

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

**General Order** ☒  
**Special Order** ☐  
**Personnel Order** ☐

**ORDER NUMBER**

**1113**

**Subject**

**Protection of Victims of Sexual Violence or Intimidation Act**

**Date of Issue**

**February 4, 2020**

**Effective Date**

**February 4, 2020**

**Expiration Date**

**Until Amended or  
Rescinded**

**Issued by:**

**Michael Jackson, Chief of Police**

**Amends**

**Rescinds**

**Standard Number:**

**4.13.1**

**Distribution**

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

## **I. PURPOSE**

The purpose of this directive is to provide police personnel with guidelines on the Pennsylvania Protection of Victims of Sexual Violence or Intimidation Act.

## **II. POLICY**

It is the policy of the Lower Providence Township Police Department to comply with the requirements of the Pennsylvania Protection of Victims of Sexual Violence or Intimidation Act (62A Pa. C.S.A. 62A01, et seq.) in regard to the responsibilities of law enforcement agencies under the provisions of section 62A04 of the Act.

## **III. PROCEDURE**

### **A. General:**

Sexual violence and intimidation can inflict humiliation, degradation, and terror on the victim. In addition, rape is recognized as one of the most underreported crime. Victims of sexual violence and intimidation desire safety and protection from future interactions with their offender, regardless of whether they seek criminal prosecution.

B. Training:

The Lower Providence Police Department shall ensure that all Department personnel are familiar with the provisions of the Pennsylvania Protection of Victims of Sexual Violence and Intimidation Act (Title 42, Chapter 62A).

1. Information pertaining to the PSVI Act, shall be included in the Field Training and Evaluation Program.  
(PLEAC 4.13.1a)

C. Applicability:

The Protection of Victims of Sexual Violence or Intimidation Act (PSVI) applies to victims of sexual violence or intimidation who do not have a family or household member relationship with the defendant (i.e. who are not spouses, ex-spouses, paramours, ex-paramours, 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 member or household relationship with a defendant would instead be eligible for civil relief under the Protection from Abuse Act.

D. Acts that are Applicable to Sexual Violence or Intimidation:

1. Sexual Violence
  - a. Conduct that constitutes a crime under any of the following provisions between persons (who are not family or household members):
    1. Sexual Offenses, except sexual intercourse with animals and conduct relating to sex offenders.
    2. Endangering the Welfare of Children if the offense involved sexual contact with the child
    3. Corruption of Minors
    4. Sexual Abuse of Children
    5. Unlawful Contact with a Minor
    6. Sexual Exploitation of Children
2. Intimidation
  - a. Conduct that constitutes a crime under either of the following provisions between persons (who are not family or household members):
    1. Harassment where the conduct is committed by a person 18 years of age or older against a person under 18 years of age
    2. Stalking where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

E. Relief Available:

A PSVI Order can be entered to preclude contact, harassment, and abuse, to exclude or evict a defendant from the victim's temporary or permanent residence, or any other appropriate relief. There is no relinquishment of weapons under the PSVI Act; however, a judge has the discretion to add a directive ordering the defendant to relinquish their weapons. A PSVI Order may remain in effect for up to three years.

F. Emergency PSVI Orders:

When the Commons Pleas Court is unavailable (i.e. after business hours, holidays, weekends, etc.) a District Judge may enter an Emergency Order if it is necessary to protect the victim upon good cause shown in an ex-parte proceeding. Immediate and present danger posed by the defendant to the victim constitutes good cause and Emergency Orders expire at the end of the next business day that the Common Pleas Court are available.

G. Enforcement and Violations of the PSVI Orders:

With a valid PSVI Order in effect and probable cause that there has been a violation of the PSVI Order, there is a mandatory arrest obligation; in addition to charging the defendant with an Indirect Criminal Contempt (ICC) charge, any applicable Crimes Code violations should also be charged. The victim does not need to sign the Indirect Criminal Complaint or be present while it is prepared and present before the District Judge.

1. Mandatory Arrest

- a. A mandatory arrest obligation for the PSVI Order exists if the following two factors are present:
  1. A valid PSVI Order is in effect; and
  2. Probable Cause exists that there has been a violation of a provision of the PSVI Order.
    - a. Probable cause for PSVI Order violation arrests can be established by a credible victim statement. There is no need to view recent physical injury or other corroborative evidence. In all cases where there is probable cause to believe that there has been a violation of a valid PSVI Order, then there is a mandatory arrest obligation and the officer shall make a warrantless arrest or obtain an arrest warrant for ICC for a violation of a PSVI Order. The consent of victim is not needed for the arrest to be made.
    - b. A warrantless arrest is authorized for a PSVI Order violation whether or not the violation was committed in the presence of the officer.
    - c. If an arrest warrant for a PSVI Order violation is delivered to the Department from another jurisdiction for execution, every reasonable effort shall be made to execute the warrant and arrest the defendant as soon as possible.

2. Defendant is Not Immediately Arrested for Violation of a PSVI Order:
  - a. If probable cause to believe that a violation of a valid PSVI Order has occurred and the officer has made a decision to make an arrest but the defendant is not on-scene and cannot be immediately located, a description of the defendant will be provided to the Montgomery County Communications Center for broadcast and attempts to locate and subsequently arrest the defendant will continue until apprehension.
  - b. If the arrest of the defendant cannot be made prior to the end of shift, an ICC for the violation of the PSVI Order shall be filed with the District Court where the violation occurred or with the on-call District Judge, whichever is most appropriate. Upon the filing of the ICC, an arrest warrant shall be issued.
  - c. It is the responsibility of the District Judge to provide a copy of the arrest warrant for the PSVI Order violation to the following agencies for service on the defendant:
    1. Lower Providence Police Department
    2. The most appropriate Communications Center for the jurisdiction where the defendant may be located.
    3. In addition, it is the responsibility of the District Judge to ensure that their court provides the original arrest warrant to the Montgomery County Sheriff's Department via facsimile and mail.
3. Arrest of Defendant for Violation of a PSVI Order
  - a. All PSVI Orders will be enforced, regardless of judicial district from which they were issued in this Commonwealth.
  - b. A PSVI Order can be verified by obtaining a copy directly from the victim, the Pennsylvania State Police through the Commonwealth Law Enforcement Network (CLEAN), or through the police department where a copy would be located.
  - c. The defendant shall not be released prior to arraignment.

#### H. Notice of the Arrest of the Defendant to the Protected Person

1. An officer shall make a reasonable effort to notify any person protected by a PSVI Order of the arrest of the defendant for a violation of the order as soon as possible.  
(PLEAC 4.13.1b)
2. Unless the person cannot be located, the notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment. (PLEAC 4.13.1c)
  - a. In the event that the person is not present for the preliminary arraignment, the officer should provide the person with the defendant's status (i.e. released or committed, as well as bail conditions).

3. The notice of arrest to the person protected by a PSVI Order shall be documented via an Investigative Report.
4. Common Pleas Court will schedule hearings within ten business days of an ICC charge.

I. Statewide Registry of Protection Orders:

1. The Pennsylvania State Police shall establish a statewide registry of protection orders and shall maintain a complete.  
and systematic record and index of all valid temporary and final orders issued under the Protection of Victims of Sexual Violence or Intimidation Act, and shall be entered and maintained in the database established and maintained by the Pennsylvania State Police pursuant to 23 Pa. C.S.A. 6105(e) (relating to responsibilities of law enforcement agencies).
2. The registry of the Pennsylvania State Police shall be available at all times to inform courts, dispatchers, and law enforcement officers of any valid protection order involving any defendant.

(PLEAC 4.13.1d)

J. Additional Procedures:

1. When a PSVI Order is presented to the Department an Incident Report shall be created within the Department's Records Management .The Incident Report will document all pertinent information (i.e. individuals involved) associated with the PSVI Order, along with whether the PSVI has been or needs to be served.
  - b. A copy of PSVI Orders will be maintained in the Lower Providence Communications Center. PSVI Orders shall be accessible to all Department personnel.
  - a. Lower Providence Police Officers are authorized to serve PSVI Orders within Lower Providence Township if necessary (reference General Order 1008 – Procedures for Civil Process).

*Michael Jackson*

Michael Jackson  
Chief of Police