



SERVICE OF COURT DOCUMENTS

POLICY.

Deputies assigned to the Deschutes County Sheriff's Office – Adult Jail (AJ) are commissioned with peace officer authority while in uniform and on duty. Deputies will serve warrants, restraining orders and subpoenas as directed by a supervisor.

PURPOSE.

The purpose of this policy is to provide guidelines to corrections deputies in the service of court documents in accordance with established law.

OREGON JAIL STANDARDS: None

REFERENCES:

- ORS 169.350 – Liability for Failing to Serve Papers

DEFINITIONS:

Restraining Order. An order from the court to prevent unwanted contact because of an abusive situation. This court order provides protection to specifically named individuals while placing restrictions on the other named person.

Subpoena. The process by which the attendance of a witness before a court or magistrate is required.

Warrant. A document issued by a legal or government official directing a law enforcement officer (LEO) to arrest a defendant and to bring the defendant before the court.

PROCEDURES:

SECTION A: SERVING A RESTRAINING ORDER

A-1. The Civil Unit prepares the following documents to serve the person restrained.

- a. Notice to respondent/request for hearing
- b. A Petition for Restraining Order
- c. Restraining Order

A-2. All of the above listed documents must be served to the respondent before the restraining order is entered into the Law Enforcement Database System (LEDS).

- A-3.** Notify a supervisor when a valid restraining order is received for an in custody inmate. The supervisor will arrange for service as soon as possible.
- A-4.** The deputy serving the order will properly identify the inmate and inform the inmate of the court order by reading the restraining order. The deputy will read all areas marked by either a check mark or initials of the Notice to Respondent Request for hearing.
- A-5.** All documents, except the Affidavit of Service and Civil Face Sheet, will be provided to the inmate, assuring that all staples and/or paperclips are removed.
- A-6.** Document service by completing Affidavit of Service and Civil Face sheet. Send the Affidavit of Service form and Civil Face Sheet to the warrants desk. The member(s) assigned to warrants will enter the record into LEDS.

SECTION B: SERVICE OF BENCH WARRANT OR ARREST WARRANT

- B-1.** Member(s) assigned to the warrants office will enter the Bench Warrant information in to LEDS/NCIC and the records management system.
- B-2.** Notify a supervisor when a new warrant is received from the court for an inmate. The supervisor will arrange for service as soon as possible.
- B-3.** The deputy serving the warrant will properly identify the inmate, inform them of the warrant charges, bail information and the date the warrant was issued.
- B-4.** The deputy will document the arrest by obtaining a case number through 9-1-1 Dispatch. They will complete an arrest report and place the warrant charge(s) in the inmate's computerized booking record. A copy of the warrant will be placed in the inmate custody folder. The original warrant will be returned to the warrants desk for processing.
- B-5.** The case report will be routed to a supervisor for approval and must be submitted prior to the end of shift. The approved report will be forwarded to the Records Unit.

SECTION C: SUBPOENAS

- C-1.** Generally, the Civil Unit will serve subpoenas on inmates. At times, AJ members will serve subpoenas for the Civil Unit. The Civil Unit will route the subpoena to the jail with appropriate Return of Service documentation attached.
- C-2.** AJ members serving criminal subpoenas will properly identify the inmate and hand the subpoena to them after removing all staples and/or paperclips.
- C-3.** Document the service by completing the Civil Unit face sheet and return it to the Civil Unit.

- C-4.** If the inmate will still be incarcerated when the subpoena requires attendance, deliver a copy of the subpoena to the Court Security/Transport Unit.

FORMS USED:

- DCSO Report Form