

**Lower Providence Township Police Department  
Eagleville, Pennsylvania**

General Order ☒  
Special Order ☐  
Personnel Order ☐

**ORDER NUMBER**

**1110**

**Subject**

**Protection from Abuse Act**

**Date of Issue**

**April 23, 2020**

**Effective Date**

**April 23, 2020**

**Expiration Date**

**Until Amended or  
Rescinded**

**Issued by:**

**Michael Jackson, Chief of Police**

**Amends**

**Rescinds**

**Standard Number:**

**4.10.1**

**Distribution**

- 1. General Order Manuals**
- 2. Records Manual**
- 3. Reading Verification to all Personnel**

## **I. PURPOSE**

The purpose of this general order is to provide members with guidelines on the Pennsylvania Protection From Abuse Act.

## **II. POLICY**

It is the policy of the Lower Providence Township Police Department to comply with the requirements of the Pennsylvania Protection From Abuse Act, as amended, (23 Pa. C.S.A. § 6101, et seq.) in regard to the responsibilities of law enforcement agencies under the provisions of Section 6105.

## **III. PROCEDURE**

### **A. Responsibilities of law enforcement agencies**

#### **1. General rule**

- a. The police department shall ensure that all officers and members are familiar with the provisions of the Pennsylvania Protection from Abuse Act. (also RE G.O. 412 Domestic Violence).

#### **2. Notice of services and rights**

- a. The Police Department shall provide all abused persons with oral and written notice of the availability of safe shelter and of domestic violence services in the community, including the hotline number for domestic violence services. The written notice shall be in English and Spanish and shall include the following statement: "If you are a victim of domestic violence, you have the right to go to court and file a petition

requesting an order for protection from domestic abuse pursuant to the Protection From Abuse Act (23 Pa.C.S. Ch. 61), which could include the following:

- (1) An order restraining the abuser from further acts of abuse.
- (2) An order directing the abuser to leave your household.
- (3) An order preventing the abuser from entering your residence, school, business or place of employment.
- (4) An order awarding you or the other parent temporary custody of, or temporary visitation with, your child or children.
- (5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

3. Mandatory report

- a. The Police Department shall make an incident report consistent with the report required by the Federal National Incident-Based Reporting System (NIBRS).

4. Notice of arrest

- a. The Police Department shall make reasonable efforts to notify any adult or emancipated minor protected by an order issued 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.

B. Protection from Abuse Orders

1. Normal Business

- a. Protection from Abuse orders are handled in the Prothonotary's Office/Women's Center which is located on the first floor of the Montgomery County Court House. They will provide the victim with the appropriate paperwork and directions of where to file them. The Prothonotary's Office shall send, on a form prescribed by the PSP, a copy of the protection order or approved consent agreement to the statewide registry of protection orders so that it is received within 24 hours of the entry of the order. The Prothonotary's Office can be reached at (610) 278-5994.

2. After Normal Business Hours and Weekends

- a. Emergency Protection from Abuse orders are handled by the on-call Montgomery County District Justice, who may be contacted through the Montgomery County Communications Center at (610) 275-1212.

C. Protection From Abuse Order Database (PFAD)

1. When a PFA has been entered into the PFAD Database or a defendant has been convicted for a "misdemeanor crime of domestic violence" and requires the relinquishment of ammunition, firearms, or other weapons, an electronic message will be sent to the Department (via PFAD and the Montgomery County Communications Center) and other involved law enforcement agencies notifying them of the required relinquishment.
2. In the event that a relinquishment has not been made, an electronic message alert will be sent every 24-hours to the Department and other involved law enforcement agencies, that pursuant to a relinquishment order, the defendant has not yet relinquished their ammunition, firearms, or weapons. It is the responsibility of the Department having primary jurisdiction (where the defendant resides) to conduct an investigation as to why they have not yet been relinquished and if necessary, prepare charges in violation of Title 18 C.S.A. 6105, persons not to possess, use, manufacture, control, sell or transfer firearms. During the course of an investigation, the notification may be turned off by a PFAD Database entry user.
  - a. In the event that the defendant fails to relinquish a firearm within 24-hours or other time period provided by the Court the following agencies need to be notified immediately:
    1. Court
    2. Plaintiff
    3. District Attorney's Office
    4. Sheriff's Department
    5. Adult Probation (when applicable – conviction for a "misdemeanor

crime of domestic violence)

In addition, it may be necessary to contact the Domestic Abuse Response Team (DART) in order for a safety plan to be put in place with the victim. If that is determined to be necessary, DART representatives may be contacted at 215-852-9826.

3. A relinquished or confiscated firearm shall **NOT** be entered as confiscated or as recovered guns in NCIC.

D. 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; in the event that ammunition, firearms, or other weapons are not all readily available, partial relinquishments are permitted so long as arrangement are made by the defendant to relinquish the remaining ammunition, firearms, or other weapons within 24- hours of service of the PFA.
  - a. Ammunition, firearms, or other weapons can no longer be turned-over-to family members or friends for safe keeping. They must be turned-over-to a law enforcement agency or other third party such as an Attorney-at-Law, a licensed armorer or Federal Firearms License Holder.
    1. Attorney-at-Law – An attorney-at-law, and further acknowledgement that the attorney-at-law and the defendant are in an attorney-client relationship. The attorney-at-law and the defendant shall sign a written agreement stating in the substantiality the following form: "Firearm(s) can be relinquished to the attorney-at-law upon the express, written condition that firearm(s) will be returned to the defendant, or otherwise transferred, only if in strict conformance with applicable law."
    2. Commercial Armory – A commercial armory, and further acknowledgment that the owner or operator of the commercial armory is not a family or household member of the defendant; the commercial armory is a secure storage facility designed to store firearms; the commercial armory possesses all Federal and State licenses to store firearms; and a form stating substantially the following: "Firearms can be relinquished to the commercial armory upon the express, written condition that firearm(s) will be returned, or transferred, to the defendant only in strict conformance with applicable law."
3. The seizing officer shall document all information, to include a detailed description and its condition, of any ammunition, firearm, or other weapons relinquished on the Relinquishment of Firearms Receipt.
  - a. If the defendant is only relinquishing some of the items listed, the officer who accepts the relinquished ammunition, firearms, or other weapons shall select "pending/partial" until the remaining items are relinquished at which time, it will be updated accordingly.
  - b. Both the officer who accepts the relinquished ammunition, firearms, or other weapons and the defendant shall then sign the form. A copy of the signed form shall then be provided to the defendant with the original placed into the Case Folder and attached within the Department's Records Management System.
  - c. In addition, a Relinquishment Notification form shall be completed. A copy of the signed form shall then be provided to the defendant with the original placed into the Case Folder and attached within the Department's Records Management System.
4. The officer who accepts the relinquished ammunition, firearms, or other weapons shall ensure that the item(s) are immediately entered into the Department's Property and Evidence Management System and properly documented, packaged, tagged, marked, labeled and placed into the Department's Temporary Storage Lockers per G.O. 608.
5. In the event that the defendant states that they do not have any "handguns, rifles, shotguns, or any other types of weapons in [their] custody, possession, or control" (reference

Attachment A to Order – Ammunition, Firearms, or Other Weapons) then a PFA Verification of No Weapons form must be signed by the officer and defendant. A copy of the signed form shall then be provided to the defendant with the original placed into the Case Folder and attached within the Department's Records Management System.

- a. Prior to the PFA Verification of No Weapons form being signed, the following steps should be taken in order to ensure that the defendant does not own any firearms:
  1. Check for a firearms license
  2. Check for any registered firearms
  3. Attempt to confirm with the Plaintiff (if contact information is available and immediate contact is able to be made)
  4. Review any applicable Incident or Investigate Reports (if available)
6. Upon completion of the Relinquishment of Firearms Receipt form or the PFA Verification of No Weapons form a copy of the form must be immediately provided to an on-duty PFAD entry user. If there is no on-duty PFAD Database entry user, the applicable form shall be submitted via email to all PFAD Database Entry users.
  - a. Authorized PFAD Database Entry Users
    1. Evidence Custodian
    2. Police Dispatch
    3. Sergeant of Detectives
    4. Lieutenant
7. Upon receipt and notification, the PFAD Database entry user shall review the applicable information within the PFAD Database and enter the information required without delay.

E. Weapons Release, Transfer and Abandonment

1. Ammunition, firearms, or other weapons cannot be released until the PFA ordering their relinquishment expires or is dismissed.
  - a. A CLEAN message will be sent to all law enforcement agencies listed on the order when a PFA is dismissed or expires.
2. Prior to release, the ammunition, firearms, or other weapons must not be evidence of a crime, the defendant or owner must not be otherwise prohibited by applicable Federal or State law or other condition, including but limited to bail, from taking possession of the ammunition, firearms, or other weapons, and **ALL** defendants are subject and will undergo An Instant Background Check (PICS) check.
  - a. The PICS approval number is necessary for the Firearms Release Request
3. The Weapons Release form shall be completed by an Evidence Custodian.
  - a. The Plaintiff shall be notified prior to the relinquishment of any ammunition, firearms, or other weapons.
  - b. If, after an effort to locate/contact the Plaintiff, notification cannot be made, "NO" notification shall be checked and an explanation as to why the notification cannot or was not made shall be included in the "comments" section.
4. Upon release, the Weapons Release form shall be signed by both the officer and the defendant. A copy of this shall be retained within the Department's Records Management System.
5. In order for a defendant to have a firearm relinquished to a licensed dealer, the criteria set-forth in Title 18 C.S.A. 6105.2(e) must be satisfied.
6. In order for ammunition, firearms, or other weapons to be considered abandoned, the criteria set-forth in Title 18 C.S.A. 6128 must be satisfied.

*Michael Jackson*

Michael Jackson  
Chief of Police

