



SPRINGFIELD TOWNSHIP POLICE DEPARTMENT
Wyndmoor, Pennsylvania

Policy 2-07

Policy Title: Legal Process Procedures

Date of Issue: December 1, 2022

Rescinds: None

By Authority of:

Chief of Police

I. Purpose

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

II. Policy

It shall be the policy of the Springfield Township Police Department that all legal process procedures outlined in this policy 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. Further, the execution of criminal arrest warrants, civil arrest warrants, or writs requiring the seizure of real or personal property are only to be performed by a sworn law enforcement officer.

III. Recording of Legal Process Procedures

- A. The Springfield Township Police Department serves criminal warrants, as well as some civil processes.
- B. All legal documents shall be recorded in such a way that easy reference and retrieval is possible. Documentation shall include:
 - 1. Date and time received;
 - 2. Type of legal process (civil or criminal);
 - 3. Nature of the document;

4. Source of the document;
5. Name of the plaintiff / complainant or name of defendant / respondent;
6. Officers assigned to service;
7. Date of assignment;
8. Court docket or warrant number;
9. Date of service or date service due.

C. Criminal Warrants

All original criminal warrants will be forwarded from the Magisterial District Court to the police officer affiant to determine validity and for entry into the case file, if appropriate. The original shall be placed in the active warrant binder. Officers shall not keep an original warrant in their possession unless they are actively attempting to serve the warrant

D. Traffic and Non-Traffic Warrants

All original traffic and non-traffic warrants will be forwarded from the Magisterial District Court to the elected Pennsylvania State Constable who serves Springfield Township. The Constable is solely responsible for the maintenance, service, and accountability of all traffic and non-traffic warrants in the district of the Constable. Generally, the Springfield Township Police Department does not engage in the service of traffic or non-traffic warrants.

IV. Record of Attempting Service Procedures

- A. When any warrant is served or service is attempted, an incident report or a supplement to an incident report shall be completed. The following information shall be included in the report:
 1. Date and time service was executed / attempted;
 2. Name of the sworn law enforcement officers executing / attempting service;
 3. Name of person on whom legal process was served / executed;
 4. Method of service / reason for non-service;
 5. Address of service / attempt.
- B. When a warrant is served, the arresting officer must write a supplemental report to the original incident report, noting the specifics of the arrest. The report entry must include

that the warrant was served. The arresting officer shall also notify the warrant's affiant of the arrest.

- C. If the warrant had been entered into CLEAN / NCIC by an officer of the Springfield Township Police Department, it shall be the responsibility of the officer who served the warrant to cancel the entry.

V. Service of Civil Process Procedures

- A. Any civil processes shall be served by at least two sworn officers, if available. Examples of civil processes generally handled by the Springfield Township Police Department includes, but is not limited to, Protection From Abuse Orders (PFAs), Child Custody Disputes, and Involuntary Mental Health Commitments (302s).

- 1. An incident report shall be initiated whenever someone presents a Protection from Abuse Order to the police department. It is important to determine if the order has been served. The report shall document all pertinent information associated with the order.

- 2. A copy of the order shall be attached to the report and entered into the department's records management system so as to be accessible to all civilian personnel and sworn officers on a 24-hour basis.

- 3. PFA orders will be served by Springfield Township Police Officers on defendants living or working in the jurisdiction of the Springfield Township Police Department under the following circumstances:

- i. Emergency PFAs issued by a Magisterial District Justice

- ii. Temporary PFAs issued by the Court of Common Pleas

- iii. Permanent PFAs issued by the Court of Common Pleas

- B. Officers may assist in the serving of civil process in cases where we are asked to assist a law enforcement agency, such as the Sheriff's Department or Pennsylvania State Constables, which has been ordered by the court to issue civil process. Private agencies serving civil process are not law enforcement agencies.

- C. Child Custody Disputes

- 1. The Springfield Township Police Department does not enforce child custody orders.

- 2. When child custody order disputes are reported, officers shall first determine if there is any danger to the child. If there is danger, appropriate action shall be taken.

3. If the child is in no danger, officers shall determine the contents of the custody order, if available at the scene.
4. Child custody order violations shall be documented on an incident report.

VI. Criminal Process Procedures

- A. Arrest warrants shall be executed by sworn law enforcement officers only.
- B. The following procedures shall apply to the service or attempted service of all summary, misdemeanor, and felony warrants:
 1. When serving a warrant outside the jurisdiction of the Springfield Township Police Department, the police department responsible for the municipality where service is being attempted shall be notified as per the Municipal Police Officer's Jurisdiction Act.
 2. If possible, a minimum of two sworn officers shall be present when serving warrants on subjects not in custody. The nature of the warrant and the person's history should be taken into account when determining whether additional officers are needed.
 3. Warrants for minor offenses will be served by the elected Pennsylvania State Constable who serves Springfield Township, during the office hours of the Magisterial District Judge. After hours, other resolutions should be considered, such as obtaining updated contact information to be submitted to the Constable or obtaining a promise to contact the MDJ.
 4. Service of all warrants will be made in accordance with existing law and rules of criminal procedure.
- C. When preparing and serving warrants, officers shall comply with department policies governing arrest procedures.
- D. Warrants for misdemeanors and / or felonies should be regularly checked upon by the officer bringing the charge and should consist of the following:
 1. Check of last known address;
 2. Check with the US Post Office for forwarding address;
 3. Check of Springfield Township Police Department records for updated information;
 4. Check of PennDOT records for updated operator's and vehicle registration information;
 5. Check of CLEAN / NCIC records for recent arrests;
 6. Check of available computer databases, such as probation, and the prison list.

7. Document the due diligence as a supplemental report within the RMS.
- E. Officers shall monitor their active case file to ensure warrants are properly maintained and up to date. Individual officers are responsible for updating or removal of all criminal warrants.
 - F. When misdemeanor and / or felony warrants are served outside of Montgomery County, the defendant must be afforded the opportunity for arraignment in the county of arrest.
 1. The defendant may waive the right to arraignment in the county of arrest.
 2. If the defendant waives the right to arraignment in the county of arrest, a Rule 517 waiver should be obtained by the arresting agency.
 3. If the defendant requests arraignment in the county of arrest, arrangements shall be made with a local Magisterial District Justice for such arraignment.
 - G. Outside Agency Warrants
 1. Springfield Township Police Officers shall make all attempts to assist an outside agency with the service of a warrant, but in no event shall the Springfield Township Police Department serve as a repository for other agency warrants.
 2. In the case of a CLEAN / NCIC hit, personnel shall send, via a CLEAN terminal, a confirmation request to the agency holding the warrant. Confirmation shall be obtained that the warrant is active and the warrant faxed, if possible.
 3. It shall be the responsibility of the outside agency to arraign the defendant if they are able to respond immediately and take custody of the defendant. If the agency is from within Pennsylvania and is unable to immediately respond, arrangements should be made to arraign the defendant on the charges, as covered in the provisions of Title 42 Pa C.S. Section 9161 through 9165. Rule 517 of the Rules of Criminal Procedure is also applicable. If the defendant waives the right to arraignment in Montgomery County, the arresting officer shall ensure a written Rule 517 waiver is obtained from the defendant. See Attachment A.
 4. In the event that the warrant is from a state other than Pennsylvania, the agency shall be contacted to determine if they are willing to extradite. If they are willing to extradite, the arresting officer shall follow the procedures listed in Section VIII of this policy.
 - H. All arrest warrants shall be maintained in the warrant binder.
 - I. All warrant services require the preparation of an incident report or a supplement, as well as all other necessary and applicable reports.

VII. Warrants and Wanted Person File

- A. Montgomery County Emergency Dispatch Services has twenty-four-hour access to all warrant and wanted person file information through CLEAN (Commonwealth), NCIC (Federal), and JNET (local) records systems. The Springfield Township Police Department civilian personnel also have access to query CLEAN and NCIC during those hours when the police department is open for business. All sworn officers have access to query JNET, CLEAN, and NCIC.

VIII. Fugitive From Justice Procedures (Out of State Charges)

- A. An officer locating a fugitive from another jurisdiction shall first ensure that the identity of the wanted person matches the person detained, and that extradition from the other jurisdiction is approved.
- B. The arresting officer should obtain a fax copy of the fugitive's warrant, if available.
- C. Any fugitive wanted from another jurisdiction shall be taken, without delay, to the Montgomery County Correctional Facility.
- D. The fugitive should be charged under Title 42 of the Pennsylvania Consolidated Statutes, Chapter 91 Detainers and Extradition, Subchapter B Extradition of Persons Charged with Crime, Section 9134 Arrest Prior to Requisition. A criminal complaint shall be prepared charging the fugitive with 42 PA C.S. 9134. This charge shall be on a separate criminal complaint from all other charges involved. An affidavit of probable cause shall accompany the criminal complaint. The fugitive shall also be processed, to include photograph and fingerprints.
- E. Required notifications by the arresting officer shall be documented in the incident report.
- F. Notification to the Extradition Coordinator at the Montgomery County District Attorney's Office shall be made by Montgomery County Correctional Facility.

IX. Civil Process Seized Property

All property seized through a civil process shall be submitted, maintained, and disposed of in accordance with department policy and the civil court order.

X. Attachments

- A. Waiver of Rule 517 Waiver

ATTACHMENT A

WAIVER OF PA.R.CRIM.P. 517

Pennsylvania Rule of Criminal Procedure 517, "Procedure in Court Cases When Warrant of Arrest is Executed Outside Judicial District of Issuance" states:

Paragraph A: "A defendant has been arrested in a court case, with a warrant, outside the Judicial District where the warrant of arrest was issued, the defendant shall be taken without unnecessary delay to the proper issuing authority in the Judicial District of arrest for the purpose of posting bail, as permitted by law."

The Comment of Rule 517 states, "nothing in this rule prevents a defendant from consenting to dispense with the procedures in Paragraph A if the defendant is afforded a preliminary arraignment without unnecessary delay in the judicial district where the warrant was issued."

Pursuant to Rule 517 and the above comment, I _____,
hereby waive my right to appear before the proper issuing authority in the Judicial District of my arrest and knowingly and voluntarily consent to be returned immediately to the issuing Judicial District (County) where I will be arraigned on these charges for the purpose of posting bail, as permitted by law.

Date: _____

Defendant: _____

Arresting Officer: _____

