


Haverford Township Police Department Operations Manual		
Issue Date February 2021	Review Date February 2022	Directive Number 4.10.1
Accreditation Index: 4.10.1, 4.10.2, 4.13.1a, 4.13.1b, 4.13.1c, 4.13.1d		Rescinds: Directive 4.10.1 of July 2020
Chapter: Four – Pennsylvania Legal Mandates	Section: Ten – Pennsylvania Protection From Abuse Act	
Chief of Police: <i>John F. Viola</i>		

SUBJECT: PROTECTION FROM ABUSE ORDERS AND DOMESTIC VIOLENCE

I. PURPOSE

The nature and seriousness of crimes committed between family or household members are not mitigated because of the relationships or living arrangements of those involved. It is the intent of this Directive to provide officers with guidelines and procedures when dealing with protection from abuse orders and responding to reports of domestic violence. The goal of the Department is to enforce the law while also working to prevent future incidents of violence.

II. POLICY

It is the policy of the Haverford 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 and/ or civil remedies. The remedies shall be appropriate to the crime that the police have probable cause to believe those 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.); in regard to the responsibilities of law enforcement agencies under the provisions of PA CSA Section 6105, and conform to the provisions of the Protection of Victims of Sexual Violence or Intimidation Act (Title 42 Chapter 62A04)
(PLEAC 4.10.1) (PLEAC 4.13.1)

III. DEFINITIONS

A. Definitions taken from Title 23 PA C.S.A. Section 6102

Abuse - The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

Family or household members - Spouses or persons who have been spouses, persons living as spouses or who lived 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.

PFA Registry – A registry of Protection From Abuse Orders is maintained in the Haverford Township Police Department and the Delaware County Communications Center, as well as the computerized Pennsylvania State Police Statewide Registry.

IV. PROCEDURES

A. Training

1. All new officers shall receive as part of their training in the Field Training Officer (FTO) program instruction on the requirements of the Pennsylvania Protection From Abuse Act, as amended (Title 23 Pa C.S.A. 6101, et seq.) and the Protection of Victims of Sexual Violence or Intimidation Act (Title 42 Chapter 62A04)

2. All officers shall review this written Protection from Abuse Orders and Domestic Violence policy annually.

(PLEAC 4.10.1 a) (PLEAC 4.13.1a)

B. Responding Officer Procedures

1. Approaching the Scene

- a) The responding officer(s) should approach the scene of a domestic dispute as one of high risk. Use all standard precautionary measures.

2. Initial Contact with Occupants

- a) The responding officer(s) should identify themselves as police officers, explain their presence and request entry into the home. The officer should ask to see the person who is the subject of the call. If the person who called the police is someone other than the subject of the call, the officer(s) should not reveal the caller's name.

- b) If refused entry, the officer should be persistent about seeing and speaking alone with the subject of the call.

- (1) If access to the subject is refused, the officer may request the dispatcher to contact the caller if the caller is the subject of the call.

- (2) If access is still refused, the officers must decide whether to leave, remain and observe, or force entry.

- (3) When feasible the officer(s) can request a supervisor to respond to the scene.

- (4) If the officer remains to observe, he/she should move to public property and observe the premises.

- (5) In some circumstances, forced entry will be necessary and appropriate.

3. On-Scene Investigations

- a) Restore order by gaining control of the situation.

- b) Take control of all weapons present.

- (1) If the weapon was used or threatened to be used in the crime being investigated seize the weapon as evidence.

- c) Assess the need for medical attention and call for medical assistance if necessary.

- d) Interview all parties.

- (1) When feasible separate the parties.

- e) After each party has been interviewed, responding officers should confer to determine if an arrest should be made or whether other actions should be taken.

- f) Collect and record evidence and, where appropriate, take color photographs of injuries and property damage.
 - g) Complete the ALERT incident report to fully document the officers' response, whether or not a crime was committed or an arrest made.
 - h) If the offender has left the scene and a crime has been committed, the officers will:
 - (1) Conduct a search of the immediate area;
 - (2) Obtain information from the victims and witnesses as to where the offender might be;
 - (3) Prepare an arrest warrant;
 - (4) Make referrals as necessary.
 - i) Provide both orally and in writing, to the victim(s) of domestic violence notice of the availability of safe shelter and of Delaware County domestic violence services, to include the hotline number for these services.
 - (1) The officer shall provide the victim(s) with a Crime Victim's Information packet and note in the narrative of the ALERT report that a Crime Victim's Information packet was issued and to whom it was given.
- (PLEAC 4.10.1 b)**
- (2) Ensure the incident report number is on the Crime Victim's Information packet.
- J) Officers may consult Haverford Police Department's PFA registry drawer in the Information Assistant's office or PFAD as necessary to assist in their investigation.
- (PLEAC 4.13.1 d)**
- K) When presented with a PFA court order mandating weapon(s) be relinquished under *Title 23 Pa. C.S.A. 6105.2 (b)(2)*, the officers taking custody of the weapon(s) shall ensure the following steps are taken:
- (1) Package the weapon(s) as outlined in the Evidence and Property Requirements for Packaging and Sealing Evidence Manual (03/2020 Edition)
 - (2) Secure the weapon(s) by placing them into the proper storage location as outlined in Directive 3.5.2 Evidence Control
 - (3) Complete an Affidavit of Cause and ensure it is faxed to the Delaware County Sheriffs Office.

- (4) Complete a signed and dated Relinquishment of Firearms Receipt noting the description and condition of the weapon(s) relinquished and provide a copy to the subject relinquishing the weapon(s).

(PLEAC 4.10.2 a)

- (5) Give the Relinquishment of Firearms Receipt to a designated PFAD officer who shall document the relinquishment in the PFAD system.
- (6) Document the actions taken in the form a written narrative in Alert.
- (7) Prior to the Evidence Custodian returning any weapon(s) under *Title 23 Pa. C.S.A. 6108.1(a)(a.1)*, the following conditions shall be met:

(a)Firearms, other weapons or ammunition relinquished are not evidence of a crime;

(b)The defendant or Owner of the firearm is not otherwise prohibited by applicable Federal or State Law, or other condition, including but not limited to, bail, from taking possession of the firearms, other weapons or ammunition seized; and

(c)The defendant or owner of the firearm must have been given a clearance by PSP Instant Check System (PICS) or through the National Instant Criminal Background Check System (NICS), requested by the sheriff's office.

(PLEAC 4.10.2 b)

4. Arrests

- a) Officers shall make an arrest when probable cause and legal authority exist to make an arrest. Officers shall be guided by Directive # 1.2.4 Arrests, and Title 18 Pa. C.S.A. section 2711 Probable cause arrests in domestic violence cases.
 - (1) Field release and issuance of a citation are not permitted in domestic violence cases when grounds for an arrest are present.
- b) A charge of indirect criminal contempt shall not preclude the prosecution of other criminal charges associated with

the incident, nor shall dispositions of other criminal charges preclude prosecutions of indirect criminal contempt.

- c) The officer should NOT consider the following factors in making the arrest decision:
- (1) The marital status of the parties.
 - (2) The ownership or tenancy rights of either party.
 - (3) Verbal assurance that the violence will stop.
 - (4) A claim by the accused that the victim provoked or perpetuated the violence.
 - (5) Denial by either party that the abuse occurred when there is evidence of domestic violence.
 - (6) Speculation that the victim will not follow through or cooperate with criminal prosecution whether based on prior incidents involving the same victim, the victim's hesitancy about pursuing prosecution, or any other factor.
 - (7) The disposition of any previous police calls involving the same victim or accused.
 - (8) Speculation that the arrest may not lead to a conviction.
 - (9) The existence or not of a current Protection From Abuse Order (except insofar as the violation of such an order might justify arrest).
 - (10) The victim's emotional state.
 - (11) Concern about reprisals against the victim.
 - (12) Adverse financial consequences that might result from the arrest.
 - (13) That the incident occurred in a private place.
 - (14) The racial, cultural, social, political, or professional position, or the sexual orientation, of either the victim or the accused.
 - (15) Inconvenience to the officer or other personnel due to time, other calls, or staffing.
- d) The responding officer(s) should take the accused into custody as soon as the officer determines that a warrantless arrest is appropriate.
- (1) If the suspect has fled the scene, the officer should initiate procedures to pursue and apprehend the accused as promptly as possible, since risk is high in domestic violence cases that the accused will return to the victim's residence or the scene of the violence.

- (2) If a warrant is necessary, the officer should obtain and execute the warrant as soon as practical.
- e) The officers should emphasize to the victim and the offender that the criminal action is being initiated by the Commonwealth and not the victim.
- f) If there is evidence of mutual battering and the officer concludes that one party was the principal aggressor, the officer should arrest only that party.
- g) If there is evidence of mutual battering and the officer concludes that one party was acting in self defense, that party should not be arrested.
- h) If the officer arrests for the commission of a crime, the officer shall confiscate all weapons located that were used or threatened to be used in the commission of the crime, and such weapons should be held as evidence for prosecution.
- i) If the officer arrests for violation of a Protection From Abuse order, the officer is required by Title 23 Pa.C.S.A. Section 6113(b) - *Seizure of firearms, other weapons and ammunition* – to;
 - ...seize all firearms, other weapons and ammunition used or threatened to be used during the violation of the protection order or during prior incidents of abuse and any other firearms in the defendant's possession.
- (1) Officers shall place the weapons into evidence as required by Directive # 3.5.2 Evidence Control.
 - (a) As soon as it is reasonably possible, the evidence custodian shall deliver the confiscated firearms, other weapons and ammunition to the office of the Delaware County Sheriff.
 - (b) The Delaware County Sheriff shall maintain possession of the firearms, other weapons and ammunition until the court issues an order specifying the firearms, other weapons and ammunition to be relinquished and the persons to whom the firearms, other weapons and ammunition shall be relinquished.
- j) When the accused is a minor (under 18 years of age), the provisions of this protocol shall be fully applicable, except that the juvenile will be processed pursuant to the Juvenile Act.
- k) If, upon examination of the accused, the responding officer(s) determine that a voluntary or involuntary

commitment to a mental health facility is required, the officer should restrain the accused and contact the appropriate County Mental Health Intake Facility.

- (1) The officer should not allow the possibility of mental illness to preclude a valid criminal arrest.
- l) Domestic disturbances involving prominent citizens or public officials, or police officers may present particular difficulties for the responding officer(s).
- (1) In such circumstances, the responding officer(s) should request that a supervisor respond to the scene.
 - (2) The responding officer(s) should take whatever action is necessary to protect the victim and detain the accused, while awaiting the arrival of the supervisor.
 - (3) When there is probable cause to believe that the accused has committed a crime, the procedure followed upon arrival of the supervisor should be the same as it would be in any other domestic incident.
- m) Domestic disturbances involving police officers may present particular difficulties for the responding officer(s).
- (1) In such circumstances, the responding officer(s) shall request that a supervisor respond to the scene.
 - (a) The responding supervisor shall notify the Duty Commander.
 - (2) The responding officer(s) should take whatever action is necessary to protect the victim and detain the accused, while awaiting the arrival of the supervisor.
 - (3) When there is probable cause to believe that the accused has committed a crime, the procedure should be the same as it would be in any other domestic incident.

5. Reporting Responsibilities
 - a) Haverford Township Directive # 3.4.1 Records Management and Field Reporting and Title 23 PA CSA 6101, et seq. The Pennsylvania Protection from Abuse Act both require that every response to a report of domestic disturbance be documented in an incident report.
 - b) In addition to the data normally required in an incident report, this report should include:
 - (1) Names, addresses, and telephone numbers of the victim, the accused, any witnesses and the caller.
 - (2) The race, sex, and date of birth of the above parties.
 - (3) A second permanent address and telephone number for the victim, such as a close family member or a friend.
 - (4) A statement of the relationship between the victim and the accused.
 - (5) The names and ages of any children present in the household and their address and telephone number if relocated.
 - c) If the officer did not arrest or seek and arrest warrant even though arrest was authorized, a detailed explanation of the reasons not to arrest shall be documented in the ALERT report supplement.
 - d) This report is for law enforcement purposes only.
 - (1) It will be reproduced only for the District attorney's office.
 - (2) Request for copies will be referred to the District Attorney.

C. Duty Commander

1. Responsibilities of the Duty Commander
 - a) Upon notice of the officer involved domestic dispute respond to the scene of the incident as necessary.
 - b) If there is probable cause the officer has committed a crime the Duty Commander shall ensure the procedure followed is the same as it would be in any other domestic incident.
 - (1) If the circumstances at the scene require further action the Duty Commander shall have the authority from the Chief of Police to recover any department issued firearm or keys / swipe cards that allow access to department issued weapons.

- c) The Duty Commander shall also make notifications or initiate internal procedures as required by Directive 2.3.1 Investigation of Employee Misconduct.

D. Victim Assistance and Domestic Violence Information

1. Many victims of domestic violence feel trapped in violent relationships because they are unaware of the resources available to help them or that domestic violence is a crime. Also, the offenders may have threatened further violence if the victim attempts to leave or seek assistance.
2. Officers are therefore required to provide the following assistance to all parties of Domestic violence, specifically the victims and where appropriate, the children:
 - a) Advise all parties about the criminal nature of family violence, its potential for escalation, and that help is available.
 - b) Whether or not an arrest is made, the responding officer should not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated.
 - (1) The officer should stand by while victims gather necessities for short term absences from home, such as clothes, medication, and necessary documents.
 - c) Whether or not an arrest is made, the responding officer is required by the Pennsylvania Protection from Abuse Act, as amended (Title 23 Pa. C.S.A. 6101, et seq.) to notify the victim orally and in writing of the availability of a shelter, including its telephone number, or other services in the community. The notice must include the following statement:

“If you are the 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.”*
- d) Officers shall comply with this requirement by providing the victim with a Crime Victim’s Information Packet. This information shall be printed in English and in Spanish.
- e) Officers shall note in the narrative of the ALERT report that the Crime Victim’s Information Packet was issued and to whom it was given.

(PLEAC 4.10.1 b)

- f) If an arrest is made or an arrest warrant obtained, the officer should:
 - (1) Advise the victim that the officer will give the victim’s name, address, and telephone number to the domestic violence program, and proceed to do so before the officer’s shift has ended;
 - (2) Advise the victim that a domestic violence counselor will be asked to contact the victim to offer assistance and referrals to other services (such as counseling, legal aid, etc.);
 - (3) Advise the victim of what procedure will transpire next, including the probability that the accused will be in custody for only a short period of time;
 - (4) Obtain the address and telephone number where the victim can be contacted if the victim decides to leave the residence (being careful that the accused cannot overhear);
 - (5) Obtain from the victim information to be included in the arrest report indicating any special conditions of bail that should be requested at the preliminary arraignment; and
 - (6) When providing the victim with the Crime Victim Information packet ensure the police incident number, the officer’s name, and badge number, and a follow-up telephone number are filled in on the packet.
- g) If the victim does not speak English, the officer should arrange for translation of the foregoing notices and advice.
- h) In circumstances in which it is necessary for the victim to temporarily leave the residence, the officer should, to the extent feasible, offer the victim assistance in locating lodging with family, friends, in public accommodations, or at a domestic violence shelter.

- i) The officer, upon request of the victim, should, to the extent feasible, provide or help arrange transportation to emergency housing or to a medical facility.
3. Elder victim and dependents:
- a) When a victim of domestic violence is elderly (60 or over), the responding officers should determine whether the elder victim is physically endangered, either as a result of the abuse, a pre-existing medical condition, or the removal of a caretaker.
 - (1) If the elder victim is physically endangered, but mentally alert, the officer should ask the elder victim for the name of a relative or friend who can be contacted immediately to assist the elder victim.
 - (2) If there is no one available to assist the elder victim, or if the elder victim appears not to be mentally alert, the officer should make an emergency referral to The County Office of Services for the Aging (COSA).
 - (a) The officer should remain at the residence until the COSA worker arrives or should transport the elder victim to a medical facility or other appropriate place where the elder victim can wait for the worker.
 - b) In addition to providing the notification required by other provisions of this protocol, the officer should advise the elder victim of availability of protective services through COSA.
4. Child victims and dependents:
- a) When the victim of abuse is a minor child, the officer should arrest the assailant upon probable cause to believe that a crime has been committed and justification, as defined by Title 18 Pa. C.S. section 509 (Use of force by persons with special responsibility for care, discipline or safety of others) does not exist.
 - b) The officer shall make all required notifications as outlined in Directive # 4.6.1 Child Protective Services Law and as required by the Pennsylvania Child Protective Services Law (Title 23 PA C.S. 6301, et seq.).
 - c) If the child is physically injured, the officer shall contact DelCom and request EMS respond for care and transport as medically necessary to the hospital.
 - d) The officer shall provide victim notification, as described in this Directive, to an adult caretaker of the child who is not the perpetrator of abuse.
(PLEAC 4.1.6)

- e) If the accused is arrested and was the sole caretaker of the child, and/or if the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), the officer should determine whether there is a responsible relative who can care for the child and, if so, should contact that relative and await the relative's arrival.
 - (1) If no responsible relative is available, the officer should contact Delaware County Children and Youth Services and remain at the residence until a CYS representative arrives or should take the child into custody pursuant to the Pennsylvania Juvenile Act (42 Pa. C.S. §6324 – Taking into Custody) and/or the Pennsylvania Child Protective Services Law (Title 23 PA C.S.A. 6301, et seq.)

5. Notice of Arrest

- a) The arresting officer shall make a reasonable effort to notify any adult or emancipated minor protected by an order issued under the Domestic Relations Code (Title 23 Pa.C.S.A. § 101, et seq.) or an order issued under the Protection of Victims of Sexual Violence or Intimidation Act (Title 42 Chapter 62A04) of the arrest of the defendant for violation of an order as soon as possible.
- b) Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment.
 - (1) If the arresting officer cannot make this notification during the normal tour of duty, his/her immediate supervisor should be notified. The supervisor should arrange for the oncoming shift to continue efforts to make notification as required.
 - (2) All efforts to make notification shall be added to the ALERT report for the incident noting the times and date of the attempted notification.
 - (a) If notification is made as required, the notifying officer shall note in the ALERT report the time, date and person's name so notified.

(PLEAC 4.10.1 c) (PLEAC 4.13.1 b, c)

- c) Arresting officers shall prepare subpoenas for witnesses as necessary.
 - (1) When feasible, the officer should contact the caseworker or representative for other social service agencies requesting a representative to accompany the victim to the court appearance.

BY ORDER OF THE CHIEF OF POLICE