

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

General Order ☒
Special Order ☐
Personnel Order ☐

ORDER NUMBER

412

Subject

Domestic Violence

Date of Issue

January 29, 2020

Effective Date

January 29, 2020

Expiration Date

**Until Amended or
Rescinded**

Issued by:

Michael Jackson, Chief of Police

Amends

Rescinds

All Previous Orders

Standard Number:

4.1.10

Distribution

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

I. PURPOSE

The nature and seriousness of crimes committed between family or household members are not considered less severe because of the relationships or living arrangements of those involved. It is the intent of this policy to prescribe courses of actions that Lower Providence Township Police Officers should take in response to domestic violence that will enforce the laws of the Commonwealth of Pennsylvania while also serving to intervene and prevent future incidents of violence.

II. POLICY

It is the policy of the Lower Providence Township Police 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 service referral.
- ❖ Promote officer safety by ensuring that officers are fully prepared to respond to and effectively deal with domestic violence calls for service.
- ❖ Educate officers on the Statutes effecting response to Domestic Violence in the Commonwealth of Pennsylvania.

III. DEFINITIONS

- A. "Family or household member" includes persons who:
1. Are spouses or have been spouses
 2. Live as spouses or who lived as spouses
 3. Are in a parent/child relationship

4. Are related by consanguinity or affinity
 5. Are current or former sexual or intimate partners
 6. Share biological parenthood
- B. "Probable Cause Arrests in Domestic Violence Cases":
General Rule - Pennsylvania Crimes Code:
1. A police officer shall have the same right to arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has committed Involuntary Manslaughter, Simple Assault, Aggravated Assault, Terroristic Threats, and/or Recklessly Endangering Another Person against his spouse or another person, with whom he resided or has formerly resided although the offense did not occur in his presence.
 2. A police officer may not arrest a person pursuant to this section without first observing recent physical injury or other corroborative evidence.
- C. Protection from Abuse Orders
1. Emergency Protection Order - An order issued by the District Justice that is good until the end of next business day.
 2. Temporary Protection Order - An order issued by the Common Pleas Court that is good for a maximum of ten days, unless a continuance is granted by the Court.
 3. Permanent Protection Order - An order issued by the Common Pleas Court that is good for a fixed term not to exceed three years as determined by the Court.

IV. REGULATION

1. Dispatcher's Procedures
A dispatcher who receives a domestic violence call can provide responding police units with vital information that could save the victim's and the officer's life. The dispatcher will give a domestic violence call the same priority as any other life threatening call and will, whenever possible, dispatch at least two officers to every incident.
 - a. In addition to information normally gathered, an effort should be made to determine and relay the following information to the responding units:
 1. Whether the actor is present, and if not, the subject's description, direction of travel, and method of transportation.
 2. Whether weapons are involved, and what type; or if the dispute is verbal in nature.
 3. Whether the offender is under the influence of drugs or alcohol
 4. Whether there are children present
 5. Whether there is a current Protection from Abuse Order in effect
 6. Prior incidents at the location.
 - b. Dispatchers shall not cancel police response to a domestic violence complaint based solely on a follow-up call from the residence requesting such a cancellation. However, the dispatcher will advise the responding officers of the request.
2. Responding Officer Procedures
 - a. Enroute to the Call
When responding to a domestic violence call, an officer shall:
 1. Develop a tentative plan of action.
 2. Approach and deploy tactically at the scene.
 3. Obtain the response information from the dispatcher.
 - b. Upon arriving at the scene:
 1. Assess the status of the disturbance and the level of immediate threat it presents.
 2. Make safe entry into the location
 3. Restore order by gaining control of the situation.
 4. Position the disputants so that they are in different rooms, while maintaining visual contact with other officers.
 5. Take control of all weapons used or threatened to be used in the incident (it may be important to consider the extent of violence and the level of threat to officers responding to the residence in the future - it may be appropriate to remove all weapons from the house).
 6. Determine the need for medical treatment and call for an ambulance if needed.

7. Explore the reason for the dispute.
 8. Determine and conduct the course of action most likely to prevent further violence - if an arrest should be made for a crime and/or for a violation of a Protection From Abuse Order, or if other action is appropriate.
 9. Collect and record evidence and, where appropriate, take photographs of the injuries and property damage.
 10. Advise the victim of the Protection from Abuse Rights Act; give the victim a copy of the Domestic Rights form and place the signed copy in the Domestic Violence Forms binder. This form is to be sent to the proper county and/or state agency. Make a notation in the incident report that the victim was supplied with the information.
 11. Advise the victim of assistance available through the Victim Assistance Act, have the victim sign the Victim Assistance form and the Release of Information Form and attach it to the Incident Report.
 12. Depart safely from the scene.
 13. Complete departmental reports, assuring to document police response, actions taken and whether an arrest was made.
 14. If the offender has left the scene prior to police arrival, and a crime has been committed, officers shall search the immediate area and possible destinations of the actor.
 15. Arraign the actor and advise the victim of the status of the actor - whether on bail or in prison.
 16. Advise victim and witnesses of the date, time and place of the Preliminary Hearing.
 17. Assist their victim in getting an Emergency Protection From Abuse Order if needed, by arranging for the on-call District Justice to issue one.
 18. At times, the victim may need to be transported to a shelter. This location or any other location where the victim is staying shall be kept confidential.
 19. Resumption of cohabitation on the part of the Plaintiff and defendant shall not nullify the provisions of the court order directing the defendant to refrain from abusing the plaintiff.
3. Arrest
- a. Officers shall make an arrest when probable cause to arrest in domestic violence cases exists. Actors must be provided a preliminary arraignment.
 - b. Officers shall arrest for Indirect Criminal Contempt (23Pa CSA 6113) for violations of Protection from Abuse Orders.
 - c. The officers should emphasize to the offender that the Commonwealth and not the victim is initiating the criminal action.
 - d. Officers shall not withdraw charges in Domestic Violence incidents, but rather should proceed with the preliminary hearing even if the victim refuses to testify.
 - e. Arraignments for Protection from Abuse Orders are held before the issuing Common Pleas Judge during normal working hours; otherwise, the defendant is taken to the Magisterial District Judge on call.
4. Victim Assistance
- Many victims of domestic violence feel trapped in relationships because they are unaware of the resources available to help them, or that domestic violence is a serious crime and is not tolerated by society. Also, the offenders may have threatened further violence if the victim attempts to leave or seek assistance. Officers are therefore required to provide the following assistance to victims, batterers, and where appropriate, children:
- a. Advise the parties about the criminal nature of family violence, its potential for escalation, and that help is available. Victims should be advised that arrests allow the victim and the actor to cool off, that the victim will have time to evaluate what happened and determine what action he or she should take.
 - b. Secure medical assistance for victims.
 - c. Ensure the safety of the children, and if necessary, take children into protective custody.
 - d. Remain on the scene until satisfied that there is no threat to the victim.
 - e. Remain on the scene to preserve the peace as one person removes personal property.
 - f. Provide the victim with referral information on social assistance and support. Complete the Women's Center Referral Form and transmit the form to the Women's Center by facsimile. All forms are to be entered into the appropriate binder in the Records Room and a notation is to be made on the Incident Report narrative confirming transmission of the form.
 - g. Assist the victim in obtaining an emergency Protection Order if necessary.

5. Filing and Service of Protection Orders

- a. A binder containing all active Emergency, Temporary and Permanent Protection Orders shall be maintained in the Dispatch Center. All expired orders are to be discarded weekly by the Communications Supervisor. After a Protection From Abuse Order is received, it shall be the responsibility of the duty dispatcher to make a copy of the Protection from Abuse Order and place it in the PFA Binder. Dispatchers shall attempt to ascertain the location of the plaintiff in the township – whether it is a place of employment, residence or other location. This information will be added to the Protection Order and will also be added to the caution notes of the CAD with a purge date, so as to notify officers of possible problems at that location. Dispatchers must be aware that it may be necessary to contact Montgomery County Communications to verify that a Protection from Abuse Order is valid or confirm the existence or validity of an Order through the Pennsylvania State Police statewide registry of protection orders, which is available at all times.

6. Service of Protection Orders

- a. It shall be the responsibility of on duty officers to assist the plaintiff in serving Protection from Abuse Orders. Most of the time, Montgomery County Sheriffs Department will have served the orders, but occasionally the police will be required to serve them.
- b. Prior to serving Protection Order, the officer should conduct a warrant check on the actor and shall ascertain the presence of weapons in the actor's possession. The officer shall seize any weapons indicated on the Protection Order, secure the weapon and fill out a property receipt for the weapons. The Sheriff's Department shall be notified of the seizure of weapons so they may pick up the weapons at the station. The responding Lower Providence Township Police Officer shall complete an Incident Report indicating whether the service was completed. The plaintiff shall be notified if the order was not served and may need to be advised to obtain other assistance if service is not successful after two attempts to serve the order. This may mean advising the plaintiff to contact his/her attorney so a private investigator can serve the order.
- c. If a plaintiff has an out of county or out of state protection Order, they shall be advised to file a copy of it at the Montgomery County Prothonotary's Office.
- d. Also refer to general Order 1110 'Protection from Abuse Act'.

Michael Jackson

Michael Jackson
Chief of Police