

PENNSYLVANIA STATE POLICE

STATEMENT TO SENATE DEMOCRATIC POLICY

COMMITTEE

MAY 22, 2023



The Pennsylvania State Police (PSP) would like to thank Chair Muth and the members of the Senate Democratic Policy Committee for the opportunity to provide written remarks relative to the protection order process, with special thanks to Senator Schwank for hosting this discussion on domestic violence awareness and prevention.

Statewide Protection Order Repository

The Protection from Abuse Act requires the PSP to maintain a statewide registry of protection orders (registry). This registry is maintained within the PSP's Commonwealth Law Enforcement Assistance Network (CLEAN), a secure system accessible to Pennsylvania criminal justice agencies.

The Federal Bureau of Investigation's National Crime Information Center (NCIC) maintains a protection order file similar to the registry which contains protection orders from other states and is accessible to law enforcement agencies across the nation. Pennsylvania criminal justice agencies can access NCIC protection order files through CLEAN.

When a protection order is entered into the registry, information about the protection order is also automatically added to the NCIC protection order file, if there is sufficient identifying information available for the defendant. An entry into the NCIC protection order file requires a numeric identifier – such as a date of birth, driver's license number, or social security number – to accompany the defendant's name. Without this information, the protection order will remain in the registry but will not be available in the NCIC

protection file and will not be available to law enforcement agencies outside of Pennsylvania.

By adding protection order information in the registry to the NCIC protection order file, law enforcement agencies throughout the country have instant access to Pennsylvania protection order information. This process also provides instant access to the protection order information when background checks are conducted on individuals attempting to purchase firearms.

Protection from Abuse Database (PFAD)

The protection orders in both the registry and the NCIC protection order file are housed in secure systems, are only accessible to authorized criminal justice agencies, and only contain current, enforceable protection orders.

Neither the registry nor the NCIC protection order file contains the petitions and various forms required to initiate the protection order approval process. As a result, the Protection from Abuse Database (PFAD) was developed. PFAD contains the standardized forms necessary to process protection order petitions and orders. It also provides an automated workflow designed to streamline the process to obtain a protection order. It automates the delivery of approved protection orders to PSP stations, where they are then entered into the registry and automatically added to the NCIC protection order file if the necessary information is present.

Protection Order Workflow

In general, obtaining a protection order begins with a petition drafted in PFAD by an attorney, domestic violence

advocacy group, or county courthouse personnel on behalf of the plaintiff.

A Common Pleas judge then reviews the petition and either grants or denies the request. If the petition is granted, the judge will determine the appropriate conditions, including but not limited to: firearms prohibition or temporary child custody, to apply to the protection order. The protection order is transmitted through PFAD to a PSP station within the issuing county.

Upon receipt of the protection order, PSP personnel will query other databases for additional identifying information, such as driver's license numbers, for the defendant. If located, the additional information is added to the protection order entry. This information can be invaluable to criminal justice agencies attempting to confirm the identity of a subject of a protection order.

Once all entries are made by PSP personnel, the protection order is validated and entered into the registry and the NCIC protection order file, as long as the entry contains sufficient identifying information.

Enforcement

Law enforcement agencies can perform protection order queries to determine if a person is a defendant or protected person. Protection order queries generally occur for either the enforcement of a protection order or during a background check for a firearm purchase.

Weapon Relinquishment

In 2018, Act 79 was enacted to strengthen provisions of the Protection from Abuse Act regarding firearm relinquishment by substantially limiting third-party

safekeeping options. In order to ensure a required relinquishment of firearms has been accomplished, PFAD and CLEAN were updated to include new requirements.

When a judge approves a protection order requiring weapon relinquishment, a message is sent to the appropriate law enforcement agency or sheriff's office. This message advises that a protection order requiring the defendant to relinquish weapons and ammunition was approved.

The defendant must relinquish their weapons and ammunition to the sheriff's office, the appropriate law enforcement agency, or an approved third-party in accordance with the protection order. When the relinquishment occurs, a receipt which includes a list of weapons and ammunition relinquished is completed. If the receipt is completed within the required timeframe, no

additional notifications are sent to a law enforcement agency or sheriff's office.

If a receipt is not completed in the required timeframe, a non-compliance message is sent to the appropriate law enforcement agency or sheriff's office for investigation and enforcement.

When a protection order is no longer active, the appropriate law enforcement agency or sheriff's office will receive a message and determine if the relinquished weapons can be legally returned to the owner.

Emergency Protection Orders

During non-business hours, an emergency protection order can be obtained from a minor judiciary judge. An approved emergency order is delivered to the local PSP station, where personnel manually enter the protection

order into the registry and NCIC protection order file. However, weapon relinquishment cannot be ordered in an emergency protection order.

Additional Protection Order Types

There are two additional protection order types: a Sexual Violence Protection Order (SVPO) and a Protection From Intimidation (PFI). The SVPO is intended to protect adult and juvenile victims of sexual violence from further abuse or intimidation by their abuser, regardless of whether criminal charges have been filed against the perpetrator. An SVPO does not require an intimate or household relationship between two parties and is available to victims of sexual violence who are at continued risk of harm from the perpetrator.

A PFI order is strictly for juveniles who are being intimidated (harassed and/or stalked) by an adult who is not a family or household member.

Thank you for the opportunity to provide remarks on this very important topic. The PSP remains committed to providing professional public safety services to the residents and visitors of this Commonwealth.