



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104			 
Directive: 83	Subject: Legal Process	Effective Date: 03/02/2000	
Order of: Gary Williams, Chief of Police			Amended Date: 08/01/2023

I. Purpose

The purpose of this directive is to establish policy and procedure for warrants and protection from abuse order service conducted by the University of Pennsylvania Police Department (UPPD).

II. Policy

It shall be the policy of the UPPD that all warrants will be obtained and served in compliance with all pertinent state and federal laws. The UPPD shall serve warrants within the Commonwealth of Pennsylvania. Outside of this area, the appropriate local jurisdiction shall be advised and assistance requested. Officers serving warrants shall follow the appropriate UPPD directives relative to use of force and immunity from arrest. Only sworn officers shall serve all legal process documents.

III. Scope

This directive shall affect all sworn police officers.

IV. Procedures

A. General Information

1. The UPPD is not mandated to serve civil process (other than protection from abuse orders). In serving criminal process (search warrants and arrest warrants), the following information must be documented:
 - a. Date and time received;
 - b. Type of legal process;
 - c. Nature of document;
 - d. Source of document;
 - e. Name of complainant or name of defendant;

- f. Officer assigned for service;
 - g. Date of assignment;
 - h. Court docket number; and
 - i. Date service due.
2. A record on the execution or attempted service of legal process documents will be noted on the Investigative Report (PPD-75-49) and will include:
 - a. Date and time service was executed/attempted;
 - b. Name of officer(s) executing service;
 - c. Name of person on whom legal process was served/executed;
 - d. Method of service/reason for non-service; and
 - e. Address of service/attempt.
 3. Officers involved in warrant service shall follow all relevant UPPD Directives, specifically Directive 1, "Use Of Force" and Directive 14, "Diplomatic Or Other Forms Of Immunity".

B. Search Warrants

1. The determination concerning when a search warrant must be obtained will be based on pertinent legal guidelines and consultation with a Detective Supervisor. The advice of an Assistant District Attorney will be obtained at the discretion of the Detective Supervisor.
2. All search warrants will be obtained and executed by the Detective Unit in accordance with the procedure established in this directive and in the applicable rules of the Pennsylvania Criminal Procedure (Pa.R.Crim.P. 2001 to 2010).
3. All search warrant applications must be submitted to the District Attorney's Charging Unit (DACU) for review prior to submission to a judge or bail commissioner.
4. Procedure for Obtaining a Search Warrant
 - a. To obtain a search warrant, a detective must:
 - 1) Have thoroughly investigated a complaint or information so as to convince a disinterested party (Municipal Court Judge or Bail Commissioner) that probable cause exists to justify a search;
 - 2) Consult with a Detective Supervisor;

- 3) Prepare an Application and Affidavit for a Search Warrant (75-175);
 - 4) Fax completed Application and Affidavit for a Search Warrant to the DACU for approval;
 - (i) The duty ADA at the DACU will evaluate the completed application and affidavit, noting his/her approval/disapproval in the margin and will fax back to the assigned detective.
 - (ii) The assigned detective will hand write DACU approval in the margin, including ADA name, date, and time.
 - 5) Present the original application and affidavit to the Bail Commissioner at the Arraignment Court, Philadelphia Police Headquarters Building, 8th and Race Streets. Testify that the information contained in the application is true and accurate. Ensure that the faxed approval copy is available for the Bail Commissioner's inspection;
 - 6) Make no corrections, additions, or deletions on any copy of the Application and Affidavit for Search Warrant (75-175) after the Municipal Court Judge has possession of a copy; and
 - 7) Submit no oral supplements to a search warrant at the time it is signed by a Municipal Court Judge. Under the Pennsylvania Rules of Criminal Procedure, Rule 2003 (b), such oral additions to the warrant will not be admissible at a subsequent suppression hearing.
5. Procedure for Applying for a Search Warrant
- a. Prepare the Application and Affidavit for a Search Warrant (75-175) by providing the pertinent information required under the block headings.
 - b. The items to be searched for and seized must be specifically described so that the judge reading the warrant application and the detective executing the warrant can have no doubt as to what is to be seized. The nature of the property will give some indication as to how detailed a description is necessary.
 - 1) A search warrant may be issued to search for and seize:
 - (i) contraband, the fruits of a crime, or things otherwise criminally possessed; or
 - (ii) property which is or has been used as a means of committing a criminal offense;
or
 - (iii) property which constitutes evidence of the commission of a criminal offense.

- c. Describe the premises and/or person to be searched in sufficient detail so as to enable the officer executing the warrant to identify them.
 - 1) Buildings should be described by the street and number, number of stories, type of construction, and any outstanding individual markings.
 - 2) Persons should be described by name, aliases, date of birth, height, weight, build, hair color, eye color, etc.
- d. Name or describe the owner, occupant, or possessor of the premises or property to be searched.
- e. State which crime has been or is being committed.
- f. Where the offense has been previously reported, use the original PPD District Complaint (DC) number in the space provided; otherwise obtain a DC number from the PPD District where the search occurs.
- g. State what probable cause for the search exists.
 - 1) The facts and circumstances that would justify a reasonable person to believe that:
 - (i) that an offense has been committed;
 - (ii) that the particular thing to be seized is reasonably connected to the crime; and
 - (iii) that it can be found at a particular place or in the possession of a particular person.
 - 2) If information is obtained from another person, i.e. a private citizen or another officer, state specifically what information was received, and how and when such information was obtained.
 - 3) If information was obtained from a confidential informant:
 - (i) the information must be “first hand” (credible) information; and
 - (ii) his/her information must be reliable information.
 - 4) It is extremely important that the assigned detective not guess at numbers when preparing search warrants.
 - 5) If surveillance was made, state what information was obtained by such surveillance, by whom it was obtained, and state the date, time, and place of such surveillance.
 - 6) State other pertinent facts within the personal knowledge of the detective to justify the search.

- 7) State reasons for believing that the items are located at the premises specified in the application.
- 8) State reasons for believing that the items are subject to seizure.
- 9) If a “nighttime” search is requested (nighttime is considered to be between 10:00pm and 6:00am), state why the search should be carried out in other than daylight hours and the Municipal Court Judge must specifically note on the warrant that he/she is authorizing a nighttime search. He/she must sign his/her name to that authorization. A search warrant may properly be served at nighttime if:
 - (i) The evidence may be destroyed or moved unless there is an immediate or nighttime search; or
 - (ii) Other circumstances exist justifying an immediate or nighttime search.
- h. When the probable cause can be completed on the original affidavit in the space provided without adding a Continuation Report (PPD 75-51), the preparing detective shall affix his/her signature, badge number and department name in the block provided on the form.
- i. The Judge before whom the affidavit is sworn must complete the remainder of the jurat, and affix his/her signature and seal.
 - 1) A jurat is the clause written at the foot of an affidavit directly under the probable cause, stating when, where and before whom such affidavit was sworn.
- j. In cases where the preparing detective cannot complete the probable cause in the space provided on the original affidavit, the detective must continue the probable cause on a Continuation Report (PPD 75-51) regardless of the brief amount of information supplied and follow through with the instructions as provided below:
 - 1) Type in capital letters at the top of the (PPD 75-51) that is used for the narrative report, Continuation Of Probable Cause For Warrant# and complete the information supporting the probable cause.
 - 2) Directly under the last sentence of the information supporting probable cause, and at the bottom of the last page of the (PPD 75-51), type in the jurat EXACTLY as it appears on the original affidavit.
 - 3) The issuing authority (Judge/Bail Commissioner) will initial each continuation page to indicate that each page was thoroughly examined.
 - 4) It is essential that the issuing authority sign and affix his seal to the (PPD 75-51). The original copy of the (PPD 75-51) will be attached to the warrant application and

retained by the Municipal Court Judge. In addition, a copy of the (PPD 75-51) will be attached to each copy of the warrant including the owner-occupant-premises copy.

- 5) In these cases, it will not be necessary for the Judge to complete the jurat on the original Search Warrant Affidavit, but it must be completed, signed, and sealed on the (PPD 75-51).
 - k. In addition to Sec. IV.A.5.i. and j. listed above, the Judge must also complete the bottom section of the warrant, again affixing his signature and seal.
6. Procedure for Execution and Distribution of the Search Warrant
- a. Executing the Search Warrant
 - 1) After the affidavit(s) and Warrant for Search have been approved, signed and sealed by the issuing authority, the warrant must be served in the “daytime” (between 6 AM and 10 PM) unless otherwise authorized and within a specified period of time not to exceed two days from the time of issuance. The issuing authority can designate a lesser period of time for execution. In no event may a warrant be executed if two days have elapsed from the time of issuance.
 - 2) The manner of entry into premises to be searched is provided in the Pennsylvania Rules of Criminal Procedure, Rule 2007:
 - (i) A law enforcement officer executing a search warrant shall, before entry, give or make reasonable effort to give, notice of his identity, authority and purpose to any occupant of the premises specified in the warrant, unless exigent circumstances require his immediate forcible entry.
 - (ii) Such officer shall await a response for a reasonable period of time after his announcement of identity, authority, and purpose, unless exigent circumstances require his immediate entry.
 - (iii) If the officer is not admitted after such reasonable period, he may forcibly enter the premises and may use as much physical force to affect entry therein as is necessary to execute his search.
 - 3) When a seizure is made, an inventory of the property must be recorded in the space provided on the warrant by the seizing officer in the presence of the person from whose possession or premises the property was taken, when feasible, or otherwise in the presence of at least one witness. The inventory must be verified by the seizing officer, and a copy of the warrant containing the inventory given to the person from whom seized or, if no one is present, left at a conspicuous location in the said premises.

- (i) A copy of the warrant must be left with the person or in the premises whether or not any property is seized.
 - 4) The inventory of seized property must appear on all copies of the warrant (if necessary reverse carbons and use back side of the warrant to complete inventory). The seizing officer will affix his signature and request the signature of the person from whom the property is taken and/or other witness in the blocks provided on the warrant. If the person from whom the property is seized or other witness to the inventory refuses to sign, so indicate on the warrant. In addition, a UPPD Property Receipt (UPPD-21) will be prepared and distributed in accordance with procedures outlined in Directive 38, "Property And Evidence Control".
- b. Distribution of the Search Warrant:
- 1) White (affidavit): retained by Issuing Judge.
 - 2) White (first copy of warrant): to PPD Reports Control.
 - 3) Canary:
 - (i) When property is seized and an arrest is made, attach copy to PPD Arrest Report (75-50) and forward with other reports that accompany defendant to Preliminary Arraignment Court.
 - (ii) When property is seized, no arrest; no property seized, no arrest, or non-service of warrant, no search conducted (record reason for non-service in "Result of Search" block, forward to: Clerk of the Quarter Sessions, Criminal Justice Center.
 - 4) Green:
 - (i) When property is seized and an arrest is made, forward to Assistant District Attorney at Preliminary Arraignment Court with other required reports.
 - (ii) When property is seized, no arrest; or no property seized, no arrest; forward to: District Attorney's Office, 5th Floor, 1300 Chestnut Street.
 - (iii) Non-service of warrant, no search conducted, forward to PPD Reports Control.
 - 5) Pink: Retain in case file and present at all judicial proceedings as required.
 - 6) Blue: Leave with owner/occupant or on the premises where search was conducted.
- c. Voided Warrants
- 7. A partially or fully completed affidavit and warrant, which does not have a judge's signature and seal, will be maintained by a Detective Supervisor. The word "VOID" will be printed in

large block letters across the face of the form and the reason for voidance and the Detective Supervisor's concurring signature must be recorded in the "Results of Search" block.

C. Arrest Warrants

1. All UPPD Detectives will follow provisions of the Pennsylvania Rules of Criminal Procedure when seeking application for an arrest warrant.
2. Affidavit of Probable Cause for Arrest Warrant (PPD 75-572) will be approved by the District Attorney Charging Unit (DACU) prior to submission to an issuing authority.
3. Whenever an affidavit is disapproved by the DACU, ensure that a Record of Declination Form is obtained from the DACU.
4. UPPD Detectives will not provide a copy of the Affidavit (PPD 75-572) to the defendant at any time.
5. Pennsylvania Rules of Criminal Procedure Rule 119 states:
 - a. No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.
 - b. At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph a.
6. Procedure
 - a. The Affidavit of Probable Cause for Arrest Warrant (PPD 75-572) will be prepared for each individual to be arrested.
 - b. The affiant/assigned detective will prepare the affidavit as follows:
 - 1) Enter the PPD District Control (DC) number and the warrant number in the spaces provided.
 - 2) Enter the name, badge number, and department of the affiant.
 - 3) Enter the required information concerning the offender and indicate the specific charges.
 - 4) Under paragraph two on the Affidavit (PPD 75-572), enter the following:
 - (i) A summary of the facts sufficient to indicate that a criminal offense was committed.

- (ii) A summary of all those facts and circumstances sufficient to establish probable cause for believing that the defendant committed the offense described.
 - 1. When probable cause is based on an eyewitness account, indicate the name and address of each eyewitness and a brief summary of the witness's statement.
 - 2. If the probable cause is based in whole or in part on the statement of a confidential source or informant, it is necessary as in a search warrant, to establish the source of the informant's reliability and the underlying basis for his information in the Affidavit.
 - 3. When probable cause is based on physical evidence, briefly describe the evidence and its connection to the offender.
- 5) On the Continuation Report (PPD 75-51), type in capital letters at the top of the section used for the narrative report, Continuation Of Probable Cause For Arrest Warrant#.
 - (i) Ensure that the warrant number is correct and identical to the number on the Affidavit (PPD 75-572).
 - (ii) Complete the information supporting the probable cause.
- 6) At the bottom of the last page of the Continuation Report (PPD 75-51), a space shall be provided for the signature of the issuing authority. The last page of the Continuation Report (PPD 75-51) shall be sealed by the court.
- 7) Directly under the last sentence of the information supporting probable cause on the last page of the Continuation Report (PPD 75-51), type in the jurat as it appears EXACTLY on the original affidavit.
- 8) The affiant must sign on the designated line on the Affidavit (PPD 75-572)/Continuation Report (PPD 75-51) in the presence of the issuing authority.
- 9) The affiant must swear to, or affirm, the Affidavit under oath in the presence of the issuing authority.

NOTE: The failure to obtain the signatures and oath or affirmation required as mentioned above will result in the court discharging the complaint.

- c. Ensure that the Affidavit (PPD 75-572) is faxed to the DACU for review prior to submission to the issuing authority.

- 1) When the duty ADA at DACU approves the affidavit, the affidavit will be faxed back to the assigned detective with the initials and date of approval upon telephoning DACU for status on the case.
 - 2) When the duty ADA disapproves the affidavit, ensure that a Record of Declination form is obtained and a copy is maintained as part of the case file.
 - (i) If the ADA's modification amounts to nothing more than making handwritten notes on the Affidavit for the purpose of strengthening the probable cause for the charges requested, a Record of Declination will not be necessary.
 - 3) Upon receipt of ADA approval, make the appropriate notation of approval on the original affidavit. Contact the Arraignment Court at PPD Headquarters, to determine the availability of the issuing authority.
 - 4) Arrest Warrant Control Log Book books are located in the lobby of PPD Headquarters. Complete appropriate spaces and present to the issuing authority for signature. Ensure that a faxed copy of the Affidavit and Record of Declination forms are available for inspection by the issuing authority.
- d. When an arrest warrant is obtained for any offense, the 180-day limit begins to run (Rule 1100 PA Rules of Criminal Procedure – Prompt Trial).
- 1) In order to be excluded from the 180-day limit, the time between the issuance of the arrest warrant and the apprehension of the offender, it is necessary for the detective to establish “due diligence” in all apprehension attempts.

D. Due Diligence

1. In all cases where the perpetrator has been identified, the assigned detective shall obtain an arrest warrant. In felony cases, it shall be the responsibility of the Detective Supervisors to ensure that every effort is being made to apprehend the wanted person and to document those efforts. The Detective Supervisors shall ensure that the assigned detective charged with the responsibility of apprehension are prepared to present in court such documentation as is necessary, to show full compliance by the UPPD with Rule 1100 of the PA Rules or Criminal Procedure (180 day rule).
2. Wanted persons shall be entered into the Philadelphia Crime Information Center (P.C.I.C.)
3. Wanted persons shall be entered into the National Crime Information Center (N.C.I.C.) Computer System when approved by the Deputy Chief of Investigations.
4. Federal Fugitive Flight Warrants will be obtained as outlined in this directive.

E. Procedures For Apprehensions

1. The assigned detective will:

- a. Make every effort to determine the location of the wanted subject, prior to obtaining the warrant.
- b. Obtain as much information on the wanted subject as possible, including prior criminal history, prior UPPD contacts, etc.
- c. If the wanted suspect resides or works within the primary jurisdiction of the UPPD, the assigned detective will notify the Shift Commander/Supervisor to request assistance in the apprehension of the wanted suspect. If the wanted suspect has a prior history of violent crime, the assigned detective will request the assistance of the ERT through the ERT Team Leader or designee.
- d. If the wanted suspect resides or works within the limits of the county of Philadelphia, the assigned detective shall notify and request assistance from the PPD division of record in apprehension of the wanted suspect.
- e. If the wanted suspect resides or works within the Commonwealth of Pennsylvania, the assigned detective shall notify and request assistance from the police jurisdiction of record in apprehension of the wanted suspect.
- f. If apprehension is not made on the first day that the warrant is issued, the assigned detective shall send a wanted message via P.C.I.C.
- g. A folder shall be prepared for each wanted person. The folder will be stored in the Detective's Unit warrant file and shall contain:
 - 1) Investigative Reports;
 - 2) Photographs of the wanted subject;
 - 3) The subject's criminal record, if any;
 - 4) A copy of the wanted message;
 - 5) The original and one copy of the Arrest Warrant; and
 - 6) Any information on prior attempts to apprehend the wanted person.
- h. The assigned detective will attempt to apprehend the wanted subject at least once a week, and shall document each attempt. These efforts will not be cursory attempts. Maximum efforts will be made to apprehend wanted persons.

2. The Detective Supervisors will:

- a. Maintain a wanted person file (alphabetically and by date warrant was issued).
- b. Ensure that apprehension attempts are made weekly on each warrant in the wanted person file.
- c. Personally review and sign all reports submitted on apprehensions or attempts, for persons in the wanted file.
- d. Personally ensure that the District Attorney's Office is notified of all arrests of UPPD wanted persons in other jurisdictions in Pennsylvania.
- e. Make arrangements to transport subject back to Philadelphia for arrest purposes and once subject is back, follow proper arrest procedures.
- f. Ensure that, when detectives are out or off for an extended period of time (vacation, sick, etc.) the case file is assigned to another detective for apprehension attempts.

F. Voluntary Surrenders

1. Voluntary surrenders by a defendant shall NOT be scheduled to take place at UPPD Headquarters. Whenever a UPPD defendant surrender is scheduled, the assigned detective(s) will make every effort to have the surrender take place at Philadelphia Police Department (PPD) Facility (18th district primarily).
 - a. The assigned UPPD detective(s) shall meet the defendant at the designated PPD Facility and coordinate the intake process with PPD personnel.
 - b. UPPD personnel shall be responsible for conducting a thorough search of the defendant for weapons or contraband. Particular attention will be given to the suspects hands at all times.
2. If a defendant surrenders at UPPD Headquarters without prior notice, the defendant shall be taken into custody, searched and then transported to the appropriate PPD facility by uniformed UPPD personnel.
 - a. UPPD personnel shall conduct a surrender without notice outside of Headquarters and whenever possible, in the Temporary Detention Area. Personnel conducting the surrender, search and arrest shall either be in full uniform or wear identifying arm bands; ballistics vests must be worn and body worn cameras shall be activated in accordance with UPPD Directive 18 "Wearing of Body Armor" and UPPD Directive 110 "Body Worn Cameras Program".

- b. UPPD Detective personnel may transport a defendant if uniformed UPPD staffing is limited. The transporting Detectives shall use an unmarked vehicle equipped with a prisoner cage. The transporting detectives shall wear identifying arm bands, ballistic vests and activate body worn cameras for the duration of the transport and custody exchange in accordance with UPPD Directive 18 “Wearing of Body Armor” and UPPD Directive 110 “Body Worn Cameras Program”.
 - c. All prisoners shall be handcuffed in accordance to UPPD Directive 6, “Prisoner Transportation”. A hobble type restraint may be used with supervisory approval as warranted by the circumstances.
- 3. The Chief of Police shall be notified via the chain of command when an unexpected defendant surrender takes place at UPPD Headquarters.
 - 4. The Deputy Chief shall notify the Chief of Police and the Captain of Patrol Captain of Patrol on any scheduled voluntary defendant surrenders.

G. Federal Fugitive Flight Warrant

- 1. When a wanted person is suspected of being a fugitive (a person wanted by the UPPD who flees the Commonwealth of Pennsylvania to avoid prosecution or confinement) and the assistance of the F.B.I. is desired, the assigned detective shall:
 - a. Investigate case thoroughly and upon concluding that the wanted person is a fugitive, contact the District Attorney’s Office.
 - 1) If the District Attorney’s Office concurs with “fugitive” status, the detective shall notify a Detective Supervisor.
 - b. The Detective Supervisor will:
 - 1) Ensure that a warrant is obtained for local criminal offenses, and document warrant information; and
 - 2) Forward a memorandum to the Deputy Chief of Investigations outlining the basis for requesting a Federal Fugitive Flight Warrant.
 - c. The Deputy Chief of Investigations will, upon approving the request:
 - 1) Prepare a letter to the District Attorney of Philadelphia County, attention Chief District Attorney’s Detective, requesting the District Attorney to petition the United States Attorney for the Eastern District of Pennsylvania to issue a Federal Warrant, charging Unlawful Flight to Avoid Prosecution or Confinement.

- 2) Notify the Philadelphia Office of the F.B.I. that there is a letter requesting the warrant.

H. Protection From Abuse Orders

- 1) Upon presentation of a complainant to a UPPD officer of a valid Protection from Abuse Order, officers will notify the PennComm Center via radio.
- 2) The PennComm Center will dispatch a second officer to the location of the initial officer, and both officers will then attempt to serve the order.
- 3) Upon successful service of the order, the issuing officer will retain a copy. The copy will be returned to the PennComm Center and will be submitted to the PennComm Center Police Supervisor, along with a completed UPPD Incident Report (UPPD-10).
- 4) The PennComm Police Supervisor shall ensure that a copy of the Protection from Abuse order is kept on file in the PennComm Center for future reference.
- 5) Should the Protection from Abuse Order mandate that the serving officers take custody of weapons, the weapon, if located, will be confiscated and taken to the PPD Ballistics Unit at PPD Headquarters.

I. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

J. Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

K. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.