



SOUTH MIAMI POLICE DEPARTMENT

GENERAL ORDER NUMBER: 32.2	DATE OF ISSUE: July 31, 2011	EFFECTIVE DATE: May 14., 2014	NUMBER OF PAGES: 02
CFA STANDARD: 24 SUBJECT: <i>Legal Process -</i> CIVIL PROCESS	NEW (X) RESCINDS () AMENDS () OTHER ()	By Order Of:  Rene Landa, CHIEF OF POLICE	

CFA STANDARD: 24.01, 24.02

SECTION:

- 32.2.1 Procedure, Service and Execution of Civil Process**
- 32.2.2 Civil Process Requiring Sworn Service**

RESCINDS: All existing orders in conflict.

PURPOSE: To establish departmental policy and provide guidelines for the service and execution of civil process.

SCOPE: All departmental personnel.

POLICY: The execution of orders for civil arrest will be performed by a sworn law enforcement officer unless otherwise directed by a Judge in writing. Any writ requiring the seizure or eviction of real or personal property will be executed by a sworn law enforcement officer; the Miami-Dade Police Department performs this function, as well as the official notification and service of writs and civil warrants.

PROCEDURE:

32.2.1 Procedure, Service and Execution of Civil Process

- A. South Miami Police Department officers are authorized to serve civil court orders, and they may be called upon to enforce civil court orders (i.e. Domestic Violence injunctions, Baker Act orders, etc.).[CFA 24.01M (b)]

The language used in the court order is crucial to the enforcement of the order by South Miami police officers. When officers initially respond to a location involving the service and/or enforcement of civil court orders, they will:

1. Request a supervisor;
2. Determine that the court order is a certified copy which includes the clerk of the court stamp, and that the order has been served to the affected party;

3. Determine that the language in the order states that all lawful authorities are empowered to enforce the order or specifically authorizes the South Miami Police Department to enforce the order;
 4. Enforce exactly what the order states unless there is independent criminal conduct, in which case appropriate procedures should be followed in that regard;
 5. Confer with the on-duty assistant state attorney, if necessary;
 6. Write an offense/incident report and attach a copy of the order to the report;
 7. Provide the petitioner (victim) with the case number of the report;
 8. Refer the petitioner (victim) to his/her attorney or the court to request a motion for contempt of court, if further action is warranted.
- B. In some cases, the language in the civil court order directly orders the police to make arrests for violations of the terms of the order or empowers the appropriate law enforcement agency to enforce the order. The empowerment of the officers by an order which directs them to enforce the order, together with a direct violation of the police officer's court order, should be sufficient probable cause to arrest. [CFA24.01(a)]
- C. Service, execution, and attempts to serve civil process are documented on an offense report or CAD entry and include the following: [CFA24.02] [CFA24.01(a)]
1. Date and time served or attempted
 2. Name of server
 3. Reason for non-service, if applicable
 4. Method of service
 5. Location of service or attempted service
 6. To whom the process was served or on whom executed

32.2.2 Civil Process Requiring Sworn Service

South Miami Police Department officers are authorized to serve civil court orders, but all civil process service is performed by a sworn law enforcement officer from the Miami-Dade Police Department (except for emergency restraining orders and domestic violence injunctions). [CFA24.01M(b)]

On some occasions, a South Miami Police Department officer may be requested to assist an officer from another jurisdiction, i.e. MDPD. If that occurs, the South Miami Police Department officer will serve solely as a backup to the officer serving the civil process. [CFA24.01M(b)]

In such cases, the officer serving the civil court order is responsible for preparing a proper return. An "AOA" incident report will be completed by the South Miami officer.