


HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
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Accreditation Index: 2.7.1, 2.7.2, 2.7.3, 2.7.4, 2.7.5, 2.7.6, 2.7.7		Rescinds: Directive 2.7.0 of February 2021
Chapter: Two – Law Enforcement Functions		Section: Seven – Legal Process
Chief of Police: <i>John F. Viola</i>		

SUBJECT: LEGAL PROCESS PROCEDURES

I. PURPOSE

The purpose of this Directive is to provide members of the Haverford Township Police Department with guidelines on legal process procedures to include the following areas: legal process record keeping procedures, civil process procedures, criminal process procedures, and disposition of property acquired during civil process procedures.

II. POLICY

It shall be the policy of this Department that all legal process procedures outlined in this Directive be complied with to ensure the timely service; and/or accurate accounting and disposition of all legal process records, warrants, court orders, and seized property.

III. DEFINITIONS

For purposes of this Directive the following words or phrases shall have the following definitions:

Assigned Officer - The sworn officer that brings criminal charges or is presented with or is assigned the service of a Criminal or Civil Legal Process.

ALERT/ Metro ALERT– Shall be the information management system utilized by this department where information pertinent to Legal Processes such as arrest warrants, PFA’s, 302

Commitments and other types of civil processes are recorded.

PFA - Refers to the civil process known as a Protection From Abuse order. For the purposes of this directive the newly created Protection of Victims of Sexual Violence or Intimidation shall be handled in the same way throughout this directive.

Warrant Control Officer - A member of the Detective Division shall be designated by the Detective Division Commander as the Warrant Control Officer. The Warrant Control Officer shall be a sworn officer with responsibility for the maintenance of all criminal and civil legal processes, such as Protection from Abuse Orders (PFA), Warrants, etc.

Warrant Unit - The unit tasked with the service of warrants or other legal processes as provided in this directive. The unit is comprised of sworn officers assigned to the Detective Division. The Chief of Police or his designee may assign additional sworn officers from other units within the department as necessary.

IV. PROCEDURES – (ADMINISTRATIVE)

A. The Haverford Township Police Department serves criminal and civil legal processes. Generally, these legal processes are criminal warrants or civil protection from abuse orders, protection of victims of sexual violence or intimidation orders or mental health warrants (302 commitments).

1. The Delaware County Sheriff’s Department and State Constables control all other legal processes in support of the judicial function.

a) Upon request, the members of this Department shall assist State Constables and/or the Delaware County Sheriff’s Department in the serving of other legal processes.

2. Officers assisting another jurisdiction in the execution of a Legal Process that remains under the control of the outside agency shall complete an incident report in ALERT recording pertinent information about the incident. A copy of their legal process **IS NOT** entered into our ALERT system for tracking purposes.

a) Officers may attach a copy in the multimedia file of the ALERT incident for documentation.

B. Recording of Legal Process Information under Department Control

1. The following information shall be recorded in the appropriate section of ALERT by the Assigned Officer who either obtains a

criminal warrant or has been presented with a valid criminal or civil process (PFA) or 302 Commitment:

- a) Date and time received;
(PLEAC 2.7.1 a)
- b) Type of legal process, civil or criminal;
(PLEAC 2.7.1 b)
- c) Nature of the document;
(PLEAC 2.7.1 c)
- d) Source of the document;
(PLEAC 2.7.1 d)
- e) Name of plaintiff/complainant or name of defendant/respondent;
(PLEAC 2.7.1 e)
- f) Officers assigned to service;
(PLEAC 2.7.1 f)
- g) Date of assignment;
(PLEAC 2.7.1 g)
- h) Court docket, warrant number or other identifying number;
(PLEAC 2.7.1 h)
- i) Date of service or date service due.
(PLEAC 2.7.1 i)

C. Recording Execution or Attempt of Service

- 1. When a warrant, PFA or 302 Commitment is served or service is attempted such service or attempted service shall be noted in ALERT and the original incident report updated. The following information shall be included on the incident report and in the appropriate folders in ALERT:
 - a) Date and time service was executed/attempted;
(PLEAC 2.7.2 a)
 - b) Name of sworn law enforcement officer(s) executing/attempting service;
(PLEAC 2.7.2 b)
 - c) Name of person on whom legal process was served/executed;
(PLEAC 2.7.2 c)
 - d) Method of service/reason for non-service;
(PLEAC 2.7.2 d)
 - e) Address of service/attempt; and
(PLEAC 2.7.2 e)
 - f) Execution of criminal arrest warrants, civil arrest warrants, or writs requiring the seizure of real or personal property are to be performed by a sworn law enforcement officer.
(PLEAC 2.7.2 f)

Note: A new supplement shall be created for each service attempt. This allows the department the ability to show compliance with Rule 600: *Procedures in Court Cases – Prompt Trial*.

2. Responsibilities for the entry of the above listed information into ALERT and the completion of the incident report are as follows:
 - a) The completion of the incident report or updating of an original entry report is the responsibility of the assigned officer serving or attempting to serve the warrant, PFA or 302 Commitment.
 - (1) The officer completing this incident report shall ensure all required information is entered into the report and other appropriate fields in ALERT, to include the outcome of the service or attempted service.
 - b) The officer attempting service of an arrest warrant shall ensure the warrant is placed in the Warrant File located in the Information Assistant's office whenever the attempted service is unsuccessful.
 - (1) A successful service of the arrest warrant shall result in that warrant being executed and the appropriate copies returned to the court. All other hard copies of the warrant in the Warrant File shall be removed and ALERT updated accordingly.
 - c) The officer attempting service of a PFA or 302 Commitment shall ensure the Warrant/ Legal Process is handed to the On-Duty Supervisor whenever the attempted service is unsuccessful.
 - (1) Supervisors shall reassign service later in the shift or pass the Legal Process to the oncoming supervisor for service during the next shift. This process shall continue until the Legal Process is served or it expires.
 - d) Upon successful service of a PFA, the officer shall ensure a copy is placed in the PFA file located in the Information Assistant's Office.
 - (1) The officer who served the PFA shall fax the Affidavit of Service to the District Attorney's Office and the Affidavit of Cause (Weapons) to the Sheriff's Office at the numbers on each form.

(PLEAC 2.7.3)

(2) The executed Affidavit of Service and Cause forms for PFA's shall be maintained in the file in the Information Assistants' Office.

e) Upon successful service of the 302 Commitment the executed legal process shall be taken to the intake facility completed and turned over to Intake Personnel with the subject.

(PLEAC 2.7.3)

f) The On-Duty Supervisor shall refer the new or updated ALERT Report documenting the service or attempted service to the ALERT group "Warrant Unit" to make them aware of the service or attempted service of the legal process.

D. Responsibilities of the Warrant Control Officer

1. The Warrant Control Officer shall review the entries made by officers into the ALERT system of all legal processes.

2. The Warrant Control Officer shall reassign all warrants forwarded to him/her to a member of the Warrant Unit for service and maintenance.

a) The assigned member of the Warrant Unit shall ensure all documentation of attempted services or due diligence compliance is recorded in the ALERT system

3. The Warrant Control Officer shall generate a report(s) from ALERT;

a) To ensure complete entries into the legal process database are made by the appropriate personnel.

b) To ensure timely service, by this department, of all warrants, PFA's or 302 Commitments.

c) To ensure all warrants over thirty (30) days old are handled as a fugitive from justice and due diligence procedures are implemented.

d) To ensure due diligence (Rule 600) compliance by this department, the officer that brought the charges and/ or the assigned Warrant Unit officer.

e) To ensure warrants that have been served or withdrawn reflect the appropriate status in ALERT and that the hard copy from the warrant file has been removed.

f) To ensure all valid PFAs have a hard copy in the PFA file in the Information Assistants' Office and that the required Affidavits have been faxed.

- g) To ensure all expired PFA's reflect the appropriate status and that the hard copy from the PFA files in the Information Assistants' Office has been removed and placed in the expired folder.
- h) To ensure all C.L.E.A.N./ N.C.I.C. entries reflect the appropriate status of the legal process maintained by this department.
 - (1) If incorrect work with the appropriate personnel to ensure the information in the C.L.E.A.N./ N.C.I.C. databases reflect the correct status.

V. CIVIL PROCESS – (PHYSICAL PROCEDURES)

A. Service of Civil Processes

- 1. Any civil processes executed by Haverford Township Officers shall be served by at least two sworn officers.
(PLEAC 2.7.4)
- 2. In general, the only civil process services that are the responsibility of the Department are the following:
 - a) PFA - Protection from Abuse Orders, Protection of Victims of Sexual Violence or Intimidation Orders
 - (1) PFA's shall be served on respondents living and/or employed within Haverford Township under the following circumstances:
 - (a) Emergency PFA's issued by a District Justice;
or
 - (b) Temporary PFA's issued by the Court of Common Pleas; *or*
 - (c) Permanent PFA's issued by the Court of Common Pleas.
 - b) 302 Commitment
 - (1) A valid 302 Commitment shall be served upon a person/ patient found to be in Haverford Township.
- 3. Generally, all other types of civil processes shall be served by the Delaware County Sheriff's Department or State Constables.
 - a) When requested to assist on the service of any civil process by the Sheriff's Department or a State Constable, a minimum of two sworn Haverford Township Officers shall assist.

- b) Supervisors shall ensure sufficient resources are assigned to maintain order and provide for the safety and security of the serving personnel.

4. Child Custody Disputes

- a) Generally the department will not serve child custody orders between parents or guardians.
 - (1) Officers shall occasionally have to assist the Delaware County CYC (Children and Youth Services) when they need assistance serving an order that requires immediate action. Usually these actions arise from protective court orders Title 42 Pa. C.S.A. 6324 Taking into Custody
 - (2) Additionally a Common Pleas Judge may institute a proceeding where they issue a warrant to take a child into custody whom is deemed in danger of imminent physical harm or is likely to be removed from the Commonwealth. These orders arise out of Title 23 Pa. C.S.A. sect. 5209 The Uniform Child Abduction Prevention or sect. 5451 The Uniform Child Custody Jurisdiction and Enforcement Act.
 - (a) If a Judge of the Court of Common Pleas issues such a Warrant under this section, law enforcement officers are obligated to enforce the order. Sworn members of this department shall execute such a warrant.
 - (b) If an officer has a question about the validity of the warrant or terms of the order the officer shall contact the on-call Assistant District Attorney for guidance.

Note: While resolving these child custody disputes officers may find it necessary to arrest a person actively attempting to subvert an order by removing a child from a court appointed custodian. That action would be in violation of Title 18 Pa. C.S.A. sect. 2904 Interference with Custody of Children

(PLEAC 2.7.3)

B. Procedures for Seized Property as a result of Civil Process

- 1. Only sworn officers shall seize property through a civil process executed by this department.
(PLEAC 2.7.4)
- 2. All property seized through a civil process by this department shall be submitted to the evidence custodian as outlined in Directive 3.5.2

Evidence Control; Directive 3.5.3 Evidence and Chain of Custody Form; and Directive 3.5.5 Forfeiture of Seized Vehicles or Property (if applicable).

3. All seized property shall be disposed of as outlined by legal authority, departmental directive or by the civil court order.
(PLEAC 2.7.7)

VI. CRIMINAL PROCESS – (PHYSICAL PROCEDURES)

- A. The following procedures shall apply to the service or attempted service of all criminal warrants; summary, misdemeanor, or felony.
 1. Criminal warrants brought by the Haverford Township Police Department shall only be served by sworn law enforcement personnel.
(PLEAC 2.7.6)
 2. A minimum of two sworn members of the Haverford Township Police Department shall be present when serving criminal warrants on subjects not in custody.
 - a) Criminal warrants brought by a sworn member of this department that are unable to be served in a timely manner shall be forwarded to the Warrant Control Officer.
 - b) Generally all criminal warrants brought by a sworn member of this department that cannot be immediately served shall be served by the Warrant Unit.
 - c) The appropriate on-duty divisional supervisor shall determine the number of sworn members required when serving criminal warrants on subjects already in police custody, or in a secure facility.
 3. When serving a criminal warrant outside the primary jurisdiction of this department, the police department responsible for the municipality where service is being attempted shall be notified as per the Municipal Police Officer's Jurisdiction Title 42 PA C.S.A. 8953(a).
 - a) If the defendant is believed to be a flight risk and/or could be violent additional assistance should be requested from the appropriate agency.
 4. When misdemeanor and/or felony warrants are served outside of Delaware County the defendant must be afforded the opportunity to an arraignment in the county in which they are arrested.

- a) If the defendant requests arraignment in the county of arrest, arrangements shall be made with a local District Justice for such arraignment.
 - b) The defendant may waive the right to arraignment in the county of arrest.
 - (1) Officers shall have the defendant sign the Waiver of Rule 517 Form see Appendage “A”.

- B. Recommended service procedures for sworn officers assigned service of misdemeanor and/or felony warrants.
 - 1. When preparing and serving criminal warrants officers shall comply with the procedures outlined in this Directive and Directive 1.2.4 Arrests.
 - 2. At the discretion of the officer bringing the charges or the supervisor in charge, phone contact may be attempted and arrangements made for the defendant to appear and surrender.
 - 3. Due diligence for misdemeanor and/or felony warrants shall be completed on a regular basis and recorded in the ALERT system by the assigned officer and should consist of the following:
 - a) Check of last known address;
 - b) Check with U.S. Post Office for forwarding address;
 - c) Check of the CLEAR investigative search system;
 - d) Check of Haverford Township Police records for updated information;
 - e) Check of PA Department of Transportation records for updated operators/vehicle registration information;
 - f) Check of C.L.E.A.N. and N.C.I.C. criminal history for recent arrests;
 - g) Check of local probation/parole lists;
 - h) Check of the local prison lists of inmates.
 - 4. Upon service of a warrant, if applicable, the assigned officer shall make a “reasonable effort” to notify the personal injury victim of the arrest in compliance with Directive # 4.5.1 Crime Victim Assistance.

- C. Service procedures for another jurisdiction’s criminal warrant (i.e. misdemeanor, felony, probation or parole detainers, etc.) within Haverford Township.

1. Sworn Haverford Township Police officers shall assist an outside agency with the service of a warrant, but in no event shall the Haverford Township Police Department serve as a repository for another agency's warrants.
2. Sworn Officers of this department shall verify with the outside agency that the warrant is valid prior to service.
3. Sworn Officers of this department, who obtain a C.L.E.A.N. or N.C.I.C. hit of a wanted person, shall have DelCom send a hit confirmation request to the agency holding the warrant.
 - a) DelCom shall obtain confirmation that the warrant is active and have a copy of the warrant faxed to the Haverford Township Police Department.
4. It shall be the responsibility of the originating agency to arraign the defendant if they are able to respond immediately and take custody of the defendant.
 - a) If the warrant is from an originating agency within Delaware County that is unable to accept the defendant immediately arrangements should be made to either transport the defendant to that agency or obtain a copy of the warrant and have the defendant arraigned by the appropriate District Justice.
 - b) If the warrant is from an agency within Pennsylvania but outside Delaware County that is unable to accept the defendant immediately arrangements should be made to arraign the defendant on the charges as per Title 42 Pa. C.S.A. Sub-Chapter C Inter-County Detention sect 9161 Arrest Prior to Requisition .
 - (1) A fax copy of an arrest warrant is sufficient to be presented to the District Justice for this arraignment if it is a Pennsylvania warrant or a Pennsylvania probation or parole detainer.
 - (2) If a fax copy is not available, and the only information is from a computer hit for an M2 or above or a Pennsylvania probation or parole detainer, an additional criminal complaint is necessary based on Title 42 Pa. C.S.A. Sub-Chapter C Inter-County Detention sect 9161 Arrest Prior to Requisition.
5. In the event the warrant is from a State other than Pennsylvania, DelCom shall contact the originating agency via N.C.I.C to determine if they will extradite. If the originating agency will extradite the arresting officer shall contact the Delaware County District Attorney's Office and follow their guidelines for a Fugitive from Justice (Out of State Charges).

- a) The Delaware County District Attorney's Office will generally require the arresting agency prepare a criminal complaint and affidavit charging the fugitive under Title 42 Pa. C.S.A. Chapter 91 Detainers and Extradition Subchapter B Extradition of Persons Charged with a Crime section 9134 Arrest Prior to Requisition.
- b) The fugitive is processed for this violation.
- c) This fugitive charge shall be on a separate Criminal Complaint if this department has additional criminal violations for the defendant.

(PLEAC 2.7.5)

BY ORDER OF THE CHIEF OF POLICE

“Appendage A”



Haverford Township Police Department
1010 Darby Road
Havertown, Pennsylvania 19083
Phone: 610-853-1298 Fax: 610-853-3481



PROCEDURE IN COURT CASES WHEN WARRANT OF ARREST IS EXECUTED OUTSIDE JUDICIAL DISTRICT OF ISSUANCE

**Waiver of Rule 517
Pennsylvania Rules of Criminal Procedure, 517 (a) 42 Pa.C. S.**

I, _____ have been advised that a warrant
(Defendant's Name)
for my arrest has been issued by _____
(Issuing Authority)
charging me with _____
(List Charges)
understanding I have a right to be taken without unnecessary delay before an appropriate judicial
official in the County of _____, for purposes of the setting
(County of Arrest)

and possibly posting of my bail, I hereby waive this right and agree to be taken immediately before an appropriate issuing authority in Delaware County for purposes of my preliminary arraignment. This waiver is being given by me to officers of the Haverford Township Police Department voluntarily. I have not been subject to threats, coercion or promises of any kind. Further, by signing below, I acknowledge that I read and write the English language, and I have read this form as well as had this form read to me by a detective and understand the same. I am not presently under the influence of drugs and/or alcohol.

Signature of Person Giving Consent

Date

Time

Witness (Print Name & Badge)

Signature

Witness (Print Name & Badge)

Signature

Reference #: _____

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HPD 02/2016