



SOUTH MIAMI POLICE DEPARTMENT

GENERAL ORDER NUMBER: 32.1	DATE OF ISSUE: July 31, 2011	EFFECTIVE DATE: May 14, 2014	NUMBER OF PAGES: 02
CFA STANDARD: 34 SUBJECT: <i>Legal Process -</i> WARRANTS / RECORDS	NEW (X) RESCINDS () AMENDS () OTHER ()	By Order Of:  Rene Landa, CHIEF OF POLICE	

CFA STANDARD: 34

SECTIONS:

- 32.1.1 Warrant Information, Recording**
- 32.1.2 Warrant Execution/Attempted Service Recording**

RESCINDS: All existing orders in conflict.

PURPOSE: To establish criteria for the recording of legal process information; to establish the procedure for the recording of legal process execution and service.

SCOPE: All departmental personnel.

POLICY: The Miami-Dade Police Department is responsible for service and records maintenance of legal papers in Miami-Dade County, however, circumstances may occur where officers of the South Miami Police Department must do so. Therefore, the following departmental procedural guidelines are established for documenting any legal process service performed by this agency.

PROCEDURE:

32.1.1 Warrant Information, Recording

A warrant can be obtained only when an officer has probable cause or a reasonable belief and/or received from a verified, confidential source that an offense has been or is being committed and/or evidence of that offense can be seized.

- A. When the warrant (civil and/or criminal) is obtained by the South Miami Police Department, the officer/detective obtaining the warrant will fill out a warrant affidavit. This warrant affidavit will record the following information:
 1. Date and time received;
 2. Type of legal process (civil or criminal);
 3. Nature of the document;
 4. Source of the document;

5. Name of the plaintiff/complainant or the name of the defendant/respondent;
 6. Officer assigned for service;
 7. Date of assignment;
 8. Court docket number; and
 9. Date service is due
- B. Record entries will be filed by a South Miami case number, but may be cross-referenced so that the information can be retrieved by the court's docket number, and/or by the names of parties to the action. The information regarding each item of legal process, civil and criminal, will also be recorded on the original return.

32.1.2 Warrant Execution/Attempted Service, Recording

- A. Every attempt to serve the warrant will be logged on the warrant affidavit and return. Once the warrant is served, the following information will also be logged on the warrant affidavit:
1. Date and time of execution of service;
 2. Name of the server;
 3. To whom the process was served or on whom executed;
 4. Method of service and/or reason for non-service; and
 5. Location of attempt of service.
- B. The warrant affidavit and return will then be forwarded to the Records Section for retention.
- C. An Inventory and Return form must be filed with the Clerk of the Circuit Court within ten (10) days of the execution of a search warrant. A record of attempts to serve each legal process document is also maintained on the original return.