



**SPRINGFIELD TOWNSHIP POLICE DEPARTMENT**  
**Wyndmoor, Pennsylvania**

**Policy 4-11**

**Policy Title:** Protections of Victims of Sexual Violence of Intimidation

**Date of Issue:** December 1, 2022

**Rescinds:** None

**By Authority of:**

**Chief of Police**

**I. Purpose**

The purpose of this policy is to provide Springfield Township Police Department personnel with guidelines on the Pennsylvania Protection of Victims of Sexual Violence or Intimidation Act (42 Pa CS62A). This policy will outline procedures for officers to assist victims of sexual violence or intimidation in a civil remedy that requires the offender to have no contact with the victim regardless of whether the victim seeks criminal prosecution.

**II. Policy**

It shall be the policy of the Springfield Township Police Department to comply with the requirements of the Pennsylvania Protection of Victims of Sexual Violence or Intimidation Act (42 Pa CS62A) in regards to the responsibilities of law enforcement agencies under the provisions of 62A04 of the act.

**III. Definitions**

- A. Adult – An individual who is 18 years of age or older
- B. Consanguinity – Relationship by descent from a common ancestor.
- C. Family or Household member – Spouse or persons who have been spouses, persons living as spouses or who live as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.
- D. Intimidation - Conduct constituting crime under either of the following provisions between persons who are NOT family or household members: 18 Pa CS 2709 a4, 5, 6, or 7 (relating to harassment) where the conduct is committed by a person 18 years of age or older against a

person under the age of 18, or 18 Pa CS 2709.1 (relating to stalking) where the conduct is committed by a person 18 years of age or older against a person under the age of 18.

- E. Minor – An individual who is not an adult.
- F. Sexual Violence – Conduct constituting a crime under any of the following provisions between people who are NOT family or household members:
  - 1. 18 Pa CS Chapter 31 Sexual Offenses except 3129 (relating to sexual intercourse with an animal) and 3130 (relating to conduct relating to sex offenses).
  - 2. 18 PA CS 4304 Endangering the Welfare of a Child if the offense involved sexual contact with the victim.
  - 3. 18 Pa CS 6301 (a)(1)(ii) Corruption of Minors.
  - 4. 18 Pa CS 6312 B Sexual Abuse of Children.
  - 5. 18 Pa CS 6318 Unlawful Contact with Minors.
  - 6. 18 Pa CS 6320 Sexual Exploitation of Children.
- G. SVPO – Sexual Violence Protection Order
- H. PFI – Protection from Intimidation Order (Only minors are eligible for a PFI order, and the defendant must be 18 years of age or older).

#### **IV. Procedure**

- A. The department shall ensure that all officers and employees are familiar with the provisions of this act. Training shall be made a part of department training and included in the curriculum of new officers.
- B. Obtaining SVP or PFI Orders
  - 1. Petitions for all protection orders are filed in the Bail Administration office of the Montgomery County Courthouse on business days.
  - 2. During evening hours, weekends and holidays, individuals can seek emergency protection orders through the on-call Montgomery County Magisterial District Judge. The individual may be required to appear at the MDJ's office or Central Booking at the Montgomery County Prison.
- C. Sexual Violence Protection Orders (SVP)

1. Victims of sexual violence are eligible for relief who do not have a family or household member relationship with the defendant, i.e., who ARE NOT spouses, ex-spouses, parents and children, other persons who are related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. Victims of sexual violence and intimidation who have a family or household relationship with a defendant would instead be eligible for civil relief under the Protection from Abuse Act (PFA).
2. The acts covered as sexual violence are defined as conduct constituting a crime under any of the following provisions between persons who are NOT family or household members:

All Title 18 Pa CS Chapter 31 Sexual Offense except 3129 (relating to sexual intercourse with an animal) and 3130 (relating to conduct relating to sex offenses).

Title 18 Pa CS 4304 Endangering the Welfare of a Child if the offense involved sexual contact with the victim.

18 Pa CS 6301 (a)(1)(ii) Corruption of Minors.

18 Pa CS 6312 B Sexual Abuse of Children.

18 Pa CS 6318 Unlawful Contact with Minors.

18 Pa CS 6320 Sexual Exploitation of Children.

3. "No Contact" orders which can include but are not limited to, restraining the defendant from entering the plaintiff's residence, place of employment, business or school as well as prohibiting indirect contact through third parties and any other relief sought by the plaintiff. Final orders may remain in effect for up to three years.

D. Protection from Intimidation Order (PFI)

1. Juvenile victims of intimidation are eligible for relief from adult defendants who do not have a family or household member relationship with the defendant, i.e. who ARE NOT spouses, ex-spouses, parents and children, other persons who are related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. Victims of sexual violence and intimidation who have a family or household relationship with a defendant would instead be eligible for a civil relief under the Protection from Abuse Act (PFA).
2. The acts covered are described as harassment or stalking of a minor by an adult with no household relationship between them. For example, minors are potentially eligible for an order protection them from an adult, such as a coach or adult friend of the family who is stalking or harassing the minor. An adult parent or guardian must petition for the protection from intimidation order on the minor's behalf.

E. Receipt of SVP or PFI Orders

1. During normal office hours, SVP or PFI Orders received by the department shall be forwarded to the designated employee who will:
  - i. Verify that the order pertains to a location within the jurisdiction of the Springfield Township Police Department.
  - ii. Acknowledge receipt by writing time, date, and initials on the first page of the order.
  - iii. Complete a police department incident / CFS report, with the original order submitted as an attachment.
  - iv. Notify department personnel of the receipt of the order by email.
2. During non-office hours, SVP or PFI orders received by the department shall be forwarded to the shift supervisor, who will assign an officer to complete the steps above.
3. The Montgomery County Sheriff's Department is primarily responsible for the service of SVP and PFI orders. Normally, department police officers are not expected to serve these orders, 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 provided to the Montgomery County Sheriff's Office.
4. Timely service of SVP and PFI orders 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.
5. Department service of SVP or PFI orders 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.

F. Violations

1. An arrest for a violation of an order under this Act may be without warrant upon probable cause, whether or not the violation is committed in the presence of a police officer, in circumstances where the defendant has violated a provision of an order consistent with section 62A07 (relating to relief). The police officer may verify the existence of an order by telephone, radio, or other electronic communication with the appropriate police department. A police officer shall arrest a defendant for violating an

order by a court within the judicial district or issued by a court in another judicial district within the Commonwealth.

2. When there is probable cause that a violation of an order has occurred and the defendant is present, the officer shall immediately effect an arrest. When there is probable cause that a violation of an order has occurred and the defendant is not present, the officer shall make a reasonable effort to apprehend the defendant. If the defendant cannot be located within a reasonable amount of time, the officer shall file a criminal complaint for Indirect Criminal Contempt (42 Pa CS62A14) and request an arrest warrant be issued for the defendant.
3. 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 Judge.
4. Officers shall make all reasonable efforts to notify any person protected by an order issued under the Act 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 preliminary arraignment.
5. If the situation allows for a choice between a criminal charge where the accused is not subject to a warrantless arrest and a SVP or PFI order violation, the officer should pursue a SVP or PFI order violation. For additional guidance on this issue, consult the on-call Assistant District Attorney.

G. Statewide Registry

1. The Pennsylvania State Police shall establish a statewide registry of SVP and PFI orders and shall maintain a complete and systematic record and index of all valid temporary and final court orders.
2. The Pennsylvania State Police registry shall be available at all times to inform courts, dispatchers, and law enforcement officers of any valid orders involving the defendant.
3. Information contained in the statewide registry relating to SVP and PFI orders shall not be subject to Right-to-Know Law (62A04 c5). Therefore, MTPD reports containing such information will not be released to the public under the Right-to-Know Law.

