



Temple University Department of Public Safety

POLICIES AND PROCEDURES

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Domestic Violence and Protection From Abuse

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PURPOSE

Domestic violence encompasses crimes committed against family members, intimate partners, or individuals in dating relationships, ranging in severity. These acts not only violate individual rights but also disrupt the safety and well-being of our university community. In a university environment, such incidents can have far-reaching effects on students, faculty, and staff, impacting both personal and academic success. The Temple University Department of Public Safety has a responsibility to intervene through mediation, investigation, and enforcement. This policy establishes clear guidelines for officers to respond to and manage domestic violence incidents or allegations within the university, ensuring timely, appropriate, and effective action to safeguard all members of our community.

POLICY

The policy of Temple University Department of Public Safety is to treat domestic violence as a criminal matter, ensuring that incidents are investigated and handled with the same rigor as any other crime, regardless of the victim's relationship to the offender. Additionally, the Temple University Department of Public Safety is committed to adhering to the requirements of 23 Pa.C.S. (The Domestic Relations Title), as amended by Act No. 85 of 1994 Section 6105. This directive outlines the practices and procedures for officers when responding to and managing domestic violence cases, ensuring compliance with state law, and promoting consistent, effective action.

DEFINITIONS

Dating Violence: Dating violence refers to any form of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence is treated with the same seriousness as domestic violence and is subject to the same legal procedures, protections, and enforcement actions. Under state law, dating violence is considered a form of domestic violence,

ensuring that victims are afforded the same rights, resources, and legal protections.

Domestic Abuse: Knowingly, intentionally, or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in repetitive conduct toward a certain person (i.e., stalking) that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners, or those who share biological parenthood in order to qualify as domestic abuse.

PROCEDURES

I. Police Response Procedures

- A.** Generally, the type of police response (emergency or non-emergency response) shall be determined by whether the incident is a non-active or active incident.
 - 1.** Non-active incidents - domestic-related incidents can be considered "non-active" when the alleged abuse is not in progress, or the alleged abuser is no longer on the premises or threatening further abuse.
 - 2.** Active incidents - domestic-related incidents can be considered "active" when the alleged abuse is in progress, and the victim is presently exposed to ongoing, further, or threatened acts of abuse.
- B.** All domestic-related incidents shall be considered high-risk and be approached using standard precautionary measures.

II. Responding To Active Domestic Violence Incidents

- A.** Responding officers should avoid any use of sirens and emergency lights in the vicinity of the scene of the incident.
- B.** Responding officers should not park police vehicles directly in front of any residence, or other location believed to be the site of the domestic-related incident.
- C.** Absent exigent circumstances that would require immediate action or response, officers responding to an active domestic situation should not make a committed approach with less than 2 officers.
- D.** As long as there is no current threat to a person(s) on scene, responding officers should make an initial external assessment of the incident before making any committed approach or risking exposure while unprotected.
- E.** When necessary, force entry, if evidence exists of a serious crime in progress, or to protect a victim from continued assault.

III. Powers of Arrest

- A.** Probable Cause For Arrest Under Crimes Code Section 2711:

- 1.** As per Section 2711 of the Crimes Code, a police officer shall have the same

right of arrest without a warrant as in a felony, whenever probable cause exists that supports the belief that an individual has committed any of the following offenses against a spouse or a person who was a spouse, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity (blood) or affinity (marriage), current or former sexual or intimate partners, or persons who share biological parenthood, although the offense did not take place in the presence of the officer:

- a) Involuntary Manslaughter (CC 2504),
- b) Aggravated Assault (CC 2702 (a) (3), (4) and (5)),
- c) Simple Assault (CC 2701),
- d) Recklessly Endangering Another Person (CC 2705),
- e) Terroristic Threats (CC 2706),
- f) Stalking (CC 2709.1), and/or
- g) Strangulation (CC 2718).

2. The probable Cause Standard is met where two factors are present:

- a) Confirmation by the victim, complainant, or witness that the suspect committed one, or more, of the enumerated Pennsylvania Crimes Code violations; **AND**
- b) Observation by the officer of recent physical injury to the victim, or other corroborative evidence (e.g., signs of violence, additional witnesses, etc.).

B. It shall be the policy of this Department that officers shall make an arrest when probable cause and legal authority exist to make an arrest. Field release and issuance of a citation are not permitted for domestic violence cases when grounds for an arrest are present.

C. In cases where an officer does not have probable cause to support an arrest for a felony or misdemeanor, and the victim disagrees with the officer's decision, the victim shall be advised of the procedures for filing a private complaint.

D. Arrest When Opposed By The Victim

- 1. The powers of arrest listed above explain when an officer can make an arrest, even if the victim does not request or opposes it. If the victim opposes the arrest, the report will document the probable cause and note that the arrest was made despite the victim's wishes.

E. The Temple University Department of Public Safety follows a trauma-informed and victim-centered approach when responding to domestic violence incidents. Officers

are expected to adhere to the guidelines outlined in the department's [Trauma-Informed and Victim-Centered Response Policy](#) to ensure that all interactions with victims are conducted with sensitivity, respect, and care. This approach minimizes re-traumatization and supports the victim's dignity and well-being throughout the investigation process.

IV. Seizure Of Weapons

A. Seizure of Weapons in Initial Domestic Violence Incident

1. The arresting officer shall seize all weapons used by the defendant in the commission of an alleged offense.
2. Weapons seized shall be secured and processed in accordance with proper evidence collection and preservation practices and submitted into evidence.
3. Custody shall be maintained until a disposition of the case is determined by a court of jurisdiction, and an order is issued by the court for the disposition of the weapon(s).

V. Victim Rights Notifications

A. Officers shall adhere to the procedures detailed in this department's [Crime Victims Policy](#). Additionally, in cases of domestic violence, officers shall also perform the following actions:

1. Upon responding to a domestic violence case, the police officer 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 its hotline phone number for domestic violence services. Officers shall use the Victim Rights Notification provided by the PCCD (English Version / Spanish Version). The written notice, which shall be available in English and Spanish, shall include the following statement: (PLEAC 4.10.1 B)

"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 from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:

- An order restraining the abuser from further acts of abuse.
- An order directing the abuser to leave your household.
- An order preventing the abuser from entering your residence, school, business, or place of employment.
- An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
- An order directing the abuser to pay support to you and the minor

children, if the abuser has a legal obligation to do so."

2. Officers can provide the Victim Rights Notification by QR Code. Victims are able to scan the QR code and will be taken directly to the Victims' Rights, Victim Compensation Information, and Domestic Violence Resources for their county.
3. Officers shall note in the incident report that the Victim Rights Notification was provided.

VI. Protection From Abuse Orders

A. Obtaining Protection from Abuse Orders

1. During normal business hours, Protection From Abuse Orders can be obtained at the Court of Common Pleas at the Family Court Domestic Violence Unit.
2. In emergency situations occurring before 8:00 AM and after 5:00 PM, Monday through Friday, on weekends, holidays, or any other time whenever Common Pleas Court is closed, petitions may be filed at the Criminal Justice Center, 1301 Filbert Street, Room B-3.

B. Service of Orders

1. Within Temple University's patrol zones, agency personnel will serve PFAs when presented with a certified order. Upon verifying the jurisdiction and validity of the order, officers shall promptly serve it to the defendant.
2. Service of orders shall be consistent with the policies of this Department concerning the service of civil processes and/or court orders (see this department's Legal Process Policy).

C. Weapons Relinquished Under Protection From Abuse Order

1. If a Protection From Abuse order denotes that weapon(s) are to be relinquished, officers will make every reasonable effort to have the defendant relinquish the weapon(s) at the time of service. The seized weapon(s) will be placed in evidence per procedure. (PLEAC 4.10.2 A)
2. When served with a temporary PFA or final PFA which requires the defendant to relinquish firearms, weapons, ammunition, and/or firearms license(s) the defendant has 24 hours to relinquish firearms to any police department, sheriff's office, or a licensed firearms dealer.
3. Officers accepting relinquished firearms and/or related items shall complete PA's Relinquishment of Firearms Receipt (SP-4-411)
4. PA's Relinquishment of Firearms Receipt (SP-4-411) will be signed and dated by the subject and will include a detailed description of each firearm

and its condition. A copy of the signed form will be provided to the subject.

5. The original form will be forwarded to the Investigations Unit for entry into PA's Protection from Abuse Data Base (PFAD).
6. Intentionally or knowingly failing to relinquish firearms is punishable as a misdemeanor of the second degree.
7. It is the responsibility of the jurisdiction in which the defendant resides to investigate failure to relinquish firearms.

D. Enforcement of Protection Order

1. Mandatory Arrests for Violations of Protection Orders

- a) Based upon probable cause, officers shall arrest a defendant for violating a Protection Order issued by a court within Pennsylvania or a foreign protection order issued by a comparable court, whether or not the violation of the Order occurred in the presence of the officer.
- b) Police officers shall make every attempt to verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department, county registry, or issuing authority.

2. Procedure Following Arrest

- a) Following arrest, the defendant shall be transported to the Philadelphia Police Detention Unit for processing in accordance with the policies of this Department concerning prisoner transportation and processing.
- b) A charge of '[Contempt For Violation of Order or Agreement](#)' commonly referred to as 'Indirect Criminal Contempt' shall be completed by the arresting officer. A separate criminal complaint shall be prepared if the defendant committed criminal offenses while violating the Protection Order (i.e., the defendant assaulted the victim).

c) Notice to Plaintiff or Victim

- (1) The arresting officer shall make reasonable efforts to notify any adult or emancipated minor protected by an order issued under this chapter of the arrest of the defendant for violation of an order as soon as possible. Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after preliminary arraignment. (PLEAC 4.10.1 C)
- (2) All notices, and actions completed in attempting notice, shall be documented by the officer as a supplemental report by the officer making or attempting notice.

VII. Required Reports

- A.** An Incident Report will be completed by the officer who responded to the scene. Additionally, officers shall complete a Philadelphia Domestic Violence Report as part of the documentation process. Supplemental reports may be needed by other responding officers depending on the situation.

VIII. Training

- A.** The Temple University Department of Public Safety shall ensure that all police officers, and any other employee having responsibilities that include involvement with any part of this policy, are familiar with this policy and the provisions of the Pennsylvania Protection from Abuse Act. (PLEAC 4.10.1 A)