

# **Cobb County Police Department**

## **Policy 5.21**

### **LEGAL PROCESS**

<b>Effective Date:</b> October 1, 2019	<b>Issued By:</b> Chief C.T. Cox
<b>Rescinds:</b> Policy 5.21 (November 1, 2017)	<b>Page 1 of 2</b>
The words “he, his, him,” which may appear in this policy, are used generically for clarity and ease of reading. These terms are not meant to imply gender and relate to all employees of the Department.	

This policy addresses areas of Departmental procedure and discretion in the execution of legal process. This policy is designed to ensure sufficiency of information, accuracy, timeliness, and accessibility in the delivery of legal process services.

#### **I. POLICY**

Whenever a Departmental law enforcement officer executes any phase of the legal process function, that officer will do so in good faith and pursuant to all federal, state, and local laws, and in accordance with Departmental procedures and policies.

#### **II. TYPES OF LEGAL PROCESS**

##### **A. Criminal Process**

Criminal process is defined as those services performed by law enforcement officers that are sanctioned by the courts and law in support of the judicial function relating to criminal matters. These services may include arrest warrants, search warrants, administrative warrants, or any other type of service ordered by the courts which directly results from a criminal matter. Only sworn law enforcement officers shall execute arrest or search warrants.

##### **B. Civil Process**

Civil process is defined as those services performed by law enforcement officers that are sanctioned by the courts and law in support of the judicial function relating to civil matters. The Cobb County Sheriff's Department supports the judicial system by the service of civil process.

#### **III. RECORDS AND DOCUMENTATION**

**A.** A record system is maintained for criminal arrest warrants on a 24-hour basis. This information is accessible through these sources:

1. Cobb County Communications Center
2. Cobb County Sheriff's Office
3. GCIC or NCIC

**B.** Officers successfully serving criminal arrest warrants and/or search warrants should include the following elements in their report:

1. Date and time served
2. Name of officers serving and method of service
3. Defendant's name (or on whom the search warrant was executed)
4. Property/evidence seized and its disposition
5. Location of incident

**C.** Any execution of criminal process outside of Cobb County should be accomplished through the cooperation and coordination of the local law enforcement authority having jurisdiction.

#### **IV. PROPERTY RECEIVED THROUGH LEGAL PROCESS**

Anytime property comes into the possession of a law enforcement officer who has executed an arrest or search warrant, or through orders by the courts, the officer will be responsible for handling that property in accordance with policy.