



# ACTON POLICE DEPARTMENT

		DEPARTMENT MANUAL; P&P: Administration	
POLICY & PROCEDURE # 1.36		DATE OF ISSUE: 04/11/2020	EFFECTIVE DATE: 04/17/2020
SUBJECT: CIVIL PROCESS	ISSUING AUTHORITY: Chief Richard Burrows		
REFERENCE(S): Massachusetts Police Accreditation Commission # 74.2.1	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS		

## I. POLICY

- A. The following is a list of several types of civil process that sworn officers must serve as part of their duties: **[74.2.1]**
  - Restraining Orders (209A)
  - Harassment Prevention Orders (258E)
  - Warrants of Apprehension
  - Section 12's (Pink Slips) Involuntary Committals
  - Summons
  - Subpoenas
- B. Special attention by all Department personnel is necessary upon receipt of a Restraining Order (209A)/ Harassment Prevention Order (258E) process because of the time factor of the restraining period. Immediate service effort is imperative in order to determine the whereabouts of the within-named defendant and for the protection of the plaintiff. Officers will be required to be fully familiar with their duties and responsibilities under Chapter 209A / Chapter 258E and shall report any service problems forthwith to the Patrol Shift Supervisor so that this service can be accomplished as quickly as possible. Prior to making any 209A service, a check for a LTC or FID should be made as this may be surrendered upon service as directed by a Judge. All firearms confiscated as a result of the issuance of a 209A order shall be inventoried in accordance with procedures outlined in the Department's Property and Evidence Control (6.02) policy.
- C. Warrants of Apprehension (WA) require special attention by all concerned because of the time restrictions imposed by statute regarding the hours that service may be made (court must be in session). Additionally, WA's are civil arrest warrants that prohibit "booking" the subject of the warrant. The statute further requires that the officer(s) serving the warrant of apprehension to

“immediately bring such respondent before a judge.” Special consideration must be given to the circumstances surrounding the issuance of the warrant as they are only issued in matters of medical issues involving substance abuse. Since this is a medical issue, no names are to be entered in the press log. The officer serving the warrant and transporting the subject shall complete an incident report detailing the service of the warrant and transportation.

D. *MGL Chapter 123: Section 12.* (Pink Slips) authorizes police officers to apply for and effect the emergency restraint of dangerous persons due to mental illness, and file for an application for hospitalization. A police officer who believes that failure to hospitalize a person would create a likelihood of serious harm (by reason of mental illness) may restrain such person and apply for the hospitalization of such person for a three-day period at a public facility or a private facility authorized for such purpose by the Department of Mental Health. An application for hospitalization shall state the reasons for the restraint of such person and any other relevant information that may assist the admitting physician or physicians. Also, see the section titled *Dealing with the Mentally Ill.* The officer serving the Section 12 order shall complete an incident report detailing the service of the Section 12. Whenever, in the officer’s opinion the criteria for a Section 12 could be filed, the preferred response is to file and restrain that individual. The individual should not be allowed to “voluntarily” go to the hospital if the criterion for a Section 12 has been met. The patrol shift supervisor must approve all applications for a Section 12.

## CIVIL PROCESS INFORMATION

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**History: Manual I, Section III.**