



<b>NORTHERN LANCASTER COUNTY REGIONAL POLICE DEPARTMENT</b>		
<input checked="" type="checkbox"/> General Order <input type="checkbox"/> Special Order <input type="checkbox"/> Personnel Order	Order Number <b>6.1.37</b>	
Subject: <b>Agency Established Guidelines for Warrant Services and Utilization of the Pennsylvania State Constables</b>		
Original date of issue: <b>05/18/2016</b>	Effective date: <b>08/19/2024</b>	Review Date: <b>Until amended or revoked</b>
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Review Dates: 10/29/2020, 6/15/2022, 08/19/2024		
Index words: <b>Warrant Service</b>		
Distributions: <ol style="list-style-type: none"><li><b>1. General Order Manuals</b></li><li><b>2. Reading Verification to all Personnel</b></li><li><b>3. Distribution via Power DMS</b></li></ol>		
<b>In interpretation of this chapter, the singular shall include the plural and the masculine shall include the feminine and the neuter.</b>		

**This order contains the following sections:**

## **6.1.37 Agency Established Guidelines for Warrant Services and Utilization of the Pennsylvania State Constables**

### **I. PURPOSE**

It is the purpose of this policy to establish guidelines for the service of outstanding criminal and traffic warrants, and the utilization of Pennsylvania State Constables by the NLCPRD in association with the legal process.

### **II. POLICY**

It is the policy of the NLCRPD to serve outstanding criminal and traffic warrants in a manner consistent with best practices and the requirements of law, and criminal procedure. To ensure the consistency and accountability of this practice

the NLCRPD has reduced the role played by the Pennsylvania State Constable to a specific limited and narrow pathway.

In general terms, the role of the constable in the NLCRPD warrant service process has been eliminated and is non-existent as an integrated part of this legal process.

### III. DEFINITIONS

**Constable:** A constable is a local elected official and serves six-year terms. Constables belong to the executive branch of government. As such, they are answerable to the governor of Pennsylvania. However, they are not formally overseen by any state agency. They perform services for the Pennsylvania Magisterial courts but do not belong to the judicial branch. Regarding their judicial services, the Pennsylvania Supreme Court has found constables to be "independent contractors that orbit the judiciary."

**Sheriff:** The Sheriff is an elected county official and is an officer of the County Courts, both civil and criminal. The Sheriff or his/her deputies are responsible for serving subpoenas, orders, and notices issued by the courts, serving various writs and processes, and providing security in the courtrooms during sessions. He/she is responsible for transporting and securing prisoners to and from correctional facilities within the county and state as well as assisting with extraditions of prisoners (fugitives) apprehended out of state. He/she also transports mental health patients and juvenile offenders.

**LCSO:** Lancaster County Sheriff's Office

**FAU:** Fugitive Apprehension Unit (LCSO)

**LCP:** Lancaster County Prison

### IV. PROCEDURES

- A. **Criminal Warrants** – Any individual having any criminal warrant above summary grade or above shall be handled in a manner consistent with the rules of criminal procedure.

1. Request shall be made by NLCRPD to LCWC to determine the availability of an LSCO FAU officer for service of the warrant.
2. During the normal business hours, the apprehending officer shall exercise one of several options:
  - a) The subject may be transported by the NLCRPD and presented for disposition at the Office of the issuing authority.
  - b) The subject may be relinquished to the custody of the LSCO FAU for disposition.
  - c) The subject may be handled in accordance with other lawful options in accordance with the rules of criminal procedure and this policy guide. Circumstances requiring such possible exemptions include the following:
    - 1) Injured or ill prisoner
    - 2) Prisoner with out-of-county or fugitive warrants
    - 3) Probation offenses and committals
    - 4) Other situations not listed.
3. During post-normal business hours for MDJ Offices, (holidays, nights, and weekends or unavailability of the local MDJ) the subject shall be transported by the NLCRPD and to the LCP Central Booking presented for disposition.
4. In the event the warrant is from an outside agency the NLCRPD should attempt to solicit the issuing agency to serve the warrant.
5. When the issuing agency declines service the NLCRPD shall transport the subject for further disposition and service of the warrant.
6. NLCRPD adheres to the practice of service of criminal warrants in the manner most expeditious and practical with considerations to factors related to travel, transport, obligated time for the officer, and best use of agency resources.



7. Transport of the subject for further incarceration or legal process by the NLCRPD is an authorized process. Transport shall not be relinquished by NLCRPD to a constable unless ordered by the issuing authority.
8. Transport of the subject by the NLCRPD generally ends at the Office of the issuing authority. NLCRPD officers are not responsible for the transport of the subject post arraignment if provided ROR bail or released by the issuing authority.

**B. Traffic Warrants** - Any individual having a summary or traffic warrant of summary grade shall be handled in a manner consistent with the rules of criminal procedure.

1. Request shall be made by NLCRPD to LCWC to determine the availability of an LSCO FAU officer for service of the warrant.
2. During the period of normal business hours of the issuing authority the apprehending officer has several options:
  - a) The subject may be transported by the NLCRPD and presented for disposition at the Office of the issuing authority.
  - b) The subject if eligible to drive, may be requested to follow the officer to the Office of the issuing authority (if practical- no obligation exists – custodial transport is authorized)
  - c) The subject may be relinquished to the custody of the LSCO FAU for service of the warrant(s).
  - d) In certain instances, with extenuating circumstances:
    - 1) Small children, infants
    - 2) Dependent adults
    - 3) Illness
    - 4) Mobility limiting injury or incapacitation
    - 5) Others not listed

3. The officer may issue an advisory to the subject to contact the LCSO, FAU, or the Issuing authority to complete satisfaction of the legal process. (Upon exercise of this option the officer shall send via electronic email transmission to the LCSO FAU for follow-up investigation.
- 4.. During the period of post-normal business hours for MDJ Offices, (closure, holidays, nights, and weekends or another unavailability of the local MDJ).

- a) The officer may issue an advisory to the subject to contact the LCSO FAU or the Issuing authority to complete satisfaction of the legal process. (Upon exercise of this option the officer shall complete the provided "MDJ After Hours Contact Form" and send it via electronic email transmission to the LCSO FAU for follow-up investigation.)

#### C. Utilization of Constables by NLCRPD Agency Personnel

1. The NLCRPD adheres to the practice of severe reduction and restricted use of constable services.
  - a) NLCRPD adheres to this practice as a risk management and accountability process/measure.
  - b) No NLCRPD member shall authorize use of constable(s) as resources outside of the restrictions within this order and the NLCRPD Police Guide.
  - c) NLCRPD **will not receive or release** persons pursuant to the service of summary warrants to/from a Constable.
  - d) NLCRPD **will not engage** in the practice of the utilization of Constables for transport services of any person in NLCRPD custody.
  - e) NLCRPD **will** accept persons in the custody of constables only for the purposes of fingerprinting and arrest processing pursuant to a transport or court order.

- f) This processing of the subject will be consistent with all statutory and best practice requirements, which upon completion thereof the subject will be returned to the custody of the transporting constable.
  - 1) Exceptions include the requirement for interview of the subject by NLCRPD agency members of further investigative purposes.
  - 2) The situations where the NLCRPD is required by lawful court order to accept custody of the subject.
  - 3) Other situationally driven requirements
- g) The **most desired option for NLCRPD** members is the utilization of LCSO staff and resources for acts associated with the warrant service process.
- h) In general terms the role of the constable in the NLCRPD warrant service process has been eliminated and is non-existent.

#### **D. Reporting Requirements**

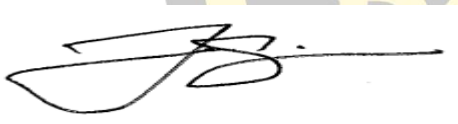
- 1. All agency reporting and event tracking requirements apply
- 2. All NCIC/CLEAN/ CJIS / AOPC reporting and audit standards are applicable

#### **E. Sources and Attributions**

- 1. This policy is based upon recommendations and guidance from the LCSO FAU and other resources reviewed in the production and policy development stages.

Date: August 19, 2024

By Order of:



Joshua P. Kilgore  
Chief of Police



## Appendix

“A”: Flow Chart – Traffic

“B”: Flow Chart – Criminal – Court Room Business Hours

“C”: Flow Chart – Criminal – Post Court Room Business Hours

### **Attachments: On file in Power DMS™**

1. Administrative Order of the Court of Common Pleas - (4 pages)
2. LCSO FAU Introductory Statement – (6 pages)
3. LCSO FAU Protocol Copy – (7 pages)

# Appendix “A”

## Traffic Warrant





# Appendix “B”

## Criminal Warrant –

Normal MDJ Business Hours



# Appendix “C” Criminal Warrant –

After Normal MDJ Business Hours

