



**CITY OF PHILADELPHIA**  
**CITIZENS POLICE OVERSIGHT COMMISSION**  
**PPD POLICY TRANSLATION FOR PUBLIC REVIEW**

<b>Title:</b> Protection From Abuse Order	<b>Type of Report:</b> <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental
<b>Type of Report:</b> Policy and practice explainer	<b>CPOC File Number:</b> N/A

A Protection From Abuse Order (PFA), also referred to as a restraining order, is initiated by victims of domestic violence. In this instance, a victim is considered a person who is physically or sexually abused by family or a household member. In order to understand a PFA, it is important to know what constitutes domestic violence. According to Pennsylvania Statute Title 23 section 6102 of Chapter 61, abuse is defined as 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:

- Attempting to cause bodily injury, whether physically or sexually
- Causing fear of imminent serious bodily injury
- False imprisonment or holding a person without their consent preventing the person from leaving
- Physically or sexually abusing minor children
- Committing acts toward another person without proper authority which may place the person in fear of bodily injury which may include following the person<sup>1</sup>

**Actions Following Victim’s Call Regarding Domestic Violence/PFA**

When receiving a call regarding domestic violence, 911 operators will ask the victim the following questions:

- What is the location and is the suspect there?
- Are weapons involved?
- Is there a PFA?
- What is the relationship to the person?
- Are there children involved?

When a victim alleges domestic abuse or violence, the officer provides the victim with an explanation of the appropriate procedures for obtaining a PFA order.

**Who can file a PFA and what is the cost?**

A PFA can be filed by victims of abuse who are adults (18 years or older) to seek protection from domestic abuse by a family or household member. A family or household member may be defined as spouses or former spouses, parents and children, other persons related by blood or kinship, current or former sexual or intimate partners or persons who are biological parents of children<sup>2</sup>. The victims, 18

<sup>1</sup> <https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.061..HTM>

<sup>2</sup> <https://www.phillypolice.com/assets/directives/D3.9-DomesticAbuseAndViolence.pdf>

years and older, or teens and children who are accompanied by a parent or an adult household member, can go to court and request a PFA. While PFA Orders are free for the person seeking protection, the defendant may have to pay for all or a portion of the PFA process.

### **What Protection is Provided Under a PFA?**

Unfortunately, a PFA does not guarantee safety; however, it provides boundaries regarding contact with an abusive person to prevent acts of abuse. The PFA is implemented to prevent an abuser from accessing a person's home, school or job, evict an abuser from the household, and provide custody of or temporary visitation with children. A PFA Order also makes it illegal for the abuser to contact the victim and the victim's children and violating the order may result in criminal charges<sup>3</sup>.

### **Where to file a PFA?**

*Court of Common Pleas at the Family Court Domestic Violence Unit*  
1501 Arch Street  
Domestic Violence Intake Unit  
8<sup>th</sup> Floor  
Phone: (215) 686-3512  
Hours: 8 a.m. to 5 p.m.

*Criminal Justice Center*  
1301 Filbert Street  
Room B-03  
Hours: Open for emergency requests 5 p.m. to 8 a.m. on weekdays, and 24 hours on weekends or any other time when the Common Pleas Court is closed.

Victims may also contact a private attorney to assist in obtaining a Protection from Abuse order.

### **What Happens After a PFA is filed?**

PPD Directive 3.9 indicates that once a PFA is filed, a Common Pleas Court Judge may issue the PFA or approved consent agreement which will be in effect for a fixed period of time, but no longer than thirty-six (36) months, unless extended by the court. A victim may request an emergency PFA effective immediately which expires on the next business day when Family Court is open. At that time, a Temporary PFA will be available<sup>4</sup>. The Pennsylvania Coalition Against Domestic Violence explains that when a victim completes the form seeking protection, they must provide a description of the abuse and the type of protection being sought. After the documents are reviewed, a date for a final hearing will be scheduled within 10 business days in the Court of Common Pleas. If the temporary PFA is granted, protection is provided for the victim through the date of the final hearing. Once the victim calls 911 regarding violation by the abuser and the police officer arrives, upon notification that the suspect is on location with the victim and the victim advises the police officer there is a PFA, the officer will verify the PFA and if a violation has occurred, the suspect is arrested. If the suspect is not on location, the victim is directed to the proper Detective Division.

### **Domestic Violence Reports and Documentation**

A Domestic Violence Response Report (75-48D) is completed which documents the details of the incident. This report is completed for every domestic related incident. Subsequently, the victim is provided with the Notice of Rights/Referral Card (75-Misc-4), which is for domestic abuse victims, and

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<sup>3</sup> <https://www.pcadv.org/about-abuse/intervention/how-to-get-a-restraining-order/>

<sup>4</sup> <https://www.phillypolice.com/assets/directives/D3.9-DomesticAbuseAndViolence.pdf>

advised that police officers are available to assist with serving the PFA order. The order should be taken to the Police District where the defendant resides or works, and the victim should request assistance. Domestic Violence Victims who request a copy of their police report (75-48D) can obtain it without charge. The reports are required to obtain services for the victim, including housing and shelter, and will be provided to the victims by the district in which the incident occurred or by the Divisional Detectives.

### **How Are PFA's Served**

There are a few options regarding who can serve a PFA. The Sheriff or any capable adults, which can be civilians or police officers, age 18 years or older, may serve PFA orders by personally handing a copy of the order to the defendant or delivering it to an adult member of the family where the defendant resides or their place of business. After the PFA is served, an affidavit should be completed indicating the method in which the PFA was served, such as where and to whom the order was served. The defendant does not have to sign the affidavit<sup>5</sup>.

### **How PFA's Are Enforced**

In order to enforce PFA's, defendants can be arrested and charged for violating the terms of the order. Violating a PFA is considered a crime. When PFA's are violated, the defendants can receive jail time, probation or fines. According to the Protection from Abuse Act (PFA Act) 23 pa. C.S. 6113<sup>6</sup>, arrests for violations of an order are allowed without a warrant upon probable cause even if the violation is not committed in the presence of a police officer. However, the police officer may verify the order in a variety of methods including telephone, or radio with the police department or issuing authority. The officer must observe physical injury to the victim, obtain statements from other parties, or notice signs of a recent struggle prior to the arrest. When an individual is arrested for domestic violence and had a final PFA, they are required to relinquish all firearms, weapons and firearms licenses to law enforcement<sup>7</sup>.

### **PFA Statistics**

According to the Pennsylvania Coalition Against Domestic Violence, each year in the United States more than 10 million people are abused. One in four women and one in seven men experienced physical violence by an intimate partner.<sup>8</sup> These statistics are examples of why it is important to promote awareness regarding PFA orders and domestic violence. Domestic violence is prevalent in the community and sharing awareness regarding PFA orders may assist with preventing abuse which would decrease the number of PFA cases filed.

In comparing the PFA cases filed in 2019 and 2020, there was a decrease in the number of cases filed and processed in 2020. Additionally, there was a decrease in the number of petitions terminated<sup>9</sup>. In several of the cases, the petition regarding the PFA was terminated because the plaintiff did not attend the scheduled hearing.

Covid played a role in the decrease of the number of cases filed because victims were isolated from family, friends, and the workplace. Unfortunately, survivors felt forced to quarantine and remain in close proximity with their abusers. Not only does this prevent victims from filing cases and attending scheduled hearings, but abusers take advantage of the situation knowing a victim may not seek help or leave. Due to

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<sup>5</sup> <https://www.phillypolice.com/assets/directives/D3.9-DomesticAbuseAndViolence.pdf>

<sup>6</sup> <https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/23/00.061..HTM>

<sup>7</sup> <https://www.phillypolice.com/assets/directives/D3.9-DomesticAbuseAndViolence.pdf>

<sup>8</sup> <https://www.pcadv.org/about-abuse/domestic-violence-statistics/>

<sup>9</sup> <https://www.pacourts.us/news-and-statistics/research-and-statistics/dashboard-table-of-contents/protection-from-abuse>

Covid, many families experienced a loss of employment, nutrition for the family, and healthcare.<sup>10</sup> Additionally, courts were closed or operating on a limited basis which restricted the number of cases filed and processed. To combat these barriers, it is important that victims are of and confident in the process of filing a PFA as well as the available resources for assistance.

The charts below show statistics regarding the cases filed and processed in addition to the petitions terminated between 2019 and 2020 for Philadelphia, Pennsylvania according to The Unified Judicial System of Pennsylvania:

### **2019 PFA Cases Filed and Processed**

#### **Philadelphia**

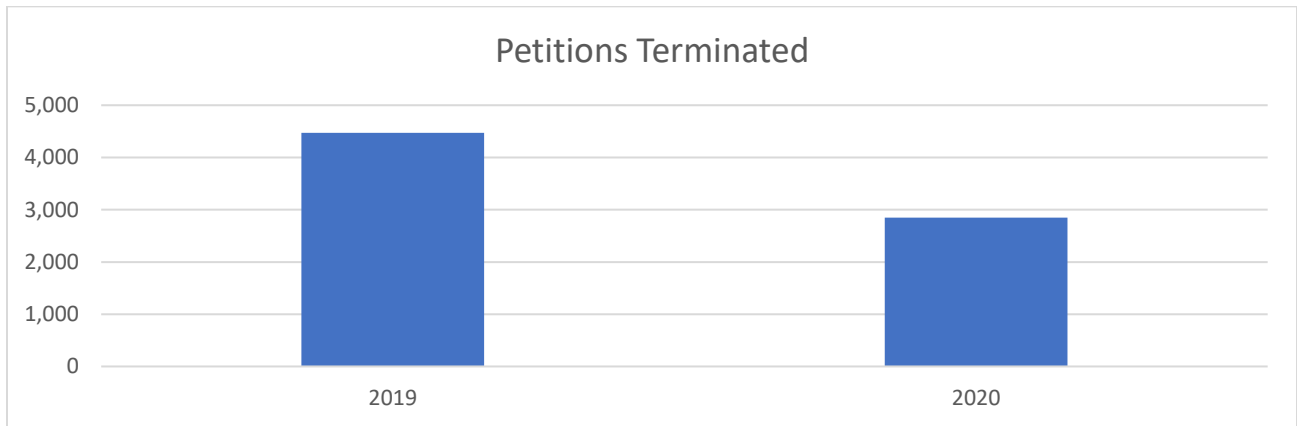
Cases Pending at the Beginning of the Year	3,438
New Cases Filed	8,593
Subtotal Cases Available for Processing	12,031
Cases Processed	7,795
Cases Pending at the End of the Year	4,236

### **2020 PFA Cases Filed and Processed**

#### **Philadelphia**

Cases Pending at the Beginning of the Year	4,236
New Cases Filed	6,464
Subtotal Cases Available for Processing	10,700
Cases Processed	5,963
Cases Pending at the End of the Year	4,737

<sup>10</sup> <https://www.pcadv.org/coronavirus-covid-19-resources/>



### **Resources or Domestic Violence Programs**

- Philadelphia Domestic Violence Hotline 1-866-723-3014 (866-SAFE-014)
- Victim/Witness Services Unit (215-686-8027) or DA.Victimservices@phila.gov
- Pennsylvania Statewide Automated Victim Information & Notification (PA SAVIN) - For victims of abuse where the abuser is in jail or prison, notification can be provided on the status of the offender in a Pennsylvania state jail or prison. ***The service is free and confidential.***
- Lutheran Settlement House (Bi-lingual Domestic Violence Program) (215-426-8610)
- Congreso de Latinos Unidos (Latina Domestic Violence program) (215-763-8870)
- Women in Transition (Domestic Violence and/or substance abuse counseling for women) (215-564-5301)
- Women Organized Against Rape (24-hour hotline for sexual assault victims) (215-985-3333)

### **Questions?**

CPOC’s mission is to review the policies, practices, and customs of the PPD, and help improve the relationship between the community and the police. CPOC is always available to accept complaints and comments through our website, <http://www.phila.gov/CPOC>. Please contact us online or by phone, at (215) 685-0891 if you have any questions or concern about this topic of crisis response or any other policing-related topic.