

Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Plymouth Township Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (23 Pa.C.S. § 6105).

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

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.

Emergency Protection Order - An order issued by the Court that is good until the next business day.

Temporary Protection Order - An order issued by the Court which is good for a maximum of ten days.

Permanent Protection Order - An order issued by the Court good for up to three years.

310.2 POLICY

The Plymouth Township Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

Domestic Violence

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.9 STANDARDS FOR ARRESTS

- (a) Officers who have probable cause to believe a person has committed one of the following domestic violence offenses against a family or household member (as defined by 23 Pa.C.S. § 6102) shall make an arrest:
 - (a) Involuntary manslaughter (18 Pa.C.S. § 2504)
 - (b) Simple assault (18 Pa.C.S. § 2701)
 - (c) Aggravated assault (18 Pa.C.S. § 2702(a)(3); 18 Pa.C.S. § 2702(a)(4); 18 Pa.C.S. § 2702(a)(5))
 - (d) Reckless endangerment (18 Pa.C.S. § 2705)
 - (e) Terroristic threat (18 Pa.C.S. § 2706)
 - (f) Stalking (18 Pa.C.S. § 2709.1)
 - (g) Strangulation (18 Pa.C.S. § 2718)
- (b) Officers who have probable cause to believe that a domestic violence offense was committed against a family or household member shall make an arrest even if the offense was not committed in the officer's presence if (18 Pa.C.S. § 2711):
 - (a) The officer personally observes a recent physical injury to the victim.
 - (b) Other corroborative evidence indicates that an offense has occurred.
- (c) Officers shall make an arrest when there is probable cause to believe a violation of a protection order has occurred (other than for non-payment of court-ordered payments/support), regardless of whether the violation occurred within the presence of the officer (23 Pa.C.S. § 6113).

Plymouth Township Police Department

Policy Manual

Domestic Violence

310.10 REPORTS AND RECORDS

The Records Manager shall ensure the following actions are completed for all domestic violence reports (23 Pa.C.S. § 6105):

- (a) The reports are on forms prescribed by Pennsylvania State Police (PSP).
- (b) Information related to crimes of domestic violence is transmitted to PSP as required.

310.11 SERVICE OF COURT ORDERS

Officers are responsible for assisting the plaintiff in the service of the Protection from Abuse Order and/or verifying the previous service.

Dispatch shall ensure that court orders are entered into the Commonwealth Law Enforcement Assistance Network (CLEAN) and the Protection From Abuse Database (PFAD) upon receipt by the Department, as well as filing a copy of the order. Reasonable efforts shall be made to maintain accurate information in CLEAN/PFAD, including the removal of expired orders (23 Pa.C.S. § 6109).

310.12 COURT ORDERS TO RELINQUISH FIREARMS

The investigating officer shall be notified immediately when a court order for relinquishment of firearms is received by the department. The investigating officer shall monitor whether the required relinquishment occurs within 24 hours or within the time frame specified in the order (18 Pa.C.S. § 6105; 18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108).

The investigation officer shall provide immediate notice to the court and, as applicable, the victim, appropriate law enforcement authorities, and the prosecutor, if a person fails to either (18 Pa.C.S. § 6105; 18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108):

- (a) Relinquish the firearms listed by the court within 24 hours of issuance of an order or a conviction, as applicable, or within a different time frame provided for in the order.
- (b) Provide the department with an affidavit indicating that the listed firearms have been relinquished, transferred, or sold to a third party as permitted by law.
- (c) For persons relinquishing under protection from abuse orders, provide an affidavit listing the firearms and their current location, if they cannot reasonably be retrieved within the time frame.

310.12.1 RELINQUISHMENT OF FIREARMS

Members shall accept a firearm from an individual who has been ordered by a court to relinquish a firearm pursuant to state law (18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108).

310.13 TRAINING

The Training Officer shall ensure that members receive training related to this policy and the Protection from Abuse (PFA) Act as required by 23 Pa.C.S. § 6105. Additional training shall include primary physical aggressor identification, as provided by the Montgomery County District Attorney's Office and MPOETC.

New officers should receive training on this policy and the PFA Act as part of their field training.