

DEKALB POLICE DEPARTMENT

Subject: **Civil Process Procedures**

Policy #: **401.7**

Effective Since: New Policy, effective 1-1-19

Revision Effective: NA

FTO Training Task: # 20

Reference Material: NA

ILEAP Standards Covered: OPR.11.01-11.02

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PURPOSE: The purpose of this policy is to provide uniform procedures for serving civil process documents for cases under City purview.

POLICY: The DeKalb County Sheriff's Office is primarily responsible for civil process services throughout the county, including within city limits. However, there are times when cases following under the City's purview through City Council or Administrative Hearing processes may require an officer to serve documents under the civil process procedure. It is the policy of DeKalb Police Department to serve civil process documents in accordance with applicable federal and state law, and in conformance with this policy.

DEFINITIONS:

Civil Process: Those writs, summonses, mandates, petitions, or other process issuing from a court of law or equity pertaining to a cause of action of a civil nature. The term includes original, intermediate and final process to be served by the agency in any action involving civil litigants.

PROCEDURE:

- A. Police officers will, when requested, accompany the DeKalb County Sheriff's Office when serving civil process documents within city limits, particularly in instances where there is a perceived or known enhanced risk due to a potential or actual uncooperative or combative recipient.
- B. All civil process documents will be executed by personal service only except when otherwise specifically allowed.
- C. Most City of DeKalb civil process paperwork will come with a service cover sheet and service instructions. Even in the absence of such, the following documentation of proper service shall be recorded:
 - a. The date received.
 - b. A tracking record of attempted and completed service delivery shall be made in writing on a document cover sheet.
 - c. The nature of the document.
 - d. The source of the document.
 - e. Name of the plaintiff/complainant and the name of the defendant/respondent.
 - f. The name and badge number of the officer serving the documents.
 - g. The date(s) and time(s) of attempted service.
 - h. The date and time of completed service.
 - i. Location(s) of attempted or completed service.
 - j. When completing service, verify the person named on the document is in the fact the person being served by using unique identifiers such as name, date of birth, social security number, etc.
 - k. If service is permitted to another person other than the one named in the document, record the identity of the person actually served.
 - l. The service of documents should be documented in an electronic Field Contact.
 - m. Served documents shall be returned to the source, typically the City Attorney's office.
 - n. Most document have an expiration date of service. Any unserved documents should be returned to the source upon expiration of valid service dates. An explanation of nonservice should be provided.

[ILEAP OPR.11.01 & 11.02]

Policy is effective on 1-1-19 by authority of the Chief of Police .

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NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.