

4.1.10 Protection from Abuse

I. POLICY

It is the policy of the Johnstown 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 of the Act.

II. PURPOSE

To provide police personnel with guidelines on the Pennsylvania Protection from Abuse Act. This general order will outline procedures for officers to assist victims of abuse in obtaining shelter, counseling and a protection from abuse order. It will guide officers in the proper procedures when effecting an arrest for a protection from abuse violation.

III. RESPONSIBILITIES OF LOCAL LAW ENFORCEMENT

A. General Rule

1. The Johnstown Police Department shall insure that all officers and personnel are familiar with the provisions of the Pennsylvania Protection from Abuse Act and the provisions of this general order. The department shall adopt and maintain a written domestic violence policy.

B. Notice of Services and Rights

1. The Johnstown Police Department shall provide all abused persons with oral and written notice of availability of a safe shelter and of domestic violence services in the community, including the number for domestic violence services.
2. It 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:
 - a. An order restraining the abuser from further acts of abuse.
 - b. An order directing the abuser to leave the household.
 - c. An order preventing the abuser from entering your residence, school, business or place of employment.

4.1.10 continued

- d. An order awarding you or the other parent temporary custody of, or temporary visitation with, your child or children.
- e. An order directing the abuser to pay support to you and the minor children, if the abuser has a legal obligation to do so.
- f. Relinquishment of weapons.

C. Notice of Arrest

- 1. The Johnstown Police Department shall make reasonable efforts to notify any adult or emancipated minor protected by an order, or the arrest of a defendant for violation of that order, as soon as possible. Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment.

D. Obtaining a PFA Order

- 1. During normal business hours.
 - a. Protection from abuse orders are handled at the Cambria County Prothonotary's Office, Laurel Legal Services or the victim's attorney. They will provide the victim with the appropriate paperwork and directions of where to file the paperwork.
 - i. Cambria County Prothonotary's Office: 814-472-1638
 - ii. Laurel Legal Services: 814-536-8917
 - b. For a referral the victim may contact the Women's Help Center at:
 - i. 814-536-5361 or
 - ii. 1-800-999-7406
- 2. After Normal Business Hours & Weekends
 - a. Emergency PFA orders are handled by the on call Cambria County District Judge. The Cambria County 9-1-1 Center will contact the District Judge or the police officer may call for the victim.

E. Foreign Protection Orders

All foreign protection orders shall have the presumption of validity in this Commonwealth and officers shall make arrests for violations thereof, in the same manner, as set for violations of protection orders issued within this Commonwealth. Officers shall rely upon any copy of a foreign protection order that has been presented to the officer by any source. Officers should attempt to verify the existence of a protection order. The fact that a foreign

4.1.10 continued

protection order has not been filed with a Prothonotary or entered into the Pennsylvania State Police registry shall not be grounds for an officer to refuse to enforce the order.

IV. PROCEDURES

A. Victims of Abuse

1. Officers investigating any form of abuse and/or domestic violence shall provide the victim with oral and written notice of services and rights available to the victim. This shall be accomplished by using the notification provided by the Pennsylvania Commission on Crime and Delinquency. This pamphlet will meet the criteria for both notifications. The form will direct victims to the centers, who in turn, will provide free assistance in filing victim compensation claim forms and provide information on available services.
2. Officers shall give the victim one copy of the pamphlet and return the back page, signed by the victim. If the victim wants the police department to make the notification to the Woman's Help Center, the representative from that center takes the signed forms along with the appropriate police reports in order to follow up on that incident.
3. Incident reports shall document the fact that the victim was provided with the proper notification paperwork, along with other pertinent information.

B. PFA Violations

1. Based upon probable cause, officers shall arrest a defendant for violating an order issued by a court within our judicial district, issued by a court in another judicial district within this Commonwealth, or a foreign protection order issued by a comparable court. The violation does not have to occur in the presence of the officer.
2. A violation of a protection from abuse order [23 Pa. C.S. 6113] shall be on a separate criminal complaint from any other charges that may have occurred. The probable cause should refer to the issuing court and the number assigned to the PFA order.
3. When there is probable cause that a violation of a PFA order has occurred and the defendant is present, the officer shall immediately effect an arrest. When there is probable cause that a violation of a PFA order has occurred and the defendant is not present, the officer shall make a reasonable effort

4.1.10 continued

to apprehend the defendant. If the defendant cannot be located within a reasonable amount of time, the officer shall file a criminal complaint and request an arrest warrant be issued for the defendant.

4. Following arrest, the defendant shall be taken for an arraignment before the District Judge where the contempt is alleged to have occurred. When the court is unavailable, the officer shall take the defendant before the on call District Judge.
5. Subsequent to an arrest, the officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incident of abuse.
6. Officers shall make every reasonable attempt to notify victims when a defendant has been arrested for a violation of a protection order. Officers should also provide victims with offender status information after the completion of the arraignment, such as, was the defendant released or committed.

C. PFA Orders

1. A complaint shall be initiated whenever someone presents a PFA order to the police department. The complaint will document all pertinent information associated with the order and the parties involved. It is important to determine if the order has been served. A copy of the order will be turned over to the records department and maintained in a file. This file will be accessible to police officers on a 24 hour a day basis.

Effective Date:

Date: October 1, 2010

By Order Of:

Craig Foust
Chief Of Police