

**ILLINOIS STATE POLICE DIRECTIVE
OPS-059, SERVICE OR EXECUTION OF CIVIL PROCESS**

RESCINDS: OPS-059, 2013-019, revised 01-18-2013.	REVISED: 04-04-2017 2017-033
RELATED DOCUMENTS: ROC-002	RELATED CALEA STANDARDS: 74.1.1, 74.1.2, 74.1.3, 74.2.1, 74.2.2, 74.3.1, 74.3.2

I. POLICY

The Illinois State Police (ISP) recognizes, generally, that the sheriffs of the various counties are authorized to serve civil process documents; however, under conditions provided in paragraph II.B., ISP officers may be named to serve such process. **ISP PERSONNEL WILL NOT SERVE OR EXECUTE CIVIL PROCESS EXCEPT AS SPECIFIED IN THIS DIRECTIVE.**

II. AUTHORITY

II.A. Authority to serve or execute civil process is located in 735 ILCS 5/2-202, "Persons authorized to serve process; Place of service; Failure to make return," and generally limits such authority to sheriffs.

II.B. 20 ILCS 2610/16, "State Police Act," states that no ISP employee will serve or execute civil process, except for process issued under the authority of:

II.B.1. The General Assembly

II.B.2. A committee or commission thereof vested with subpoena powers when the county sheriff refuses or fails to serve such process

II.B.3. The Illinois Department of Revenue

III. PROCEDURES

III.A. Only sworn personnel may be authorized to serve or execute civil process.

III.B. Sworn personnel named to serve or execute civil process will contact their supervisor immediately in order to obtain specific consent to comply with such orders from the Colonel of their Division of assignment or from the Director. (See ISP Directive ROC-002, "Rules of Conduct.")

III.C. Upon receiving consent from their Colonel or the Director, officers will serve or execute such process in accordance with instructions provided in:

III.C.1. 735 ILCS 5/2-203, "Service on individuals"

III.C.2. 735 ILCS 5/2-204, "Service on private corporations"

III.C.3. 735 ILCS 5/2-205.1, "Service on voluntary unincorporated associations"

III.C.4. 735 ILCS 5/2-206, "Service by publication; affidavit; mailing; certificate"

III.D. Supervisors will ensure that an adequate number of personnel are assigned to execute the process.

III.E. Officers should contact the Department's legal staff in the Director's Office for assistance or any interpretation needed in order to comply with the order.

III.F. ISP officers will complete a Field Report and will record the following information pursuant to TraCS procedures.

III.F.1. At a minimum, the officer will record the following information:

- III.F.1.a. Date and time received
- III.F.1.b. Type of legal process (civil or criminal)
- III.F.1.c. Nature of document
- III.F.1.d. Source of document
- III.F.1.e. Name of plaintiff/complainant or name of defendant/respondent
- III.F.1.f. Officer assigned for service
- III.F.1.g. Date of assignment
- III.F.1.h. Court docket number
- III.F.1.i. Date service due
- III.F.1.j. Date and time served
- III.F.1.k. Name of server
- III.F.1.l. To whom process was served or on whom executed
- III.F.1.m. Method of service
- III.F.1.n. Location of service

III.F.2. Officers will record unsuccessful attempts to serve each legal process document including:

- III.F.2.a. The address where the service was attempted
- III.F.2.b. Date
- III.F.2.c. Time
- III.F.2.d. Name of the officer who attempted service
- III.F.2.e. The reason for non-service

III.G. Civil process in other states

ISP officers will not serve civil process in other states, except as authorized under federal law and by the officer's Colonel or the Director.

| Indicates new or revised items.

-End of Directive-