

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 1420

Supersedes: NA

Effective: March 25, 2019

Page: NA Section: NA

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Dated: April 21, 2004

LEGAL PROCESS

- I. **PURPOSE:** To establish guidelines for record keeping requirements in the service of, attempted service of, or maintenance of legal processes issued by magisterial courts or courts of record to officers of the Upper Merion Township Police Department, and to provide guidelines for the service of civil process.
- II. **POLICY:** It is the policy of the Upper Merion Township Police Department that personnel will follow the record keeping requirements for legal process documents and the procedures for the service of civil process outlined in this directive.
- III. **CROSS-REF:** Policy #400, ARREST PROCEDURES WITH/WITHOUT A WARRANT
- IV. **PROCEDURE:**
- A. RECORDING LEGAL PROCESS INFORMATION:
1. Arrest warrants received from a District Justice's Office will be forwarded to the designated secretary, who will make a copy of the warrant for the case file and forward the original to the investigating officer. The secretary will note the date and time the warrant is received on the warrant.
 2. The investigating officer is responsible for contacting the Records Section to have the warrant entered into the Police Records Management System. The Records Section shall enter the following information into the record:

- a. Date received;
 - b. Type of legal process, criminal or civil (all warrants received shall be criminal in nature);
 - c. Nature of document;
 - d. Source of document (all warrants should be received from either Magisterial District 38-1-09 or 38-1-25);
 - e. Name of complainant (officer making initial arrest), and name of defendant;
 - f. Officer assigned for service;
 - (1) The investigating officer is primarily responsible for warrant service follow-up, attempts to serve, and warrant records maintenance. If arrangements are made with another officer/detective to attempt service, the arrangements shall be noted in a Supplemental Report.
 - (2) When defendants are located the shift supervisor may assign any sworn officer to serve the warrant.
 - (3) In all cases, warrants shall only be served by sworn police officers.
 - g. Date of assignment (should be the same as the issue date of the warrant);
 - h. Court docket number if available, court OTN, and/or citation number;
 - i. Date service is due or date of service.
3. Incident Reports or Supplementary Reports shall include the date of entry.
 4. The investigating officer is also responsible for completing a Wanted Person Entry Worksheet and contacting the Communications Center to have the warrant (felonies or misdemeanors only) entered into NCIC/CLEAN. If the investigating officer feels that the actor should be extradited from another state, then the officer must obtain extradition approval from the District Attorney's Office prior to the entry of a warrant into NCIC/CLEAN.
 - a. Patrol Officers must receive approval from a Supervisory or Command Officer prior to submitting a Wanted Person Entry Worksheet to the Communications Center for entry. The worksheet should contain a signature from the approving supervisor.
 - b. Detectives may submit a Wanted Person Entry Worksheet to the Communications Center on their own authority.

- c. A copy of the NCIC/CLEAN entry shall be made a part of the case file.
- d. The Detective Sergeant shall ensure that a master name file entry exists in the Police Records Management System.
- e. The Detective Sergeant shall verify that the warrant has been entered into the Police Records Management System.

B. Recording Execution/Attempt of Service:

1. When a warrant is served, or service is attempted, it shall be documented on a Supplementary Report and include the following information:
 - a. Date and time service or attempted service was completed;
 - b. Name(s) of officer(s) serving or attempting service;
 - c. Name of defendant;
 - a. Method of service or reason for non-service;
 - b. Address of service or attempted service.
2. If actual service is completed, the following actions shall be taken:
 - a. The warrant service shall be noted in the Police Records Management System;
 - b. It is the responsibility of the officer serving the warrant to ensure that the warrant is removed from NCIC/CLEAN.
 - c. The Communications Center shall remove the warrant from NCIC/CLEAN if applicable. Copies of the NCIC/CLEAN removals shall be forwarded to the Records Section for inclusion in the case file.
3. When a warrant is recalled by a District Justice the following shall be done:
 - a. A Supplementary Report shall be completed by the investigating officer noting the recall. The investigating officer shall ensure that the warrant is removed from the Police Records Management System and NCIC/CLEAN if applicable. Copies of the removal shall be forwarded to the Records Section for inclusion in the case file. The investigating officer shall ensure that all remaining copies of the warrant are returned to the District Justice's office.

C. CIVIL PROCESS:

1. In general, the only civil processes that may be the responsibility of the Upper Merion Township Police Department are the following:

- a. Protection from Abuse Orders (PFA's): PFA's will be served on individuals living or working in Upper Merion Township under the following circumstances:
 - (1) Emergency PFA's issued by a District Justice;
 - (2) When requested to serve or assist in serving PFA's normally handled by the Montgomery County Sheriff's Department.
 - (3) The PFA order may include a requirement that the defendant temporarily relinquish to the sheriff the defendant's weapons which may have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children (Title 63 P.C.S., Chapter 61, Section 6108(a)(7)). When such a requirement exists, the officer(s) serving the PFA order shall seize such weapons and store them in accordance with policy #600 (EVIDENCE & PROPERTY CONTROL) pending notification of, and transfer to, the Montgomery County Sheriff's Department.

- b. Protection of Victims of Sexual Violence or Intimidation Orders: PVSI's will be served on individuals living or working in Upper Merion Township under the following circumstances:
 - (1) Emergency PVSI's issued by a District Justice;
 - (2) When requested to serve or assist in serving PVSI's normally handled by the Montgomery County Sheriff's Department.

- c. Child custody orders: The Upper Merion Township Police Department will not serve child custody orders. Enforcement of child custody orders will generally be reserved to the arrest of persons actively attempting to remove a child from the custody of the court appointed custodian.

- d. Model Expedited Eviction of Drug Traffickers Act (Act No. 1995-23):
 - (1) The causes of action established in this act are civil actions to evict or remove tenants or other persons from leased residential premises.
 - (2) Civil action under this act may be brought by the landlord, tenant organization, district attorney, or attorney general if requested by the district attorney.
 - (3) Any removal or eviction order issued by a court under this act shall be enforced by the person or entity bringing the action. The appropriate law enforcement agency shall upon request of the person bringing the action assume responsibility for the actual execution of the removal or eviction (Section 780-160).

(4) Any person who knowingly violates an order issued under this act or interferes with, obstructs, impairs or prevents any law enforcement officer from enforcing or executing any order issued under this act shall be subject to criminal contempt (Section 780-161).

d. Mental Health Act: Officers, upon personal observation of the conduct of a person constituting reasonable grounds to believe that they are severely mentally disabled and in need of immediate treatment, and when no other family member or authorized person is able to make application, shall take custody of such person and transport, or arrange for their transport, to an approved facility for an emergency examination.

(1) Upon arrival at the approved facility, the custodial officer shall complete the "Application for Involuntary Emergency Examination and Treatment" form as provided for in the Mental Health Procedures Act of 1976, Section 302.

APPROVED: *Thomas M. Nolan*
Chief Thomas M. Nolan

DATE: 03/28/19

APPROVED: *Jeremy Johnson*
Captain Jeremy Johnson

DATE: 03/26/19

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
All dispatchers
All records clerks
All secretaries
Township Manager
File