



SOUTH COAST BRITISH COLUMBIA  
TRANSPORTATION AUTHORITY  
POLICE SERVICE

## LEGAL PROCESS: WARRANTS/SUBPOENAS /SUMMONS

Effective Date: September 12, 2005

Amended: April 3, 2006, September 8, 2009

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### POLICY

1. The South Coast British Columbia Transportation Authority Police Service (SCBCTAPS) will establish and maintain a central records function that will:

#### Warrants and Wanted Persons

1. establish and maintain a standard process for the completion, classification, retention and disposition of Warrants and wanted person's files, including:
  - a. maintenance criteria,
  - b. criteria for receiving information from other jurisdictions,
  - c. recording information in files,
  - d. reviewing and confirming information, and
  - e. cancellation of Warrants by the Courts,
2. establish priorities for executing outstanding arrest Warrants, and
3. provide access to warrant information on a 24-hour basis.

#### Legal Process

4. establish and maintain a standard process for the completion, classification, retention, indexing and disposition of information regarding the legal process, including:
  - a. date and time received,
  - b. type of legal process,
  - c. nature of document,
  - d. source of document,
  - e. person(s) named in document,
  - f. officer assigned for service,
  - g. date of assignment,
  - h. file number,
  - i. date service due, and
5. establish and maintain a standard process for the completion, classification, retention, indexing and disposition of information regarding service or execution of legal process documents, including:
  - a. date and time served,
  - b. name of server,
  - c. person on whom process was served or executed,

- d. method of service,
- e. location of service, and
- f. date of return to originator.

### **Administration**

6. govern the receipt, disbursement and audit of funds administered for the legal process function.
2. Members will attempt to serve all Court documents, such as Subpoenas or Summons, that are assigned to them directly or through Follow-up on the respective individual(s) in a timely, effective and professional manner.
3. SCBCTAPS will track court document service actions through the PRIME Records Management System (RMS).

### **REASON FOR POLICY**

4. To provide and maintain consistent standards and processes for the completion, classification, retention, indexing and disposition of all SCBCTAPS legal process documents.
5. To ensure that the administration of justice is served and that all individuals who are required to attend Court are notified, as much as is practicable, well in advance of the Court date.

### **PROCEDURES**

#### **Definitions**

**Law Enforcement Notification (LEN):** A notice requiring a police officer to attend to Court.

**Subpoena:** A Court Order to a witness compelling their attendance to appear at a specific time and place to give testimony in regard to a Court proceeding.

**Summons:** A Court Order to a person charged with an offence, requiring that person to attend Court on a specified date and time to answer or respond to the charge.

**Warrant:** A Court Order directed to a police officer or other proper person to arrest a person named therein who is charged with committing some offence.

**V-Mail:** Versadex Email sent through the PRIME system.

## DOCUMENT SERVICE

### Subpoena and Summons

6. When a legal document is received from an outside agency requiring service, it will be date stamped and forwarded to Court Liaison.
7. Court Liaison will enter the legal document on PRIME, as appropriate:
  1. Subpoenas – Enter on Court Sub System/Subpoenas, and
  2. Summons – Enter on Court Sub System/Summons.
8. Court Liaison will create a Follow-up in PRIME General Occurrence (GO) advising the investigating Member of a Subpoena or Summons for service. The copy of the Subpoena or Summons and affidavit/statement of service will be given to the Watch Commander for distribution to the Member.
9. It is the assigned Member's responsibility to attempt service of the court documents on or before the set diary date.
10. For Summons, Court Liaison will assign a 10-day Follow-up to the investigating Member.
11. The Member will document on the PRIME GO all information relating to attempts of service and complete the affidavit/statement of service (or attempted service) for the Subpoena or Summons, and submit the Follow-up to the PRIME GO. The Member will then submit to Court Liaison the affidavit/statement of service (or attempted service) and the Subpoena or Summons.
  1. The Member will be responsible for adding the information contained on the affidavit/statement of service (or attempted service) onto PRIME.
12. The affidavit/statement of service (or attempted service) of the Subpoena or Summons will then be submitted to Provincial Court via Court Liaison.
13. In those cases where a Court document is marked "URGENT" and the assigned Member is going off shift or on leave etc., then the document will be returned to the Watch Commander to assess and to re-assign to another Member if necessary.

### Law Enforcement Notification (LEN)

14. A LEN requiring a Member to attend in Court will be entered by Court Liaison in the Court Sub Systems/Subpoenas in PRIME. PRIME will automatically generate a "V-Mail" to the Member advising them of Court.
15. SCBCTAPS personnel will follow Policy Chapter AB360 – Court Notification regarding processing of a LEN.

**[See also: AB360 – Court Notification, AF010 – Records Administration]**

## **WARRANTS**

16. Members securing Warrants to arrest will ensure that the GO number and the complete description of the wanted person are included on the reverse side of the Warrant.

### **Warrant Control**

17. When a Warrant is issued by the Courts, the Warrant will be received at SCBCTAPS by fax as an Integrated Court Electronic Document (ICED) Fax. The fax will be received on the fax machine in the SCBCTAPS Operations Communication Centre (OCC).
18. The Warrants will then be delivered to, or picked up by, the SCBCTAPS CPIC (Canadian Police Information Centre) Coordinator for entry on to CPIC.
19. The Warrant is matched with the corresponding police file and then the Warrant is entered on CPIC. Only those Warrants that are ORIGINATED by the SCBCTAPS will be entered on the CPIC system by the SCBCTAPS.
20. All files containing Warrants will be filed within the Records Services Section (RSS) in the Records File Room. The Warrants will be attached to the green file jacket which is placed inside the master file and will not be removed from Records File Room, except by the CPIC Coordinator or designate, or by the OCC for the purpose of a Warrant confirmation.
21. Through the RMS, the SCBCTAPS CPIC Coordinator will notify the investigating Member of the Warrant to conduct a Follow-up and the CPIC Coordinator will assign a diary date of (30) thirty days.
22. The investigating Member will conduct an investigation as to the present whereabouts of the individual. This investigation will include currently available information and a search of all police accessible data bases, such as PRIME and Motor Vehicle Branch records.
23. If the Member is unable to execute the warrant as the individual's whereabouts are unknown, the Member will articulate this in their Follow-up and mark it submitted. The CPIC Coordinator will then create a diary date in the CPIC workflow for a period of (6) six months.
24. If after six months the Warrant remains unexecuted, the CPIC Coordinator will once again send a Follow-up to the investigating Member, assigning a (30) thirty day diary date. Further diary dates will continue to be issued by the CPIC Coordinator until the Warrant is executed or vacated, or as otherwise determined by the Deputy Chief Officer – Operations.

### **Warrant Execution**

25. Priority is to be given to the execution of arrest Warrants. A photocopy of the Warrant may be provided to the investigating Member upon their request.

1. The investigating Member will make every reasonable effort to execute the Warrant and submit a GO report outlining the Member's action in this regard, plus any additional information obtained.
  2. Watch Commander will review the file to ensure due diligence in the Member's documentation of actions taken to execute a Warrant of Arrest.
26. Members executing a Warrant will confirm by CPIC that the Warrant is still in effect prior to attempting to arrest. A photocopy is not confirmation that a Warrant exists.
27. When a SCBCTAPS Warrant is executed, the Warrant will be removed from CPIC immediately by the OCC Dispatcher and the Warrant immediately stamped "removed from CPIC". In addition, the file will be clearly identified for routing to the Reader and CPIC Coordinator. The original Warrant will be forwarded to Court Liaison for returning to the Court Registry.
1. A subject of a SCBCTAPS Warrant being transported to Court will be transferred to the jurisdictional Court where the original incident occurred.
  2. If a SCBCTAPS Warrant is executed and the subject is released on a Promise to Appear (PTA) or Recognizance, the original Warrant and Court's copy of the PTA/Recognizance will be placed in the tray in the Court Liaison office designated for "Court Mail", for delivery to the Court Registry. The copies of the Warrant and PTA/Recognizance will remain on file, which is routed as previously described.
  3. All action taken on a Warrant will be documented on PRIME. Basically, "continuity of possession" of an original Warrant will be documented.
28. Warrants for serious criminal offences will be directed to the investigating Member for execution. All other Warrants will remain on CPIC for execution until police contact with the subject named in the Warrant.
29. As per the CPIC manual held in the OCC and RSS, a CPIC validation process will be conducted to ensure that all information on the file is current and that the Warrant has not been executed. All such files will be handled according to approved procedure (reference Policy Chapter AF090 – CPIC).

### **Warrant Cancellation**

30. When a Warrant cancellation is received from Court Registry (normally by fax), the following actions will occur:
1. the Warrant will be removed from CPIC immediately by the OCC Dispatcher,
  2. the OCC Dispatcher will immediately complete the cancellation stamp on the Warrant and forward the Warrant and the master file to the CPIC Coordinator,
  3. the CPIC Coordinator will immediately place the Warrant in the tray for Court Liaison office designated for "Court Mail", and
  4. the CPIC Coordinator will retain a copy of the Warrant in the master file.

**Warrants Held By Other Agencies**

31. Warrant information from other law enforcement agencies relayed to the SCBCTAPS for execution will be subject of a SCBCTAPS file. The file will then be assigned to a Member who will attempt to execute the Warrant. Any action regarding the Warrant will be relayed back to the originating agency.
1. When SCBCTAPS executes a Warrant for another police agency, the agency holding the Warrant and maintaining the CPIC entry is advised (via CPIC) so that they can take appropriate action.
    - a. Once the Warrant is confirmed by the Originating Agency, the OCC dispatcher will place a LOCATE on CPIC.
  2. If the subject of the Warrant is to be held in custody by SCBCTAPS, arrangements will be made to transport the subject to the agency holding the Warrant, or attempt to transport the subject to the police jurisdiction in which the Warrant was executed.
    - a. If the subject is released on a PTA or Recognizance, the original is initialed by Court Liaison, a copy is mailed to the agency holding the Warrant, and the original PTA/Recognizance is sent to the Court Registry. In addition, a copy of the PTA/Recognizance will be scanned for SCBCTAPS file.
    - b. In the event that the agency holding the Warrant requests that the original documents be sent to them rather than the Court Registry, SCBCTAPS will then send a copy of the document to Court Registry.
    - c. All action will be documented on PRIME.