

<b>PBP FORM 290</b>  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...accountability, integrity and respect."</i>		<b>SUBJECT:</b> <b>"POLICE RESPONSE TO DOMESTIC VIOLENCE INCIDENTS"</b>		<b>ORDER NUMBER:</b> <b>40-12</b>	
		<b>PLEAC STANDARD:</b> <b>4.10.1</b>		<b>PAGE 1 OF 9</b>	
<b>RE-ISSUE DATE:</b> <b>7/30/14</b>	<b>EFFECTIVE DATE:</b> <b>7/30/14</b>	<b>ANNUAL REVIEW DATE:</b> <b>JULY</b>	<b>RESCINDS:</b> <b>ALL PREVIOUS</b>	<b>AMENDS:</b>	

**1.0 POLICY OR PURPOSE**

- 1.1 The purpose of this General Order is to prescribe a course of action that members of the Pittsburgh Bureau of Police shall take in response to domestic violence incidents.
- 1.2 It shall be the policy of the Pittsburgh Bureau of Police to treat domestic violence with the same consideration as violence in other enforcement contexts, and to investigate thoroughly all instances of domestic violence and take positive and aggressive action to prevent its reoccurrence. Responding officers shall take any action necessary to protect the safety of the victim.
- 1.3 It shall be the policy of the PBP to include domestic violence training in the curriculum of each new recruit class as well as providing updated training to veteran officers as needed.

*See also General Order 36-1 Evidence*  
*See also General Order 40-12.1 Police Officer Involved Domestic Violence*  
*See also General Order 44-4 Arrests – Special Situations, Section 5.0*  
*See also General Order 48-1 Crime Victim Notification*  
*See also General Order 52-1 Processing Warrants*  
*See also General Order 52-2 Warrant Filing Procedures*  
*See also City of Pittsburgh Domestic Violence Policy dated 1-7-10, revised 9-21-10*

**2.0 NOTIFICATION REQUIREMENTS**

- 2.1 When responding to a domestic violence incident where the officer determines that there is a victim, the officer shall provide to the victim, or victim’s family if appropriate, a copy of the Allegheny County DA’s office Crime Victim Notification booklet. If supplies of the booklet have been exhausted at the officer’s duty location, the officer shall note this in their report and make an attempt to provide a booklet to the victim when the booklets become available. This booklet includes:
  - 2.1.1 A list of available safe shelters
  - 2.1.2 A list of domestic violence services in the community
  - 2.1.3 A hotline number for domestic violence services
  - 2.1.4 A brief explanation of a Protection From Abuse (PFA) Order
    - 2.1.4.1 Since the booklet does not provide information on how to apply for a PFA, the officer will need to inform the victim of these procedures and the locations of the courts that can grant a PFA.
- 2.2 Refer to General Order 48-1 “Crime Victim Notification” for guidance on how to note handling of Crime Victim Notification in your report. Crime Victim Notification must be given to a victim of domestic violence and this must be noted in the report.
  - 2.2.1 The “VICTIM SERVICES NOTIFICATION FORM” is available in both English and Spanish in the “Police Officers Toolkit.”
- 2.3 The PBP will comply with all State requirements for reporting PFA orders to the PSP, or appropriate agency, for inclusion into the State registry of protection orders.

**3.0 EVIDENCE COLLECTION**

3.1 The success or failure of any investigation of domestic violence and subsequent prosecution often depends on the proper discovery, collection, packaging and processing of all evidence.

3.2 Evidence collection in domestic violence cases can include, but shall not be limited to:

- 3.2.1 Photographing the crime scene;
- 3.2.2 Photographing victim injuries;
- 3.2.3 Collection of physical evidence;
- 3.2.4 Identification of weapons and firearms;
- 3.2.5 Recording of spontaneous statements by the suspect or statements by the victim or witnesses;
- 3.2.6 Obtaining a written and signed statement from the victim, if the victim is willing to provide one;
- 3.2.7 Obtaining a Mirandized statement about the events from the suspect;
- 3.2.8 Securing of 9-1-1 tapes.

3.3 Evidence collection in domestic violence cases shall be collected and documented in accordance with General Order #36-1, "*Evidence Procedures*."

**PART I: DOMESTIC VIOLENCE SECTION 2711**

**4.0 REPORTING ORIGINAL CALL OF DOMESTIC VIOLENCE**

4.1 In all cases where a violation of Domestic Violence Section 2711 has occurred, whether or not an arrest is made, a report will be written.

**5.0 PROCEDURES IF THERE IS A VIOLATION OF DOMESTIC VIOLENCE SECTION 2711**

5.1 Section 2711 of the Crimes Code authorizes an officer to make a warrantless arrest of an actor even though the offense was not committed in the presence of the officer. In order to make a warrantless arrest under Section 2711, all of the following requirements must be met:

5.1.1 The officer must have probable cause to believe that one of the following crimes has been committed:

- Section 2504 (relating to involuntary manslaughter) or
- Section 2701 (relating to simple assault) or
- Section 2702(a)(3), (4) and (5) (relating to aggravated assault) or
- Section 2705 (relating to recklessly endangering another person) or
- Section 2706 (relating to terroristic threats) or
- Section 2709.1 (relating to stalking) AND

5.1.2 The relationship between the victim and the actor must be one of the following (with NO requirement of living together):

- Spouses or persons living as spouses (now or in the past)
- Parents and children
- Persons related by blood or marriage
- Current or former sexual or intimate partners
- Persons who share biological parenthood, AND

5.1.3 The officer must observe recent physical injury to the victim or other corroborative evidence.

5.1.3.1 Corroborative evidence could be information obtained from some other person who witnessed the event or it could be an admission by the suspect that he/she committed the actions that constitute the elements of one of these four offenses.

5.2 If all three requirements for a warrantless arrest under Section 2711 are met, the officer shall make the arrest of the actor. Arrests under the guidelines of Domestic Violence Section 2711 will be made with or without the consent of the victim.

5.3 An officer is not required to arrest both parties involved in an assault when each claims to have been assaulted by the other one. The officer is only required to arrest where probable cause exists to believe that a particular person committed one of the crimes listed in Section 2711. Persons acting with justification as set forth in Chapter 5 of the Crimes Code (for example "self-defense") are not subject to mandatory arrest.

5.3.1 Officers should try to determine who the primary physical aggressor was. Only the primary physical aggressor should be arrested unless the actions of the other party were significantly out of proportion to the threat from the primary physical aggressor.

5.3.2 An officer should consider any/all of the following factors in determining who the primary aggressor was:

- Was one of the parties acting in self-defense;
- The intent of the law to protect victims of domestic violence from continuing abuse;
- The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- The history of domestic violence between the parties involved;
- Size and strength of the parties;
- The credibility of the stories of the parties;
- Other eyewitness statements;
- All other circumstances of the incident.

5.4 If a warrantless arrest is made under Section 2711, the officer must take the following steps:

5.4.1 The responding officer shall seize all weapons used by the defendant in the commission of the offense. If other weapons are present in the home, seizure of those weapons should be discussed with the family. Consent should be obtained before seizing any guns that are present, but were not used in the commission of the offense.

5.4.2 Following arrest, the officer shall take the defendant to the Allegheny County Jail or Shuman Center to be processed as any other arrest, and all paperwork shall be processed through the Central Records and Reporting Unit (CRRU). Under no circumstances shall the actor be released before arraignment.

5.5 If the actor is not present upon arrival of the police, a description and an order to arrest will be given to the dispatcher for broadcast. Attempts to affect an arrest will continue until the actor is apprehended. If an arrest cannot be made within a short period of time, then the responding officer will obtain an arrest warrant.

5.6 If transportation to a shelter is not available, the responding officers will provide that service to the victim if the victim chooses to go.

**6.0 PROCEDURES FOR SERVING AN ARREST WARRANT FOR DOMESTIC VIOLENCE SECTION 2711**

6.1 All warrants for crimes committed under Section 2711 *must* be filed at the CRRU. If the warrant is not served immediately, the responding officer will insure that the warrant is filed at the CRRU.

6.2 Whenever a Zone receives an arrest warrant for Domestic Violence Section 2711 from any source, regardless of the issuing authority, the warrant will be executed as soon as possible thereafter.

6.3 If the Zone is given an arrest warrant for a defendant who is presently located in another Zone, the desk officer receiving the information will call the Zone where the defendant is located and notify them of the existence of the arrest warrant and the defendant's location. That Zone will then execute the arrest warrant as soon as possible.

**PART II: PROTECTION FROM ABUSE ORDERS**

**7.0 DEFINITIONS FOR USE IN PROTECTION FROM ABUSE SITUATIONS**

- 7.1 PFA Order - A protection from abuse order is a civil order that provides protection from harm by family or household members, sexual or intimate partners or persons who you have a child/children in common with. The PFA may also include provisions for "no contact" between the abuser and the petitioner, provisions for the temporary custody of minor children, provisions for the disposition of some property, and provisions for eviction.
- 7.2 Abuse - means the occurrence of one or more of the following acts between "family or household members":
- 7.2.1 Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon.
- 7.2.2 Placing another in reasonable fear of imminent serious bodily injury.
- 7.2.3 The infliction of false imprisonment pursuant to 18 Pa.C.S. 2903 (relating to false imprisonment).
- 7.2.4 Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to Child Protective Services).
- 7.2.5 Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).
- 7.3 Family or household members – is defined as one of the following with NO requirement of living together:
- 7.3.1 Spouses or persons who have been spouses, 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.
- 7.4 Safety Provisions – This is the portion of the PFA order that is directed to the abuser and defines the type of contact, if any, they may have with the petitioner and/or any minor children. It will include all the provisions listed in section 8.4.2.

**8.0 PROCEDURES FOR A VIOLATION OF A PROTECTION FROM ABUSE (PFA) ORDER**

- 8.1 Members of the Bureau of Police will respond to all reports from dispatch of a domestic incident between family or household members. In responding to a complaint of domestic violence, an officer will attempt to ascertain if a Protection from Abuse Order (PFA) exists for any party in the dispute. This can be done by:
- 8.1.1 Obtaining a hard copy of the PFA order directly from the victim.
- 8.1.2 Checking the Pennsylvania State Police Registry through CLEAN.
- 8.1.3 Checking with the Zone desk or other police department where the hard copy is on file.
- 8.2 The Protection From Abuse Act *requires* arrest for violation of a PFA Order if:
- 8.2.1 A valid PFA order exists *and*
- 8.2.2 There is probable cause to believe the PFA defendant has violated one of the "safety provisions" defined in Section 8.3 of this policy.

8.3 To qualify for a PFA Order, a victim must have been abused, as defined above, by a "family or household member".

8.4 "Safety Provisions"

8.4.1 In all cases where a PFA Order has been issued *and* there is probable cause to believe that there has been a violation of a "safety provision" of the PFA Order, then the responding officer *shall make a warrantless arrest* or *obtain an arrest warrant* for Indirect Criminal Contempt (ICC). This will happen with or without the consent of the victim.

8.4.1.1 A warrantless arrest for Indirect Criminal Contempt shall be made or an arrest warrant shall be obtained on *each separate occasion* in which a subject violates the safety provisions of a Protection from Abuse Order.

8.4.2 "Safety Provisions" of a PFA Order include the following:

8.4.2.1 Directing the defendant to refrain from abusing the plaintiff or minor children;

8.4.2.2 Excluding the defendant from the residence where the plaintiff lives;

8.4.2.3 Awarding custody of minor children to the plaintiff;

8.4.2.4 Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff's relatives or minor children;

8.4.2.5 Ordering the defendant to temporarily relinquish the defendant's weapons which may have been used or were threatened to be used in an incident of abuse against the plaintiff or the minor children and prohibiting the defendant from acquiring or possessing any other weapons for the duration of the order;

8.4.2.6 Directing the defendant to refrain from stalking or harassing the plaintiff and any other persons designated in the order; and

8.4.2.7 Any other special provision of a PFA order that specifically directs that an arrest be made for violation of that provision (check Section 8 of the PFA Order for such provisions).

8.4.3 The Protection from Abuse Act mandates that an officer effect an arrest for any violation of a "safety provision" of a PFA Order based solely on probable cause.

8.4.4 The arrest may be made without a warrant whether or not the violation was committed in the presence of the responding officer. A believable statement by the victim is sufficient to constitute probable cause. There is no need for signs of recent physical injury or other corroborative evidence.

**9.0 IF THE DEFENDANT IS APPREHENDED FOR VIOLATION OF A PFA ORDER**

9.1 Once an arrest is made for violation of a PFA Order, the officer must seize any weapons used or threatened to be used by the defendant in the act that is the subject of the arrest or in any prior incidents of abuse.

9.2 In addition to charging the defendant with Indirect Criminal Contempt (ICC) for violation of a PFA Order, any applicable Crimes Code violations should also be charged by the responding officer if appropriate.

9.3 Following arrest, the officer shall take the defendant to the Allegheny County Jail or to Shuman Center to be processed as any other arrest, and all paperwork shall be processed through the CRRU. Under no circumstances shall the defendant be released before arraignment.

- 9.4 The law requires the arresting officer to notify the victim of an arrest for ICC. This is true whether the officer signs the ICC complaint or not. The officer must notify the victim of the hearing date, time and location within 24 hours of the arrest. The only exception to this requirement is if the victim cannot be located.
- 9.4.1 Notice, or attempted notice, shall be documented on an Investigative Report, PBP Form 3.0 if there is no police report accompanying the PFA Order or if the report was filed with an outside agency.
- 9.4.2 Notice, or attempted notice, shall be documented on a Supplemental Report, PBP Form 8.11 if the original report was filed within the City.
- 9.5 The arresting officers will not attend ICC hearings unless subpoenaed.
- 9.6 Officers will, however, be scheduled to appear by the CRRU for a preliminary hearing for any additional Crimes Codes violations that may have been charged in addition to ICC.
- 9.7 An officer who learns of an apprehension of an actor pursuant to an arrest warrant for ICC shall promptly notify the Allegheny County Sheriff's (ACS) Warrant Office so that the ACS Warrant Office can clear that arrest warrant from its files.
- 10.0 IF THE DEFENDANT IS NOT IMMEDIATELY APPREHENDED FOR VIOLATION OF A PFA ORDER**
- 10.1 If there is probable cause to believe that a violation of the "safety provision" of the PFA Order has occurred, but the actor is not on the scene upon the arrival of the police, an order to arrest and a description of the actor will be given to the dispatcher for broadcast, and attempts to arrest will continue until the actor is apprehended. If the actor is not arrested within a short time, the responding officer will then obtain an arrest warrant for Indirect Criminal Contempt.
- 10.2 The responding officer will obtain the arrest warrant for Indirect Criminal Contempt (ICC) from the District Justice in whose district the violation took place or from the District Justice at Arraignment Court.
- 10.3 If the ICC warrant is issued, the warrant will be faxed by the District Justice's office or Arraignment Court to the appropriate dispatch/9-1-1 center for execution.
- 10.3.1 The police officer filing the ICC complaint must obtain a copy of the warrant so that he or she can attempt to execute it themselves.
- 10.3.2 The warrant will also be faxed by the District Justice's office or Arraignment Court to the ACS Warrant Office for entry into the central database.
- 10.4 The victim does not need to sign the Indirect Criminal Contempt (ICC) form or be present while the officer prepares it and has it signed by the District Justice.
- 10.5 The Indirect Criminal Contempt Complaint (ICC) Form *can* be prepared by the victim *if* the police were not called to the scene *or* when police do not have probable cause to arrest.
- 10.5.1 The District Justice will issue the arrest warrant for ICC.
- 10.5.2 The District Justice's office (or Arraignment Court) will then fax the ICC Complaint, the warrant, and other information to the 9-1-1 center where the defendant lives (for execution) and where the plaintiff/victim lives (for notification purposes).
- 10.6 Officers can verify the existence of an ICC warrant by contacting the Allegheny County Sheriff's Warrant Office at [REDACTED]. (Refer to COP#04-522). The ACS Warrant Office can be contacted 24 hours a day to check on the status of the warrants.
- 10.6.1 The ACS Warrant Office will maintain a central database of all outstanding ICC Complaint warrants issued after November 15, 2004, in Allegheny County.
- 10.6.1.1 The database will keep track of dates when the warrants are issued and when they are cleared.

10.6.1.2 Some warrants (those with sufficient identifiers) will also be entered into the CLEAN system so that police officers can be alerted to some of the outstanding warrants on ICC cases during traffic stops.

10.7 In all cases where a PFA Order has been violated, in addition to charging the defendant with Indirect Criminal Contempt (ICC) for violation of the PFA Order and filing an ICC Complaint, any applicable Crimes Code violations should also be charged and filed in a Criminal Complaint by the responding officer.

10.8 If an immediate arrest is not made and guns are present in the home, seizure of those weapons should be discussed with the family. Under these circumstances, consent should be obtained before seizing any guns that are present, but were not used or threatened to be used in the commission of the offense.

**11.0 PROCEDURES FOR SERVING AN ARREST WARRANT FOR INDIRECT CRIMINAL CONTEMPT (ICC)**

11.1 Whenever a Zone receives an arrest warrant for Indirect Criminal Contempt (ICC) from any source, regardless of the issuing authority, a supervisor shall immediately assign an officer(s) to serve the warrant.

11.2 Upon receiving the PFA, verifying its validity, and ensuring the parties involved reside within that zone's boundaries, the desk officer shall make any necessary copies and enter the PFA into the computerized daily log.

11.3 If the warrant is not served immediately, the officer will complete an Offense/Incident Report, PBP Forms #2.0 and an Investigative Report, PBP Form 3.0.

11.3.1 Officers should use the CCR number from the original PFA violation associated with this warrant.

11.3.2 Officers may record multiple attempts to serve the warrant during the same tour of duty in one report.

11.3.3 If the police officer is unable to execute the ICC warrant by the end of his or her tour of duty, the officer shall turn the warrant in to the desk officer so that it can be executed as soon as possible.

11.4 If the Zone is sent an arrest warrant for ICC for a defendant who is presently located in another Zone, the desk officer receiving the information will call the Zone where the defendant is located and notify them of the existence of the arrest warrant and the defendant's location. That Zone will then execute the arrest warrant as soon as possible.

**12.0 JUVENILE INDIRECT CRIMINAL CONTEMPT VIOLATORS**

12.1 Section 6114 (a) (2) of the Protection From Abuse Act states that any defendant who is a minor and who is charged with Indirect Criminal Contempt for allegedly violating a PFA order shall be considered to have committed an alleged delinquent act. Juveniles violating PFA orders will be prosecuted through Juvenile Court.

12.2 The arresting officer must verify through Shuman Center Intake that the juvenile will be accepted for a detention hearing on the ICC violation. If Shuman Center will not accept the juvenile for any reason, the officer must document this in the Offense Report.

12.2.1 If Shuman Center will not accept the juvenile and the victim of the offense is *not* the parent or guardian of the juvenile, the juvenile shall be released to the parent or guardian.

12.2.2 If Shuman Center will not accept the juvenile and the victim of the offense *is* the parent or guardian, the officer should contact "Children, Youth and Family" Service (CYF) for disposition of the juvenile.

**13.0 REPORTS UPON APPREHENSION OF AN INDIRECT CRIMINAL CONTEMPT VIOLATION**

13.1 Prepare PBP Forms #2.0 "Offense Report", #3.0 "Investigative Report," #6.0 "Arrest Report" and the Indirect Criminal Complaint Form.

13.2 In warrantless arrests for violation of a PFA Order, the arresting officer will sign the Indirect Criminal Complaint Form as the complainant when he/she appears before the District Justice or Arraignment Court. The victim does not have to appear or sign the complaint for ICC.

13.3 All paperwork pertaining to Indirect Criminal Contempt Violations shall be processed through the CRRU as any other arrest paperwork.

13.4 Arresting officers will not attend the ICC hearings unless subpoenaed.

**14.0 PROTECTION FROM ABUSE ORDER/INDIRECT CRIMINAL CONTEMPT WARRANT SERVICE LOG**

14.1 Upon receipt of a PFA Order or ICC Warrant, the officer receiving that document shall initiate a PFA Order/ICC Warrant Service Log, PBP Form # 442.12. This form can be found in the "Police Officer's Toolkit." The receiving officer shall document the following on the form:

14.1.1 The date/time received at the Zone.

14.1.2 The type of document (PFA Order or ICC Warrant).

14.1.3 The identifying number of the document (PFA Order # or ICC Warrant FD#).

14.1.4 The date of expiration of the document.

14.1.5 The defendant's name.

14.2 The "PFA Order/ICC Warrant Service Log" shall stay attached to the PFA Order or ICC Warrant until that document is served.

14.2.1 For each attempt to serve either a PFA Order or ICC Warrant, the officer(s) must complete the following:

14.2.1.1 Date/time assigned to officer(s).

14.2.1.2 Name of officer(s) assigned to serve the PFA Order or ICC Warrant.

14.2.1.3 Address of Service.

14.2.1.4 Date/Time served or attempted to serve.

14.2.1.5 If PFA is served, record the method of service; if PFA is not served, record the reason it was not served.

14.3 Upon service of the PFA Order or ICC Warrant, the "PFA Order/ICC Warrant Service Log" shall be filed with the Zone clerk.

14.4 The "PFA Order/ICC Warrant Service Log" shall be completed in addition to any other reports or documents required by PBP procedures, the Allegheny County DA's office, or by law.

**15.0 CIVILIAN CITY EMPLOYEE / OFFICIAL**

15.1 In all cases involving a City of Pittsburgh Employee or Official, either as the actor or as the victim, notice will be given to that employee's or Official's supervisor.

15.2 Notice will be given in a manner prescribed by the Chief of Police.

15.3 Notice will be given by an officer of the rank of Commander or above.

*See also General Order 44-4 Section 5.4*

<b>SUBJECT: "POLICE RESPONSE TO DOMESTIC VIOLENCE INCIDENTS"</b>	<b>ORDER NUMBER: 40-12</b>	<b>PAGE 9 OF 9</b>
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Approved By:

Regina McDonald  
Acting Chief of Police

Date: