

DEPARTMENT GENERAL ORDER 08-05

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 00-11
SOP: 501.17.00

DATE: April 04, 2008

CIVIL PROCESS

I. PURPOSE.

To establish departmental guidelines governing the service of civil process documents as they pertain to Ex-Parte and Full Orders of Protection.

II. DEFINITIONS.

Civil Process - Those writs, summonses, mandates, or other process issuing from a court of law or equity pertaining to a cause of action of a civil nature. The term includes original, intermediate, and final process to be served by the agency in any action involving civil litigants.

Return - A written statement by an officer who serves a petition for an Order of Protection, reciting the fact that the petition was served, the identity of the individual to whom it was served and the date the document was served.

III. STATUTORY PROVISIONS.

Pursuant to RSMo 506.140, which states, "Service of process except as otherwise provided shall be made by a sheriff, or his deputy, or in case the sheriff in any cause is for any reason disqualified, the process may be issued to and served by the coroner of the county in which such process is to be served; or for good cause shown, some person, other than the sheriff or coroner, may be specially appointed by the court for service of process in any cause, but such appointment shall be valid for service of the process for which such person was specially appointed," virtually all civil process writs, summons, orders, etc. shall be served by the St. Louis County Sheriff's Department.

However, an exception to the above requirement is detailed, in part, by RSMo 455.040 as follows: “The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any Ex-Parte Order of Protection to be served upon the respondent as provided by law or any sheriff or police officer at least three days prior to such hearing. The court shall cause a copy of any full Order of Protection to be served upon or mailed by certified mail to the respondent at the respondent’s last known address.”

Missouri Supreme Court Rule 54.13(b)(1) provides that “personal service” may be made by delivering a copy of the petition and notice to the respondent personally, or by leaving a copy of the papers at the “dwelling house or usual place of abode” of the respondent with some person of the respondent’s family over the age of fifteen years.”

IV. ORDERS OF PROTECTION.

When an EX-Parte Order or full Order of Protection is received at this department, the original document will be retained in the Administrative Division, while a copy is forwarded to the Field Operations Bureau for dissemination of the information contained therein. Administrative personnel will attach a log sheet to each order, detailing the parties involved, and the date and time of any inquiries that may be received in regard to the order. In addition, each court order will be entered into the REJIS/MULES data systems. This will allow officers throughout the State of Missouri to access and act on information contained in the order, as well as permitting officers from this command to obtain similar information concerning persons involved in actions in other venues.

In the event an order of protection is received after normal business hours, the order shall be faxed to ECDC so that communications personnel can enter the data into REJIS.

If a commissioned officer responds to a reported incident of Adult Abuse/Domestic Violence, or a violation of an “Order of Protection,” and determines the respondent has not been officially served, the following procedures shall be followed:

- 1). The officer will obtain a copy of the “Ex-Parte or full Order of Protection from the petitioner and serve the respondent by reading him/her the order.
- 2). The officer will provide the respondent with a copy of the order and inform him/her that they have been properly and lawfully served.
- 3). The officer will then obtain a second copy from the plaintiff, or utilize the departmental copy, and complete and sign the return information on the appropriate section of the form.
- 4). The completed return will be faxed or mailed to the Adult Abuse Section of the St. Louis County Office of the Circuit Clerk.

Refer to the appropriate general order to review current investigation and enforcement guidelines in regard to Adult Abuse/Domestic Violence.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld