

JACKSONVILLE POLICE DEPARTMENT

Policy: 12-3
Effective: 01-01-14
Revised: 05-03-19

LEGAL PROCESS

PURPOSE: To establish procedures for employees of the Jacksonville Police Department to execute criminal and legal process. The elements of this policy shall apply to all sworn employees of the Department.

POLICY: It is the policy of the Jacksonville Police Department to provide responsible and professional service of criminal process consistent with the lawful authority granted to officers of the Jacksonville Police Department. Officers are charged with the duty to insure that the authority of any criminal process served is valid on its face to restrict service of such process to that of courts with proper jurisdiction.

DEFINITIONS:

- I. LEGAL PROCESS: 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 a law enforcement agency.
- II. CRIMINAL PROCESS: Those writs, summons, 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.
- III. CIVIL PROCESS: Those writs, summons, mandates, or other process issuing from a court of law or equity pertaining to a cause of a civil nature. The term includes original, intermediate, and final process to be served by a law enforcement agency in any action involving civil litigants.
- IV. NO CONTACT ORDER: Issued by a court to a defendant if it appears that there exists a danger that the defendant will commit a serious crime, seek to intimidate a witness, or otherwise unlawfully interfere with the orderly administration of justice. The victim can request the order at the defendant's plea and arraignment hearing.
- V. RESTRAINING ORDER: Issued in civil cases (i.e. divorce cases). May prohibit parties from harassing each other or protect the marital property interests during the time preceding the case. Enforced by the court and not by law enforcement.
- VI. PROTECTION ORDER: Court order to provide a victim immediate protection from an abuser in domestic violence. Orders can be issued for as little as ninety (90) days or as long as ten (10) years.

PROCEDURES:

- I. CIVIL PROCESS (7.31, 7.32)
 - A. Arkansas Rules of Civil Procedure Rule 4 states the service of civil summons shall be made by the Sheriff of the County where the service is to be made, or his deputy, unless the Sheriff is a party to the action.
 - B. The Jacksonville Police Department is not required to execute civil process, and will direct citizens to the Sheriff's Office of the county where the service is to be made.