WEST NORRITON TOWNSHIP POLICE DEPARTMENT

Subject: Service of Civil Process Documents		Policy # 2.7.3
Accreditation 2.7.3		
Effective Date: November 11. 2009	Revised Date: April 11, 2013	
By Authority Of: Chief A. Dale Mabry	Signature: ADMabry	

2.7.3 SERVICE OF CIVIL PROCESS DOCUMENTS

A. In general the only civil processes that may be the responsibility of the department are the following.

1. Protection From Abuse orders (PFA's)

   a. PFA's will be served on defendants living within the department's jurisdiction under the following circumstances:

      i. Emergency PFA's issued by a Magisterial District Judge.
      ii. When requested to serve or assist in the serving PFA's normally handled by the Sheriff.
      iii. When serving PFA's from a County other than the department's home County, the PFA must first be certified by this County's Prothonatary.

2. Child custody orders.

   a. The department will generally not serve child custody orders.

      i. 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.
      ii. Charges to be filed, if any, are at the discretion of the investigating officer following consultation with the District Attorney's Office whenever possible.

   b. Uniform Child Custody Jurisdiction and Enforcement Act (Domestic Relations, 23, Pa.C.S. Sections 5451, 5455-5456)

      i. In child custody proceedings a court may issue a warrant directing any law enforcement officer to take physical custody of a child who is deemed to be:

         (a) In imminent physical harm, or
         (b) Likely to be removed from the Commonwealth.

      ii. In these cases, the warrant must:

(a) Recite the facts upon which the warrant is based.
(b) Direct law enforcement to take physical custody of the child immediately.
(c) Provide for the placement of the child pending final relief.

iii. The warrant in these cases may authorize law enforcement officers to enter private property to take physical custody of the child and/or make forcible entry.
iv. Officers shall enforce the provisions of any such valid warrant issued by a court, serve the respondent with a copy of the petition, warrant, and order immediately after the child is taken into custody.

c. Enforcement of out of County and out of State custody orders.

i. Officers shall first confer with the Office of the District Attorney before enforcing any out of County or out of State custody orders to assure the enforcement has legal standing within this County.

3. Act No. 1995-23, Model Expedited Eviction of Drug Traffickers Act.

a. Civil action under this act may be brought by the landlord, tenant organization, district attorney, or the attorney general, if requested by the district attorney.
b. 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.
c. Grounds for complete eviction.

i. Drug related activity has occurred on or within the rental unit leased to a tenant.
ii. The individual rental unit leased to the tenant was used in any way in the furtherance of or to promote drug related activity.
iii. The tenant, any member of the tenant's household or any guest has engaged in drug related criminal activity on or in the immediate vicinity of the leased residential premises.
iv. The tenant, with knowledge of a person who has been removed and barred from the leased residential premises under this act, has given permission to or invited a person to return or reenter any portion of the leased residential premises.
v. The tenant has failed to notify law enforcement or public housing authorities immediately upon learning that a person who has been removed and barred from the tenant's individual rental unit under this act has returned to or reentered the tenant's individual rental unit.

d. Grounds for partial eviction.

i. If the court finds that a person, other than the tenant, has engaged in drug related criminal activity on or in the immediate vicinity of the leased residential premises the court shall order the immediate removal of the person from the leased residential premises.

(a) Persons removed under this section shall be permanently barred from returning to or reentering any portion of the leased residential premises.

e. Any person who knowingly violates an order issued under this act or who knowingly 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.

4. Controlled Substances Forfeiture Act

a. Cash money seizures authorized:

i. Any money found pursuant to an arrest for a violation of 35 P.S. Section 780-113 (a)(30) (PWI / Unlawful Delivery of a Controlled Substance); or
ii. Any money found in close proximity to a controlled substance; or
iii. Any money found under circumstances where there is probable cause to believe that the money has been used or was intended to be used in violation of the Controlled Substance, Drug, Device, and Cosmetic Act.

b. All cash funds will be entered into department property consistent with procedures detailed in the departmental general order related to Property and Evidence Control.
c. The officer seizing funds under the forfeiture provisions listed above shall thereafter notify the Office of the District Attorney and follow forfeiture procedures as established by any policy of the District Attorney.

5. Involuntary Emergency Examination and Treatment

a. Refer to General Order 2.7.8 for procedures concerning mental health relayed matters.