



UW-Madison Police Department

Policy: 74.1

SUBJECT: LEGAL PROCESS

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STANDARD: CALEA 74.1.1 -74.3.2

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POLICY:

The University of Wisconsin–Madison Police Department shall provide prompt service of court-initiated criminal process documents.

DEFINITIONS:

“Criminal process” refers to writs, summonses, mandates, warrants, or other process issuing from a court of law compelling a person to answer for a crime. The term also includes process issued to aid in crime detection or suppression, such as search warrants.

“Legal process” refers to any item of civil or criminal process, whether original, intermediate, or final that is valid on its face and is to be served or executed by the law enforcement agency.

PROCEDURE:

74.1.1 LEGAL PROCESS

The following procedures shall govern the recording of legal process information:

- A. The Department shall be responsible for the execution of criminal process. Pursuant to state statutes, the county sheriff shall be responsible for performing duties related to civil legal process, to include: issuing subpoenas; seizing real or personal property; conducting evictions; and serving writs or other court orders.
- B. Information regarding each item of criminal legal process shall be recorded and include the following elements: date and time received; type of legal process; nature of the document; source of the document; name of plaintiff/complainant or name of defendant/respondent; officer assigned for service; date of assignment; court docket number; and date service due. Record entries may be cross-referenced so that information can be retrieved by means of the court’s docket number and by the names of the parties to the action.

74.1.2 EXECUTION OF LEGAL PROCESS

The following shall outline the Department record of execution or attempted service of warrants:

- A. An officer attempting to serve any legal process will complete, at minimum, a disposition indicating the attempted execution of the process. The case disposition shall reference the original case number and include the following elements: date and time service was executed or 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.
- B. An officer executing any legal process will complete an incident report detailing the execution. The incident report shall reference the original case number and include the following elements: date and time service was executed or 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.

74.1.3 WARRANT FILES

The following establishes procedures for the Department wanted persons file:

- A. The Department participates in the Crime Information Bureau (C.I.B.) and the National Crime Information Center (N.C.I.C.) systems, which maintain computerized Wanted Persons Files. These Wanted Persons Files contain personal descriptors and identifiers for persons who are being sought by law enforcement. Criteria for entry in the C.I.B. Wanted Persons File include:
 - 1. An individual (including a juvenile) for whom a felony or misdemeanor warrant is outstanding.
 - 2. Probation and parole violators meeting criterion "1" above.
 - 3. An individual for whom the Department wishes to enter a Temporary Wanted Person record. (This entry may be needed when a law enforcement agency needs to take proper action to apprehend a person who has committed, or the officer has reasonable grounds to believe has committed, a felony or misdemeanor.)
 - 4. An individual for whom a John or Jane Doe warrant for homicide has been issued.
- B. The Department may attempt to serve wanted person warrants from other jurisdictions provided the warrant is entered in the C.I.B. and/or N.C.I.C. systems.
- C. The Transaction Information for the Management of Enforcement (T.I.M.E.) System Reference Manual guidelines will be followed when verifying wanted persons' information.
- D. The T.I.M.E. System Reference Manual guidelines will be followed when canceling wanted person entries.

74.1.4 EXECUTION OF CRIMINAL PROCESS

The following procedures shall govern the execution of criminal legal process:

- A. Criminal legal process, as it pertains to this Department, shall include serving arrest warrants, executing search warrants, and issuing court summonses.
- B. Officers shall adhere to all constitutional, statutory, and Departmental requirements, especially those pertaining to the use of force, when serving criminal legal process documents.
- C. Officers shall serve all types of criminal legal process within jurisdictional boundaries. Such process may be served outside normal boundaries. The affected law enforcement agency should be notified prior to serving criminal legal process in another jurisdiction, whenever possible.
- D. Criminal legal process issued within Department jurisdiction shall have service attempted as soon as possible following receipt. Such legal process may be served during any hour of the day or night.
- E. Applications for arrest and search warrants shall be based on probable cause. Affidavits shall be made in writing and signed under oath by the affiant.
- F. Court-issued summonses may be obtained or issued in lieu of arrest warrants when deemed appropriate by prosecuting officials.
- G. Criminal legal processes shall be filed with the Clerk of Court as soon as possible. Any such processes obtained after normal working hours shall be filed during the next regularly scheduled workday or within the time frame described for the process.
- H. The shift supervisor or officer in charge shall be immediately notified when there is an issue of immunity from arrest. Federal, state and/or University resources should be utilized to verify the current status and applicability of immunity claims.
- I. Arrest warrants shall be executed by sworn law enforcement officers only. Statutory mandates, combined with the broader potential civil liability for citizens who effect arrests, make this procedure essential. Officers executing an arrest may summon as much assistance from civilian personnel as deemed necessary.