

## SCRANTON POLICE DEPARTMENT POLICY

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**January 13, 2020**

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**16-028**

*Policy Subject:*  
**Civil Process**

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*PLEAC Standard(s):*  
**2.7.1, 2.7.2, 2.7.3, 2.7.4, 2.7.7**

### **I. PURPOSE**

The purpose of this policy is to establish guidelines for the service of civil processes by sworn officers of the Scranton Police Department.

### **II. POLICY**

It shall be the policy of the Scranton Police Department to ensure the efficient handling, filing, storage and service of all civil processes of the Scranton Police Department. It shall be the policy of this department to ensure that documented due diligence is completed on each civil process. It shall also set guidelines for collecting, handling and documenting property acquired during civil process procedures.

While the Lackawanna County Sheriff's Department generally serves civil processes, the Scranton Police Department may be responsible for serving some civil processes as outlined in this policy.

### **III. PROCEDURE**

- A. All civil processes that may be the responsibility of the Scranton Police Department shall be recorded in an initial or supplemental report. Upon receipt of a civil process document an initial officer shall attempt to serve the document at the known locations that are applicable to the document and/or subjects mentioned.
- B. If the service is successful initial officer shall complete an initial or supplemental report to include:
  1. Date received;

2. Type of legal process;
  3. Nature of document;
  4. Source of document;
  5. Name of plaintiff/complainant or name of defendant/respondent;
  6. Officer assigned for service;
  7. Date of assignment;
  8. Court docket number or other identifying number; and
  9. Date service is due or date of service.
- C. If service is not successful, an initial or supplemental report shall be completed indicating the attempt and including the information as directed above.
1. A Warrant Service Attempt Form (SPD 08-011) shall be attached to the paperwork. Any officer serving or attempting to service the civil process shall record:
    - a. Date and time of service or attempted service;
    - b. Name of officer(s) executing/attempting service;
    - c. Name of person on whom the civil process was served/executed;
    - d. Method of service/reason for non-service; and
    - e. Address of service/attempt.
  2. A supervisor should be advised so that the next shift may attempt service.
  3. Once served, a supplement to the initial report shall be completed. The Warrant Service Attempt Form shall be forwarded to Central Records.
- D. Protection Orders
1. Protection orders include:
    - a. Protection From Abuse orders (PFA)
    - b. Sexual Violence Protection orders (SVP)
    - c. Protection From Intimidation orders (PFI)
  2. Protection orders will be served on defendants living within City of Scranton under the following circumstances:
    - a. Emergency Protection orders issued by a Magisterial District Judge.
    - b. When requested to serve or assist in the serving of Protection orders normally handled by the Sheriff.
  3. Property seizures specified in Protection orders shall be conducted in accordance with rules of civil procedure, the Protection from Abuse Act, and Policy 08-019 Evidence Control. Any weapons or firearms seized in this process that are not evidence in a criminal investigation shall be turned over to the Lackawanna County Sheriff's Department as soon as possible. During the time that the items seized are in the custody of the

Scranton Police, the items will be handled in accordance with Policy 08-019 Evidence Control.

E. Child Custody Order

1. The Scranton Police Department will generally not serve child custody orders.
  - a. 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.
  - b. Charges to be filed, if any, are at the discretion of the arresting officer following consultation with the District Attorney's Office whenever possible.
2. Uniform Child Custody Jurisdiction and Enforcement Act (Domestic Relations, 23. Pa.C.S. Sections 5451-5456)
  - a. 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:
    - 1) In imminent physical harm, or
    - 2) Likely to be removed from the Commonwealth.
  - b. In these cases, the warrant must:
    - 1) Recite the facts upon which the warrant is based.
    - 2) Direct law enforcement to take physical custody of the child immediately.
    - 3) Provide for the placement of the child pending final relief.
  - c. The warrant in these cases may authorize law enforcement officers to enter a property to take physical custody of the child and/or make forcible entry.
  - d. Officers shall enforce the provisions of any such valid warrant issued by the court, serve the respondent with a copy of the petition, warrant, and order immediately after the child is taken into custody.
3. In situations where an order directs the removal or recovery of clothing or other items of necessity to a child from a residence, Scranton Police Department will assist the Lackawanna County Sheriff's Department as requested unless otherwise specified in the order, in compliance with applicable law.

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

1. Civil action by this act may be brought by the landlord, tenant organization, or Attorney General, if requested by the District Attorney.
2. 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 or entity bringing the action, assume responsibility for the actual execution of the removal or eviction. It should be noted that, generally, the Lackawanna County Sheriff's Department is responsible for these types of actions. Scranton Police Department will only become involved in evictions where specified by court order or the Lackawanna County Sheriff's Department requests back-up.

#### G. Controlled Substance Forfeiture Act

1. Cash money seizures authorized:
  - a. Any money found pursuant to an arrest for a violation of Act 64, including manufacturing and possession with intent to deliver a controlled substance, as permitted by law;
  - b. Any money found in close proximity to a controlled substance; or
  - c. 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.
2. Vehicles directly involved in arrests pursuant to a violation of Act 64, as permitted by law, may be seized pending consultation with the Lackawanna County District Attorney's Office regarding potential forfeiture.
3. All seized items will be entered into property consistent with procedures detailed in Policy 08-019 Evidence Control.

H. Other forfeitures/any other properties which can directly be tied to criminal activity and subject to the current forfeiture laws as defined by the Commonwealth of Pennsylvania and are subject to District Attorney approval.

#### I. Service to Subpoenas

1. Subpoenas may be served by police officers in person or by mail. Service by mail should only be used for individuals living a considerable distance outside the City. Certified mail may be used for bank records, phone records, etc. Telephone contact is recommended as a follow-up to ensure that mailed subpoenas have been received. Certain individuals or institutions may request that a subpoena be faxed and/or emailed, not mailed. This may be done on a case-by-case basis. The officer requesting the subpoena is ultimately responsible for ensuring the service of the subpoena via one of these avenues. If the officer elects to delegate this task to another employee, follow-up to ensure that the task is accomplished shall be the responsibility of the requesting officer.
2. Procedure for Documenting Subpoena Service and Attempts

- a. Upon serving the subpoena, have the recipient sign indicating receipt. The employee making service will, at that time, write his/her badge number, date and time of service on the subpoena. A copy shall then be provided to the recipient, retaining the document with the original signatures.
- b. A copy of the subpoena shall be placed in the requesting officer's bin as notice that the subpoena was served.
- c. If the requested employee is unable to serve the subpoena, it shall be passed on to the next shift.

By Order Of:

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Chief Carl R. Graziano  
Superintendent of Police  
Scranton Police Department