



## **SERVICE OF COURT DOCUMENTS**

### **POLICY.**

Corrections deputies are commissioned with peace officer authority while in uniform and on duty. Corrections deputies will serve Warrants, Restraining Orders and Subpoenas as directed by the shift supervisor.

### **PURPOSE.**

The purpose of this policy is to provide guidelines to corrections deputies in the service of court documents in accordance with established law.

**OREGON JAIL STANDARDS:** None

### **REFERENCES:**

- ORCP 55E - Subpoena for Hearing or Trial; Prisoners
- ORS 44.240 – Production of Witness Confined in Department of Corrections Institution
- ORS 169.350 – Liability for Failing to Serve Papers

### **DEFINITIONS:**

**Bench Warrant.** A process of the court where a criminal act is pending, directing a peace officer to take into custody a defendant in the action who has previously appeared before the court upon the accusatory instrument by which the action was commenced, and to bring the defendant before the court.

**Restraining Order.** An order from the court to prevent unwanted contact because of an abusive situation. This court order provides protection to specifically named individuals while placing restrictions on the other named person.

**Subpoena.** The process by which the attendance of a witness before a court or magistrate is required.

**Warrant of Arrest.** A process of the court, directing a peace officer to arrest a defendant and to bring the defendant before the court for the purpose of arraigning upon an accusatory instrument filed therewith by which a criminal action against the defendant has been commenced.

**PROCEDURES:*****SECTION A: SERVING A RESTRAINING ORDER***

- A-1.** All of the below documents are included in the package compiled by the Sheriff's Office Civil Division that is served to the person restrained.
- a. Notice to respondent/request for hearing
  - b. A Petition for Restraining Order
  - c. Restraining Order
- A-2.** All of the above listed documents must be served to the respondent before the Restraining Order is entered into the Law Enforcement Database System (LEDS).
- A-3.** After receiving the documents to serve a Restraining Order and knowledge of an inmate in custody, the office assistant, or designee, will notify the shift supervisor that service is required.
- A-4.** The shift supervisor will assign a deputy to serve the Restraining Order to the inmate as soon as possible.
- A-5.** The deputy serving the Restraining Order will make proper identification of the inmate and proceed to inform the inmate of the court order by reading the Restraining Order. The deputy will read all areas marked by either a check mark or initials on pages 3-8 of the Notice to Respondent Request for hearing.
- A-6.** All documents, except the Affidavit of Service and Civil Face Sheet, will be provided to the inmate, assuring that all staples and/or paperclips are removed.
- A-7.** Document service by completing Affidavit of Service and Civil Face sheet. Send the Affidavit of Service form and Civil Face Sheet to the jail office assistant. In the absence of the office assistant, the Restraining Order will be entered into LEDS by the deputy on duty.

***SECTION B: SERVICE OF BENCH WARRANT OR ARREST WARRANT***

- B-1.** An office assistant, or designee, will enter the Bench Warrant information in to LEDS/NCIC and the records management system.
- B-2.** Upon receiving knowledge that subject of warrant is in custody, the office assistant, or designee, will inform the shift supervisor that service of the Bench Warrant is required.
- B-3.** The shift supervisor will assign a deputy to serve the Bench Warrant to the inmate as soon as possible.

- B-4.** The deputy serving the Bench Warrant will verify proper identification of the subject, then inform the inmate of the warrant charges, bail information and the date the warrant was issued.
- B-5.** The serving deputy will then document the arrest by obtaining a Sheriff's Office case number through 911- dispatch. He/she will also complete an arrest report and place the warrant charge in the inmate's computerized booking report. A copy of the warrant will be placed in the inmate folder. The original warrant will be returned to the office assistant for further routing.
- B-6.** The case report will be routed to the shift supervisor for approval and must be submitted prior to the end of the shift. The approved report will be returned to the Sheriff's Office Records Division.

***SECTION C: SUBPOENAS***

- C-1.** Subpoenas will be served on inmates by the Sheriff's Office Civil Division. However, the Civil Division may at times need jail staff to serve subpoenas after proper steps have been taken through the Sheriff's Office Civil Division. The Civil Division will route the subpoena to the jail with appropriate Return of Service documentation attached.
- C-2.** Jail staff serving criminal subpoenas will verify proper identification of the subject and hand the subpoena to the inmate after removing all staples and/or paperclips.
- C-3.** Document the service by completing the Civil Division face sheet and return it to the Civil Department.
- C-4.** If the inmate served will still be incarcerated when the subpoena requires attendance, a copy of the subpoena will be delivered to the Transport Division.
- C-5.** Pursuant to ORCP55E, any order for transport of an inmate must be signed by the court. The subpoena and order for transport must also be served upon the custodian of the inmate.
- C-6.** If the inmate is in the custody of the Department of Corrections, the procedures set out in ORS 44.240, *Production of Witness Confined in Department of Corrections Institution*, and ORCP 55E: *Subpoena for Hearing or Trial of Prisoners* shall be followed.

**FORMS USED:**

- DCSO Report Form