
	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.8.4	
Subject:		Distribution:
Execution of the Criminal Process/Legal Process Recording Procedure		All Sworn Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-01-2014	Until Amended or Rescinded	Directive: 05-96 & 05-95
References:		
CALEA: 74.1.1; PLEAC: 2.7.1, 2.7.2, 2.7.4, 2.7.5, 2.7.7		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to provide officers with guidelines on the criminal process and to provide guidelines for recording civil and legal processes.

POLICY

It is the policy of the Lower Merion Township Police Department to follow the Rules of Criminal Procedure and practice due diligence in regards to existing warrants. For execution of search and arrest warrants refer to Policy 3.8.5, Warrant Service. **(PLEAC 2.7.5)**

PROCEDURE

A. Warrant Maintenance

1. Recommended procedures for the service of summary warrants.
 - a. At the discretion of the unit supervisor, phone contact may be attempted at the defendant's home or place of business and arrangements made to satisfy the warrant either by mail or in person.
2. Recommended procedures for the service of misdemeanor and/or felony warrants.
 - a. At the discretion of the Investigations Unit supervisor, phone contact may be attempted and arrangements made for the defendant to appear and surrender.

1. Such arrangements, whether made by the supervisor or the member bringing the charges should be noted in the incident report and the warrant file.
 - b. Due diligence for misdemeanor and/or felony warrants will be completed on a regular basis and should consist of the following:
 1. Check of last known address.
 2. Check with U.S. Post Office for forwarding address.
 3. Check of Lower Merion Township Police records for updated information.
 4. Check of PA Department of Transportation records for updated operators/vehicle registration information.
 5. Check of C.L.E.A.N. and N.C.I.C. criminal history for recent arrests.
 6. Check of local probation/parole lists.
 7. Check of local prison lists if available.
 - c. Due diligence will be performed by the officer assigned to the case or the affiant listed on the warrant.
 - d. Due diligence will be noted in the incident report. Any special notes or instructions will also be attached to the warrant itself.
 - e. So long as due diligence is performed as noted above, misdemeanor and/or felony warrants may remain active indefinitely.
3. When misdemeanor and/or felony warrants are served outside Montgomery County, the defendant must be afforded the opportunity to an arraignment in the county in which they are arrested.
 - a. The defendant may waive the right to arraignment in the county of arrest.
 1. Such waiver must be obtained in writing on the Waiver of Arraignment form ([INV-6](#)) prior to being transported back to Montgomery County.
 2. If the defendant requests arraignment in the county of arrest, arrangements must be made with the local District Justice for such arraignment.
 4. Criminal charges should be prepared in accordance with the Pennsylvania Rules of Criminal Procedure.

B. Recording Legal Process Information

1. This Department will attempt to serve all criminal warrants. The Montgomery County Sheriff's Department and/or State Constables control all other legal processes in support of the judicial function.
2. Upon request, members of this Department will assist the Montgomery County Sheriff's Department in the serving of other legal processes.
3. Whenever a member of this Department is assigned to serve or assist in the service of a legal process, the following information is recorded in the incident report: **(CALEA 74.1.1 a-i) (PLEAC 2.7.1 a-i)**
 - a. Date and time received
 - b. Type of legal process, i.e. civil or criminal
 - c. Nature of document
 - d. Source of document
 - e. Name of plaintiff/complainant or name of defendant/respondent
 - f. Officer assigned for service
 - g. Date of assignment
 - h. Court docket number
 - i. Date service due

C. Recording Execution/Attempt of Service

1. Whenever a warrant; summary, misdemeanor, or felony, is served or service is attempted, the incident report is to be supplemented to include the following information: **(PLEAC 2.7.2 a-e)**
 - a. Date and time service was executed/attempted;
 - b. Name of officer(s) executing/attempting service;
 - c. Name of person on whom legal process was served/executed;
 - d. Method of service/reason for non-service;
 - e. Address of service/attempt.

D. Civil Process Requires Sworn Service (PLEAC 2.7.4)

1. Only sworn officers shall execute the service of all civil processes authorized by this policy.
2. In the event that real or personal property is to be seized (i.e. seizure of weapons ordered by a PFA), only sworn officers may perform this duty.
3. All property obtained through the civil process will be submitted to the evidence room under the normal evidence submission procedure outlined in Policy 3.14.1.
4. All property acquired through the civil process function will be maintained by the

evidence custodian as directed in the evidence policy.

5. The collection and disposal of property acquired through the civil process function will also follow the established evidence control process. **(PLEAC 2.7.7)**

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.