

Protection from Abuse Service in Philadelphia County

The Philadelphia Sheriff's Office values keeping the public informed of the many functions of the office. One of the functions, is the service of Protection from Abuse Orders ("PFAs"). In an effort to maintain transparency, this document will outline key information regarding the Sheriff's Office's procedures and responsibilities pertaining to PFA service.

To begin, when a plaintiff files a PFA in Philadelphia County, the ordering judge issues a temporary restraining order (which is in place for 14 days before a hearing but can be extended in some circumstances). Subsequently, the Sheriff's Office is notified through the Protection from Abuse Database ("PFAD"), deputies immediately review the order, see if there is an attachment A included (the document that requires weapon relinquishment), and attempts service on the defendant (which is dependent upon geographical location). When the deputy serves the defendant, if there is an attachment A, he/she will inquire about a weapon/firearm and the defendant either relinquishes it or attests to not possessing one. The following scenarios require special procedural measures:

1. By law, the Philadelphia Sheriff's Office does not have jurisdiction to serve defendants who live outside Philadelphia County. In these instances, deputies will fax the PFA and all accompanying paperwork to the respective county for law enforcement to serve the defendant.
2. In some cases, defendants may attest to not possessing a firearm, when in fact they have a firearm registered in their name. In these instances, deputies have a legit reason to believe the defendant owns a firearm. Instead, the deputy will allow the defendant to sign the affidavit stating they do not own a firearm, flag the case, and send the paperwork to the Philadelphia Police Department ("PPD") for further investigation.
3. All temporary restraining orders do not include an attachment A (weapon relinquishment); however, every final order does. If the defendant has a registered firearm, the PPD Gun Permit Unit will notify the Sheriff's Office, and deputies will go out within 24 hours of receiving the Final PFA to relinquish the weapon. If the defendant claims he/she does not possess a firearm, the deputy will ensure the defendant signs an attestation form.

Further, when a temporary or final PFA is issued requiring weapon relinquishment, the weapon is not limited to a gun. A weapon includes any item that the victim alleges was used in the domestic dispute (i.e., a broom, a knife, a stick, etc.). Weapon relinquishment is heavily based on the honesty and integrity of law-abiding citizens. PFA service is a civil process, meaning deputies cannot search a person's home if they attest that they do not have a weapon. If there is cause to believe that a defendant is dishonest about possessing a weapon, the PPD investigates. Further, defendants may possess guns that are not registered (meaning they were not purchased or transferred through a gun shop, gun show, etc. in which federal documentation would be required). It is very unlikely that a defendant that possesses an illegal gun will surrender that weapon (regardless of whether the victim has knowledge that the defendant possesses a gun), because relinquishment of an illegal gun would require the defendant to admit to a crime.

In 2019, Act 79 was created to protect victims of domestic violence where a weapon was involved. Since the Act went into effect, there were several factors that shifted procedural responsibilities across law enforcement agencies in Philadelphia. Prior to the pandemic, defendants had two options/locations to relinquish weapons, the Sheriff's Office and the Juanita Kidd Stout Criminal Justice Center ("CJC"). Since the Sheriff's Office closes at 4 p.m. every day and is not open on weekends, the CJC served as a location where defendants could relinquish weapons after the Sheriff's Office closed. COVID-19 hit, and the courts closed, leaving the Sheriff's Office as the only location for defendants to relinquish their weapons. The Sheriff's Office recognized the influx of PFAs in 2020 and the importance of weapon relinquishment, so the Office began working closely with PPD to better execute the Act. As a result, the Sheriff's Office and PPD entered a Memorandum of Understanding ("MOU"), in which the Sheriff's Office still serves as a location for relinquishment as well as six different Police Districts (Central, East, Northwest, Northeast, Southwest and South). The Sheriff's Office also meets monthly with a group consisting of PPD, Family Court, Criminal Court (adult), the District Attorney's Office, Victim's Services and Women Against Abuse, that come up with effective procedures and processes to better execute Act 79. We invite you to review the attached MOU.