

Policy Name:	LEGAL PROCESSES: SUMMONSES/SUBPOENAS/ARREST WARRANTS		
Policy #:	AD 9.10	Last Updated:	2022-04-07
Issued By:	SUPPORT SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

OP 3.1 Arrest and Detention

OP 4.22 Family Law Act and Civil Court Family Orders

OP 4.40 Parolees

OP 4.49.4 Search Warrants and Production Orders

OP 4.49.1 Extending the Radius of a Warrant

1. PURPOSE

1.1 To ensure Surrey Police Service (SPS) provides and maintains effective standards and processes for the processing of Summonses and Subpoenas.

1.2 To provide direction to Members when executing a Warrant of Arrest.

2. SCOPE

2.1. This policy applies to all SPS Employees.

3. POLICY

3.1. To ensure that the administration of justice is served when a person is required to attend Court when requested by Crown or another police agency, and the person is believed to reside in the City of Surrey, Members will make all reasonable efforts to serve a Summons or Subpoena on that person.

3.2. Members will not normally serve civil process documents. If requested to do so, Members should refer civil litigants to process servers and attend only when required to keep the peace. In rare cases a Judge may state directly in an Order for a police officer to serve a civil process document.

3.3. Members who are responsible for an investigation and a Warrant of Arrest has been issued for the suspect will make all reasonable efforts to locate the suspect and execute the Warrant.

4. PROCEDURE

Subpoena and Summons

4.2. When a legal document is received from an outside agency requiring service, it will be date stamped

and forwarded to the Crown Liaison Unit (CLU).

4.3. CLU will enter the legal document on the Police Records Information Management Environment (PRIME-BC), as appropriate:

- i. Subpoenas will be entered on Court Sub System/Subpoenas; and
- ii. Summonses will be entered on Court Sub System/Summonses.

4.4. CLU will create a follow-up in PRIME-BC General Occurrence (GO) report advising the investigating Member of a Subpoena or Summons for service. The copy of the Subpoena or Summons and affidavit/statement of service will be given to the Member's Supervisor for distribution to the Member.

4.5. It is the assigned Member's responsibility to attempt service of the court documents on or before the set diary date.

4.6. For Summonses, CLU will assign a twelve (12) day follow-up to the investigating Member.

4.7. The Member will document in the GO all information relating to attempts of service and complete the affidavit/statement of service (or attempted service) for the Subpoena or Summons, and submit the Follow-up in the GO. The Member will then submit to CLU the affidavit/statement of service (or attempted service) and the Subpoena or Summons.

4.8. The Member will be responsible for adding the information contained on the affidavit/statement of service (or attempted service) into the GO.

4.9. In cases where a Court document is marked “URGENT” and the assigned Member is unavailable, then the document will be forwarded to a Supervisor to assess and to re-assign to another Member as required.

Warrant of Arrest

4.10. When a Warrant of Arrest is issued by the Courts, the Warrant will be received by SPS through JUSTIN (justice information system) and received by records staff.

4.11. The Warrant of Arrest will then be forwarded, delivered to, or picked up by, the Canadian Police Information Centre (CPIC) Coordinator for entry onto CPIC.

4.12. The Warrant of Arrest will be matched with the corresponding police file and then the Warrant of Arrest will be entered on CPIC. Only those Warrants of Arrest that originate in the City of Surrey will be entered on CPIC by SPS.

4.13. The CPIC Coordinator will notify the investigating Member of the Warrant of Arrest and assign a diary date of thirty (30) days.

4.14. If the Member is unable to execute the Warrant as the individual’s whereabouts are unknown, the Member will articulate this in their Follow-up and mark it submitted. The CPIC Coordinator will then create a diary date in the CPIC workflow for a period of six (6) months.

4.15. If after six (6) months the Warrant remains unexecuted, the CPIC Coordinator will once again send a Follow-up to the investigating Member, assigning a thirty (30) day diary date. Further diary dates will continue to be issued by the CPIC Coordinator until the Warrant is executed or vacated.

Warrant Execution

4.16. Section 29 of the *Criminal Code* requires Members who execute a process or Warrant to:

- i. have it with them, where it is feasible to do so;
- ii. produce the Warrant when requested to do so; and
- iii. advise the person of the process or Warrant under which the arrest is made, or the reason for the arrest.

4.17. The investigating Member will make every reasonable effort to execute the Warrant and submit a GO report outlining the Member’s action, plus any additional information obtained. The Supervisor will review the file to ensure due diligence in the Member’s documentation of actions taken to execute a Warrant of Arrest.

4.18. Members executing a Warrant of Arrest will confirm by CPIC that the Warrant is still in effect and is in force within the territorial jurisdiction in which the person is believed to be prior to attempting to arrest.

4.19. When a Member executes a Warrant of Arrest, the Warrant will be removed from CPIC by the OCC Dispatcher and the Warrant stamped “removed from CPIC”. The original Warrant of Arrest will be forwarded to CLU to be returned to the Court Registry.

Warrants Held By Other Agencies

4.20. Warrant information from other law enforcement agencies relayed to SPS for execution will be subject of a SPS PRIME-BC file. The file will be assigned to a Member who will attempt to execute the Warrant. Any action regarding the Warrant must be relayed back to the originating agency via CPIC entry.

4.21. When Members execute a Warrant of Arrest for another police agency, the agency holding the Warrant and maintaining the CPIC entry will be advised (via CPIC) so that they can vacate the Warrant.

4.22. If the subject of the Warrant is to be held in custody by SPS, arrangements will be made to transport the subject to the agency that issued the Warrant.

Family Law Act

4.23. A person who is arrested under a warrant pursuant to the Family Law Act must be brought before a Judge or Justice of the peace as soon as practicable. The Judge or Justice of the peace may release that person, requiring the respondent to appear in Court on the date, time, and place stated therein (see OP 4.22 *Family Law Act and Civil Court Family Orders*).

Parole Service

4.24. A warrant of apprehension issued by a provincial parole board, or an electronically transmitted copy of such a warrant, shall be executed by any peace officer to whom it is given in any place in Canada as if it had been originally issued or subsequently endorsed by a justice or other lawful authority having jurisdiction in that place (see OP 4.30 *Parolees*). When a person is released on parole, Corrections Service Canada (CSC) will:

- i. inform the police of jurisdiction where the parolee will be residing; and
- ii. create a CPIC entry into the parolee category.

4.25. When a warrant of apprehension and suspension of parole is issued, CSC will:

- i. send the warrant to the police of jurisdiction, who will enter the warrant on CPIC; and
- ii. modify the CPIC entry in the parolee category to indicate a warrant of apprehension and suspension of parole has been issued; which CSC office issued the warrant; and which police department holds the warrant.

Arrest Without Warrant

4.26. A Member who believes on reasonable grounds that a warrant is in force may:

- i. arrest the person without a warrant and remand the person in custody; and
- ii. where a person has been arrested the warrant of apprehension, or an electronically transmitted copy thereof, shall be executed within forty-eight (48) hours after the arrest is made, failing which the person shall be released (see OP 3.1 *Arrest and Detention*).

APPENDIX A: DEFINITIONS

"CPIC" means the Canadian Police Information Centre, the computerized national information repository and retrieval system operated by the RCMP on behalf of the nation's policing community that facilitates the sharing of information among authorized agencies.

"Employee" means a sworn Member or Civilian Employee appointed by the Surrey Police Board.

"JUSTIN" means integrated criminal justice database for managing electronic court records.

"Member" means a sworn Police Officer appointed by the Surrey Police Board.

"OCC" means the Operational Communications Centre.

"PRIME-BC" means the Police Records Information Management Environment, the provincial police records management system.

"Summons" means a Court document compelling an accused to appear in Court.

"Subpoena" means a Court document compelling a witness or victim to appear in Court.

"Supervisor" means a Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

"Warrant of Arrest" means a warrant of arrest or committal, in any form set out in Part XXVIII of the *Criminal Code*.

APPENDIX B: REFERENCES

Criminal Code, R.S.C. 1985, c. C-46

Corrections and Conditional Release Act, S.C. 1992, c. 20