



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 88	Subject: Domestic Violence, Stalking and Harassment	Effective Date: 12/01/2004
Order of: Gary Williams, Chief of Police		Amended Date: 08/01/2023

I. Purpose

The University of Pennsylvania Police Department (UPPD) recognizes that domestic violence is preventable. By thoroughly investigating incidents of domestic violence and appropriately enforcing applicable laws, short and long term positive effects are realized. Reductions in domestic homicides, assaults, elder and child abuse, spousal rapes, stalking, and domestic hostage situations are attributable to a "zero tolerance" law. It offers meaningful intervention in the violent learned behavior of children which translates into juvenile crime on the streets, in the schools, and as future domestic violence offenders.

Incidents of stalking and/or harassing behavior can eventually lead to serious and often life-threatening consequences for the victim. The UPPD will professionally respond to and investigate all incidents of this type to ensure the safety of those persons who feel threatened by these behaviors.

In both arrest and non-arrest situations, officers of the department will take all reasonable measures necessary to assist and/or assure the immediate safety of the victim(s), the children, the offender, or any other person who may be affected; and to determine what action will be most effective in preventing future violence.

II. Policy

It is the policy of the UPPD that all personnel adhere to the provisions herein with respect to domestic violence.

III. Scope

This directive shall affect all sworn employees.

IV. Definitions

- A. "Domestic Violence" occurs when one family or household member causes, or attempts to cause, bodily injury to another family or household member;
- B. "Family or household member" means:
 - 1. Spouses;
 - 2. Persons living as spouses or domestic, same sex partners;
 - 3. Persons related by blood or marriage;
 - 4. Persons who have a child in common;
 - 5. Persons whose sexual relationship has resulted in a current pregnancy;
 - 6. Other persons jointly residing in the same dwelling unit, who are eighteen (18) years of age or older, or who are emancipated;
 - 7. Persons who have, or have had, a dating relationship;
 - 8. "Firearm" means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;
 - 9. "Petitioner" means the person alleging abuse in a petition for order of protection;
 - 10. "Preferred response" means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest;
 - 11. "Respondent" means the person alleged to have abused another in a petition for order of protection;
 - 12. "Victim" means a family or household member who is the subject of domestic abuse and who a law enforcement officer has determined is not a primary aggressor under the factors set out in the law.

V. Procedures

A. PennComm Center Responsibilities

- 1. PennComm will give a domestic violence call the same priority as any other life threatening call and will, whenever possible, dispatch at least two officers to the scene. The decision as to the priority of the call should be based on the seriousness of the injuries or threatened harm, and whether or not the assailant is on the premises.

2. PennComm will make every effort to relay any and all information gathered from the complainant which may be helpful to the investigating officer(s) in assessing the situation, including call history.
3. No PennComm employee, in speaking with a victim of domestic violence, will discuss, or make any comment, concerning the victim's desire to "press charges," "drop charges," or "prosecute."
4. If the PennComm receives a second call to cancel the original call, he/she will advise the responding officers of the second call and instruct the responding officers to continue the investigation to assure that all parties are safe.
5. The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of the call taker. They should advise the victim to ensure his/her safety in any way possible, including but not limited to waiting for officers at another location or simply leaving the residence if the suspect may return.
6. In addition to the standard questions asked of a complainant enumerated in the PennComm Standard Operating Procedures (S.O.P.'s), the PennComm employee shall ask:
 - a. Is the suspect under the influence of alcohol or drugs?
 - b. Are children present?
 - c. Have the police been called because of this suspect before?
 - d. If so, how many times?
 - e. Is there an order of protection on file?

B. Responsibilities of First Responding Officers

1. When responding to a domestic violence call, the responding officers will:
 - a. Establish control of the scene and restore order by:
 - 1) Separating the parties;
 - 2) Assessing the need for medical attention; and
 - 3) Protecting the crime scene;
 - b. Interview all parties separately (victim, suspect, and witnesses). Interview children in a manner appropriate for their age.

- c. If only one party is present to speak with the responding officers, the officers will conduct a search of the property or dwelling for their safety and the safety of all others at the scene.
 - d. After an initial investigation, determine if an arrest is appropriate.
 - e. Collect and record evidence. Request the assistance of the Detective Unit, when appropriate, to take color photographs of injuries and property damage.
 - f. Provide victim assistance as outlined in this directive; and
 - g. Prepare a UPPD-10, "Incident Report".
- 2. Officers should wait to be invited inside but should not hesitate to make a forced entry if necessary to protect the victim(s).
 - a. A forced entry is permissible at any time there is probable cause to believe that the safety of a potential victim may be in jeopardy.
 - b. Probable cause of this type exists when the facts and circumstances within an officer's knowledge, and of which he/she has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution in believing that the safety of a potential victim may be in jeopardy.
 - c. In making this decision, officers may take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying information. In evaluating any information, officers should take into account the credibility of the persons supplying the information and whether there is a reasonable basis for believing the content of the information.
- 3. When making an assessment of whether a forced entry should be made or whether the investigation should be continued when there is no response from the complainant, officers will ensure that all information available has been obtained from PennComm. This will include, but is not limited to, the content of the complainant's message/request, the urgency of the request, and the complaint clerk's assessment as to the seriousness of the request.
- 4. Commanders and Supervisors will monitor the receipt of any domestic violence incident dispatched to any officer under their command or within their area of responsibility.
 - a. Whenever possible, the supervisor will respond to the location for the purpose of providing additional safety, monitoring of the situation, and being available for advice.

5. After completing a preliminary investigation, the responding officer may determine that a more intensive investigation by the Special Services Unit is needed. The officer will request Special Services be notified.

C. Arrest Determination

1. If an officer has probable cause to believe that a person has committed a crime involving domestic abuse, whether the crime is a misdemeanor, felony, was committed within or without the presence of the officer, **the preferred response of the officer is arrest.**
2. If an officer has probable cause to believe that two (2) or more persons committed a misdemeanor or felony, or if two (2) or more persons make complaints to the officer, the officer shall try to determine who the primary aggressor was. **Arrest is the preferred response only with respect to the primary aggressor.** The officer shall presume that arrest is not the appropriate response for the person or persons who were not the primary aggressor. **If the officer believes that all parties are equally responsible, arrest is not the preferred response for any party, and the officer shall exercise his or her best judgment in determining whether to arrest any parties.**
3. To determine who is the primary aggressor, the officer shall consider:
 - The history of domestic abuse between the parties;
 - The relative severity of the injuries inflicted on each person;
 - Evidence from the persons involved in the domestic abuse;
 - The likelihood of future injury to each person;
 - Whether one of the persons acted in self-defense; and
 - Evidence from witnesses of the domestic abuse.
4. An officer shall not:
 - a. Make any statements which would discourage a victim from reporting an act of domestic violence; or
 - b. Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel; or
 - c. Base the decision of whether to arrest on:
 - 1) The consent or request of the victim; or

- 2) The officer's perception of the willingness of the victim or of a witness to the domestic abuse to testify or participate in a judicial proceeding.
- 3) When determining primary aggressor and self-defense during an investigation of domestic abuse the officer should consider the following:
 - (i) A person is justified in threatening or using force against another person when and to the degree the person reasonably believes the force is necessary to protect against the other's use or attempted use of unlawful force. The person must have a reasonable belief that there is an imminent threat of death or serious bodily injury. The danger creating the belief of imminent death or serious bodily injury must be real, or honestly believed to be real at the time, and must be founded upon reasonable grounds. There is no duty to retreat before a person threatens or uses force.
 - (ii) Any person using force intended or likely to cause death or serious bodily injury within their own residence is presumed to have a reasonable fear of imminent peril of death or serious bodily injury to self, family or a member of the household, when that force is used against another person not a member of the family or household, who unlawfully and forcibly entered the residence, and the person knew or had reason to believe that an unlawful and forcible entry occurred.
5. If the victim(s) of domestic violence refuses to initiate prosecution, and the investigating officer has probable cause to initiate prosecution, prosecution will be initiated.

D. Victim Support Services

1. Many victims of domestic violence feel trapped in violent relationships because they are unaware of the resources available to help them. Some do not know that domestic violence is a crime, and others have been threatened with further violence if they attempt to leave or seek assistance from the police.
2. In all domestic violence situations, especially where the victim has refused the officer's offer of transportation, the officer **will** advise the victim of the availability of a shelter and other services in the community. The officer **will** also provide the victim immediate notice of the legal rights and remedies available to the victim.
3. In all domestic violence incidents, an officer will:
 - a. Explain options available to the victim including the prosecution process, orders of protection, and in the case of arrest, the follow-up procedures and ensuing criminal proceedings. If the victim is affiliated with the University of Pennsylvania, the officer will request that PennComm notify the Special Services Unit.

- b. If the victim is not affiliated with the University of Pennsylvania, the officer will advise the victim of available community resources and Domestic Violence counselor services.
- c. Verify and enforce orders of protection.
- d. Exercise reasonable care for the safety of the officers and parties involved. (No provision of this directive shall supersede that responsibility).
- e. Provide the victim with a business card with departmental contact information, listing the control number associated with the incident.
- f. After being advised of the above process, if the victim does not have available transportation, the responding officer shall offer to transport the victim, or make arrangements for transportation, to a place of safety.

E. Seizure Of Weapons/Property In Domestic Violence Incidents

- 1. The Commonwealth of Pennsylvania has mandated that law enforcement seize weapons in some domestic violence incidents.
- 2. If a law enforcement officer has probable cause to believe that a criminal offense involving abuse against a family or household member has occurred, the officer **shall** seize all weapons that are alleged to have been used by the abuser or threatened to be used by the abuser in the commission of a crime. Seized weapons shall be placed on a Philadelphia Police Department (PPD) Property receipt and submitted to the PPD for storage.
- 3. Individuals who have been served with “Protection from Abuse” orders are prohibited by law from possessing firearms while the order is in effect. Officers encountering individuals who have a current “Protection from Abuse” order in effect who are in possession of a firearm will place the individual under arrest and cite the individual with contempt of court.
- 4. Any Property taken by UPPD personnel shall only be taken in accordance with UPPD Written Directive 38, “Property and Evidence Control”.

F. Protection From Abuse Orders

- 1. Departmental activities and guidelines relative to “Protection from Abuse” orders may be found in **Directive 83; “Legal Process: Warrants and Protective Orders”**.

G. Stalking And Harassment

- 1. Incidents of domestic violence often culminate into acts of stalking against the victim. Additionally, stalking and/or harassing types of behavior can escalate into more serious, violent incidents. This department will take seriously all reports of these types of behavior and will aggressively investigate and prosecute when warranted.

2. As stated in the Crimes Code of Pennsylvania, Section 2709.1: 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 an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
3. Further, Section 2709 a. of the Crimes Code states: A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:
 - a. strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same; or
 - b. follows the other person in or about a public place or places; or
 - c. engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose.
 - d. communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures;
 - e. communicates repeatedly in an anonymous manner;
 - f. communicates repeatedly at extremely inconvenient hours; or
 - g. communicates repeatedly in a manner other than specified in paragraphs above.
4. Definitions for this section
 - a. "Harasses" means a course of conduct directed at a specific person which would cause a reasonable person to fear an assault, bodily injury, or death, including but not limited to, verbal threats, written threats, vandalism, or unconsented-to-physical contact.
 - b. "Repeatedly" means on two or more separate occasions.
 - c. "Communicates." To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

- d. "Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. 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.
 - e. "Emotional distress." A temporary or permanent state of mental anguish.
 - f. "Family or household member." 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.
5. When investigating domestic violence related incidents, officers will document any reports of stalking and/or harassment in the body of the incident report, listing as much specific information (i.e. dates, times, nature of activities, potential witnesses, etc.) as can be provided by the complainant.

H. Compliance

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

I. Officers Assigned To Other Agencies

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

J. 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.