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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE ADMINISTRATIVE POLICY

Service of Legal Process

Distribution:	All Personnel	Index:	ADM 0302
Responsible Unit:	Court Services Division	Rescinds:	MAN 1300
DLI Program:		MD Code:	

Issued:	12/1/19	Revised:	10/25/19	Reviewed:	10/25/19	Next Review:	12/1/20
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1. Purpose

To provide members of the Harford County Sheriff's Office (HCSO) with guidelines regarding protocols and service of certain legal processes.

2. Policy

One of the most important and traditional functions of the Harford County Sheriff's Office is service and documentation of certain legal processes. Therefore, to maintain its integrity, HCSO personnel will adhere to all pertinent local, state, and federal standards and procedures in the execution of this mission.

3. Procedures

A. Civil Process

1. Civil Process Documents

a. Court Services personnel will:

- i. review and record all civil process documents upon receipt;
- ii. provide prompt service of process;
- iii. record all service attempts on the appropriate agency forms;
- iv. provide disposition and appropriate "Sheriff's Return";
- v. register and accept funds received by the Sheriff's Office as a result of legal process; and
- vi. maintain a "REVENUE ACCOUNT LOG" and associated transaction records in accordance with agency procedures.
- vii. service of any civil process document outside Harford County is prohibited.

b. Federal Property (Aberdeen Proving Ground)

- i. When a civil process document needs to be served on Federal property, the appropriate deputy will respond to the APG police department where they will stand-by for a DOD police officer to

either bring the person to our deputy, at their station, or the DOD police officer will escort our deputy to the location, on Federal property, where the person to be served is located.

B. Criminal Process

1. Criminal Process Documents

a. Law Enforcement Records Technicians (LERT) will:

- i. review and record all warrant and criminal summons documents upon receipt;
- ii. enter and remove all warrants from the computer system and state and national databases, if applicable;
- iii. maintain all warrant files in a secured area;
- iv. forward all warrants and summonses to the appropriate location for service;
- v. respond to all requests for warrant confirmations;
- vi. annually validate all warrants to ensure records are accurate and complete; and
- vii. process recalls and returns by notifying issuing authority.

b. Shift Supervisors

- i. it will be incumbent upon all shift supervisors to inspect all sector folders and review their contents at a minimum of every two (2) weeks.
- ii. if a member of another law enforcement agency is arrested by a deputy, it will be incumbent upon the deputy to notify the Duty Officer or his Unit supervisor who will immediately notify the agency for which the arrestee is a member.

c. Deputies will:

- i. prioritize all process upon receipt,
- ii. confirm warrant status prior to attempted service,
- iii. provide prompt service of process,
- iv. without exigent circumstances or consent, a search warrant will be obtained prior to entering the home of a third party to execute an arrest warrant. A third party is defined as a friend, relative, or other person in a location that is not the residence of the suspect,
- v. excluding fresh pursuit and / or consent, when a physical search of a third-party residence is contemplated, supervisory approval will be obtained prior to the search, and all reasonable attempts will be exhausted,
- vi. record all service attempts on the appropriate agency forms,

vii. ensure that all leads have been exhausted before returning any unserved warrants / summonses, and

viii. upon disposition, promptly return all process to the appropriate section.

NOTE: All summonses and warrants will be turned in at the end of duty.

2. Foreign Jurisdiction Service (Intra-State)

- a. a deputy directed to serve criminal process in a foreign jurisdiction within Maryland may do so under the following conditions:
 - i. the document is issued from a Harford County Court,
 - ii. the deputy possesses a valid search and seizure warrant or an arrest warrant and has notified the primary jurisdiction and requested assistance,
 - iii. the deputy is assigned to another jurisdiction pursuant to a valid mutual aid agreement, or
 - iv. the deputy is officially assigned to a multi-jurisdictional law enforcement group with a broadly identified jurisdiction.

3. Federal Property (Aberdeen Proving Grounds)

- a. When a criminal process needs to be served on Federal property, the appropriate deputy will respond to the APG police department where they will stand-by for a DOD police officer to either bring the person to our deputy, at their station, or the DOD police officer will escort our deputy to the location, on Federal property, where the person to be arrested is located.

C. Arrest Without A Warrant - Harford County Only

- 1. An arrest without a warrant can be as a result of those violations specified in the Annotated Code of Maryland, Criminal Procedure Article, Subtitle 2, et al, and Family Law Article, Section 4-502.

D. Harford County Intra-State Vehicle Laws

- 1. A deputy may arrest a person without a warrant for any violation of the Maryland Vehicle Law, Transportation Article 26-202 (Power of Arrest).

E. Reciprocity

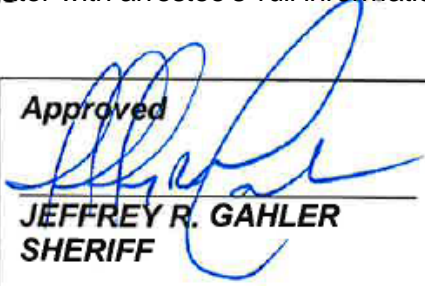
- 1. Residents of states which have reciprocity with Maryland may receive a citation for violations of the Maryland Transportation Article.
- 2. Residents from states which do not have reciprocity or which have the reciprocity agreement flagged / denied may be taken before a commissioner of the court to post bond or collateral. In this case the deputy will complete a Statement of Probable Cause form (DC / CR4).

F. Special Arrest Procedures- Diplomatic and Consular Officer- General

1. The handling of Diplomatic Officers, Consular Officers and their families is a **sensitive** situation. If there is doubt as to an individual's privilege of immunity, the appropriate federal agency will be contacted immediately for assistance.
2. Deputies will contact their shift supervisor immediately and advise them of the circumstances.
3. Deputies stopping a Diplomatic / Consular Officer, their family or staff members, for a moving traffic violation will exercise discretion based on the nature of the violation, and either let the person go with a warning or issue the appropriate citation. The issuance of a traffic citation does not constitute arrest or detention in regard to immunity.
4. Deputies stopping Diplomatic / Consular Officers for possible DUI / DWI must take into primary consideration whether they are a danger to themselves or the public. Based upon this consideration and others, the following options are available to the deputy:
 - a. transport the Diplomatic Consular:
 - i. to the Sheriff's Office or other location, permitting recovery sufficiently to enable the individual to drive safely,
 - ii. to a telephone so that a relative or friend may be called to come and pick them up, or
 - iii. to their home, if reasonable.
 - b. call for a taxi.
5. **NOTE:** Diplomatic / Consular Officers **will not** be handcuffed, subjected to any sobriety tests, or physically handled in any fashion. This is a **sensitive situation** (Criminal Procedures Article and Maryland Transportation Article). (Notification procedures can be referenced on Harford County Sheriff's Office home page).

G. Arrest of Foreign Nationals

1. Deputies will:
 - a. notify Immigration and Customs Enforcement (ICE) via telephone as soon as possible, and
 - b. provide the Immigration and Customs Enforcement investigator with arrestee's full information, as requested.

Approved


JEFFREY R. GAHLER
SHERIFF
DATE 11-4-19