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**SUBJECT: PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION (PSV/PFI ORDERS)
PLEAC 4.13.1.a, 4.13.1.d**

1. PURPOSE

- A. This directive provides for the policy and procedures to comply with the Protection of Victims of Sexual Violence or Intimidation (PSVI) Act (42 PA .C.S.A., Chapter 62A) as they relate to the duties and responsibilities of the police department and police officers.

- B. There are two Orders available under the Protection of Victims of Sexual Violence or Intimidation:
 - 1. sexual Violence Protection Orders (PSV Order), and;
 - 2. The Protection From Intimidation Order (PFI Order).

- C. A PSV Order is a Civil Order designed to protect victims of sexual violence from further abuse and/or intimidation, regardless of whether or not criminal charges have been filed against the perpetrator. Adults and minors (with a parent or guardian to file on their behalf) can petition for a PSV Order. Similar in many ways to a Protection from Abuse (PFA) Order, the key difference is that there is no relationship requirement between the alleged victim. While PFAs require an intimate or household relationship between the two parties, a PSV Order does not, and is available to all victims of sexual violence.
 - 1. Examples of situations where the PSV Order may be appropriate relief:
 - a. A victim is sexually assaulted by a co-worker (not related or in a relationship; not household members).
 - b. A student is sexually assaulted by another student.
 - c. A tenant is fondled by a landlord.
 - d. A college student (an adult) who was sexually assaulted experiences harassment from the perpetrator’s friends after reporting the assault.

- D. The PFI Order is a Civil Order designed to protect minors who have experienced harassment or stalking when the offender is age 18 or older. An adult (parent or guardian) must petition for a PFI Order on the minor’s behalf.
 - 1. Examples of situations where the PFI Order may be the appropriate relief:

- a. A child victim whose offender repeatedly drives by the bus stop.
 - b. A teen athlete is stalked by an adult coach.
 - c. A teen is harassed online by a teacher.
- E. Both PSV and PFI Orders prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. Both Orders can also be expanded to prevent intimidation/contact from a third party on behalf of the offender, or extend to protection to related parties, such as parents, siblings or children of the victim.
- F. The PSV and PFI order may be entered for up to 36 months.
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2. POLICY

- A. It shall be the policy of the Philadelphia Police Department that all personnel comply with provisions of this directive.
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3. DEFINITIONS

- A. **Sexual Violence**: The PSVI Act defines sexual violence as conduct between persons who are not family or household members that constitutes one of the following crimes:
- 1. Sexual Offenses.
 - 2. Endangering the welfare of children if the offense involved sexual contact with the victim.
 - 3. Corruption of minors.
 - 4. Sexual abuse of children.
 - 5. Unlawful contact with a minor.
 - 6. Sexual exploitation of children.
- B. **Intimidation**: The PSVI Act describes intimidation as harassment or stalking (according to statutes) of a minor (under the age of 18) by an adult (18 and older), when there is no family, dating, intimate or household relationship between them.
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4. TRAINING

- A. The Training and Education Services Bureau shall ensure that all Officers and employees are familiar with the Protection of Victims of Sexual Violence or Intimidation (PSVI) Act (42 PA .C.S.A., 62A). This policy and accompanying information shall be included in the curriculum of new Officers, in compliance with the Act. (PLEAC 4.13.1 a).

5. PROCEDURES FOR RECEIPT AND SERVICE OF PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION ORDERS (HEREINAFTER REFERRED TO AS SEXUAL VIOLENCE PROTECTION ORDERS (PSV) AND PROTECTION FROM INTIMIDATION ORDERS (PFI))

- A. Complainants can be advised to seek PSV or PFI Order, Monday through Friday, between 8 a.m. and 5 p.m., free of charge in the Domestic Violence Intake Unit on the 8th floor of Family Court at 1501 Arch Street, Philadelphia. After hours, and on weekends and holidays, complainants can be advised to seek those Orders at the Criminal Justice Center (CJC), 1301 Filbert Street.
- B. PSV and PFI Orders received by the Department shall be served by a Police Officer, who will:
1. Verify that the Order pertains to a location within the jurisdiction of the police department.
 2. Complete an incident report (75-48), with a copy of the Affidavit of Service submitted as an attachment.
 3. Notify Police Radio of the location of the service attempt.
- C. Police Officers shall assist any victim/complainant in serving Sexual Violence Protection (SVP) or Protection from Intimidation (PFI) Orders.

NOTE: Whenever a PSV or PFI Order is served by a Police Officer, including unsuccessful attempts, a 75-48 will be completed (UCR code 3309 or 3310).

1. The safety of the complainant will always be taken into consideration when serving a PSV or PFI Order.
2. All Officers are hereby reminded that the services of PSV or PFI Orders are governed by the Pennsylvania rules of civil procedure, Rule 1930.4, which provides:
 - a. PSV or PFI Orders may be served by the Sheriff or a competent adult (i.e., an individual, including police officers or one who is 18 years older) by:
 - 1) Handing a copy to the defendant.
 - 2) Handing a copy;
 - a) at the residence of the defendant to an adult member (i.e., an individual 18 years or older) of the family with whom the defendant resides; but if no adult family member is found, then to an adult person in charge of the residence; or

- b) at the residence of the defendant, to the clerk or manager of the hotel, Inn, apartment house, boarding house, or other place of lodging at which the defendant resides; or
 - c) at any office or usual place of business of the defendant, to the defendant, agent or to the person, for the time being, responsible thereof.
- 3) Or pursuant to special order of court.
- b. Officers serving PSV or PFI Orders must serve the following documents:
- 1) Notice of Hearing and Order.
 - 2) Protection of Victims of Sexual Violence or Intimidation Order (if granted).
 - 3) Petition for Emergency Relief from Sexual Violence or Intimidation.
- c. If the PSV or PFI Orders requires the offender to surrender weapons, take custody of the weapons and follow the appropriate procedures listed in Section 5-A-5 of Directive 3.9, "Domestic Abuse and Violence."
- d. Following the service of PSV or PFI Order, complete the affidavit of service;
- 1) Indicate how service was actually made (i.e., handing a copy to the defendant or another person according to the rule). If service was made on anyone other than the actual defendant, Officers must indicate whom and where the Order was actually served.
 - 2) Sign the affidavit. The defendant does not have to sign it.
 - 3) Return the completed copy to the **complainant** who must submit it to the court. Officers should photocopy the completed affidavit, and submit the copy with the 75-48 (Complaint or Incident Report) for the incident.
- e. If service is not successfully completed, inform the complainant that they can request a continuance on the date of the hearing so that further attempts at service can be made. The 75-48 must notate the attempt made.

D. The 75-48 (Complaint or Incident Report) must list:

- 1. Date received.
- 2. Type of legal process (civil or criminal).
- 3. Nature of document.
- 4. Source of document.
- 5. Name of plaintiff/complainant and nature of defendant/respondent.
- 6. Officer assigned for service.

7. Date of assignment.
 8. Court docket number, or other identifying number.
 9. Date and time.
 10. Name of Officer (s) executing/attempting service.
 11. Name of person on whom PSV/PFI was served /executed.
 12. Method of service/reason for non-service.
 13. Address of service/attempt.
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6. ARREST FOR PSV AND PFI VIOLATIONS - PROCEDURE

- A. Under the Protection of Victims of Sexual Violence or Intimidation (PSVI) Act, Chapter 62A provisions of Title 42 Pa. C.S.A., an arrest for violation of a Sexual Violence Protection Order (PSV) or Protection from Intimidation (PFI) Order may be made without a warrant upon probable cause whether or not the violation is committed in the presence of the Police Officer.
- B. The Police Officer may verify, if necessary, the existence of a Protection Order by telephone, or radio communications with the appropriate police department, Pennsylvania State Police or county registry, or issuing authority. Orders issued within Pennsylvania can be accessed through PCIC or Pennsylvania PFA Database (PFAD). Officers must read the PCIC or PFAD record carefully.
- C. An Officer responding to a report of a PSV or PFI violation should arrest the assailant whenever an arrest is authorized. A Police Officer shall arrest a defendant for violating an order issued under this chapter by a court within the judicial district, issued by a court in another judicial district within this Commonwealth, or issued by another state and registered pursuant to this chapter or verified through the Pennsylvania State Police Registry. Orders issued outside of Philadelphia are to be honored and enforced. These Orders will be processed just as an Order issued within Philadelphia. Orders issued outside of Philadelphia can be accessed by running the parties through the NCIC system.
- D. After an arrest, the defendant shall be transported, without unnecessary delay, to the Detective Division of occurrence for investigation and appropriate charges, if applicable.
- E. The assigned investigator shall make a reasonable effort to notify any person protected by an Order under this policy of an arrest of a defendant for a violation of the 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. (PLEAC 4.13.1.d)

7. STATEWIDE REGISTRY OF ALL PSV AND PFI ORDERS

- A. The Pennsylvania State Police is responsible by statute to maintain a statewide registry of Protection Orders and for maintaining a complete and systematic record and index of all valid Temporary and Final Orders of Protection. (PLEAC 4.13.1 d)

BY ORDER OF THE POLICE COMMISSIONER

PLEAC – Conforms to the standards according to the Pennsylvania Law Enforcement Accreditation Commission.