



Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

LEGAL PROCESS
GENERAL ORDER NO: 5.1.05

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| Issuing Authority: Chief Eric Hawkins | Page: 1 of 4 |

PURPOSE: The purpose of this policy is to control and record all legal processes, civil and/or criminal, that are maintained by this department.

POLICY: It is the policy of the Albany Police Department to ensure that Constitutional and State mandates are followed during the service of civil and criminal legal process documents, with proper and accurate records maintained. Only sworn police officers are authorized to execute arrest warrants, pursuant to [Article 120 of the New York State Criminal Procedure Law](#).

I. RECORDS

A. Information Recorded:

1. Information regarding each item of legal process, including warrants, civil and/or criminal, shall be recorded and include the following elements:
 - a. Date and time received;
 - b. Type of legal process (civil or criminal);
 - c. Nature of document;
 - d. Source of document;
 - e. Name of complainant/plaintiff or defendant/respondent;
 - f. Officer assigned for service;
 - g. Date assigned;
 - h. Court docket number; and
 - i. Date service is due (if any).

B. Legal Process Execution/Attempted Service Record:

1. A record on the execution or attempted service of legal process documents shall be maintained, and include the following information:
 - a. Date and time service was executed/attempted;
 - b. Name of officer(s) executing/attempting service;
 - c. Name of person on whom the legal process was served/executed;

- d. Method of service/reason for non-service; and
 - e. Address of service/attempt.
2. Records on the execution or attempted service of orders of protection shall be in accordance with guidelines in [GO 3.8.15 - Orders of Protection](#).

C. Warrant/Wanted Person Records:

1. When a warrant/criminal summons is received by this department, it shall be forwarded to the Warrant Control Officer within the Criminal Investigations Unit (CIU).
 - a. The Warrant Control Officer shall review the documentation to insure that it is directed to this agency for processing and assign the successive warrant control number.
2. An Albany Police Department Warrant Control Sheet shall be prepared for each warrant received, in order to properly record department warrant/wanted person files.
3. The Warrant Control Officer shall determine if a warrant control file jacket exists. If there is no existing warrant control file jacket, a new file jacket shall be created.
4. The Warrant Control Officer shall then enter the defendant's information into RMS, under warrants, and obtain a warrant control number, which is automatically assigned by RMS.
 - a. The original warrant and Warrant Control Sheet shall be placed in the warrant control jacket at filed at the CIU desk.
5. The Warrant Control Officer shall then enter the warrant/wanted person information into the eJustice system. Criteria for entering a warrant and wanted person file shall be in accordance with procedures established by eJustice.
 - a. The Warrant Control Officer shall be responsible for entering, verifying, and canceling warrant/wanted person information in eJustice and RMS, where appropriate.
 - b. The Warrant Control Officer shall be responsible for filing copies of active warrants with other agencies, which shall be documented on the warrant control jacket.
6. After all appropriate teletypes are sent, the warrant control file jacket shall be filed at the CIU desk.
 - a. The officer(s)/detective(s) serving the warrant shall document all attempts to serve the warrant on the Warrant Control Sheet.
7. Officers and applicable non-sworn personnel shall have twenty-four (24) hour access to warrant/wanted person's information.
 - a. Said access shall be available through eJustice and/or RMS, as

applicable.

- i. Warrants issued by this agency, shall also be verified by CIU personnel, prior to effecting an arrest.
 - ii. An officer/clerk shall be assigned to the CIU desk during each shift to maintain twenty-four (24) hour a day access to warrants on file.
8. Upon receiving information from another agency about an Albany Police Department warrant, CIU personnel shall verify that the warrant is valid and that a hard copy of the warrant is in the respective warrant control file jacket, prior to authorizing an arrest.
9. Upon receiving information from another agency about a person wanted by this department, personnel shall immediately contact the respective unit/personnel listed on the wanted person bulletin, posted by the Crime Analysis Center.

II. CRIMINAL PROCESS PROCEDURES

A. Execution of Criminal Process:

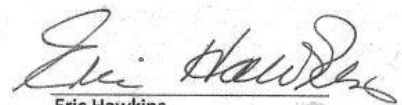
1. Sworn members of the Albany Police Department shall execute any criminal warrant which is presented to them or that comes to their knowledge while they are performing their duties within the jurisdiction of the City of Albany.
2. Sworn members may execute criminal warrants outside of the jurisdiction of the City of Albany, when such execution is allowed.
 - a. Persons who are served process in counties further than an adjacent county to the county of the violation must be brought in front of the court in the county in which the party was arrested for bond hearing and/or extradition.
3. Warrants may be served at any time or place:
 - a. Persons arrested upon a warrant must be brought before the court, which issued the warrant without unnecessary delay or must be presented the opportunity to present bail to the Court.
4. Sworn members of this department attempting to serve criminal processes outside of the jurisdiction of the City of Albany shall make a reasonable attempt to inform the agency which has primary jurisdiction of their intent to serve process and will make a reasonable attempt to have an officer of that agency of jurisdiction in their company prior to service.
5. The issuance of an appearance ticket in lieu of arrest is discretionary on the part of the officer when in compliance with provisions of the NYS Criminal Procedure Law and the appearance of the defendant is reasonably assured.

B. Cancelling Warrants and Criminal Summons:

1. When executing or recalling warrants and/or criminal summonses, the Warrant Control Officer or CIU personnel shall remove the original warrant from the warrant control jacket.
2. The arresting officer/detective shall note on the warrant control jacket that the warrant has been executed or recalled, and note the date, time, and officer/detective's name.
3. The warrant and/or criminal summons shall then be cancelled from RMS and eJustice, where appropriate, and the teletype shall be placed in the warrant control jacket.
 - a. If the warrant and/or criminal summons have been recalled by the court, the warrant and/or criminal summons shall be withdrawn from of RMS and cancelled in eJustice.
 - b. The name of the person cancelling the warrant shall be indicated in the comment section of the warrant control sheet and RMS.
4. Recalled/executed file jackets shall be filed alphabetically and forwarded to the Albany County Hall of Records for storage, in accordance with the [MU-1 Records Retention and Disposition Schedule](#) and current directives.

III. CIVIL PROCESS PROCEDURES

- A. Members of this department shall serve civil legal processes, such as subpoenas, summonses, Family Court Orders of Protection and Family Court Warrants of Arrest, only under the following circumstances:
 1. When directly appointed, in writing, by a court of law to be a process server;
 2. When assigned by the Chief of Police to serve as an agent of the City of Albany Attorney; or
 3. When the document to be served or executed is issued by a court of law pertaining to a cause of action which is civil in nature, such as Family Court Appearance Tickets, Orders of Protection and Family Court Warrants of Arrest.
- B. Sworn members of this department shall execute orders for civil arrest, pursuant to a written order by a judge in a civil proceeding, such as a Family Court Warrant of Arrest.
- C. Procedures for the execution or attempted service of orders of protection shall be in accordance with current written directives detailed in [GO 3.8.15 - Orders of Protection](#).


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