



AE11

**LEGAL PROCESS –
WARRANTS/SUBPOENAS/SUMMONS**

AE11

Effective Date: 01 February 1997
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POLICY

1. The Delta Police Department (“Department”) central records will:
 - a) establish and maintain a standard process for the completion, classification, management, retention and disposition of:
 - i) warrants and wanted persons files;
 - ii) information regarding the legal process; and
 - iii) information regarding service or execution of legal process documents;
 - b) govern the receipt, disbursement and audit of funds administered for the legal process function.
2. Members will attempt to serve all Court documents, such as subpoenas or summons, that are assigned to them directly or through follow-up on the respective individual(s) in a timely, effective and professional manner.
3. The Department will track court document service actions through the PRIME Records Management System (RMS).

REASON FOR POLICY

4. To provide and maintain consistent standards and processes for the completion, classification, retention, indexing and disposition of all Department legal process documents.
5. To ensure that the administration of justice is served and that all individuals who are required to attend Court are notified, as much as is practicable, well in advance of the Court date.



DEFINITIONS

Law Enforcement Notification (LEN) - a notice requiring a police officer to attend to Court.

subpoena - a Court Order to a witness compelling their attendance to appear at a specific time and place to give testimony in regard to a Court proceeding.

summons - a Court Order to a person charged with an offence, requiring that person to attend Court on a specified date and time to answer or respond to the charge.

warrant – a Court Order directed to a police officer or other proper person to arrest a person named therein who is charged with committing an offence.

PROCEDURES

Document Service

Subpoena and Summons

6. Criminal Court subpoenas and summons received by the Department will in the first instance be forwarded to the Court Liaison Unit for entry and diary dating in PRIME and subsequent distribution for service.
7. subpoenas and summons entered in PRIME by Court Liaison will then be forwarded, along with affidavit/statement of service, to Patrol NCOs who will direct patrol members to serve them on the named individuals. Summons specific to individuals in matters investigated by the Criminal Investigation Branch will be forwarded to a Branch NCO for review and management of service.
8. A member seeking to serve a subpoena or summons will document in the PRIME GO all information relating to attempts of service and complete the affidavit/statement of service (or attempted service) for the subpoena or summons, and submit the Follow-up to the PRIME GO. The member will then submit to Court Liaison the affidavit/statement of service (or attempted service) and the subpoena or summons, for subsequent submission to Provincial Court.



Law Enforcement Notification (LEN)

9. A LEN requiring a member to attend Court will be reviewed by the Dispositions and Scheduling clerk for member availability.
10. The Dispositions and Scheduling clerk will distribute the LEN to the specified member through their Supervisor.
11. A member will make every effort to attend court or for a prosecutor's interview on the date and time specified in the notification.
12. A member who can attend as scheduled will sign the LEN and return it to the Dispositions and Scheduling clerk as soon as practicable, and the clerk will then make a copy and forward the original to Crown.
13. If a member cannot attend as required by the notification, the member will discuss the reasons with his or her Supervisor and notify the Dispositions and Scheduling clerk as soon as possible. A member who cannot attend will still sign the LEN and explain the reason(s) on the LEN form before returning it to the Dispositions and Scheduling clerk. The member or the Dispositions and Scheduling clerk will then consult with Crown counsel in an attempt to schedule an alternate date.
14. The Dispositions and Scheduling clerk will advise a member as soon as possible of any Court notification where the date of attendance has changed or attendance is no longer required.

Warrant Control

15. All action taken on a warrant will be documented on PRIME.
16. All action taken on a warrant will be matched by the Department CPIC staff to the corresponding police file and then entered on to CPIC. Only those warrants that are ORIGINATED by the Department will be entered on the CPIC system.
17. All files containing warrants will be filed within the Information Services Section (ISS) Records File Room and not removed, except by the CPIC staff and by Dispatch for the purpose of a warrant confirmation.



18. CPIC staff will notify the investigating member of the warrant, by forwarding the member a copy of the warrant CPIC entry and will advise Dispatch in order that the information about the warrant can be posted by Dispatch on the Department's intranet.
19. Patrol members will then seek to execute any warrant as soon as practicable.
20. A Criminal Investigation Branch NCO may direct that, for an investigative purpose and for a limited period of time, a warrant is not to be entered on to CPIC and not posted on the intranet.
21. CPIC staff will diary date warrants for one, two and five year periods and if unexecuted on reaching those dates for the notice, CPIC staff will forward notice of the warrant to the Patrol NCO.

Warrant Execution

22. A member encountering a person who is the subject of an UNENDORSED Delta warrant will lodge the person in a detention facility until disposition is determined by a Judge or J.P.
23. A member encountering a person who is the subject of an ENDORSED Delta warrant will release the person on a Promise to Appear.
24. Members executing a warrant will confirm by CPIC that the warrant is still in effect prior to arrest (a photocopy is not confirmation that a warrant exists).
25. When a Department warrant is executed, it will be stamped "Warrant Executed" and immediately removed from CPIC by CPIC staff or after hours by Dispatch. The file will then be routed to CPIC staff for review. The original warrant will be returned to the Court Registry by Court Liaison staff.
26. If a Department warrant is executed and the subject is released on a Promise to Appear ("PTA") or Recognizance, the original warrant and Court's copy of the PTA/Recognizance will be forwarded to Court Liaison staff, for delivery to the Court Registry. The copies of the warrant and PTA/Recognizance will remain on file, which is routed as previously described.



27. As per the CPIC manual, a CPIC validation process will be conducted to ensure that all information on the file is current and that a warrant has not been executed.

Warrant Cancellation

28. When a warrant cancellation is received from Court Registry, it will be removed from CPIC immediately by CPIC staff. CPIC staff will advise Dispatch to remove the warrant information from the intranet. CPIC staff will complete the cancellation stamp on the warrant and then forward it to Court Liaison staff for return to the Court Registry. CPIC staff will retain a copy of the warrant in the master file.

Warrants Held By Other Agencies

29. Warrant information from other law enforcement agencies relayed to the Department for execution will be subject of a Department file. The file will then be assigned to a member who will attempt to execute the warrant. Any action regarding the warrant will be relayed back to the originating agency.
30. When a member executes a warrant for another police agency, the agency holding the warrant and maintaining the CPIC entry must be advised (via CPIC) so that they can take appropriate action.
31. Once the warrant is confirmed by the Originating Agency, Dispatch will place a LOCATE on CPIC.
32. If the subject of the warrant is to be held in custody, the subject will be taken to Surrey Court or arrangements will be made to transport the subject to the agency holding the warrant.
33. If the subject is released on a PTA or Recognizance, the original is initialed by Court Liaison staff, a copy is mailed to the agency holding the warrant, and the original PTA/Recognizance is sent to the Court Registry. In addition, a copy of the PTA/Recognizance will be scanned for the Department's file.
34. In the event that the agency holding the warrant requests that the original documents be sent to them, rather than the Court Registry, Court Liaison staff will then send a copy of the document to Court Registry.