



# TRANSIT POLICE

## LEGAL PROCESS: WARRANTS/SUBPOENAS /SUMMONS

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## POLICY

### Definitions

Court – For the purpose of this policy, “Court” includes any Provincial or Supreme Court or any tribunal acting in a judicial or quasi-judicial capacity, whether in a criminal, civil or administrative matter or Coroner’s inquest. *(NOTE: It does not include hearings conducted by the Labour Relations Board or labour arbitrations or other administrative or legal proceedings where the Union or an Employee covered by the Union’s bargaining certificate are parties to the matter. Nor does it include a disciplinary proceeding or public hearing under the Police Act where, as a result of disciplinary proceeding or public hearing, a Member is found guilty of an offence under that Act.)*

Court Liaison – For the purpose of this policy, any Transit Police staff person who is assigned to the Court Liaison Unit (i.e., Court Liaison Officer, Court Clerk) to perform Court notifications and help facilitate Court related matters.

JUSTIN – The Justice Information System, an integrated electronic criminal case tracking system in British Columbia.

Member – A Designated Constable (all ranks), Deputy Chief Officer and Chief Officer of the Transit Police.

Metro Vancouver Transit Police (“Transit Police”) – The operating name of the South Coast British Columbia Transportation Authority Police Service.

Personal Service Summons – Personal service of a summons is a form of actual notice. Actual notice occurs when the summons is delivered personally to the respondent.

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.

**General**

1. Transit Police 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. Transit Police will track court document service actions through the PRIME Records Management System (“RMS”).

## **PROCEDURES**

### **Document Service – Subpoena and Personal Service Summons (“Summons”)**

4. When a legal document is received from an outside agency requiring service, it will be forwarded to Court Liaison.
5. Court Liaison will enter the legal document on PRIME, as an attachment under the Court Folder.
6. Court Liaison will create a ‘Follow-up’ in PRIME General Occurrence Report (“GO”) advising the investigating Member of a Subpoena or Summons for service prior to the court date. The copy of the Subpoena or Summons and affidavit/statement of service is given to the Member directly from the Court Liaison. It will be given to the Watch Commander for distribution for emergent situations only.
7. It is the assigned Member’s responsibility to attempt service of the court documents on or before the set diary date.
8. The Member will be responsible for documenting on the GO all information relating to their attempts of personal service and complete the affidavit/statement of service (or attempted service) for the Subpoena or Summons, and submit the Follow-up to the GO. The Member will then submit to Court Liaison the affidavit/statement of service (or attempted service) and the Subpoena or Summons.
9. The affidavit/statement of service (or attempted service) of the Subpoena or Summons will then be submitted by Court Liaison to the following: (1) Summons will be sent to the Court; and (2) Subpoena will be sent to Crown.
10. 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.

### **Warrant Control**

11. When a Warrant is issued by the Courts, the Warrant will be received at Transit Police through JUSTIN.
12. The Warrant is matched with the corresponding police file and then the Warrant is entered on CPIC by the CPIC Coordinators. Only those Warrants that are ORIGINATED by the Transit Police will be entered on the CPIC system by Transit Police.
13. All warrants received through JUSTIN will be attached to the Court Information Folder (“CI”) within PRIME.

14. Through PRIME, the CPIC Coordinators will assign a fourteen (14) day follow-up to the Member. If the Member does not respond with the fourteen (14) day follow-up period, an additional seven (7) day follow-up will be issued. If the Member does not respond after expiry of the seven (7) day follow-up, the CPIC Coordinator will notify the Member's Watch Commander.
15. 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 databases, such as PRIME and Motor Vehicle Branch records.
16. 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 via the Unexecuted Warrant Attempts Report PRIME template and mark it submitted.

### **Warrant Execution**

17. Priority is to be given to the execution of arrest Warrants. A faxed copy of the Warrant is provided to the arresting Member at the appropriate Jurisdictional Police Department ("JPD") cells (i.e., OCC faxes the Warrant to the Member for signing). For Vancouver Police Department ("VPD") executed Warrants where the subject is brought to VPD cells, VPD will provide a copy directly to their cells for the Transit Police Member to sign.
  - (1) The investigating Member will make every reasonable effort to execute the Warrant and submit a GO report outlining the Member's actions in this regard, plus any additional information obtained.
  - (2) The GO will be routed through PRIME to the Readers, Watch Commander and CPIC Coordinators. The CPIC Coordinators will review the Warrant execution and notify Court Liaison via the workflow handle ("HPRINT"). Court Liaison will then access iBook to review the fingerprints and ascertain which agency should hold the ownership for the prints record.
  - (3) The Watch Commander will review the file to ensure due diligence in the Member's documentation of actions taken to execute an arrest Warrant.
18. 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.
19. When a Transit Police Warrant is executed, the Warrant will immediately be removed from CPIC by the OCC Dispatcher and the OCC will place a copy of the Warrant in the CPIC tray for review by the CPIC Coordinators.
  - (1) A subject of a Transit Police Warrant being transported to Court will be transferred to the police cells where the arrest occurred (unless otherwise so arranged by the Originating Agency issuing the Warrant).
  - (2) If a Transit Police Warrant is executed and the subject is released on an Appearance Notice ("AN") or Undertaking, the original Warrant and Court's copy of the AN/Undertaking will be placed in the tray in the Court Liaison office

designated for “Court Mail”, for delivery to the Court Registry. A copy of the AN/Undertaking will be attached to the Court Folder as a PDF and a copy of the Undertaking will be provided to the CPIC Coordinators for entry onto CPIC.

20. 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 make contact with the subject named in the Warrant.
21. As per the CPIC manual held in the OCC and IMS, 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 Transit Police policy chapter [AF090 – CPIC](#)).

### **Warrant Cancellation**

22. When a Warrant cancellation is received from Court Registry through JUSTIN, the following actions will occur:
  - (1) The Warrant will be removed from CPIC by the CPIC Coordinators;
  - (2) The CPIC Coordinators will attach the Warrant cancellation to the GO after confirmation of the removal from CPIC; and
  - (3) The CPIC Coordinators will retain a copy of the Warrant in the GO.

### **Warrants Held by Other Agencies**

23. Warrant information from other law enforcement agencies relayed to the Transit Police for execution will be subject of a Transit Police GO. The GO 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 Transit Police executes a Warrant for another law enforcement 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 Transit Police, arrangements will be made to transport the subject to the JPD cells in which the Warrant was executed, unless otherwise so arranged by the Originating Agency issuing the Warrant (pursuant to the Transit Police – Jurisdictional Police MOU).
    - a. If the subject is released on an AN or Undertaking, and the original copies are forwarded to the Court Liaison, the original AN/Undertaking will then be sent to the Court Registry and duplicate copies to the Originating Agency. Court Liaison will then update the “CLO Update” text page in the GO.

- b. In the event that the Originating Agency holding the Warrant requests that the original documents be sent to them, rather than the Court Registry, Transit Police will then send a copy of the document to Court Registry.
- c. All actions will be documented on PRIME.

**References:**

Transit Police – JPD Memorandum of Understanding