrants, and indictment warrants. The terms, “arrest warrants” or “warrants,” as used in this order, will apply to all such warrants.</p> <p><b>C. <u>Civil Process</u></b> - Those writs, summonses, mandates, or other orders issued from a court pertaining to a cause of action of a civil nature, e.g., warrants of eviction, order to seize property.</p>
<b>III. POLICY</b>	<p><b>A.</b> It is the policy of the Geneva Police Department to bring about the efficient and timely execution and service of warrants and other legal processes, while documenting all attempts of execution in order to conform with New York State Criminal Procedure Law (NYSCPL) § 30.30 (due diligence/timely).</p> <p><b>B.</b> The Geneva Police Department will conform to applicable standards in serving arrest warrants.</p>
<b>IV. ADMINISTRATIVE PROCEDURES</b>	<p><b>A.</b> The Department’s Civil Officer (C.O.) shall be responsible for administrative management and control of arrest warrants. The C.O. has primary responsibility for all legal process functions involving arrest warrants received by the Department.</p> <p><b>B. <u>Civil Officer’s Responsibilities</u></b></p> <p>The duties and responsibilities of the C.O. include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Processing warrants received by the Department to include:       <ol style="list-style-type: none"> <li>a. Entering warrant information into eJustice and the Department’s current Records Management System (RMS);</li> <li>b. Copying and assembling the necessary paperwork for Warrant Jackets;</li> </ol> </li> </ol>

**IV.  
ADMINISTRATIVE  
PROCEDURES  
(CONT.)**

**V. WARRANT  
PROCESSING AND  
RECORDKEEPING**

- c. Conducting periodic surveys, in cooperation with the Ontario County District Attorney's Office, of outstanding warrants held by the Department in order to identify and purge documents which are out-of-date, or cannot be executed.
- d. Act as the Department liaison with other criminal justice agencies when sending or receiving warrants;
- e. Prepare arrest packets for court, prepare scheduled court files for court sessions: and
- f. Other duties as directed.

**A. Availability of Arrest Warrants**

1. Original active criminal warrants (arrest, bench or indictment) are available to Department personnel on a 24-hour basis via the warrant file located in the Communications Center, which is accessible to Department personnel.
2. Information regarding these warrants is also available to Department personnel or other law enforcement agencies on a 24-hour basis via the E911 Center and eJustice which includes a National Crime Information Center (NCIC) interface.
3. Information on the existence of active criminal warrants from other jurisdictions can be obtained by personnel on a 24-hour basis from eJustice.

**B. Processing Procedures**

1. The C.O. will retrieve warrants issued by Geneva City Court on a daily basis. All other criminal warrants received by the Department by mail, fax, e-mail or other means will be forwarded to the C.O. for processing.
2. Upon receipt, the C.O. will:
  - a. Enter the warrant information into the RMS, and note the Warrant Control Number generated by the RMS, on the warrant jacket. Personnel entering information into the RMS, will verify the information on the warrant and if records exist in the system. Any discrepancies (e.g., name, DOB, SSN, etc.) will be brought to the attention of an on-duty Supervisor, and if necessary, City Court personnel, to ensure accurate information is provided to personnel serving the warrant(s).
  - b. Obtain the subject's file history from the RMS, to include an address history, to be included in the Warrant Jacket.
3. eJustice Warrant File Procedures:
  - a. A Warrant File will be sent through eJustice on all warrants processed by the Department. If a warrant does not have sufficient information to complete a Warrant File, the C.O. will attempt to obtain the necessary information and may request assistance from other Department personnel in obtaining the required information.
  - b. The C.O. or other assigned personnel entering a Warrant File into eJustice will use the appropriate extradition codes as designated by the District Attorney's Office.
    1. Any questions concerning the proper extradition code will be directed to the C.O. or the District Attorney's Office if necessary.

**V. WARRANT PROCESSING AND RECORDKEEPING (cont.)**

**4. Warrant Jacket Preparation**

- a. Once all the necessary information has been entered into the RMS, eJustice, and the necessary criminal history inquiries have been run, the C.O. will assemble a Warrant Jacket for service.
- b. The C.O. will enter as much information as possible on the Warrant Jacket, including any Officer safety warnings.
- c. The following documents will be included in the Warrant Jacket:
  1. Original copy of the warrant, if available;
    - i. Copy of Charging Documents for Centralized Arraignment (Felony complaint, Misdemeanor or Violation level Informations, and **ALL** Supporting Documentation: Declaration of Delinquency, supporting documents for VOP's and other Bench Warrants.);
  2. A copy of the eJustice Wanted message;
  3. If the warrant is for continuation of proceedings, a copy of the original Arrest Report, if available;
  4. Any available information indicating a safety risk or history of violence and/or weapons possession by the defendant;
  5. A photo of the defendant (if available).
5. Once the Warrant Jacket has been prepared, it shall be filed with the other active warrants for service by the patrol force, unless otherwise directed. The C.O. will prepare a list of all new warrants entered into the system to be posted with the warrant file in Communications.
6. **Upon completion of the above duties, the C.O. will check all documents and computer entries to ensure accuracy of all information.**

**VI. WARRANTS TRANSFERRED TO OTHER AGENCIES**

**A. Transferring Warrants**

1. The C.O. will forward active warrants to other criminal justice agencies as necessary using the following procedures:

**Note:** If the C.O. is not on duty and a warrant must be transferred to another agency for immediate service, an on-duty Supervisor, or their designee, will perform the duties as specified below.

  - a. The C.O. will obtain a copy of the accusatory instrument that underlies the warrant. The accusatory instrument will be attached to the warrant for arraignment purposes. (CPL §120.90)
  - b. The C.O. will prepare a fax coversheet and obtain any other additional information that may be necessary for transmittal with the warrant.
  - c. Once the warrant and additional information, if any, has been transferred, the C.O. will enter the information on the Warrant Jacket and place copies of the information transferred in the Warrant Jacket.

**VII. WARRANTS RECEIVED FROM OTHER AGENCIES**

**A. Warrant Received from Outside Agencies**

1. The on-duty Supervisor will receive outside warrants via e-mail on eJustice.
2. The Warrant and eJustice Wanted Message will be printed and attached to the clipboard for Muster Room review by Patrol Officers.
3. General Considerations  
**Note:** In exigent circumstances involving a serious or violent offense, personnel may accept a warrant for service prior to eJustice entry. In such cases, no attempts to serve the warrant will be made until the Department receives a copy of the warrant by fax or otherwise. Also, personnel must obtain the name, agency affiliation, and title of the official requesting service of the warrant and request that it be entered into eJustice as soon as possible.
  - a. The warrant must have sufficient information (e.g., the name, race, physical description, DOB, last known address) to effectively execute the warrant, otherwise the warrant will not be accepted for service.
  - c. If the minimum requirements are not met, a Supervisor or C.O. will contact the requesting agency to receive the need information.
4. The C.O. will be responsible for obtaining the endorsement of a City Court Judge on warrants from within New York State, but outside Ontario County or the adjoining Counties. (CPL §120.70)
5. The C.O. will ensure that the warrant is addressed to a Police Officer of the Geneva Police Department on its face, or bears a delegation from a member of the forwarding agency prior to execution. (CPL §120.60)
6. The C.O. will be responsible for handling a warrant obtained under the provisions of CPL §570.32, when the warrant is received from another State.
7. A diligent effort will be made to serve the warrant in a timely manner.
8. All Warrants faxed to this Department for execution shall follow the same considerations as above.

**VIII. LEGAL REQUIREMENTS**

- A.** For guidance on the authority to enter a private premises to serve an arrest warrant, *see G.O. 712 Warrantless Searches and Seizures, §IV*. In the event a search warrant is needed to enter a private premise(s), Officers should be guided by CPL, §120.80-4.
- B.** Pursuant to CPL Article 120 the following legal requirements apply to the execution of arrest warrants:
  1. A warrant of arrest may be executed on any day of the week and at any hour of the day or night. CPL §120.80-1
  2. Unless encountering physical resistance, flight or other factors rendering normal procedure impractical, the arresting police officer must inform the defendant that a warrant for his arrest for the offense designated therein has been issued. CPL §120.80-2.
  3. If the Officer is authorized to enter premises without giving notice of his authority and purpose, or if after giving such notice he is not admitted, he may enter such premises, and by a breaking if necessary. CPL §120.80-5.

**VIII. LEGAL REQUIREMENTS (CONT.)**

4. Upon request of the defendant, the Officer must show him the warrant if he has it in his possession. The Officer need not have the warrant in his possession, and, if he has not, he must show it to the defendant upon request as soon after the arrest as possible. CPL §120.80-2.

**Note:** Officers are not required to have the warrant in their possession when serving the warrant and arresting the defendant. The defendant does have the right to see the warrant upon request but this may be done during the booking process.

5. Officers will familiarize themselves with and adhere to CPL Article 120, which contains legal requirements and procedures for arrest warrants.

**IX. WARRANT EXECUTION**

- A. The arrest of individuals for whom the Department holds an active warrant is the responsibility of **all** sworn personnel. **Only sworn personnel will effect the arrest of wanted individuals.**
- B. The patrol force has the primary responsibility for the physical execution of warrants held by the Department.
- C. Any information developed concerning an individual who is wanted, will be entered on the Warrant Jacket by the personnel obtaining the information. Officers will attempt to develop information on the wanted subject's location to facilitate the execution of the warrant(s).
- D. The on-duty Supervisor(s) will normally assign warrants to Officers for service. Individual Officers may also attempt to serve warrants during their tour-of-duty.
- E Personnel assigned to serve, or attempting to serve, warrants will take the Warrant Jacket(s) or unprocessed warrant(s) with them.
  1. As service of the warrant is attempted, personnel will create a Call for Service and enter the attempt of service and any new information learned about the subject on the Warrant Jacket.
  2. If service of the warrant is not accomplished, the Warrant Jacket will be returned to the appropriate file by the personnel who removed the file. **UNDER NO CIRCUMSTANCES WILL WARRANT JACKETS OR WARRANTS BE LEFT IN ANY POLICE VEHICLE, PERSONAL DUTY BAGS, OR OTHER AREA WITHIN THE DEPARTMENT.**

**X. APPREHENSION PROCEDURES**

**A. Warrant Checks**

1. When Department personnel encounter an individual they believe may be wanted by the Department or other law enforcement agency, they shall contact the E911 Center and request that a warrant check be completed for local records, eJustice, or both.
2. If an active warrant is confirmed for a Department-held warrant, the on-duty Supervisor will check the warrant file drawer to ensure that the warrant is still active, and that the actual warrant is available to be served. **If the actual warrant cannot be located, or there is any discrepancy in information, do not arrest the individual.**

**X. APPREHENSION PROCEDURES (CONT.)**

a. **If there appears to be discrepancies in information, personnel will consult with an on-duty supervisor and the C.O., if available, prior to arresting a subject on the warrant.**

3. Confirmation or "HITS" obtained on warrants held by other agencies will be processed as set forth in this Order.

**B. Apprehension on a Department Warrant by Department Personnel**

When a subject is arrested on a Department-held warrant the following procedures will be adhered to:

1. Arresting Officer

a. The arresting officer will complete the necessary paperwork to document and process the arrest, as set forth in **G.O. 500 - Arrest Procedures** and book the subject as expeditiously as possible. **See G.O. 510 Prisoner Booking and Detention Procedures.**

i. Upon completion of the booking process, the warrant and all required paperwork will be placed in the C.O.'s tray in Communications, unless City Court is in session at which time the subject will be arraigned and all paperwork forwarded to the C.O.

ii. The arresting officer will also ensure that the front of the warrant jacket is filled out properly with the Arrest #, date and time of arrest and Officer's initials.

2. On-Duty Supervisor

a. The on-duty Supervisor will ensure that the warrant has been canceled in eJustice.

b. The On-duty Supervisor will also ensure that the eJustice Warrant Cancel Record is printed and filed for C.O. follow-up.

**C. Apprehension on a Department Warrant by Another Agency**

1. When Department personnel are notified that an outside agency has a subject wanted on a Department-held warrant, the following procedures will be adhered to:

a. Personnel will obtain a contact name and telephone number from the apprehending agency.

b. Personnel will verify that the warrant is still active and is available for service. Personnel will also verify the extradition code.

c. Personnel will notify the on-duty Supervisor and advise them of the warrant and whether or not the extradition is required.

1. If the subject is outside the extradition code, an on-duty Supervisor will determine whether the Department will or will not retrieve the subject and advise the E911 Center to notify the apprehending agency of same.

**X. APPREHENSION PROCEDURES (CONT.)**

2. If the extradition code indicates that the Department will retrieve the subject, the on-duty Supervisor will see that the following is inquired of the apprehending agency:
  - a. Whether the subject is being held on the warrant only, or if local charges are pending;
  - b. If outside New York State, whether the subject will waive extradition; or
  - c. If in New York State and the offense is other than a felony, does the subject want to be arraigned or post bail (*See* CPL 120.90)

**Note:** In felony cases, the District Attorney and Chief of Police must be consulted if the subject is arrested outside of New York State.

3. If the decision is made to retrieve the subject, personnel will advise the apprehending agency of an approximate time that the pick-up will occur.
4. Hit Confirmation Procedures
  - a. The on-duty Supervisor will adhere to the eJustice Hit Confirmation procedures when the decision is made to retrieve a subject wanted on a Department-held warrant.
  - b. Personnel will fax a copy of the warrant to the apprehending agency as soon as possible after the Hit Confirmation has been completed.

**D. Apprehension of a Subject Wanted on a Warrant from Another Agency**

1. Copy of warrant is filed with the Geneva Police Department (GPD)
  - a. If a subject is apprehended on a warrant that is from an outside agency, the arresting Officer will process the subject in accordance with the procedures set forth in this Order, to include verifying the warrant is still active.
  - c. While the subject is being processed, the on-duty Supervisor will see that arrangements are made with the agency holding the original warrant to retrieve the subject.
2. No warrant on file
  - a. The officer detaining the subject will request that the E911 Center contact the agency holding the warranted to verify:
    1. The warrant is still active and provide whatever details are required to establish the subject being detained is in fact the wanted individual;  
**AND**
    2. Whether or not the agency will extradite the subject.
  - b. If the agency holding the warrant verifies the warrant and **will not** extradite, the subject **will be immediately released** if there are no local charges pending.

**X. APPREHENSION PROCEDURES (CONT.)**

- c. If the agency holding the warrant verifies the warrant and will extradite, personnel will advise an on-duty Supervisor, who will see that the agency is contacted and:
  - 1. Advise the agency of any local charges;
  - 2. Request a copy of the warrant and associated paperwork be faxed to the Department; and
  - 3. Attempt to determine when and where the agency will pick up the subject.
- d. Hit Confirmation Procedures
  - 1. The on-duty Supervisor will adhere to the eJustice Hit Confirmation procedures when the decision is made to retrieve a subject wanted on a Department-held warrant.

**XI. OTHER LEGAL PROCESSES**

**A. Criminal Summons – CPL Article 130.00**

- 1. A Criminal Summons is a procedure that is used by a criminal court in response to the filing of an accusatory instrument charging any offense and may be issued in any case in which the court is authorized to issue an arrest warrant. A Criminal Summons must be served upon a defendant personally by a police officer and may be served anywhere within the county of issuance or an adjoining county.
- 2. Criminal summonses issued by City Court are received by the C.O., recorded, and turned over to Records Bureau personnel who will attach a certificate of service and enter the summons into a record book. Once completed, the criminal summons will be turned over to the duty Supervisor for execution. Upon execution, the certificate of service will be forwarded to the Records Bureau for recording and the C.O. notified as to same.

**B. Subpoenas, Family Court Summons and Orders of Protections**

- 1. Upon receipt of a subpoena, Family Court summons, or order of protection, by whatever means, it should be forwarded to Records Bureau personnel, who will attach a certificate of service and enter it into a record book.
- 2. After entry, the subpoena, Family Court summons, or order of protection will be given to the duty Supervisor for assignment.
- 3. If service is successfully accomplished, Call for Service and a certificate of service will be completed by the Officer and forwarded to the Records Bureau for documentation.
  - a. It is expected that an Officer receiving a subpoena, Family Court summons, or order of protection for service will make at least one (1) attempt to serve it during their tour-of-duty. In the event that the Officer is unable to make service, the subpoena, Family Court summons, or order of protection is to be returned to the Supervisor who assigned same, who will then forward the paperwork to the on-coming shift supervisor for reassignment. All attempts of service shall be noted on the certificate of service and initialed by the Officer attempting same.



**XI. OTHER LEGAL PROCESSES (CONT.)**

b. Personnel may receive a subpoena either directly or through the GPD, notifying them that their attendance at a court proceeding has been ordered by the District Attorney’s Office, another prosecutor, or by an attorney for the defendant. If received directly, upon receipt of the subpoena, personnel shall advise their immediate Supervisor in order that the chain of command is aware of the subpoena and a copy forwarded to the Record’s Bureau for filing. In the event personnel receive a subpoena on behalf of a defendant in a criminal matter, the District Attorney’s Office shall also be advised.

**C. Orders of Eviction**

1. All orders of eviction are received by Records Bureau personnel who will record them and then forward them to the C.O. or other assigned personnel for service.
2. Upon service, the respondent will be given the Notice of Eviction documents advising them of the “14 Day Notice of Eviction” date (**including** Holidays and/or Weekends) that they must vacate the premises by. A copy of the Notice of Eviction with that date will be completed by personnel issuing it and be forwarded to Record’s Bureau personnel.
3. Upon conclusion of the “14 Day Notice of Eviction”, personnel will check the premises to ascertain if the respondent did vacate the property. At that time, a Return Form for Eviction will be completed and the Landlord-Petitioner placed in full possession of the property.

Approved By

**MICHAEL J. PASSALACQUA**  
*CHIEF OF POLICE*