



# Process Servers & Police Interact

By Scott Gray

**P**rocess servers and police officers become involved far more frequently than one might expect. The cooperation and assistance of law enforcement is not only greatly appreciated by the process server but can often go a long way in diffusing a hostile situation which enhances the safety of both the process server and the person being served.

Many people operate under an understandable yet misguided belief that process servers don't have the right to be on their property. In addition, they often believe that they have the option to refuse to accept service. If that occurs, the process server is trained to leave the paperwork in a conspicuous place in the servee's presence. This action frequently infuriates the servee, generally

resulting in some form of confrontation ranging from the servee attempting to force the process server to take the paperwork back, to an all-out physical assault.

It is also common under these circumstances that the servee, or someone else at home with the servee, summons the police. Or in the case of an assault, the process server is trained to report the incident to the police as well. In either instance, when the police are summoned the process server will wait nearby until they arrive. In more cases than not, after the police officer(s) have arrived and are apprised of why the process server is there and what they are trying to accomplish, the police are able to calm the servee and convince them that everything is legal and proper and that they need to acquiesce to service. A secondary value of police presence is that an incident report is created and logged. Down the line, that report can protect the process server from accusations of misbehavior should the servee decide to level charges either out of frustration or their lack of understanding of the rules related to service of process.

## A Case Study

One illustrative example, occurred a few years ago. The defendant, whom I was serving, lived in a home set nearly a quarter of a mile back from the cul-de-sac. His driveway was guarded by a gate. The gate prohibited a vehicle from entering, but did not stop me from walking around it. Upon reaching his house, the defendant was

quite angry with my "trespassing." It was clear by his actions and odor that he was to some degree intoxicated which intensified his anger over my presence.

After dropping the summons at his feet, I attempted to leave. The defendant grabbed me by the collar of my jacket and insisted that I was going nowhere until the police arrived. I freed myself from his grasp, informed him that I would return to my vehicle and await the police there. While I was making the substantial walk back to my car, the defendant drove his vehicle past me. As I finally reached the cul-de-sac, I saw that the defendant had blocked my vehicle with his such that I could not leave.

We both waited for the police to arrive. For whatever reason, both a police officer and a sheriff's deputy arrived almost simultaneously. I spoke with the deputy while the defendant spoke with the police officer. Once the deputy understood who I was and what I was doing, he quickly recognized that I had committed no crime and offered to cite the defendant for battery for having grabbed me. Although I declined to cause the defendant further legal difficulty, he was eventually arrested nonetheless because after the deputy and the police officer conferred, they decided to administer a Breathalyzer test to the defendant. In his haste to block me in, he forgot the he was drinking and drove on the cul-de-sac, a city street.... Oops!

Although process servers do not expect law enforcement to help them do their jobs, they are a welcome element in the process of serving process ... an endeavor that frequently can lead to confrontational situations wrought with danger and the potential for unnecessary escalation.

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