



ACTON POLICE DEPARTMENT

DEPARTMENT MANUAL; P&P: Operations		
POLICY & PROCEDURE # 1.34	DATE OF ISSUE: 1/28/2024	EFFECTIVE DATE: 2/9/2024
SUBJECT: SERVICE OF LEGAL PROCESS	ISSUING AUTHORITY: Chief James Cogan	
REFERENCE(S): Massachusetts Police Accreditation Commission # 74.1.1; 74.1.2	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS	

I. POLICY

- A. An important function of law enforcement is the service of legal process in support of the judicial function. Criminal and Civil process consists of restraining orders, harassment orders, summonses, subpoenas, arrest warrants, and any search warrants relating to a criminal case that are issued by any court of law within the Commonwealth; and which are sent, delivered, carried or otherwise conveyed to our Department to be served or executed upon the person or place named within.
- B. Since the functioning of the courts is affected by the prompt service of these documents and since the Department has certain legal responsibilities regarding time factors and arrests, it is necessary to have precise and appropriate record-keeping procedures to minimize potential litigation and liability.
- C. This accountability and record-keeping encompass the execution of all legal processes and that duty is shared throughout the agency.

II. PROCEDURE

- A. Any summons, restraining order, harassment order, or subpoena which is received by the Acton Police Department for service, whether issued by the court on behalf of our Department or for another agency, shall be handled promptly and executed as reasonably as possible.
- B. Upon receipt of said documents, the Supervisor or his/her designee shall cause the document to be entered into records management in the Department computer system. The supervisor or his/her designee shall then review the records management system confirming the time and date the paperwork was received, the expiration date of the order, the type of order, and who the paperwork was assigned to for service.
- C. Summonses: It is the responsibility of the Patrol Shift Supervisor at the beginning of each shift, to review all summonses and other documents scheduled to be served. The Patrol Shift Supervisor shall assign an officer to complete that service during his/her tour of duty. **[74.3.1(2C)]**

- D. The officer assigned shall make every attempt to serve the process during that assigned shift. When an attempt to serve is made, the officer shall advise dispatch to create an incident number and shall have it noted: [74.3.1(2C)] [74.1.2(1)]
 - 1. Date and time service was executed/attempted, [74.1.2(2A)]
 - 2. Name of officer(s) executing/attempting service, [74.1.2(2B)]
 - 3. Name of person on whom legal process was served/executed, [74.1.2(2C)]
 - 4. Method of service/reason for nonservice, and [74.1.2(2D)]
 - 5. Address of service/attempt. [74.1.2(2E)]
- E. When the service is made, the officer shall immediately notify the dispatcher of service and the officer shall complete the return of service on the document. Also, an incident report shall be filed.
- F. When the process has been served, the Patrol Shift Supervisor shall ensure that an entry is made into the records management system. The information recorded shall include the following: [74.1.1(1)]
 - 1. Date and time received. [74.1.1(1A)]
 - 2. Whether the process is criminal or civil. [74.1.1(1B)]
 - 3. Nature of the process or document (summons, restraining order, harassment order). [74.1.1(C)]
 - 4. Source of the document (Court). [74.1.1(D)]
 - 5. Name of the plaintiff-complainant and the name of the defendant-respondent. [74.1.1(E)]
 - 6. The officer assigned to the service. [74.1.1(F)]
 - 7. Date of the assignment. [74.1.1(G)]
 - 8. Court docket number. [74.1.1(H)]
 - 9. Date service is due. [74.1.1(I)]
- G. If any officer is unable to serve a criminal or civil process he/she has been assigned, that process shall be returned to the Patrol Shift Supervisor at the end of the officer's tour of duty. All un-serviced legal processes shall be kept on the roll call board so that they can be readily examined and assigned by the Patrol Shift Supervisor.
- H. Whenever a Patrol Shift Supervisor receives an un-serviced legal process, it should be assigned to the oncoming Patrol Shift Supervisor for immediate service.

SERVICE OF LEGAL PROCESS INFORMATION

History: Manual I, Section III.