

# SCRANTON POLICE DEPARTMENT POLICY

*Effective Date:*

**February 07, 2020**

*Policy Number:*

**12-001**

*Policy Subject:*

**Domestic Violence**

*Reevaluation Date:*

**February 07, 2021**

*No. Pages:*

**48**

*PLEAC Standard(s):*

**4.10.1**

## **I. PURPOSE**

- A. Pursuant to Section 6105 (a) of the Protection from Abuse Act, all law enforcement agencies within the Commonwealth are required to adopt a written domestic violence policy. This policy is being distributed to all law enforcement agencies within the county to be implemented as the requisite policy. The Scranton Police Department has adopted this protocol as its written domestic violence policy.
- B. The principal purpose of this policy is to establish guidelines and procedures to be followed by police officers and other personnel involved in the police response to domestic violence calls. Uniformity of procedure throughout the county will result in more effective prosecution of domestic violence matters in the following respects:
  1. By establishing a uniform response to domestic situations in Lackawanna County;
  2. By affording maximum protection and support to victims of domestic violence through a coordinated program of law enforcement and victim assistance;
  3. By promoting officer safety by ensuring that officers are as fully prepared as possible to respond to domestic calls;
  4. By ensuring the integrity of our judicial system by vigorously enforcing Protection From Abuse Orders issued by courts of law, and prosecuting all other crimes associated with domestic violence.
  5. Utilization of an interpreter as soon as needed to attain effective communication with all victims.

## **II. PRO ARREST POLICY**

- A. Domestic violence is a crime that differs from other crimes because of the intimate relationship between the victim and the accused. Notwithstanding that difference, police should respond to domestic violence as they would respond to any crime. Police should arrest and pursue criminal remedies appropriate to the crime that the police have probable cause to believe the accused has committed. In recognition of

the difference between domestic violence and other crimes, however, police should provide victims with special assistance, including efforts to ensure that victims are informed of services available to victims of domestic violence, as required by law pursuant to 18 Pa. C.S. Section 2711 (d). Officers need to appreciate that in most cases, the incident being reported is not the first incident that has occurred.

### III. SCOPE OF COVERAGE

- A. This policy applies to any call to police reporting a disturbance, or occurrence of “abuse” between “family or household members, sexual or intimate partners or persons who share biological parenthood.” (Protection From Abuse Act Section 6102- Definitions)
  - 1. “Family and Household Members” is defined by Section 6102 to include “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.” **The sexual orientation of the persons involved is not relevant.**
  - 2. An occurrence of “Abuse” is defined by Section 6102 to be an occurrence “of one or more of the following acts between “family or household members”, sexual or intimate partners or persons who share biological parenthood:
    - a. 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;
    - b. Placing another in reasonable fear of imminent serious bodily injury;
    - c. The infliction of false imprisonment pursuant to 18 PA. C.S. Section 2903;
    - d. Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services);
    - e. 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 under the Protection From Abuse Act and is inapplicable to any criminal prosecutions under Title 18.
- B. This policy also applies to other crimes which may occur between domestic partners, including but not limited to, burglary, criminal trespass, theft, criminal mischief, arson, and harassment.

### IV. DISPATCH

- A. Dispatchers under the direct supervision of a police department should dispatch calls in the same manner as any other call for police assistance, in accordance with the priority criteria prescribed by generally applicable department procedures.

- B. Dispatchers who serve multiple police departments shall accord domestic calls the priority as established by the responding jurisdictional police department. When priority has not been established, the dispatcher shall afford a priority classification to the domestic violence call. (Note: It is recommended that a responding officer requests a back-up unit(s)).
- C. The dispatcher receiving a domestic call should attempt to solicit from the caller and should communicate to the responding officer as much of the following information, in the following order of importance, as time and the exigencies of the reported incident allow:
1. The location/address of the incident, including the apartment number or the name of the business, as appropriate;
  2. The general nature of the incident;
  3. A telephone number where the caller can be called back;
  4. Whether weapons are involved or weapon permits are issued at that address;
  5. Whether an ambulance is needed;
  6. Whether the subject is present and, if not, direction of flight and mode of travel;
  7. Whether children are at the scene;
  8. Description of the suspect and the victim;
  9. History of previous incidents at that address; and
  10. Any other pertinent information.
- D. If the caller is the victim, the dispatcher should attempt to keep the caller on the phone as long as possible and should tell the caller that police are on the way and when the caller can expect the police to arrive. If the caller hangs up abruptly, the dispatcher shall acquire the subscriber information, the longitude and latitude of the location of where the phone call was made, and the cell phone number. Once verified, the dispatcher shall attempt to reestablish contact with the caller. The responding officer shall be kept informed of this process.
- E. If the caller is a witness to domestic violence, the dispatcher should keep the caller on the phone and should relay ongoing information to the responding officer.
- F. If available, the dispatcher shall initiate a search of the central registry for a record of any current Protection From Abuse (PFA) orders.
- G. If a dispatcher receives a 911 call and no one is on the line, the dispatcher shall ask the open line to press "1" on their phone if that person is in hiding and cannot talk. A response from that request shall lead to a high priority call to law enforcement. In the event there is no response to this request, the dispatcher shall initiate a re-call to the number. If there is no response, the dispatcher shall proceed to send law enforcement to the location of the call and provide the officers with all relevant information.
- H. **Under no circumstances, even if told by the caller, should the dispatcher cancel police units sent to a domestic violence call.** This request shall be reported to the

responding officer who will complete the investigation according to the guidelines herein.

- I. If English is the second language for the caller, the dispatcher will assess the need of an interpreter and notify the responding officer(s). If the caller appears to need the assistance of an interpreter, the dispatcher should notify the responding officer(s) so that one can be contacted as soon as practically possible.

## **V. INITIAL POLICE OFFICER RESPONSE**

### **A. Approaching the Scene**

1. Approach the scene as one of high risk. (Note: It is recommended that a responding officer requests a back-up unit(s)).
2. Obtain all available information from the dispatcher before arriving at the scene and notify dispatch upon arrival on the scene
3. Employ safety procedures in approaching and arriving at the scene of the incident, namely:
  - a. Avoid the use of sirens and emergency lights unless speed is essential due to the severity of the incident. If emergency lights and sirens are used, their use should be terminated when nearing the vicinity of the incident;
  - b. Park away from the residence and not directly in front, when possible;
  - c. Be alert for assailants leaving the scene in vehicles or on foot;
  - d. Be aware of weapons employed from windows, doors, or nearby vehicles;
  - e. Make use of available cover upon approach; and
  - f. Take a moment to stop, look, and listen. Evaluate the situation and gather information before acting.

### **B. Initial Contact with Occupants**

1. The responding officer should be in uniform, whenever possible, and should identify himself or herself as a police officer, explain his or her presence, and request entry into the home.
2. The officer should ask to see the person who is the subject of the call. If the person who called in is someone other than the subject of the call, the officer should not reveal the caller's name.
3. Consistent with existing law, the officer, upon entry, should be sure of the safety of the victim.
4. The officer should enter and conduct a search of the premises relevant to the incident if consent has been given to do so. If the victim offers consent to search the premises, but the abuser is a co-occupant of the premises and is present and refuses consent to search the premises, then the responding officer must determine if there are exigent/emergency circumstances which justify a warrantless search of the premises. Any question as to whether or not a warrantless search is justified should be directed to the Office of the District Attorney.
5. If refused entry, the officer should be persistent about seeing and speaking alone with the subject of the call. If access to the subject is refused, the officer should request the dispatcher to contact the caller if the caller is the subject of the call. If

access is still refused, based upon the existing circumstances, the officer must decide whether to leave, remain and observe, or force entry, consistent with the following guidelines:

a. The decision to leave:

The officer should make a decision to leave ONLY if the officer is reasonably convinced that the victim is safe and not in danger. The officer shall make every attempt to observe and speak directly to the victim. If it is confirmed that the victim has left the scene, the officer should make a concerted effort to locate and interview the victim. If an arrest is not warranted or the victim has left the scene, the office should drive by the location and observe frequently.

b. The decision to remain and observe:

The officer who decides to stay and observe should make this decision known to the person refusing entry. If asked to leave, the officer should move to public property (i.e. the street) and observe the premises.

c. The decision to force entry may be made under the following conditions:

- 1) If the officer believes such action is necessary for his/her own protection or of other persons in the premises,
- 2) If the officer has sufficient probable cause to effectuate an arrest to violation of 18 Pa.C.S.A. Section 2711 pertaining to domestic violence, for any felony, or for any misdemeanor committed in view of the officer, or
- 3) If it is necessary to effectuate a lawful arrest for violating a PFA order.

## **VI. ON SCENE INVESTIGATION**

### **A. General Policy**

1. Domestic violence incidents should be investigated regardless of the victim's opposition to arrest. The investigation should be conducted in the same manner as the investigation of any other crime, keeping in mind warrantless arrest provisions enumerated in 19 Pa. C.S. Section 2711.
2. The responding officer should collect and preserve all physical evidence reasonable necessary to support prosecution, including evidence substantiating the victim's injuries, 911 audio tapes, and evidentiary articles that substantiate a reported attack (weapons, torn clothing, etc.). The officer should ensure that photographs are taken of visible injuries on the victim and of the crime scene.
  - a. All physical evidence should be collected, noted in reports, and vouchered as in other criminal investigations.
3. The responding officer should interview any witnesses as fully and as soon as circumstances allow, including children where appropriate.
4. Obtain written statements from victims that are willing to do so at that time, and any witnesses that may have an interest in the outcome (ie. the accused family member or friend).

### **B. Jurisdictional Responsibility**

1. The law enforcement agency having primary jurisdiction at the scene of the incident shall be the exclusive law enforcement agency responsible for addressing

the incident. Only the responding officer or the supervisor shall request other agency assistance. The law enforcement agency having primary jurisdiction may relinquish its responsibility for addressing the incident to another agency at the scene of the incident having full law enforcement authority if the other agency is willing to accept that responsibility.

2. When the assistance of other law enforcement agencies have been requested by the responding officer or supervisor, the assisting agency shall respond in a manner consistent with its policies and procedures. Unless otherwise directed, the assisting police officers shall identify themselves to the responding officer or supervisor and assist by providing further coordination to aid in the resolution of the incident. Assisting law enforcement agencies may continue their involvement depending upon the availability of manpower, solvability factors, direction of the investigation, and the continued cooperation and manpower allocation of the agency retaining primary jurisdiction.

### C. Intervention and Response

1. Upon gaining access to the premises, officers shall act as follows:
  - a. Survey the scene and identify the immediate sources of threat;
  - b. Identify any and all weapons, including those not used, and/or any sources of threat;
  - c. Identify and separate the victim and the assailant;
  - d. Restrain the assailant, if necessary, and remove him/her to a secure location if immediate arrest is warranted;
  - e. Assess the injuries (including inquiry about possible internal; and injuries), administer first aid, notify emergency services as needed, and obtain verification of victim's injuries from attending medical personnel.
2. Initial on scene investigation shall include:
  - a. Inquire about the nature of the incident.
  - b. Separate the occupants/witnesses from the assailant and victim and **put them out of hearing range of each other.**
  - c. Interview and when possible obtain signed statements from the victim, witnesses, and the accused:
    - 1) Be as thorough as the circumstances allow;
    - 2) Insure the safety and privacy of those persons interviewed;
    - 3) Use supportive interview techniques with the victim;
    - 4) Ask about previous incidents, their frequency, and severity;
    - 5) Do not disclose your intentions until all information has been collected.
  - d. If an arrest has been made or a custodial situation exists, Mirandize the accused.
  - e. If the accused has fled the scene, solicit information concerning possible whereabouts of the accused.
  - f. Determine and verify the existence of a PFA order by checking the county central registry, other police department records, or by having the victim produce a copy of the order if available. If such an order exists, note the conditions of the order to determine if the order has been violated.

- g. Interview children in a manner appropriate to their age. Look for and note any signs of recent or healed abuse wounds on the children, If it is determined that the child witnessed the crime alleged, then the officer must schedule a forensic interview of the child at the Children's Advocacy Center, located at 1710 Mulberry Street, Scranton. In the event the interview is videotaped, the officer shall secure a copy of the DVD of said interview and place the same into evidence. Should the officer desire a review of the tape by District Attorney's Office, they may provide a copy to the appropriate unit. Should the officer believe that the child has been a victim, the officer should contact CYS (570-963-6781) and Pennsylvania Childline (1-800-932-0313) in accordance with Policy 18-001 Child Services.
  - h. Document everything on thoroughly as necessary.
  - i. **Under no circumstance shall the office request the victim to undergo a polygraph examination, computer voice stress analysis examination, or any other truth determining examination as part of his or her investigation.**
3. Collection and Preservation of Evidence:
- a. Photograph and collect evidence that:
    - 1) Substantiates the victim's claims and injuries. Take photographs of the victim's visible injuries. (*NOTE: as injuries and bruises are often not visible for some time after an attack, follow-up photographs should be taken days after the incident*);
    - 2) Documents any injuries or lack of injuries to the accused;
    - 3) Includes any articles that substantiate the attack (e.g. weapons, torn clothing, damaged cell phone, furniture in disarray, etc.);
    - 4) Records the crime scene, such as pictures, sketches, or surveillance videos.
  - b. Encourage the victim to go to the hospital for an examination and have pictures taken of injuries concealed by clothing. These records should be subpoenaed for the preliminary hearing. If a victim does refuse medical treatment, request that he/she notify you should he/she later seek treatment. If records are available prior to the preliminary hearing, subpoena said records.
  - c. Encourage the accused to go to the hospital to be examined. These records should be subpoenaed for the preliminary hearing.
  - d. Request the 911 tape be maintained by officials and the communications center. These tapes should be subpoenaed for the preliminary hearing.
  - e. Obtain appropriate copies of any text messages, e-mails, and any relevant messages on social networking websites.
  - f. Obtain corroborating statements of witnesses who can verify violence or threat of violence, preferably in writing.
  - g. Acquire the telephone/cellular phone and computer/internet records. In investigating a domestic violence case, an important piece of evidence may be obtained from telephone/cellular records and computer/internet records. Upon discovering the need for these records, the investigating officer should contact the District Attorney's Office and advise them of the crime being investigated, the records needed to assist the officer in his or her investigation, and the purpose for said records. The District Attorney shall assist the officer in filing

a petition to acquire the records with the Court of Common Pleas and obtain a court order for the same.

**h. Follow the chain of evidence procedures as in any crime.**

**D. Interviewing children witnesses:**

1. Interview the child away from both parents.
2. Interview the child in a place comfortable for children.
3. Get on the child's level (crouch or sit).
4. Befriend the child first. Ask questions to make the child comfortable. Explain why you are there and why you took whatever action you did.
5. Be sure not to indicate a response you are looking for, or the child may simply comply.
6. Be aware of a child's inclination to feel responsible or to feel guilty about what has happened. Reassure the child.
7. Be aware that if a child is also the victim of abuse, he/she may be distrustful. of any adult or been warned never to talk to an outsider, such as a police officer.
8. Don't pry information from the child.
9. If the officer has reason to believe the child either witnessed a crime, or was a victim him or herself, then the officer should schedule a forensic interview at the Children's Advocacy Center located at 1710 Mulberry Street, Scranton (570-969-7813) in accordance with Policy 18-001 Child Services. The interview should be scheduled within 24 hours. The officer should accompany the child to the interview. In the event the interview is videotaped, the officer shall secure a copy of the DVD of said interview and place the same into evidence. See Page 18 Section XIV B.

**VII. THE ARREST DECISION**

**A. General Policy**

1. The responding officer should arrest the assailant whenever arrest is authorized. **The officer should emphasize to the victim, and to the accused as well, that the criminal action thus initiated is the Commonwealth's action, not the victim's action.**
2. If the Officer decides not to arrest, he must include in his report of the incident detailed explanation of the reasons why an arrest was not made.
3. Regardless of whether or not an arrest is made, law enforcement officers shall inform all victims of domestic violence of the availability of crime victim's compensation and of the right to obtain a protective order under the Protection From Abuse Act and the available services offered through the Women's Resource Center.

**B. Arrest Without a Warrant is authorized in the following circumstances:**

1. When the officer observes the commission of a felony, misdemeanor, or summary offense,
2. When the officer has probable cause to believe that the suspect has committed a felony,



3. Where exigent circumstances such as a violent crime in progress are present,
4. **Section 2711 Probable Cause Arrests in Domestic Violence Cases: When the officer has probable cause to believe that the suspect committed any of the following offenses against a “family or household member”** 18 Pa. C.S.  
 Section 2711 authorizes warrantless arrest when there is probable cause to believe that the defendant has violated Section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4), and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats), or 2709 (relating to stalking) against a “family or household member” although the offense did not take place in the presence of the police officer. A Police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence, and the victim is the spouse of the suspect or a person with whom the suspect resides or has formerly resided. The term “family or household member” has the meaning given that term in 23 Pa. C.S. Section 6102, or
5. When the officer has probable cause to believe that the suspect has violated a valid Protection From Abuse Order. The violation need not have occurred in the officer’s presence, and no corroborative evidence is required.

C. Factors that should NOT be considered in making the arrest decision:

1. The marital status or sexual orientation of the parties
2. The ownership or tenancy rights of either party.
3. Verbal assurances 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, including that the victim has refused to testify against the accused in the past.
8. Speculation that the arrest may not lead to a conviction.
9. The existence or not of a current Protection From Abuse Order (except in so far 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, religious, or professional position of either the victim or the accused.

D. Determining Predominate Aggressor

1. In the event there is evidence of injury to both parties, the officer should determine which party was the predominate aggressor. It is important to note that one partner usually maintains control of the relationship. In making the

- determination, the officer shall make every reasonable effort to consider the following:
- a. the extent of injuries inflicted or serious threats creating fear of physical injury;
  - b. the predominate aggressor is not necessarily the individual who started the fight;
  - c. the history between the parties; and
  - d. defensive injuries, such as bit marks, face scratches, etc.
2. It is legally appropriate and justifiable to use force in self-defense. The reasonableness of the force used is often a key in evaluating claims of self-defense. Officers should try and determine if either individual has a history of repeated and serious violence. Most domestic violence calls are not isolated incidents. Instead, they are one element of a much broader cycle of violence and criminality.
  3. If the officer concludes that one party was acting in self-defense, that party shall not be arrested. If the officer concludes that one party was the principal aggressor, the officer should arrest that party only. In cases where an officer legitimately is unable to ascertain who precipitated the assault or who is the predominate physical aggressor, the District Attorney's Office should be contacted before making an arrest.

## VIII. EFFECTUATING THE ARREST

- A. If a warrantless arrest is appropriate, the accused should be taken into custody immediately. If the suspect has fled the scene, the officer should initiate procedures to pursue and apprehend the accused as promptly as possible **since the risk is high in domestic violence cases that the accused will return to the victim's residence or the scene of the violence**
- B. Summons are not authorized in Domestic Violence Cases
  1. When an officer has probable cause to believe that a crime of domestic violence has occurred and the defendant's whereabouts are immediately unknown, the office **shall request that a warrant of arrest be issued and not a summons in the case.**
  2. In the event the Magisterial District Justice recommends to issue a summons rather than a warrant, advise said Justice that the defendant posed a threat of physical harm to the victim or to himself or herself and he must issue a warrant under those circumstances (Pa Rule of Criminal Procedure Rule 509).
- C. If a warrant is necessary, the officer should obtain and execute a warrant as soon as practical.
- D. **The officer shall complete a bail request form (Police Information for District Judge to Set Bail) for all arrests.** (See Appendix H, page 107) Where there is a warrant of arrest, the completed bail request form shall be attached to the arrest warrant. This bail request form shall contain the following:

1. Information provided to the officer by the victim, or known to the officer concerning the accused's past criminal history, all past, current, or expired Protection From Abuse Orders, and any specific facts regarding the present criminal charges filed, including but not limited to whether a weapon was used in the crime, injuries sustained by the victim, and/or specific threats made towards the victim.
  2. Said form shall be used to determine whether special conditions of bail should be placed on the accused pursuant to 18 Pa. C.S.A. Section 2711 and Pa.R.Crim.P. Rule 527.
- E. Once in custody, the accused should be immediately transported to the Lackawanna County Central Processing Center. Upon arrival at the Processing Center, the arresting officer shall complete a bail request form if one has not been completed.
- F. After the accused is in the custody of the Processing Center, the following shall take place:
1. The accused will be photographed, fingerprinted, and logged into The National Crime Information Center (NCIC).
  2. The booking agent shall search the NCIC for outstanding warrants for the accused, Protection From Abuse Orders, and any criminal history of the accused.
  3. The booking agent shall be responsible for contacting the Magisterial District Justice (MDJ) on call for purpose of arraigning the accused on the criminal charges and will provide said MDJ with a Central Booking Identification Form and the arresting officer's bail request form.
  4. Based on this information, the MDJ shall make a ruling on bail pursuant to Pa.R.Crim.P. Rule 520.
- G. Arrest when the accused is a minor
1. Any person under the age of 18 shall be considered a minor.
  2. The terms of this protocol shall be fully applicable to minors.
  3. All arrests of minors shall be effectuated and the juvenile processed and prosecuted pursuant to the Juvenile Act (42 Pa. C.S.A. Sections 6301, et seq.)
- H. Arrest when Mental Health/Mental Retardation issues are concerned.
1. If upon examination of the accused, the responding officer determines that a voluntary or involuntary commitment to a mental facility is required, the officer should restrain the accused and contact a MH/MR delegate or facilitate the involuntary (302) process him/herself. At the point of the accused's discharge from the mental health facility, the officer maintains the discretion to effectuate an arrest.
  2. The accused should be restrained as needed during the investigation and transportation regardless of mental health issues.
  3. The officer should not allow the possibility of mental health issues to preclude a valid criminal arrest.

- I. Domestic Violence calls involving prominent citizens, public officials, or police officers.
  - 1. Responding to domestic instances involving prominent citizens, public officials, or police officers may present particular difficulties for the responding officer. In such circumstances, the responding officer should request that an appropriate senior officer come to the scene. The responding officer should take whatever action is necessary to protect the victim and detain the assailant while awaiting the arrival of the senior officer. When there is probable cause to believe that the accused has committed a crime, the procedure followed upon arrival of the senior officer should be the same as it would be in any other domestic incident.

## **IX. WEAPONS**

- A. When the officer makes an arrest, the officer shall confiscate all weapons used or threatened to be used in the commission of the crime, and such weapons shall be held as evidence for prosecution.
- B. If the officer arrests for violation of a Protection From Abuse Order, the officer, or sheriff, is required by 23 P.S. Section 6113 (b) 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.
- C. When weapons are within the suspect's access, but are neither used in the commission of a crime nor are threatened to be used in the violation of a PFA order, the officer should nevertheless make the arraigning magistrate aware of this fact.
- D. If a firearm is involved in a domestic incident or if a firearm is discovered at the residence where a domestic incident has occurred, the officer must determine if the suspect is in violation of state or federal law, specifically, Title 18 P.S. § 6105, Persons not to possess, use, manufacturer, control, sell, or transfer firearms, and 18 U.S.C. § 922 See attached Pennsylvania statute and reference information in Appendix D, page 76-77.

## **X. VICTIM RIGHTS AND ASSISTANCE BY LAW ENFORCEMENT**

- A. When an arrest is authorized and made, the officer shall assist the victim by:
  - 1. Providing the victim a written notice pursuant to 18 Pa. C.S.A. Section 2711, informing the victim of services available in the community such as the Women's Resource Center (346-4671);
  - 2. Encouraging the victim to contact the Women's Resource Center or other appropriate services for victims;
  - 3. Providing the victim with the officer's name, badge number, and follow up phone number;
  - 4. Obtaining from the victim any information indicating the need for special conditions of bail that should be requested at the preliminary arraignment;

5. Providing the victim with the number for PA SAVIN- the Pennsylvania's Victim Notification Service which allows a victim to be notified of a change of status of an offender who is incarcerated. The number for registering for this notification is 1-866-9PA-SAVIN;
6. Assisting the victim in contacting the on-duty district judge to obtain an emergency PFA order in cases where the assault occurs after 5:00 p.m. or on a weekend;
7. Providing or helping to arrange transportation to emergency housing or to a medical facility upon request of the victim, whenever possible;
8. Advising the victim of the arrest procedures, including notification of the actual arrest and the probability that the accused will be in custody for only a short time;
9. Obtaining the phone number and address of where the victim can be contacted if the victim decides to leave the residence;
10. Obtaining the phone number and address of a friend or family member of the victim who can be contacted if the victim is unavailable.
11. Providing a translator to translate the foregoing notices and to translate advice when the victim does not understand English;
12. Determining whether an interpreter for the deaf is needed to assist the victim;
13. Advising the victim of the number of the Central Processing Center (570-963-6717 extension 7802 / 963-6719 extension 7119) to determine the status of the offender's arraignment, including whether or not the offender is incarcerated on secured bail, whether the offender was able to post bail to be released, whether the offender was released on unsecured bail or released on his own recognizance;
14. **Under no circumstances shall the Officer disclose the whereabouts of the victim to anyone other than law enforcement personnel.**

## **XI. PROCESSING THE ACCUSED AFTER THE ARREST**

### **A. Determination of Charges**

1. A person arrested without a warrant for all domestic violence misdemeanor(s) pursuant to 18 Pa. C.S.A. Section 2711 should be charged with any other crimes properly charged as a result of the incident in which the violation occurred.
2. A person arrested for a violation of a PFA order should be charged on a separate complaint with any crime properly charged as a result of the incident in which the violation occurred.

### **B. Procedures for arraignment**

1. Arraignment under Section 2711 Probable Cause arrests
  - a. When an arrest has been made for a violation of 18 Pa. C.S.A. Section 2711, the accused shall first be brought to the Lackawanna County Central Processing Center.
  - b. After the accused is in the custody of the processing center, the following shall take place:
    - 1) The accused will be photographed, fingerprinted, and logged into The National Crime Information Center (NCIC).

- 2) The booking agent shall search the NCIC for outstanding warrants for the accused, Protection From Abuse Orders, and any criminal history of the accused.
  - 3) The booking agent shall be responsible for contacting the Magisterial District Justice (MDJ) on call for purpose of arraigning the accused on the criminal charges and will provide said MDJ with a Central Booking Identification Form and the arresting officer's bail request form.
  - 4) Based on this information, the MDJ shall make a ruling on bail pursuant to Pa.R.Crim.P. Rule 520.
  - 5) The MDJ shall consider this information and specifically note conditions on the bail form. This form shall then be provided to Central Booking. Upon receiving the form the central booking agent shall notify the victim and the arresting officer to inform them of the bail conditions. The central booking agent will then complete the bottom portion of the form and fax it to District Attorney's Office (570-941-8948.) Attention the fax to the DV Unit. See Appendix I, page 108 for the Magisterial District Justice Bail Conditions Form.
- c. As previously stated in Section VIII, Effectuating the Arrest, the arresting officer must complete a bail request form. Upon arrival at the Processing Center, the arresting officer shall attach the bail request form to the arrest warrant.
- 1) This bail request form shall contain the following:

Information provided to the officer by the victim, or known to the officer concerning the accused's past criminal history, all past, current, or expired Protection From Abuse Orders, and any history of PFA violations, and any specific facts regarding the present criminal charges filed, including but not limited to whether a weapon was used in the crime, injuries sustained by the victim, and/or specific threats made towards the victim, the status of the relationship of the parties, whether any children were present at crime scene, past history of domestic violence with this victim or any other victims, any evidence of strangulation, any present or past use of drugs and/or alcohol, and history of the accused resisting arrest in the case.
  - 2) Said form shall be used to determine whether special conditions of bail should be placed on the accused pursuant to 18 Pa. C.S.A. Section 2711 and Pa.R.Crim.P. Rule 527.
  - 3) Special conditions may include, but are not limited to:
    - a) Enjoining the defendant from abusing harassing or intimidating the victim;
    - b) Excluding the accused from the home, school or work place of the victim;
    - c) Enforcing the accused from contacting the victim in person or by telephone or any other electronic communication;
    - d) Restraining the accused from contact that will prevent the victim from performing his/her normal daily activities;
    - e) Refraining the accused from possessing or transporting any firearm or other weapon.

- d. Under no circumstances shall the arresting officer release the accused before transporting him or her to the processing center or attempt to arraign the accused outside of the procedures set forth in this protocol;
  - e. It shall be the responsibility of the central booking agent to notify the victim, the arresting officer, and the **Domestic Violence Unit of the District Attorney's Office** of the Magisterial District Justice's decision regarding defendant's bail and whether any special conditions are attached to said bail. **In the event the booking agent is unable to notify the victim of this information, the arresting officer and the District Attorney's Office should make every effort to provide such notice to the victim.**
  - f. All reports and other documents generated in the case should be marked "Domestic Incident" to aid in the identification of all domestic violence cases and to aid in processing the accused.
  - g. Fax all police reports and documents relevant to the incident and the Police Information to the District Attorney's Office Upon Arrest to the District Attorney's Office (570-941-8948.) Attention the fax to the DV Unit. See Appendix J, page 109.
2. Arraignment for Protection from Abuse Violation.
- a. When an Indirect Criminal Contempt arrest has been made pursuant to 23 Pa C.S.A. Section 6114, the accused shall be brought to the Lackawanna County Central Processing Center to be processed.
  - b. After the accused is in the custody of the processing center, the following shall take place:
    - 1) The accused will be photographed, fingerprinted, and logged into The National Crime Information Center (NCIC).
    - 2) The booking agent shall search the NCIC for outstanding warrants for the accused, Protection From Abuse Orders, and any criminal history of the accused.
    - 3) The booking agent shall be responsible for contacting the Court Administrator's Office who will assign a judge from the Court of Common Pleas of Lackawanna County for purpose of arraigning the accused on the criminal charges. The booking agent shall provide to the Court a Central Booking Identification Form and the arresting officer's bail request form.
    - 4) Based on this information, the Court of Common Pleas shall make a ruling on Bail pursuant to Pa.R.Crim.P. Rule 520.
    - 5) In the event the Court is unavailable, the defendant shall be taken before the Magisterial District Justice who is on call. All previous procedures referenced in this protocol relating to arraignments shall be followed, as stated above.
    - 6) It shall be the responsibility of the central booking agent to notify the victim and the arresting officer of the Judge's decision regarding defendant's bail and whether any special conditions are attached to said bail. **In the event the booking agent is unable to notify the victim of this information, the arresting officer and the District Attorney's Office should make every effort to provide such notice to the victim.**

- c. A copy of the Criminal Contempt paperwork should be forwarded immediately to the District Attorney's Office within 24 hours of the time of arrest. The original complaint and arraignment documents shall be forwarded to the Family Court Administrator's office.

## **XII. FOLLOW UP INVESTIGATION**

- A. All victims and witnesses should be subpoenaed upon an officer's receipt of notification of a court proceeding.
- B. An initial follow-up should be conducted which consists of:
  1. Notifying the victim of the conditions of bail imposed on the accused;
  2. Informing the victim of their right to request revocation of the accused person's bail from the District Attorney's Office if the conditions have been violated;
  3. Obtaining written statements from the victim and other witnesses;
  4. Gathering and documenting additional evidence, such as photographs of bruising that was not visible at time of initial incident but is now;
  5. Obtaining the victim's medical records;
  6. Obtaining copies of the 911 calls associated with the domestic incident, if not previously done;
  7. Interviewing the defendant's and victim's family members and co-workers regarding the relationship;
  8. Obtaining criminal histories of the defendant and victim through NCIC;
  9. Determining if a PFA has been filed currently or in the past by the victim or other partners against the accused;
  10. Determining if there has been past abuse by the accused towards the victim or other partners.

## **XIII. PROCEDURE WHEN ARREST IS NOT AUTHORIZED, OR IF AUTHORIZED, NOT MADE**

- A. An arrest without warrant is not authorized when there is an absence of probable cause to believe a crime relating to domestic violence has occurred under 18 Pa C.S. § 2711 or under 23 Pa. C.S. § 6114 (relating to PFA violation). However, the officer shall consider whether the abusive act rises to level of a summary offense.
- B. If an arrest is not authorized because of the absence of probable cause to believe the crime was committed, or a protection from abuse order has been violated, or if arrest is authorized but not made (for reasons to be detailed in the incident report), the officer should:
  1. Explain to the victim why the arrest is not being made;
  2. Attempt to ensure the temporary separation of the parties to prevent further harm. If the offender refuses to leave the residence, and the threat of violence is imminent, the officer shall stand by while the victim makes arrangements necessary for him/her and his/her children to leave the residence. If the victim is unable to do so, then the officer shall offer to provide safe escort from the



residence for the victim and children. If the victim and children refuse to leave and the offender refuses to leave and there is no basis for an arrest of the offender, the offender cannot be ejected from his/her home and the victim should be so advised.

- a. In circumstances where the immediate safety of any children in the residence is a concern, Children and Youth Services shall be notified immediately.
3. In all cases the responding police officer shall advise the victim of his/her right to seek relief from abuse by filing a petition pursuant to the Protection From Abuse Act.
4. Each law enforcement agency shall provide the abused person with oral and written notice of the availability of safe shelter and of domestic violence services in the community, including the hotline number for domestic violence services. The written notice, which shall be in English and Spanish and any additional language required by local rule of court, shall 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 for 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 your household.
- c. An order preventing the abuser from entering your residence, school, business, or place of employment.
- d. An order awarding your or the other parent temporary custody of or temporary visitation with your child or children.
- e. An order directing the abuser to pay child support to you and the minor children if the abuser has a legal obligation to do so.”

#### **XIV. PROCEDURE FOR ELDER, JUVENILE, DEPENDENT AND SPECIAL NEEDS VICTIMS**

- A. Elder victims and dependents.
  1. When the victim is elderly (60 or older), and the abuser is the sole caretaker and where arrest is indicated, the officer shall make a determination as to whether the victim is physically endangered, either as a result of the abuse, from a pre-existing medical condition, or from the removal of the caretaker
  2. If the elder is physically endangered but mentally alert, the officer should:
    - a. Ask the elder for the name of a friend or relative to contact immediately to assist the elder.
    - b. Stand-by or arrange for someone to stay until this person arrives.
    - c. Note in the report the names and addresses of the persons summoned to help.
  3. If the elder is physically endangered and assistance is not available or the elder is not mentally alert, the officer should:
    - a. Make emergency referral to the Lackawanna Area Agency on Aging (570-963-6740);

- b. Remain at the residence or arrange for someone to stay with the elder until the protective services worker arrives;
  - c. Make arrangements to transport the elder to a medical facility or other appropriate place where the elder can wait for the worker.
4. In addition to providing the notification required under 18 Pa. C.S.A. Section 2711, the officer shall advise the elder of the availability of protective services through the Lackawanna County Area Agency on Aging (570-963-6740,-24 hours per day).

B. Child Victims and Dependents.

1. When the victim is a minor child, the following procedures shall be followed:
  - a. If the officer has probable cause to believe that a crime has been committed, the officer shall make an arrest as authorized by 18 Pa. C.S.A Section 2711.
  - b. If the perpetrator of the abuse is a parent of the child, a person responsible for the welfare of the child, an individual residing in the same home as the child, or paramour of the child's parent, law enforcement shall make a report to Child Protective Services as required by the Child Protective Service Law. The officer may take protective custody of the child under 23 Pa. C.S.A. Section 6315, which references the Juvenile Act, 42 Pa. C.S.A. Section 6324. The officer shall exercise his duty as a mandated reporter of child abuse by calling Pennsylvania Childline (1-800-932-0313). The officer shall also call Lackawanna Children & Youth Services (CYS) (963-6781) on a 24-hour/7-day per week basis. The call will be processed by the after-hours emergency system of Lackawanna County CYS. A protective services worker will immediately be notified and a decision will be made whether a worker is to be dispatched to the scene.
  - c. If the child is injured, the officer shall make arrangements for transportation to an appropriate medical facility and shall accompany the child to same.
  - d. The officer shall provide victim's notification to an adult caretaker of the child who is not the perpetrator of the abuse.
  - e. The officer shall schedule a forensic interview of the child at the Children's Advocacy Center, located at 1710 Mulberry Street, Scranton. (570-969-7813) In the event the interview is videotaped, the officer shall secure a copy of the DVD of said interview and place the same into evidence. The officer can provide a copy to District Attorney's Office for review by an attorney in the appropriate unit.
2. When the accused is arrested and is the sole caretaker for the child or the victim is the sole caretaker and can no longer provide care for the dependent child, the officer shall follow the following procedures:
  - a. The officer should attempt to locate a responsible relative or other responsible adult who can care for the dependent child.
  - b. If such a determination has been made and that person is contacted, the officer shall wait with the child or arrange for another adult known to the officer to wait with the child until the contact person is available.
  - c. If no responsible person is available, the officer should contact Lackawanna County CYS and remain with the child or make arrangements as listed above.

- d. If necessary, the officer may take the child into protective custody pursuant to the Juvenile Act and the Child Protective Services Act.
- C. When a victim has a physical, mental, or sensory disability or otherwise has special needs, there are a variety of services available which are outside the scope of this protocol. If in need of special services, contact Lackawanna County Department of Human Services (963-6790), or, if after 4 p.m. or on weekends, Lackawanna County Area Agency on Aging (963-6740). If the person has a physical disability, contact the Center for Independent Living (344-7211). Please identify that you are calling in reference to a domestic violence situation.

## **XV. RECOGNITION AND INVESTIGATION OF STALKING CASES**

### **A. Stalking Defined**

1. A person commits the crime of stalking when the person either:
  - a. Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
  - b. Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person. (Title 18 under Section 2709.)

### **B. Venue**

1. An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
2. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

### **C. Grading**

1. An incident involving stalking behaviors should be met with heightened scrutiny. Stalking requires a course of conduct, or repeated acts, consisted of a wide variety of criminal and non- criminal behavior. For purposes of charging and sentencing, each component or act of a stalker's course of conduct is a distinct offense, and can be charged as such. Officers should include all relevant charges relating to an incident of stalking, including assaultive crimes, property crimes or computer-related crimes.
2. Except as otherwise provided for in paragraph 2(A) of the stalking statute, a first offense under this section shall constitute a misdemeanor of the first degree. A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a

violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault ), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. §6108 (relating to relief) shall constitute a felony of the third degree.

D. Stalking behaviors include:

1. Following the victim;
2. Showing up at the victim's place of employment or other frequented establishments (e.g. other family members' homes, children's school, etc.);
3. Spying on or monitoring the victim's activities;
4. Contacting the victim either admittedly or anonymously via telephone calls, text messages, or emails (voluminous, harassing, threatening, obscene or otherwise);
5. Trespassing;
6. Burglary of the victim's home;
7. Vandalizing the victim's home or property;
8. Disabling the victim's vehicle;
9. Threatening the victim (direct, conditional or veiled);
10. Violating an active PFA;
11. Sending unsolicited mail, cards, letters or gifts to the victim;
12. Delivery of objects to the victim intended to cause fear (but may seem innocuous to outsiders);
13. Making slanderous statements or false reports concerning the victim.

E. Where a victim reports stalking behavior, the officer shall attempt to gain information about:

1. When the stalking behavior began;
2. Which behavior(s) specifically the suspect has engaged in;
3. Corroborative evidence of the behavior (ie: phone records, surveillance videos, etc.)

F. Many victims may not realize they are being stalked. Law enforcement officers must thoroughly question and investigate potential stalking cases to assess the risk to the victim.

G. A critical first step for law enforcement is recognizing stalking behavior and acknowledging the legitimacy of the victim's fear.

H. Stalking cases can last for an extended period of time (months, years) with varying periods of inactivity.

I. In general, stalking cases escalate in severity and violence over time.

- J. Suspects may commit stalking behaviors in multiple jurisdictions. Different agencies must communicate regarding these incidents in order to compile the complete pattern of stalking.
- K. Where stalking is suspected, law enforcement shall assess the situation in the context of the severity of the behavior and the other lethality factors. The threat assessment is crucial as all stalking incidents are potentially life-threatening.
  - 1. If appropriate, the officer should contact the suspect and advise the suspect of the law;
  - 2. The officer shall check for prior arrests and convictions;
  - 3. If appropriate, the officer shall arrest the suspect.
- L. Harassment and stalking are often confused. **The defining point between harassment and stalking is fear.** A person commits the crime of harassment when, with the intent to harass, annoy or alarm another, the person:
  - 1. Strikes, shoves, kicks, or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;
  - 2. Follows the other person in or about a public place or places;
  - 3. Engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose;
  - 4. Communicates to or about such person any lewd, lascivious, threatening or obscene works, language, drawing, or caricatures;
  - 5. Communicates repeatedly in an anonymous manner;
  - 6. Communicates repeatedly at extremely inconvenient hours; or
  - 7. Communicates repeatedly in a manner other than specified in paragraphs 4, 5 and 6 of Section 2909. (Title 18, Section 2909)

## **XVI. INVESTIGATION AND PROSECUTION OF STRANGULATION CASES**

- A. Definition pursuant to 18 Pa.C.S.A. § 2718, effective December 26, 2016
  - 1. A person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by (1) applying pressure to the throat or neck, or (2) blocking the nose and mouth of the person.
    - a. Physical injury is not required and lack of injury is not a defense.
    - b. Consent of the victim is a defense.
  - 2. Significant Facts:
    - a. Only eleven pounds of pressure placed on both carotid arteries for 10 seconds is necessary to cause unconsciousness.
    - b. With its relatively small diameter, lack of bony shielding, and close association of the airway, spinal cord, and major vessels, the human neck is uniquely vulnerable to life threatening compression and distraction injuries. ( William Ernoehazy, Jr. MD, FACEP)
    - c. Strangulation has only recently been identified as one of the most lethal forms of domestic violence. When perpetrators use strangulation to silence their victims, this is a form of power and control that has a devastating

psychological effect on victims and a potentially fatal outcome. Historically, “choking” was rarely prosecuted as a serious offense because victims minimize the level of violence and police and medical personnel fail to recognize it.

- d. A thorough investigation of a strangulation case must be completed with the understanding that an aggravated assault case could potentially turn into an attempted homicide case depending on certain facts.

#### B. Correct Use of Terms

1. “Choking” is accidental, caused by an object. It implies a lesser degree of harm or distress and tends to minimize that a violent act against a person has occurred. If the victim uses the term “choke” and she/he was actually strangled, officers should put the victim’s use of the word “choke” in quotes in the report.
2. “Strangulation” is intentional violence on another person. Officers should know to use the correct term when someone has been strangled. In speaking to a victim, however, officers should not use the words “choke” or “strangle” for clarification. They should instead inquire as to following:
  - a. Whether the assailant placed his hands on the victim’s neck.
  - b. Whether the assailant used a weapon to strangle the victim (ie...rope or chord).
  - c. Whether the assailant used any other method ( ie..coming from behind and strangling the victim with forearm)

#### C. Investigation of Strangulation Cases

1. As in all domestic violence cases, one cannot rely solely on victim testimony. Therefore law enforcement should plan on prosecution based evidence, just like in a murder case. Efforts should be made to investigate the cases like an attempted homicide case. It is important to ask as many questions as possible at the earliest time possible. Strangulation cases should be treated seriously.
2. Evidence of Strangulation - Initial signs include such identifiable conditions as:
  - a. changes in the voice from hoarseness to complete loss of voice;
  - b. wheezing;
  - c. difficulty swallowing and breathing;
  - d. scratches, abrasions and discoloration to the neck;
  - e. impressions in the skin which might indicate use of a ligature or object;
  - f. swelling of the tongue;
  - g. ruptured capillaries in the eyes, under the eyelids, on the face or neck (petechiae);
  - h. victim’s defensive fingernail marks on her own face, neck, or chest.
3. Strangulation victims may have no visible injuries at all with only temporary symptoms but because of brain damage due to lack of oxygen during the assault, can suffer stroke, miscarriage, or death up to several weeks later. Accordingly, it is recommended that investigating officers always take the time and effort to encourage, persuade, and convince strangulation victims to proceed to a medical facility for an examination and treatment since symptoms may not develop for several hours or even days.

4. Consider having the victim keep a log or record the victim's voice initially and several days after the strangulation to capture changes in the voice. Voice changes occur in up to 50% of victims from hoarseness to loss of voice.
5. When interviewing victims, officers should ask simple direct questions that will enable them to develop evidence, indicate the attacker's intention, possibly indicate the extent of injury, and assess the level of existing and continuing danger to the victim. After the victim has provided a full description of the incident, follow up questions to be asked are:
  - a. Was the suspect standing in front of you or behind you;
  - b. Did he/she say anything while strangling you;
  - c. Were you strangled with one or both hands;
  - d. Did the suspect use his thumbs;
  - e. Did the suspect use their arms;
  - f. Was suspect wearing rings;
  - g. Was the suspect wearing a watch;
  - h. Did suspect shake or move your head while strangling you;
  - i. Did you lose controls of your bladder or bowels;
  - j. Were there any injuries hidden by clothing;
  - k. Did you feel dizzy, lightheaded or pass out;
  - l. Did you have difficulty breathing;
  - m. What caused the suspect to stop;
  - n. What did the suspect say before, during, and after strangulation;
  - o. Any prior attempts at strangulation;
  - p. What efforts were made to protect yourself.
6. Internal Injury Inquiry
  - a. Difficulty swallowing;
  - b. Raspy voice;
  - c. Sore throat;
  - d. Nausea;
  - e. Coughing Blood;
  - f. Light headed;
  - g. Fainting;
  - h. Hoarse voice;
  - i. Head rush;
  - j. Difficulty breathing.
7. Injuries
  - a. Abrasions, lacerations, contusions, or edema to the neck, depending on how the person was strangled;
  - b. Neck Swelling;
  - c. Red spots/blotching;
  - d. Severe pain on gentle palpation of the larynx, which may indicate laryngeal fracture;
  - e. Mild cough;
  - f. Muffled voice;
  - g. Respiratory distress;
  - h. Mental status changes.

8. Defensive Injuries
  - a. Eye injuries (gouging);
  - b. Groin/kicking injuries;
  - c. Indication of hair being pulled;
  - d. Bite marks on inside of accused's arms;
  - e. Scratches on back of hands, wrists, face or neck;
  - f. Injuries to feet.
9. The investigative officer should encourage the victim to seek immediate medical attention. Photographs must be taken of the parties to document injuries to a party or the existence of non injuries. Additionally, the officer should make arrangements for follow up photographs of the victim at a later date. The use of a body diagram to map out injuries to the parties is encouraged in the investigation. The officer should follow all guidelines of this protocol relative to follow-up investigation.

## **XVII. WRITING DOMESTIC VIOLENCE REPORTS**

- A. In domestic violence cases it is very important for the investigating officer to describe in great detail what has occurred and what was observed at the scene. Included in every report should be description of the following:
  1. The events that occurred on the day the call was made to the police.
  2. The victim's physical appearance.
    - a. Torn clothes: where, how torn, size, etc.
    - b. Cuts: locations, size, bleeding, etc.
    - c. Bruises: location, size, color
    - d. Old Bruises: location, size, color
    - e. Hair: messy, disarrayed
    - f. Scratches: location, size, color, how many
    - g. Note any shortness of breath
    - h. Crying, how eyes look
    - i. Shaking
    - j. Paleness
    - k. Petechiae- eyes exhibits broken blood vessels
    - l. Voice problem –hoarseness
    - m. Redness around neck.
  3. The victim's demeanor.
    - a. Scared
    - b. Excited
    - c. Anxious
    - d. Shocked
    - e. Fearful
  4. The perpetrator's physical appearance.
    - a. Cuts: location, size, bleeding
    - b. Bruises: location, size, color
    - c. Scratches: location, size
    - d. Torn clothes: how, where



5. The perpetrator's demeanor.
    - a. Cooperative or not
    - b. Angry, controlling, cursing
    - c. Attitude toward police
  6. Description of Crime Scene.
    - a. Damage to personal property
    - b. Location of blood evidence
    - c. Location of where weapons discovered or area searched for weapons.
  7. Appearance and demeanor of children or other witnesses at the scene.
- B. The following should be attached to the officer's report:
1. All signed statements obtained at the scene;
  2. A list of physical evidence gathered at the scene;
  3. Copies of photographs;
  4. Medical records of both the victim and perpetrator;
  5. A copy of the domestic violence check list;
  6. Copies of past reports that deal with the victim and the perpetrator;
- C. It should be noted in a police officer's report if the 911 tape was requested and obtained.
- D. If a police officer responds to a domestic violence case where no criminal conduct has occurred, a Criminal Charges Refusal Affidavit (SPD Form 08-001) should be filled out and forwarded to Central Records.

## **XVIII. TITLE 23 - PROTECTION FROM ABUSE**

- A. Purpose
1. The Protection From Abuse Act, 23 P.S. 6101-6122, is a law designed to protect victims of domestic violence from the perpetrators of such abuse quickly and effectively through means of a civil court order. Such court orders are enforceable by the police by authority of the Act.
  2. A complete copy of the Protection From Abuse Act 23 Pa. C.S.A. Sections 6101-6122 is attached to this policy as appendix "A".
  3. Because the Protection From Abuse Act sets forth very specific eligibility criteria for an order of protection, police should refrain from stating that a victim is eligible for a "PFA," but instead, should refer the victim to the Women's Resource Center to consult an advocate who can advise the victim if she/he meets the eligibility criteria.
- B. Commencement of Proceedings
1. A victim of domestic violence may seek relief from abuse by filing a petition with the court alleging abuse by the defendant.
    - a. "Abuse" is defined in section III (Scope of Coverage) of this policy.

- b. The victim may file such a petition without the assistance of an advocate or counsel, but may also contact the Women’s Resource Center, a private attorney or North Penn Legal Services for assistance in filing.
2. Emergency Relief
- a. When a victim is in “immediate and present danger of abuse,” and is in need of a protective order at a time when the court is not open for regular business, i.e., after 5 p.m., weekends, and holidays, the victim may elect to seek emergency relief through a Magisterial District Justice (“MDJ”). The duration of an emergency order is very limited, and the victim will also need to seek a temporary protective order before the end of the next business day the court is available, if continued protection is desired.
  - b. Title 23, section 6110 provides that a magisterial district justice may issue an Emergency Relief Order when the court is unavailable during the business day by reason of business outside the county, illness or vacation and from the close of business at the end of each day to the resumption of business the next morning and from the end of the business week to the beginning of the next business week. Any such order shall expire at the end of the next business day the court is available, before which time the court should schedule a hearing on the protective order issued by the magisterial district justice.
  - c. Given the limited duration of emergency orders, victims will need to determine the utility of an emergency protection order, under the circumstances, as contrasted with safety planning, and seeking a temporary order. This determination can best be made with the guidance of a victim advocate. Therefore, victims who are eligible for emergency relief should be put in contact with the hotline advocate at the Lackawanna County Women’s Resource Center, for discussion of options. Officers should refrain from advising victims that they should obtain an emergency order.
  - d. If the victim chooses to seek an emergency order, the police officer shall facilitate the transportation of the victim and her minor children to the appropriate magisterial district justice in order to obtain an emergency order, or facilitate the magisterial district justice hearing by video conferencing if the police department has the capability to do so.
  - e. An Emergency Order may:
    - 1) Direct the abuser to refrain from abusing the victim or minor children
    - 2) Grant possession to the plaintiff of the residence or household to the exclusion of the defendant.
    - 3) Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff’s relatives or minor children.
  - f. The police officer shall then serve or cause to be served the emergency order upon the defendant wherever he/she may be found. If the defendant is found at the family residence or household, the police shall stand by until the defendant vacates the house should the emergency order provide for eviction.

- g. Where the magisterial district justice or court orders that local law enforcement personnel stand by while the victim or defendant removes personal property from the residence, the police officer shall abide by the order.
3. Temporary Orders
- a. Where the victim alleges “immediate and present danger of abuse,” the court will conduct a hearing which may be ex parte, and issue such temporary order as it deems necessary to protect the victim and minor children, prior to the issuance of a final protective order.
  - b. A victim who is eligible to seek a temporary order, should be put in contact with the hotline advocate at the Women’s Resource Center, who can then explain to the victim the process for filing a petition for a temporary order vs. seeking emergency relief from the Magisterial District Justice, depending upon the time of day when the abuse comes to the attention of law enforcement.
  - c. A temporary order will remain in effect until it is modified or terminated by the court after the defendant has received notice and an opportunity for a hearing.
4. The following types of relief may be granted in a PFA:
- a. Directing the defendant to refrain from abusing the plaintiff and/or minor children
  - b. Granting possession to the plaintiff of the residence or household to the exclusion of the defendant
  - c. Awarding temporary custody of or establishing temporary visitation rights with regard to minor children
  - d. After hearing, directing the defendant to pay temporary financial support to those persons the defendant has a duty to support
  - e. Firearms: Ordering the defendant to temporarily relinquish to the sheriff the defendant’s other weapons and ammunition which have been used or threatened to be used in an incident of abuse against the plaintiff or the minor children and the defendant’s firearms, and prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license issued under Title 23, section 6108.3, Title 18, Sections 6106 and 6109, which the defendant may possess.
    - 1) Upon entry of the final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. The defendant may elect to relinquish firearms, other weapons and ammunition to the sheriff, or to a trusted third party for safekeeping under section 6108.3, with approval of the sheriff, as required.
    - 2) When relinquishment of firearms is ordered, the court’s order shall require the defendant to relinquish such firearms, other weapons and ammunition and any firearm license (as referenced in the PFA Act) within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriff’s office, unless

otherwise specified in the court's order. If the defendant fails to surrender firearms as mandated by the court, immediate notice will be provided to the appropriate law enforcement agencies.

- f. Prohibiting the defendant from having any contact with the plaintiff or minor children, including but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or plaintiff's relatives or minor children.
  - g. Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse.
  - h. Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in 18 Pa. C.S. Section 2709 (Harassment and Stalking).
  - i. Granting any other appropriate relief sought by the plaintiff. Which may include prohibiting law enforcement agencies, human service agencies and school districts from disclosing the address, telephone number or other demographic information about the victim or minor children. (See Section 6112)
5. Service of Orders
- a. If the court so orders, protective orders shall promptly be served by the sheriff on the defendant
  - b. Where the court order is served by the sheriff's department, immediately following service of the order upon the defendant, a copy of the order shall be forwarded, by facsimile, to the police department with jurisdiction of the victim's residence and indicate when the order was served upon the defendant
    - 1) Where service cannot be accomplished by the sheriff during customary business hours, the sheriff may seek the assistance of the law enforcement entity having jurisdiction over the incident which gave rise to the protective order.
    - 2) Where such assistance is sought, the law enforcement entity responsible for service of the order shall notify the sheriff and the victim when service is accomplished.
  - c. The sheriff shall notify the victim that the order has been served.
  - d. Where the defendant is a law enforcement officer, in addition to the service provisions outlined above, the sheriff must promptly forward a copy of the order to the police department where the defendant is employed.
6. Duration of Order
- a. A protection order or approved consent agreement shall be for a fixed period of time not to exceed three (3) years and is valid immediately upon signature of the issuing authority.
7. Modification of Orders
- a. The victim and/or the defendant may seek modification of an order after the filing of a petition for modification, service of the petition and a hearing on the petition.
  - b. A defendant, may petition the court for return of firearms, other weapons, and ammunition prior to the expiration of the protective order under section 6108.1. The Petition must be served on the plaintiff. Whether or not firearms,

weapons or ammunition will be returned is a discretionary decision on the part of the court, unless the defendant and victim are current or former spouses--- in that event, the court cannot order the return of firearms, as the possession of firearms by the defendant, who is subject to a PFA and a former or current spouse, is a violation of the Brady Act.

- c. The court may modify its order or an agreement at any time upon subsequent petition filed by either party.
8. Extension of Orders
  - a. The victim may file a petition seeking an extension of a protective order. Notice shall be given to the defendant and hearing shall be held.
  - b. The court may extend the order if it finds that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern of practice that indicates continued risk of harm to the plaintiff or minor children.
  - c. There is no limit on the number of extensions that may be granted.
9. The Pennsylvania State Police shall establish a Statewide registry of protection orders and shall maintain a complete and systematic record and index of all valid temporary and final court orders of protection or court-approved consent agreements, and a foreign protection order filed pursuant to section 6104 (d) (relating to full faith and credit and foreign protection orders.) The Statewide registry shall include, but need not be limited to, the following:
  - a. The names of the plaintiff and any protected parties.
  - b. The name and address of the defendant.
  - c. The date the order was entered.
  - d. The date the order expires.
  - e. The relief granted under sections 6108 (a)(1), (2), (4), (6), and (7) (relating to relief) and 6110 (a) (relating to emergency relief by minor judiciary).
  - f. The judicial district in which the order was entered.
  - g. Where furnished, the Social Security number and date of birth of the defendant.
10. The prothonotary shall send, on a form prescribed by the Pennsylvania State Police, a copy of the protection order or approval consent agreement to the Statewide registry of protection orders so that it is received within 24 hours of the entry of the order. Likewise, amendments to or revocation of an order shall be transmitted by the prothonotary within 24 hours of the entry of the order for modification to revocation.
11. The registry of the Pennsylvania State Police shall be available at all times to inform courts, dispatchers, and law enforcement officers of any valid order involving any defendant.
12. When an order granting relief under section 6108 (a)(7) has been entered by a court, such information shall be available to the Pennsylvania State Police for the purpose of conducting a criminal history records check in compliance with the applicable provisions of 18 Pa. C.S. Ch 61 Subch. A (relating to Uniform Firearms Act).

#### C. Arrest for Violation of Order

1. Policy and Goals:

Due to the impact that domestic violence has on a victim, her/his children, and the community in general, all PFA violations will be prosecuted regardless of the nature and extent of the violation. It is law enforcement's responsibility to protect the community. The sole purpose of this policy is for offenders to recognize that Court orders are to be followed and serious consequences can result by not following them. The provisions of a valid and existing protective order will be enforced. Resumption of co-residency on the part of the plaintiff and defendant shall not nullify the provisions of the court order (23 Pa. C.S.A. section 6108 (g)). The officer should not consider the victim's opposition to arrest or the fact that the victim permitted the defendant entry into his or her residence, workplace, etc., and should emphasize to the victim and the defendant that she/he is required to enforce the provisions of the protective order.

2. Arrest without a Warrant:

- a. An arrest for violation of an order issued pursuant to the Protection From Abuse Act, may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer in circumstances where the defendant has violated a provision of an order consistent with the following section of the protection from abuse act regarding:
  - 1) That the defendant failed to refrain from abusing the victim and/or minor children (Section 6108 (a)(1));
  - 2) That the defendant violated an order evicting him/her from the residence (sections 6108 (a)(2) and (3));
  - 3) That the defendant violated an order pertaining to custody and/or visitation of minor children (section 6108 (a)(4));
  - 4) That the defendant violated an order by having contact with the victim and/or minor children (section 6108 (a)(6));
  - 5) That the defendant violated an order to relinquish weapons to the sheriff, and/or violated an order to refrain from acquiring or possessing weapons for the duration of the order.
- b. On any domestic disturbance call in which the complainant states she/he or a minor child is being abused by another family or household member and that he/she has a Protection Order affording legal protection from such abuse, the police officer on the scene will take immediate steps to verify the terms and conditions of said Order by:
  - 1) Referring to a copy of the Protection Order in the complainant's or defendant's possession; or
  - 2) Contacting the police filing, the Clerk of Judicial Records office at the Courthouse, or the PFA Statewide Registry to verify the existence, terms and conditions of the Order.
  - 3) If the statement of the victim or other evidence establishes probable cause to believe that a violation of the Protection Order has occurred, arrest the abuser whether or not the violation occurred in the presence of the officer.
  - 4) If the defendant has fled the scene of the alleged violation, diligent efforts should be made to locate the defendant by the police officer and efforts in this regard should be documented. In the event the suspect's whereabouts

cannot be ascertained, then the Officer shall file the complaint and obtain a warrant for suspect's arrest.

- 5) The police officer, in addition to charging the defendant with Indirect Criminal Contempt under the Protection From Abuse Act 23 P.S. Section 6114 and in conformity with the Rules of Criminal Procedure, shall charge him/her with violation(s) of any applicable criminal statutes by a separate criminal complaint.
- c. If the Defendant is not immediately located, the affiant should request an arrest warrant that is then logged into NCIC.
3. Arraignment for Protection from Abuse Violation.
  - a. The accused shall be charged with Indirect Criminal Contempt 23 Pa C.S.A. Section 6114 and be brought to the Lackawanna County Central Processing Center. At the Processing Center the accused will be photographed, fingerprinted, and logged into The National Crime Information Center (NCIC). Additionally the Processing Center will search NCIC for outstanding warrants for the accused, Protection From Abuse Orders, and any criminal history of the accused. The arresting officer shall obtain information from the victim regarding her or his knowledge of the defendant's past history of violence, alcohol and/or drug abuse, or any other relevant information.
  - b. The accused shall be taken before the Court of Common Pleas without any unnecessary delay and arraigned on the violation. Said arraignment shall be coordinated through the Lackawanna County Court Administrator's Office and the Lackawanna County Central Processing Center. Upon notification that the accused is to be arraigned on a violation, the Court Administrator shall assign a Common Pleas Judge to preside over the arraignment. All information relating to the accused, including but not limited to the accused's prior criminal history, all past, current, and expired Protection From Abuse Orders, and specific facts regarding the present violation, including but not limited to whether a weapon was used in the crime, injuries sustained by the victim, and/or specific threats made towards the victim shall be provided to the Court at the time of the arraignment. It will be the responsibility of the Officer to advise the Processing Center of any other relevant information which can be used to argue special conditions of bail pursuant to 18 Pa. C.S.A. Section 2711 and Pa.R.Crim.P. Rule 527. Based on the aforementioned information, the Court shall make a ruling on Bail pursuant to Pa.R.Crim.P. Rule 520.
  - c. When the Court is unavailable, the defendant shall be taken before the Magisterial district justice designated by local rules. All information relating to the accused, including but not limited to the accused's prior criminal history, all past, current, and expired Protection From Abuse Orders, and specific facts regarding the present violation, including but not limited to whether a weapon was used in the crime, injuries sustained by the victim, and/or specific threats made towards the victim shall be provided to the Court at the time of the arraignment. It will be the responsibility of the Officer to advise the Processing Center of any other relevant information which can be used to argue special conditions of bail pursuant to 18 Pa. C.S.A. Section

2711 and Pa.R.Crim.P. Rule 527. Based on this information, the MDJ shall make a ruling on Bail pursuant to Pa.R.Crim.P. Rule 520.

- d. Upon receiving information regarding the defendant's bail, the processing center shall notify the arresting officer and the victim of the Judge's or Magisterial District Justice's decision regarding defendant's bail and whether any special conditions are attached to said bail.
  - e. A copy of the Criminal Contempt paperwork should be forwarded immediately to the District Attorney's Office.
4. Seizure of weapons.
- a. Subsequent to an arrest, the police officer shall seize all weapons used, or threatened to be used, during the violation of the protection order or during prior incidents of abuse. As soon as it is reasonably possible, the arresting officer shall deliver the confiscated weapons to the office of the sheriff. The sheriff shall maintain possession of all weapons to be relinquished.

#### D. "Contact-No Hit" PFA

1. Difficulties with this form of PFA

One of the more difficult challenges faced by police officers involves the interaction of two people where there is a "contact no hit" PFA in place. Many times an argument occurs between the parties and one party contacts the police and the responding officers are unsure whether an arrest should be made because the parties are allowed to have contact.

2. Harassing behavior is not allowed under the Order.

When parties enter into a "contact no hit" PFA, the contact and communication between the parties must be civil. The defendant under this type of Order cannot harass the plaintiff. Any use of threats, insults, degrading, vulgar, obscene, or inappropriate communication would be a violation of a "contact no hit" PFA. Likewise any text messages, emails, social networking messages, voice mails, and regular mail which contain threats, insults, degrading, vulgar, obscene, or inappropriate language would be a violation.

Other examples of violations are excessive phone calls by the defendant to the plaintiff. In evaluating this situation, an officer should factor in the amount of calls made within a particular day or hour, (was it two calls or twenty-two calls) and also the specific time that the call was made. (i.e. late night and early morning hour phone calls vs. daytime phone calls) Each incident should be evaluated on a case by case basis.

#### E. Double Jeopardy Issues

1. "Contact no hit" PFA

Often violations of a "contact no hit" PFA will occur when the defendant assaults the plaintiff and the nature of the violation is the physical assault. In those situations, an officer should file both assault charges and indirect criminal charges on two separate complaints. The legal doctrine of double jeopardy applies so that a person cannot be tried twice for the same offense. In this situation the officer, after filing two complaints and having the defendant processed on both



complaints, shall review those complaints with the DV Unit of the District Attorney's office. A decision will be made on which complaint the defendant will be prosecuted on.

2. No contact PFA

Where there is a violation of a no contact PFA and the victim is assaulted, the police officer shall file two criminal complaints. One complaint should be filed on the violation of the PFA for appearing at victim's residence, and a second complaint should be filed charging the assault charges and any other related charges. No jeopardy will attach under this circumstance. It is important for the officer to file two different affidavits for each complaint, alleging only the appearance of the defendant at the victim's residence for the indirect criminal contempt charge. There should be no mention of the assault on the victim in that affidavit.

F. Scheduling of hearings

1. All indirect criminal contempt proceedings are held every Wednesday at 1:30 p.m., at the Courthouse Annex, Family Law Building, located on Adams Avenue, Scranton.

G. Issuance of a subpoena

1. All officers must issue subpoenas to compel the appearances of victims, witnesses, or other police officers. Subpoenas for indirect criminal contempt proceedings should be obtained by contacting the DV Coordinator at the Lackawanna County District Attorney's Office.

H. Contempt Initiated by Private Criminal Complaint or Private Attorney

1. If the responding officer concludes that there is insufficient probable cause to arrest the defendant for contempt of an Order under the Act he/she shall advise the complainant:
  - a. To contact an attorney to file a petition for contempt of court against the defendant; or
  - b. To go to the magisterial district justice's office having jurisdiction to prepare a private criminal complaint for the alleged violation of the court order issued under the Protection from Abuse Act; and
  - c. To call the police department if the evicted defendant returns to the residence.

## **XIX. PROTECTION FROM ABUSE RESGISTRY**

- A. Individuals who are the subject of a PFA order will be included in the Commonwealth Law Enforcement Assistance network (CLEAN), the computerized system routinely used by law-enforcement agencies in Pennsylvania to check for criminal history information; wanted-persons records; stolen property records; and other information needed to fight crime.

- B. Each police department shall be required to make available to their officers access to the Protection From Abuse Database (PFAD). In order to set up password account access, each department should contact the administrator at PFAD at 1-877-777-3375.
- C. When an officer accesses the CLEAN system to seek information on a subject, the system will notify that officer of the existence of any existing PFA order. The officer then can review the actual protective order on PFAD or any disposition of contempt charges related to the PFA.

“This project was supported by Grant No. 2009-AS-02/03/04/05-20388, awarded by the state administering office the STOP Formula Grant Program. The opinions, findings, conclusions and recommendations expressed in this publication/program/exhibition are those of author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.”

By Order Of:

---

Chief Carl R. Graziano  
Superintendent of Police  
Scranton Police Department

## **REFERENCE STATUES**

- I.** Pennsylvania Protection From Abuse Act, 23 Pa.C.S. § 6101 et seq.
- II.** Full faith and credit given to protection orders, 18 USC §2265
- III.** The Violence against Women Act
  - A. Interstate Travel to Commit Domestic Violence, 18 U.S.C. § 2261.
  - B. Interstate Stalking, 18 U.S.C. § 2261A
  - C. Interstate Travel to Violate an Order of Protection, 18 U.S.C. § 2262
- IV.** Firearms Offenses
  - A. Possession of Firearm While Subject to Order of Protection, 18 U.S.C. § 922(g)(8)
  - B. Transfer of Firearm to Person Subject to Order of Protection, 18 U.S.C. § 922(d)(8)
  - C. Possession of Firearm after Conviction of Misdemeanor Crime of Domestic Violence, 18 U.S.C. § 922(g)(9)
  - D. Transfer of Firearm to Person Convicted of a Misdemeanor Crime of Domestic Violence, 18 U.S.C. § 922(d)(9)
  - E. Official Use Exemption, 18 U.S.C. § 925
- V.** Juvenile Act, 42 Pa.C.S. §6324

## **Attachments**

1. A bail information sheet shall accompany all affidavits for arrests made as a result of domestic violence or Protection From Abuse violations.
2. Crime Victims Assistance packet shall be given to all victims of domestic violence and/or personal injury.
3. Crime Victims Assistance packet; Spanish version
4. Letter from Lackawanna County Probation

Attachment 1: Bail Information Sheet

POLICE INFORMATION FOR DISTRICT JUSTICE TO SET BAIL  
*CHECK ALL THAT APPLIES*

- BAIL SECURED
- BAIL Unsecured
- Non PA resident
- MURDER - NO BAIL
- Maximum Sentence Life – may deny bail
- BAIL ROR
- Domestic Violence Involved
- No contact with victim in any manner
- Relationship between the defendant and victim is (fill in)

- 
- Victim sustained injuries
  - Victim hospitalized as result of crime
  - Weapons used or threatened to use
  - Defendant has access to weapons
  - Children present at incident
  - Minor children sustained injuries
  - Past history of violence
  - Past history of violence with victim of present arrest
  - Victim threatened with death or serious bodily injury
  - Defendant currently under a Protection from Abuse Order.
    - with this victim
    - another person
  - Defendant has history of PFA Orders being filed against him/her.
  - Victim attempting to obtain Emergency PFA
  - Other

- Defendant has history of violating Protection from Abuse order
- Only way to protect \_\_\_\_\_ is to deny bail
- Exhibits mental health/mental illness
- Defendant has threatened suicide in present case or has history of suicide tendencies
- Threat to flee
- Has failed to report for Court as instructed on previous occasions
- Threatened Police
- Injured Police
- Confidential informant
- Parole Detainer or State Agent request commitment
- Defendant already under bail conditions from another arrest
- Out of county warrant pending
- On drugs or alcohol
- Cooperative no problem
- Will appear for court
- Has another place to stay
- Threatened \_\_\_\_\_ (fill in)
- Stern warning might work
- Stern warning won't work
- No one to care for children
- DUI - Out of state \$500.00
- Destruction of Property

Defendant \_\_\_\_\_

OTN # \_\_\_\_\_

Officer \_\_\_\_\_  
(print)

\_\_\_\_\_  
(signature.)

Dept. \_\_\_\_\_

Date \_\_\_\_\_



# Be Part of The Solution

## HELP AVAILABLE TO VICTIMS OF CRIME IN PENNSYLVANIA

### Scranton Police Department

570-348-4134 or 911

\_\_\_\_\_  
*Police Incident Number*

\_\_\_\_\_  
*Officer*



This form was created by the Office of Victims' Services in the Pennsylvania Commission on Crime and Delinquency to help assist Law Enforcement Officers to provide notice of basic rights and services to victims of crime as required by the Crime Victims Act (18 Pa.C.S. § 11.101 et. seq.).

4/09 rev

[www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us)

### Receipt of Information

I received information about the services and basic rights available to victims of crime. My name and phone number are listed below.

My information

\_\_\_\_\_ May

\_\_\_\_\_ May not

be disclosed to the corresponding agency(s) listed.

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Officer*

\_\_\_\_\_  
*Incident Number*



Being a victim of crime can be very hard and confusing. People may tell you things that you do not understand. You might not be able to remember things. This is all normal. The legal system can be very hard to understand.

There are people to help you! They are called “victim advocates.” They will help you for free, make things easier to understand, and answer your questions. They can help you in many other ways as well. Call them using the phone numbers on pages 8-9 to find out what they can do for you.

You may have heard that the person who committed the crime against you has “rights” under the law. You also have rights or things that must happen. This book describes them.

Some of them are:

- ❖ Be told about help you can get;
- ❖ Be told about court hearings and have someone be with you at them if you want;
- ❖ Be told if the person who committed the crime against you has been arrested;
- ❖ Be told if the person who committed the crime escapes;
- ❖ Tell how the crime has hurt you before the judge decides what happens to the person who committed the crime;
- ❖ Have anything taken from you returned when it is not needed anymore for court;
- ❖ Be told what happens at the end of your case; and
- ❖ Be paid back by the person who committed the crime for money you lost.

There are many more “rights” that you have. They are listed on pages 3-4 of this book as they are written in the law. An advocate will be able to help you understand them and tell

you which ones are for your case and which ones are not.

## **VICTIMS COMPENSATION ASSISTANCE PROGRAM**

This program may be able to help by paying you back for money you had to pay or lost because of a crime. Compensation may be paid to you or others for medical expenses, counseling, lost work earnings, loss of support, funeral expenses, travel costs, childcare, stolen cash, relocation, the costs to cleanup a crime-scene and other expenses.

### **TO RECEIVE COMPENSATION, YOU HAVE TO:**

- ❶ Be a victim of a crime that happened in Pennsylvania.
- ❷ Report the crime or file a Protection from Abuse Order (PFA) within three days.
- ❸ Cooperate with the police, courts and the Victims Compensation Assistance Program.
- ❹ File the claim within two years of the crime.
- ❺ Not be involved in illegal activity that caused the crime to happen.
- ❻ Lose at least \$100 because of the crime (if you are less than 60 years old).

**★-There are exceptions to the above requirements (especially if the victim is younger than 18 years old)**

**This program will not reimburse you for:**

- ☒ Pain and suffering.
- ☒ Stolen or damaged property (except some medical things).

**REMEMBER**, you or a family member may receive compensation even if you don't meet all of the above requirements. To see if you may be eligible or for help in filing a claim, please contact the Victims Compensation Assistance Program at (800) 233-2339.

**The best way to file a claim is with the help of a victim advocate at one of the places on page 5. You can also file a claim by yourself on the Internet. Just go to [www.pacrivevictims.state.pa.us](http://www.pacrivevictims.state.pa.us) and click on "Financial Help."**

There is no cost to file a claim!

### WHAT YOU MUST DO

To get information about your case, you must give your address and telephone number to agencies that will assist you with your rights. You must also tell them if your address or telephone number changes. For child victims, the parent or legal guardian must do this. For a homicide, a surviving family member must do this. Only people who work for the police, district attorney (this may include Victim/Witness staff) or corrections department may see your address and telephone number. No one else will be given your address or telephone number unless you say it is okay in writing.

### PROTECTION FROM ABUSE (PFA) ORDER

If you are a victim of domestic violence, you have the right to go to court and file a PFA order which could include the following:

- 1) Restrain the abuser from further acts of abuse;
- 2) Tell the abuser to leave your household;

- 3) Keep the abuser from entering your home, school, or work;
- 4) Give you or the other parent temporary custody of or visitation with your child or children;
- 5) Tell the abuser to pay support to you and the minor children if the abuser has a legal duty to do so;
- 6) Tell the abuser to give up any weapons;
- 7) Tell the abuser to stop stalking or harassing you or other persons in your family; and
- 8) Tell the abuser to pay for your losses from the abuse.

For more information, contact the Domestic Violence Services program listed on page 5.

### ADDRESS CONFIDENTIALITY PROGRAM (ACP)

If you are a victim of domestic violence, sexual assault or stalking and the person who committed the crime against you does not know where you have moved or where you are about to move, this program may be able to help you stay safe. To apply or to learn more about the program, call one of the programs listed on page 5 or the Office of the Victim Advocate at 1-800-563-6399.

### VICTIMS' RIGHTS

Victim's Rights are found in many different laws. Here is a list of your rights. **You do not have to do anything to get most of these rights. However, you must ask for the ones that are underlined.**

If you are a victim of crime in Pennsylvania, you have the right:

- To be notified of basic information on available services;
- To be notified of certain significant actions within the justice system pertaining to your case, including the granting or denial of bail to an adult offender, the detention or release of a juvenile, the filing of a petition alleging delinquency, and the escape and subsequent apprehension of an adult prior to trial or a juvenile prior to adjudication;
- To be accompanied at all proceedings by a family member, a victim advocate or other support person;
- To give prior comment on the sentencing decision regarding an adult offender or the disposition of a delinquent child and to receive help in preparing oral and written victim impact statements detailing the physical, psychological and economic effects of the crime that will be considered by the courts;
- To collect restitution and to receive assistance with preparing, submitting and follow-up with a claim for compensation;
- To be notified of an adult offender's transfer from a state prison to a mental health facility and the discharge, transfer or escape of the adult offender from that facility;
- To receive immediate notice of the release of an adult offender on bail who is incarcerated in a local prison for a violation of a Protection From Abuse (PFA) order or for a personal injury crime committed against the victim protected by the PFA;



## Attachment 2: Victims Assistance Packet

- To have property returned that was seized as evidence but is no longer needed for prosecution; and
- To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp.

### **Victims of personal injury crimes have the additional right:**

- To receive notice of the arrest of a suspect or the filing or forwarding of a complaint relating to the crime, including notification in 24 hours or less of a complaint alleging delinquency of a juvenile;
- Upon request, to receive notice when an adult offender is released from incarceration at sentencing;
- To receive notice of the opportunity to give prior comment on and receive post-sentencing decisions involving a release from a state prison, such as work release, furlough, parole, pardon or community treatment center placement;
- To receive notice of and provide prior comment on recommendations sought by the Department of Corrections that an offender participate in a motivational boot camp;
- To receive notice of the release of an adult offender from a local correctional facility including work release, furlough, parole, release from a boot camp or community treatment center placement;
- To receive immediate notice of the escape of an adult offender and subsequent apprehension;

- Upon request, to receive notice of the filing, hearing or disposition of appeals;
- To receive notice of the commitment to a mental health institution from a state or local correctional institution.
- To receive notice of the termination of the courts' jurisdiction.

You can register to be notified when a particular inmate is released, transferred or escapes from a county jail or state prison. For more information, go to: [www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us) and click on "PA-SAVIN" or contact your local victim assistance program for help with registering.

### **Victims of crime committed by a juvenile have the additional right:**

- To receive prior notice of delinquency hearings and notification of hearings about transfer of a juvenile to and from criminal proceedings; and
- To receive notice of the details of the final disposition of a juvenile's case.

### **Victims of personal injury/burglary crimes have the additional right:**

- To give prior comment on the potential reduction or dropping of charges or any changes of a plea in a criminal or delinquency proceeding, diversion of a case, including an informal adjustment or a consent decree.

### **Victims of personal injury crime committed by a juvenile have the additional right, upon their request:**

- To receive notice prior to the release of a juvenile from residential placement, a shelter facility, or a detention center;
- To be notified and have the opportunity to submit a written objection prior to the transfer or release from a placement facility of a juvenile who has been adjudicated delinquent when such action is contrary to a previous court order or placement plan approved at a disposition review hearing;
- To be given immediate notice of a juvenile's escape from residential placement, a shelter facility or a detention center and subsequent apprehension; and
- To submit written comment and oral testimony at a disposition review hearing.

**For more information or help in understanding these rights, please contact the Victim/Witness Assistance Program or Juvenile Court Victim/Witness Assistance Program listed on page 8. They will be able to help explain your rights, which can be hard to understand. They can also help you with any questions you may have.**

**AGENCIES THAT CAN ASSIST YOU:**

**Victim/Witness Assistance Program:**

Information on victims' rights and services when the offender is an adult (age 18 or over) in the criminal justice system and community Lackawanna County Victim/Witness Unit or Domestic Violence Coordinator  
570-963-6717 or DV Coordinator at ext. 7443

**Juvenile Court Victim/Witness Assistance Program:**

Information on victims' rights and services when the offender is under age 18 in the juvenile justice system and community Lackawanna County Juvenile Victim/Witness Unit  
570-963-6717

**Domestic Violence Services:**

Legal support, counseling, shelter, and other help (see page 4)  
Women's Resource Center  
570-346-4671

**Sexual Assault Services:**

Counseling, support, and help for sexual assault victims, their family members and others close to them  
Women's Resource Center  
570-346-4671

**Victims Compensation Assistance Program:**

Information and help with money you lost and bills related to the crime  
**Telephone Number: (800) 233-2339**

**Drunk Driving Services:**

Counseling, support, and help for victims of DUI crashes and their families  
Lackawanna County Victim/Witness Unit  
570-963-6717

**Homicide Services:**

Counseling, support, and help for the families of murdered victims  
Lackawanna County Victim/Witness Unit  
570-963-6717

**Child Abuse Services:**

Counseling, information and referral services for abused and neglected children and their families  
The Children's Advocacy Center  
570-963-7313

**Elder Abuse Services:**

Counseling, shelter and protective services for victims and their families  
Area Agency on Aging  
570-963-6740

**Robbery, Assault and Burglary Services:**

Counseling, support, and help for victims who were robbed, hurt or had their home broken into.  
Lackawanna County Victim/Witness Unit  
570-963-6717

**Post-arrest information:**

Lackawanna County Central Booking  
570-963-6717 ext. 7802

**Preliminary Hearings, Sentencing and all Criminal Matters:**

Lackawanna County Central Court  
200 N. Washington Ave., Scranton  
570-963-6436

**PFA, Custody, Divorce and all Family Matters:**

Lackawanna County Family Court  
200 Adams Ave., Scranton  
570-963-5692

**Lackawanna County Probation/ Parole:**

Adult Probation/Parole  
570-963-6876  
Juvenile Probation/Parole  
570-963-6888

**Pennsylvania State Probation/Parole**

570-963-4326

**Federal Probation/Parole**

570-207-58-5840

**Office of the Victim Advocate**

1-800-322-4472

Represents the rights and interests of victims before the Board of Probation and Parole and the Department of Corrections.

**SAVIN**

1-866-972-7284

Victim Notification Service



# Be Part of The Solution

## AYUDA DISPONIBLE PARA VICTIMAS DE CRIMENES EN PENNSYLVANIA

### Departamento de Policía de Scranton

570-348-4134 o 911

\_\_\_\_\_  
*Numero de Incidente*

\_\_\_\_\_  
*Policía*



Este formulario se creó por la Oficina de Servicios para Víctimas en Pennsylvania, Comisión de Crímenes y Delincuencia para asistir a Oficiales de Orden Público en proveer informes de derechos básicos y servicios a víctimas de crimen en conformidad con la ley de Víctimas de Crimen (18 Pa.C.S. § 11.101 et. seq.).

[www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us)

### Recibo de Información

He recibido información de los servicios y derechos básicos disponible a las víctimas de crímenes. Mi nombre y número de teléfono esta anotado abajo.

Mi información

\_\_\_\_\_ Puede

\_\_\_\_\_ No puede

Ser revelada a la agencia (s) correspondiente anotada.

\_\_\_\_\_  
*Nombre*

\_\_\_\_\_  
*Firma*

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Fecha*

\_\_\_\_\_  
*Policía*

\_\_\_\_\_  
*Numero de Incidente*



Siendo una víctima de un crimen puede ser muy difícil y confuso. Gente le dicen cosas que usted no entienda. Usted pueda que no se recuerde cosas. Esto todo es normal. El sistema legal puede ser muy difícil entender.

¡Hay personas disponibles para ayudarle! Se llaman “defensores de víctimas.” Le ayudaran de gratis, facilitan las cosas para que entienda, y contestaran sus preguntas. También le pueden ayudar en muchas otras maneras. Llámenlos usando los números de teléfonos en las páginas 8-9 para averiguar lo que pueden hacer por usted.

Usted quizás escucho que la persona que cometió el crimen tiene “derechos” bajo la ley. Usted también tiene derechos o cosas que tienen que suceder. Este libro los detalla. Algunos son:

- ❖ Aviso de que ayuda usted puede obtener;
- ❖ Ser notificada de juicios y tener a alguien que la acompañe si usted quiere;
- ❖ Ser notificada si arrestan a la persona que cometió el crimen hacia usted;
- ❖ Ser avisada si la persona que cometió el crimen se escapa;
- ❖ Expresar como el crimen le hizo daño antes de que el juez decida que va a pasar con la persona que cometió el crimen;
- ❖ Retorno de sus pertenencias si ya no se necesita para el tribunal;
- ❖ Ser avisada de pasa después que se termine su caso; y
- ❖ Reembolso de pérdida de dinero de parte de la persona que cometió el crimen.

Usted tiene muchos más “derechos.” Ellos están listados en páginas 3-4 de este libro como están escrito por la ley. Una defensora le ayudara a entenderlas y le dirá cuales son para su caso y cuáles no.

## **PROGRAMA DE ASISTENCIA DE COMPENSACION PARA VICTIMAS**

Este programa pueda ayudar en rembolsar dinero que usted tuvo que pagar o perdió por cuenta de un crimen. Compensación pueda ser pagadera a usted u otros por gastos médicos, terapia, perdida de ingreso, perdida de manutención, gastos funeral, gastos de transportación, cuidado de niño, dinero robado, reubicación, gastos de limpieza de un crimen-escena y otros gastos.

### **PARA RECIBIR COMPENSACION, USTED TIENE QUE:**

- ❶ Ser una víctima de un crimen que ocurrió en Pennsylvania.
- ❷ Reportar el crimen o someter una Orden de Protección (Protection From Abuse Order (PFA) dentro de tres días.
- ❸ Cooperar con la policía, tribunales y el Programa de Asistencia de Compensación para Víctimas.
- ❹ Someter una reclama dentro de dos años del crimen.
- ❺ No formar parte de actividades ilegales que causaron el crimen que ocurriera.
- ❻ Perdida de al menos \$100 por cuenta del crimen (si usted tiene menos de 60 años).

***\*-Hay excepciones a los requisitos (especialmente si la víctima es menor de 18 años)***

**Este programa no le reembolsara por:**

- Dolor y sufrimiento.
- Robo de pertenencias (excepto algunas cosas medicas).

**RECUERDE**, usted o un miembro de su familia puede recibir compensación aunque usted no tenga todos los requisitos. Para saber si usted es elegible o para ayuda en someter una reclama, favor de llamar al Programa de Asistencia de Compensación para Víctimas (800) 233-2339.

**La mejor manera de someter una reclama es con la ayuda de un defensor de víctimas en uno de los locales en página 5. Usted también puede someter una reclama por su cuenta en el Internet. Valla a**

**[www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us) y dele clic en “Financial Help.”**

¡No hay costo en someter una reclama!

### LO QUE TIENE QUE HACER

Para recibir información sobre su caso, usted tiene que dar su dirección y número de teléfono a las agencias que le ayudaran con sus derechos. Usted tiene que avisarle su cambio de dirección o número de teléfono. Para víctimas (niños), el pariente o guardián debe de hacerlos. Para homicidio, un miembro de la familia debe hacerlo. Solamente las personas que trabajan para la policía, el fiscal (esto puede incluir el personal de Victim/Witness) o el departamento de correcciones puede ver su dirección y número de teléfono. Nadie más tendrá su dirección o número de teléfono a menos que usted de permiso en escrito.

### ORDEN DE PROTECCION (PFA)

Si usted es una víctima de violencia doméstica, usted tiene el derecho de ir al tribunal y someter una Orden de Protección que pueda incluir lo siguiente:

- 1) Restringir que el abusador siga cometiendo abuso;
- 2) Avisarle al abusador que se valla del hogar;
- 3) Detener al abusador de entrar al hogar, escuela, o trabajo;
- 4) Darle a usted o al otro pariente custodia temporal o visita con su hijo(s);

- 5) Avisarle al abusador de manutención para usted y sus hijos menores si el abusador tiene obligación de hacerlo;
- 6) Pedirle al abusador que renuncie cualquier arma;
- 7) Avisarle al abusador que pare de acechar y acosar a usted u otras personas en su familia; y
- 8) Avisarle al abusador que pague por sus pérdidas por cuenta del abuso.

Para más información, contacte el programa de Servicios de Violencia Domestica (Domestic Violence Services) anotado en página 5.

### PROGRAMA DE CONFIDENCIALIDAD DE SU DIRECCION (ACP)

Si usted es una víctima de violencia doméstica, acoso sexual o acechamiento y la persona que cometió el crimen hacia usted no sabe adónde usted se va a mudar, este programa puede ayudarle a mantenerse segura. Para aplicar o para saber más sobre el programa, llame uno de los programas anotado en página 5 o la oficina de defensores de víctimas (Office of the Victim Advocate) al 1-800-563-6399.

### DERECHOS DE VICTIMAS

Derechos de Víctimas se encuentra en muchas leyes. Aquí está la lista de sus derechos. **Usted no tiene que hacer nada para recibir la mayor parte de sus derechos. Sin embargo, usted tiene que pedir las que están subrayado.**

Si usted es una víctima de un crimen en Pennsylvania, usted tiene el derecho de:

- Ser notificada(o) de información básica acerca servicios disponibles;
- Ser notificada(o) de ciertas acciones significantes acerca de su caso dentro del sistema judicial, incluyendo aprobación o denegación de fianza a un infractor adulto, o

arresto o liberación del juvenil, una petición alegando delincuencia, y escape y captura de un adulto o un juvenil antes de su juicio;

- Ser acompañada(o) a todos los procedimientos por un miembro de su familia, un defensor de víctimas u otra persona que le apoye;
- Dar sus comentarios antes acerca la decisión en la sentencia de un adulto o la disposición de un juvenil delincuente y recibir ayuda en preparar su declaración de impacto a la víctima verbalmente y en escrito, detallando los efectos físicos, psicológicos, y económicos del crimen, los cuales serán considerado en el tribunal;
- Colectar y recibir asistencia con preparar, someter y seguimiento de una reclama de compensación;
- Ser notificada(o) de un traslado de un infractor adulto de una prisión del estado a un manicomio y liberación, traslado o escape de ese centro;
- Recibir aviso inmediatamente de la liberación de un infractor adulto bajo fianza que está preso por violación de una Orden de Protección (PFA) o por un crimen cometido a la víctima, protegida por un PFA, que se trate de lesión personal;
- Retorno de sus pertenencias que tomaron como evidencia pero ya no se necesita para la prosecución del caso; y
- Ser avisada(o) y proveer comentario previo sobre recomendación judicial que el acusado participe en un campamento motivador.

**Victimas de lesiones personal tienen derecho adicional de:**

- Recibir aviso del arresto del sospechoso o de presentación de una querrela relacionada al crimen, incluyendo notificación dentro de 24 horas o menos alegando delincuencia de un juvenil;
- A pedido, recibir aviso cuando un infractor es liberado de cárcel en su sentencia;
- Recibir aviso de la oportunidad de dar su comentario antes de sentencia y recibir la decisión acerca liberación de cárcel estatal, programa de trabajo/cárcel (work release), perdón, libertad condicional, o colocación en un centro comunitario de tratamiento;
- Recibir aviso y proveer comentarios sobre las recomendaciones del Departamento de Instituciones Penitenciarias que el infractor participe en un campamento motivador;
- Recibir aviso de la liberación de un infractor adulto de una cárcel cercana, perdón, libertad condicional o colocación en un centro comunitario de tratamiento;
- Recibir aviso de inmediato si un infractor adulto se escapa y lo detienen más adelante;
- A pedido, recibir notificante de peticiones o decisiones de apelaciones;
- Recibir aviso sobre internar a un manicomio o institución correccional local.
- Ser avisada de la expiración de la jurisdicción del tribunal.

Usted se puede registrar para ser notificada(o) si un preso en particular es liberado, transferido o se escapa de una cárcel del condado o estatal. Para más información, visite: [www.pacrimevictims.state.pa.us](http://www.pacrimevictims.state.pa.us) de clic en "PA-SAVIN" o contacte a su programa local de asistencia para víctimas para ayuda en registrarse.

**Victimas de crímenes cometido por un juvenil tiene derecho adicional de:**

- Recibir aviso de antemano de la transportación del juvenil llevando y trayendo a procedimientos criminales; y
- Recibir aviso de los detalles de la determinación final del caso del juvenil.

**Victimas de crímenes de lesión personal/robo tienen el derecho adicional de:**

- Dar testimonio sobre la posible reducción o tumba de los cargos o cualquier cambio de declaración en una súplica en un procedimiento criminal o de delincuencia, cambio de pena en el caso, incluyendo un ajuste informal o decreto de consentimiento.

**Victimas de crímenes de lesiones personal cometido por un juvenil tiene el derecho adicional, ha pedido de:**

- Recibir aviso antes de la liberación de un residencial de juveniles, un refugio, o centro de detención;
- Ser notificada(o) y tener la oportunidad de someter una objeción por escrito antes la transferencia o liberación de un juvenil delincuente que ha sido juzgado y el plan es contrario a una orden judicial previa o ubicación aprobado en el juicio;

- Ser notificada(o) de inmediato del escape del juvenil de un centro residencial, un refugio o centro de detención y su aprehensión subsecuente; y
- Someter su testimonio en escrito y verbal en el juicio dispositivo.

**Para más información o ayuda en entender estos derechos, favor de contactar el Programa de Asistencia para Víctimas/Testigos (Victim/Witness Assistance Program) o Víctima de Tribunal de Juveniles (Juvenile Court Victim/Witness Assistance Program) anotado en página 8. Ellos pueden ayudar en explicarle sus derechos, los cuales pueden ser difíciles en entender. También ellos pueden ayudarle con cualquier pregunta que tenga.**

**AGENCIAS QUE PUEDEN AYUDARLE:**

**Victim/Witness Assistance Program:**

**Programa de Víctimas/Testigos:**

Información sobre derechos de la víctima y servicios cuando el infractor es adulto (18 años de edad o más) en el sistema judicial y comunitario Lackawanna County Victim/Witness Unit or Domestic Violence Coordinator  
570-963-6717 or DV Coordinator at ext. 7443

**Juvenile Court Victim/Witness Assistance Program:**

**Programa de Ayuda para Víctimas/Testigos**

**Infraestructores Juveniles:**

Información sobre derechos de la víctima y servicios cuando el infractor es menor de 18 en el sistema judicial y en la comunidad. Lackawanna County Juvenile Victim/Witness Unit  
570-963-6717

**Domestic Violence Services:**

**Servicios de Violencia Domestica:**

Ayuda legal, asesoramiento, refugio y otra ayuda (Vea página 4)  
Women's Resource Center  
570-346-4671

**Sexual Assault Services:**

**Servicios de Acoso Sexual:**

Asesoramiento, apoyo y ayuda para víctimas de acoso sexual, sus miembros de familia y personas cercanas  
Women's Resource Center  
570-346-4671

**Victims Compensation Assistance Program:**

Información y ayuda con pérdida de dinero y cuentas debido al crimen

**Número de Teléfono: (800) 233-2339**

**Drunk Driving Services/ Servicios de DUI:**

Asesoramiento, apoyo, y ayuda para víctimas de accidentes de DUI y su familia  
Lackawanna County Victim/Witness Unit  
570-963-6717

**Homicide Services/Servicios de Homicidio:**

Asesoramiento, y ayuda a las familias de víctimas de asesinato  
Lackawanna County Victim/Witness Unit  
570-963-6717

**Child Abuse Services/Servicios de Abuso de Niños:**

Asesoramiento, información y servicios para niños abusados y descuidados y a sus familias  
The Children's Advocacy Center  
570-963-7313

**Elder Abuse Services/ Abuso de Ancianos:**

Asesoramiento, refugio y servicios de protección para víctimas y su familia.  
Area Agency on Aging  
570-963-6740

**Robbery, Assault and Burglary Services/Robo y Asalto :**

Asesoramiento, apoyo y ayuda para víctimas de robo, o fueron lesionada o se le metieron a su casa a robar.  
Lackawanna County Victim/Witness Unit  
570-963-6717

**Post-arrest information/Información despues de un Arresto:**

Lackawanna County Central Booking  
570-963-6717 ext. 7802

**Preliminary Hearings, Sentencing and all Criminal Matters:**

**Juicios Preliminares, Sentencias y todos Asuntos Criminales**

Lackawanna County Central Court  
200 N. Washington Ave., Scranton  
570-963-6436

**PFA, Custody, Divorce and all Family Matters:**

**PFA, Custodia, Divorcio y todos asuntos de Familias:**

Lackawanna County Family Court  
200 Adams Ave., Scranton  
570-963-5692

**Lackawanna County Probation/ Parole:**

**Probatoria/Parol del Condado de Lackawanna**

Probatoria/Parol de Adultos  
570-963-6876

Probatoria/Parol Juvenil  
570-963-6888

**Pennsylvania State Probation/Parole**

**Probatoria o Parol del Estado de Pennsylvania**

570-963-4326

**Federal Probation/Parole**

570-207-58-5840

**Office of the Victim Advocate**

**Oficina de Defensores de Víctimas**

1-800-322-4472

Representan los derechos e intereses de la víctimas antes el comité de probatoria y el Departamento de Correcciones

**SAVIN**

1-866-972-7284

Servicio de notificación a la víctima

**Date: March 28, 2017**

In the event that an individual who is currently under the supervision of the Lackawanna County Adult Probation/ Parole Department is arrested for a Domestic Violence Incident the following procedure is to be employed:

The arresting police officer (or other law enforcement official) is to contact the Adult Probation/Parole Department Offices at (570) 963-6876 during weekday business hours (9:00AM to 4:00PM). If the arrest falls outside of these hours, the arresting officer is to contact the on-call Probation/Parole Officer at (570) 840-3273 to verify that the individual is active on Probation/Parole supervision with the department. If the individual is actively on supervision (meaning they have been sentenced), the Probation/Parole Officer will then issue a temporary detainer to hold the individual at the Lackawanna County Prison. The detainer issued by the Probation/Parole Officer has no bearing on what amount or if bail is set on the new charges. However, Magisterial District Judges cannot grant bail on a Probation/Parole detainer, regardless of their decision, therefore the individual cannot be released from custody at that time.

Also, with the recent advent of the Lackawanna County Pretrial Services Unit of the Adult Probation/Parole Department (the Department designated the Bail Agency under PA Crim. Rule 530 by administrative court order of the President Judge), any individual who acquires a new domestic violence charge (s) and is a participant of Domestic Violence Court, and may be participating through supervised bail, shall be returned to the Lackawanna County Prison at the time of new arrest. These individuals/defendants shall be arrested and detained as per the ability of the individual police officer (s) (or other law enforcement official (s)) being allowed to arrest individuals as per Common Pleas Court Order.

*Christopher Loman*

Probation/Parole Officer

*Todd J. Ferretti*

Deputy Director