



SPRINGFIELD TOWNSHIP POLICE DEPARTMENT
Wyndmoor, Pennsylvania

Policy 4-09

Policy Title: Protection From Abuse Orders and Domestic Violence

Date of Issue: December 1, 2022

Rescinds: None

By Authority of:

Chief of Police

I. Purpose

The purpose of this policy is to ensure compliance with existing law and to establish guidelines and procedures as issued by the Montgomery County District Attorney's Office with regard to domestic violence and protection from abuse. This will help to ensure effective prosecution of domestic violence matters to ensure victim safety, effective utilization of police personnel, and offender rehabilitation.

II. Policy

It is the policy of the Springfield Township Police Department, upon receipt of a Protection from Abuse order or notification of a domestic violence call, to vigorously investigate, arrest, and pursue criminal or civil remedies appropriate to the crime that the police have probable cause to believe the accused have committed. Through this policy, it is the intent of the department to: reduce the incidence and severity of domestic violence; protect victims of domestic violence and provide them with support through a combination of law enforcement and community services; promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service; provide for the training of all new officers in the requirements of the Pennsylvania Protection from Abuse Act, as amended (23 PA CSA 6101, et seq.); and conform to the provisions of the Pennsylvania Protection from Abuse Act, as amended (23 PA CSA 6101, et seq.)

III. Definitions

- A. "Covered Relationship" – domestic and intimate partner relationships as follows: a family or household member being spouses or persons who have been spouses, current or former intimate partners, parents and children, or other persons related by blood or marriage.
- B. "Intimate Partner Violence" – assaults or violence that occur between current or former sexual partners.

IV. Procedures for Domestic Violence Cases

A. The procedures contained in the Montgomery County District Attorney's Office Domestic Violence Response Guidelines (Attachment A) are adopted as minimal procedures regarding domestic violence calls and cases.

B. Investigation

1. Officers should not ask the victim if he or she will cooperate and support a prosecution. If sufficient evidence exists to arrest the accused, the victim should be informed that he or she will be subpoenaed as a witness and the accused should then be arrested on a charge appropriate to the incident.
2. If, without prompting, the victim refuses to cooperate and insists that he or she will not support the police with a prosecution, the officer shall expand the investigation and determine if enough evidence exists to support a criminal charge without the victim's cooperation. If sufficient evidence exists, a charge shall be brought.
3. If after a thorough investigation a charge cannot be substantiated without the victim's cooperation and the victim insists that he or she will not support the police in a prosecution, the officer shall:
 - i. Inform the victim of that fact and again encourage cooperation so that a satisfactory and safe solution can be obtained.
 - ii. If after informing the victim and encouraging cooperation the victim still refuses to cooperate, the officer shall note the refusal in their incident report.
4. If a decision to act includes taking a person into custody, they should be handcuffed and searched as per the provisions of department policies.
5. In circumstances in which it is necessary for the victim to temporarily leave the residence, the officer shall stand by while the victim gathers necessities and offer the victim assistance in locating lodging with family, friends, in public accommodations or in a domestic violence shelter. Officers should obtain the location and contact information for the location where the victim will be staying and document this in the report.
6. Officers shall provide, both orally and in writing, basic information on the rights and services available to victims of domestic violence. This is contained in the "Domestic Dispute / Abuse" form, which contains information on the availability of safe shelter and domestic violence services available in the community. The "Receipt of Information" form contained in the brochure shall be completed by the officer and signed by the victim. This completed form shall be attached to the incident report.
7. Officers should contact the Women's Center of Montgomery County hotline (610-279-1548) from the scene to allow the victim to speak with a domestic violence advocate.

8. When the incident involves a law enforcement officer or elected official, officers should refer to the District Attorney's protocol. In addition to following the protocol, officers shall notify the Lieutenant or, if unavailable, the Chief of Police.
9. Officers shall make an arrest when probable cause and legal authority exist to make the arrest. Officers shall be guided by department policies, 18 PA C.S. 2711, and the Montgomery County District Attorney's Domestic Violence Response Guidelines.
10. If an arrest is made or a warrant obtained, the officer should:
 - i. Advise the victim of what procedures will happen next. The victim shall also be contacted and advised of any bail conditions and / or the release of the abuser from custody as soon as possible, but no longer than 24 hours, unless the victim cannot be located.
 - ii. Evaluate the situation for the purpose of determining the victim's safety should the abuser be released and, if necessary, assist in transporting the victim to a place of safety.
 - iii. Take photographs of any injuries to the victim, or of the location of the crime.
 - iv. Request a copy of the 9-1-1 call/s made to Montgomery County Emergency Dispatch Services, in accordance with department policy.
 - v. Obtain an audio recorded statement from the victim.
 - vi. Obtain the victim's medical records for those instances where medical treatment at a hospital was necessary.
11. If no arrest is made due to the lack of probable cause, the complainant shall be advised that charges will not be filed and why.

C. Montgomery County Lethality Assessment Program Protocol

1. The Lethality Assessment shall be followed in all instances where officers respond to a complaint of intimate partner violence, unless exigent circumstances on scene prevent its use.
2. Officers shall be trained on the use of this form.
3. The assessment screen shall be completed when the following conditions exist:
 - a. An intimate partner relationship is involved; AND
 - b. There is reason to believe an assault or an act that constitutes intimate partner violence has occurred, regardless of whether there is an arrest; OR

- c. There is belief or sense on the part of the investigating officer that once the victim of intimate partner violence is no longer in the presence of the responding officer, the potential for violence or danger is high; OR
 - d. There are repeated calls for intimate partner domestic violence complaints at the same location or involving the same parties;
4. Officers shall ask the questions listed on the Montgomery County Lethality Assessment Questionnaire and complete the form. The form shall be an attachment to the incident report.
 5. The investigating officer shall send the completed screen to the Domestic Abuse Response Team (DART) via fax (215-852-9826) prior to the end of their shift.

V. Procedures for Receipt of Protection from Abuse Orders

- A. During normal office hours, Protection from Abuse Orders (PFA) received by the department shall be forwarded to the designated employee who will:
 1. Verify that the order pertains to a location within the jurisdiction of the Springfield Township Police Department.
 2. Complete a police department incident report, with the original order submitted as an attachment.
 3. Notify department personnel of the receipt of the order by electronic means.
- B. During non-office hours, PFA orders received by the department shall be forwarded to the shift supervisor, who will assign an officer to complete the steps in this section of this policy.
- C. The Montgomery County Sheriff's Department is primarily responsible for the service of PFAs. If the petitioning person desires, a constable can be hired to serve it. Normally, department police officers are not expected to serve PFAs, although any competent person, including a police officer, can legally serve one. Service by Springfield Township Police Officers shall be documented on a report and notification of that service be given to the Montgomery County Sheriff's Office using the Verification of Service form and the PFA Verification of No Weapons form (when applicable), attached to the PFA Order. These forms shall be sent to the Sheriff via facsimile.
- D. Timely service of PFAs is key to putting an offender on notice that violence will not be tolerated. Officers of this department will serve notices when necessary within the jurisdiction of the Springfield Township Police Department in order to accomplish this objective and to ultimately protect the individuals identified in this order.

- E. Department service of PFAs should be an infrequent occurrence. Frequent instances of service are an indication that the system is not functioning properly and should prompt the department to notify Court Administration by the Detective supervisor.

VI. Protection From Abuse Order Database (PFAD)

- A. The Springfield Township Police Department Detective supervisor shall create and maintain an active PFAD account.
- B. The Chief of Police shall designate the Detective supervisor to serve as the liaison and PFAD training manager for all police officers within the department. The Detective supervisor shall perform regular checks of all PFAD information to ensure the Springfield Township Police Department stays in compliance with all PFAD rules, regulations, and requirements.
- C. When a PFA which requires the relinquishment of ammunition, firearms, or other weapons has been entered into the PFAD, the system will send an electronic message to the department and other involved law enforcement agencies every 24 hours, until relinquishment is made and the PFAD updated to show same.
- D. If the defendant resides within the jurisdiction of the department, and has not yet relinquished their ammunition, firearms, or weapons, then an investigation as to why relinquishment has not occurred shall begin, to include the possible filing of charges in violation of Title 18 C.S.A. 6105.
- E. Seizure of Ammunition, Firearms, and other Weapons
 - 1. Officers shall seize all ammunition, firearms, and other weapons listed on a valid PFA Order regardless of the primary jurisdiction or County where the defendant may reside.
 - 2. When serving a Protection from Abuse Order on a defendant, the issuing officer shall seize any ammunition, firearms, or other weapons listed to be relinquished.
 - 3. Partial relinquishments are permitted so long as arrangements are made by the defendant to relinquish the remaining ammunition, firearms, or other weapons within 24- hours of service of the PFA.
 - 4. A relinquished or confiscated firearm shall NOT be entered into NCIC.
 - 5. The seizing officer shall document all information of any ammunition, firearm, or other weapons relinquished, to include the officer's signature, the defendant's signature, time and date of seizure, and a detailed description of each firearm and its condition.
 - 6. All seized items shall be entered into evidence in accordance with department policy.
 - 7. The officer shall then enter the information into the PFAD without delay and confirm within the system that the relinquishment has occurred.

D. Release of Seized Weapons

1. All weapons seized as a result of a PFA are turned over to the Montgomery County Sheriff.
2. The Springfield Township Police Department does not release weapons directly back to defendants.

VII. Procedures for Protection from Abuse Violations

- A. An arrest for a violation of a PFA may be without a warrant upon probable cause whether or not the violation is committed in the presence of the Police Officer. A police officer may arrest a defendant for a violation of an order issued by a court within this judicial district, issued by a court in another judicial district within this Commonwealth, or issued by another state and registered as required and verified through the Pennsylvania State Police registry.
- B. Information on PFAs may be obtained from the Pennsylvania State Police registry via CLEAN, which is available 24 hours a day, and / or PFAD.
- C. Officers should verify the conditions imposed upon the parties through the order.
- D. An officer responding to a report of a PFA violation should arrest the assailant whenever an arrest is authorized.
- E. After an arrest, the defendant shall be taken by the police officer, without unnecessary delay, before the court in the judicial district where the contempt is alleged to have occurred. When the court is unavailable, the officer shall convey the defendant to a Magisterial District Justice.
- F. If it is necessary to have the defendant arraigned before a Magisterial District Justice due to the unavailability of a Common Pleas Court Judge, the officer should file a criminal complaint for the charge of "Indirect Criminal Contempt" as authorized under Title 23 PA C.S. 6114. Magisterial District Justices should then arraign the defendant and fix bail in accordance with the Rules of Criminal Procedure.
- G. The arresting officer shall make a reasonable effort to notify any adult or emancipated minor protected by an order issued under 23 PA C.S. Domestic Relations Code of the arrest of the defendant for violation of an order as soon as possible. Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. If the arresting officer cannot make this notification during the normal tour of duty, it shall be passed on to the oncoming shift to continue efforts to make the notification. All efforts to make notification shall be documented in the report.

VIII. Report Requirements

- A. Each and every report or notification of a possible violation of an abuse order or incidence of domestic violence requires issuance of a new report number and the preparation of a report. Officers are required to include as much as possible of the following information:
1. Names, addresses, and phone numbers of the victim, the accused, any witnesses, and the caller.
 2. A second permanent address and telephone number for the victim.
 3. A statement of the relationship between the victim and the accused.
 4. A narrative of the incident.
 5. What, if any, weapons were used or threatened to be used.
 6. A description of any injuries observed by the officer. If the officer does not observe any injuries but the victim claims injury, the victim's description should be included with an indication that the injury was not observed.
 7. Documentation of any evidence that would tend to establish that a crime was committed.
 8. Indication of whether an arrest was made and the reason for electing not to arrest, whether there was a warrantless arrest, an arrest with a warrant, or no arrest.
 9. The crimes with which the accused was charged.
 10. If the accused was arrested and arraigned, whether bail was set and any conditions of bail that were imposed.
 11. If the officer did not arrest or seek an arrest warrant even though arrest was authorized, a detailed explanation of the reason for the officer's decision not to arrest.
 12. The names and ages of any children present in the household.
 13. Notation of any previous incidents of which the officer is personally aware.
 14. Notation of previous incidents reported by the victim or witnesses
 15. Any other information pertinent to the investigation.
- B. The great majority of PFA domestic violence cases should result in arrest. Every incident not resulting in arrest shall contain details justifying the decision.

IX. Training Requirements

- A. This policy and the accompanying information shall be included in the curriculum of new officers.
- B. It is the responsibility of all supervisors and the Lieutenant that all personnel review this policy and the attached protocol once every six months. This review shall be documented and maintained by the Office of the Chief of Police.

X. Attachments

- A. Montgomery County District Attorney's Office Domestic Violence Response Guidelines
- B. Montgomery County Sexual Assault Response Protocol