



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 86	Subject: Domestic Violence Firearms Prohibition	Effective Date: 01/26/2001
Order of: Gary Williams, Chief of Police		Amended Date: 08/01/2023

I. Purpose

The purpose of this directive is to implement procedures to ensure that the University of Pennsylvania Police Department (UPPD) and its employees conform to the Federal Violent Crime Control and Law Enforcement Act of 1994, as well as the laws of the Commonwealth of Pennsylvania, as they relate to the possessing of firearms and ammunition by anyone who is the subject of a domestic violence injunction or protection order.

II. Policy

The UPPD recognizes that domestic violence is a serious issue that is present at all levels of society; that court ordered injunctions to protect victims of domestic violence from further abuse must be enforced to be effective; and that the availability of firearms must be restricted to ensure the safety of the victims.

The UPPD, as a law enforcement agency, reserves the right to review any domestic violence injunction or protection order of which an employee is a subject; implement procedures to restrict the availability of firearms and ammunition by such employee; reassign a member to administrative duties; and conduct an administrative investigation of any incident(s) which led to the filing of the injunction or protection order.

Current Federal Statutes prohibit anyone who is the subject of a domestic violence injunction from having in his/her possession any firearm or ammunition. 18 USC, Section 925(a)(1), Federal Statutes has been interpreted to exempt law enforcement officers from the firearm prohibition while on-duty. However, the UPPD believes that it is in the best interest of all parties that the member be assigned to administrative duties.

III. Scope

This directive shall affect all sworn police officers.

IV. Procedures

A. Receipt of A Domestic Violence Restraining Order Or Injunction

1. Any officer who becomes the subject of a domestic violence restraining order or injunction shall notify the shift supervisor on duty and provide the shift supervisor with a copy of the order or injunction immediately upon being served with the document.
 - a) UPPD officers who are served with a protection from abuse order or injunction at their residence shall turn over any departmental owned firearms and ammunition AND ALL personally owned firearms and ammunition to the agency serving the order.
2. The shift supervisor will immediately notify the Shift Commander, providing a copy of the order or injunction to him/her. Upon verification of the Shift Commander that a valid restraining order or injunction is in effect, the Shift Commander arrange the return of department-owned firearms and ammunition from the agency which served the order. The Shift Commander shall then notify the Chief of Police, the Captain of Patrol and the Deputy Chief of Investigations of his/her actions.
3. The Chief of Police shall then direct the Deputy Chief of Investigations to initiate an investigation of the incident(s) that led to the issuance of the order or injunction.
4. Based on the circumstances that led to the officer becoming the subject of a domestic violence restraining order, the employee may be placed on administrative duties.
 - a) When placing an officer on administrative duties, the Shift Commander will initiate the **"Personnel Early Warning System"** as illustrated in **Directive 36**, and will complete a letter informing the officer of the availability of the University's Employee Assistance Program (EAP), listing the toll free phone number for EAP (1-888-321-4433).

B. Disposition Of Firearms And Ammunition

1. Shift Commanders receiving any department-owned firearms and/or ammunition from an officer or agency that served the protective order shall:
 - a) complete a UPPD Property Receipt (UPPD-21) listing all firearms and ammunition received. The property receipt shall indicate that the property is being retained for "Safekeeping", and
 - b) ensure that all firearms and ammunition are delivered to and placed in the UPPD Armory within 24 hours.
2. Firearms and ammunition shall remain in the UPPD Armory until such time as the injunction or order ceases to be in effect or the officer separates from employment while the injunction or order is still in effect.

C. Serving Protection Orders Upon Law Enforcement Personnel

1. Any UPPD officer requested to serve a protection order upon a Philadelphia Police Department (PPD) officer shall immediately contact the PennComm Center who shall notify the PPD Radio Room and request that a PPD officer and supervisor be dispatched. The UPPD officer shall await the arrival of the PPD officer and supervisor who will then serve the order.

D. Return Of Firearms/Return To Duty

1. Upon the expiration of a protection order, the named officer shall inform his/her Shift Commander. The Shift Commander shall submit a memorandum to the Chief of Police for approval to reissue the department-owned firearm and ammunition, and to reassign the officer to full duty status.

E. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

F. Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

G. Application

This directive constitutes departmental policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.