

CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should 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 directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: General Order	Number: 124-00
EXECUTION OF LEGAL PROCESS	Date: June 19, 2018
VLEPSC Number: OPR.12.03	Manual Number: 562.25
	Effective Date: 06/19/18
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

I. POLICY

The Charlottesville Police Department will serve all legal processes related to criminal offenses upon persons and entities within the jurisdiction of the City of Charlottesville. In addition, the Charlottesville Police Department will assist the City of Charlottesville Sheriff's Department in the service of Temporary Detention Orders, Emergency Custody Orders and Protective Orders.

II. PURPOSE

To provide clear guidelines on jurisdictional limitations, time limits for service, territorial limits and provisions for the issue of a summons in lieu of an arrest.

III. PROCEDURE

A. The Charlottesville Police Department will serve the following types of legal process:

1. Felony Warrant
2. Misdemeanor Warrant
3. Misdemeanor Summons
4. Capias, Upon Indictment, Presentment, or Information
5. Capias, Attachment of the Body.
6. Direct Indictment
7. Arrest Authority, Probation and Parole
8. Show Cause Summons
9. Juvenile Detention Order
10. Summons
11. Protective Order – Adult
12. Subpoena

13. Search Warrant
14. Temporary Detention Order
15. Emergency Custody Order

B. Jurisdiction

1. A Police Officer of the City of Charlottesville may within their jurisdiction execute a warrant, capias or summons issued anywhere in the Commonwealth of Virginia (Virginia Code section 19.2 – 76).
2. The jurisdiction of an officer of the City of Charlottesville, in criminal cases against the Commonwealth, shall extend 1 mile beyond the corporate limits (Virginia Code Section 19.2 – 250).

C. Time Requirements

1. Information and Management Services (IMS) shall comply with Virginia Code Section 19.2-76.1 through the submission of quarterly reports to the Commonwealth Attorney concerning unexecuted criminal processes that have remained unexecuted in excess of the aforementioned statutory provision.
 - a. The quarterly reports shall be submitted in writing no later than the tenth day of April, July, October and January of each year and accompanied with a list of the unexecuted criminal processes, which may be considered by the circuit court for destruction.
 - b. Felony warrants with an age of seven years, and misdemeanor warrants, summons, capiases, and other criminal processes with an age of three years may be destroyed with the approval of the Commonwealth Attorney and concurred by a court order.
 - i. The Commonwealth Attorney may petition the court that certain unexecuted legal process not be destroyed due to active case investigation.
 - ii. The circuit court shall not order destroyed any warrant, which charges capital murder or any unexecuted criminal process that is deemed justifiable by the court.
2. Legal processes ordered by the Court to be destroyed or pending destruction will not be sent out for service.
3. Temporary Detaining Orders will remain active for 24 hours and an Emergency Custody Order will be active for 4 hours.

D. Issuance of a Summons in Lieu of Arrest

(See General Order 74-99 – Arrest With and Without a Warrant/Alternatives to Arrest).