PBP FORM 290				
PITTSBURGH BUREAU OF POLICE *"...accountability, integrity and respect."*		**SUBJECT:** **"POLICE OFFICER INVOLVED DOMESTIC VIOLENCE"**		**ORDER NUMBER:** **40-12.1**
		PLEAC STANDARD:		**PAGE 1 OF 7**
REVISE DATE: **5/19/2016**	**EFFECTIVE DATE:** **11/05/2015**	**ANNUAL REVIEW DATE:** **NOVEMBER**	**RESCINDS:** **N/A**	**AMENDS:** **N/A**

1.0 POLICY AND PURPOSE

1.1 The purpose of this policy is to prescribe a course of action that members of the Pittsburgh Bureau of Police shall take in response to domestic violence incidents involving police officers.

1.2 The Pittsburgh Bureau of Police will adhere to a zero tolerance policy towards police officers involved in domestic violence.

2.0 RESPONSIBILITY

2.1 In addition to the policies and procedures contained in this General Order, all members of the Pittsburgh Bureau of Police
are responsible for enforcing the laws that pertain to domestic violence contained in the Pennsylvania Crimes Code, 18 Pa.C.S. § 2711, 23 Pa. C.S. Chapter 61, and the policies and procedures contained in the Pittsburgh Police Manual of Procedural Orders, including but not limited to, General Order #40-12 "Police Response to Domestic Violence Incidents"
and General Order #44-5 "Criminal /Civil Actions Against Police Officers."

2.2 PBP members will be investigated and disciplined if they attempt to interfere with an investigation of another member accused of domestic violence. Interference may include, but is not limited to, stalking, intimidating, or harassing or putting under surveillance victims, witnesses, and/or family members of victims or witnesses.

2.3 Any disclosure on the part of any officer, intimate partner, or family member to any member of the department that an officer has personally engaged in domestic violence will be treated as an admission and/or report of a crime and shall be investigated both administratively and criminally.

3.0 DEFINITIONS

3.1 Abuse- means the occurrence of one or more of the following acts between "family or household members":

3.1.1 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.
3.1.2 Placing another in reasonable fear of imminent serious bodily injury.
3.1.3 The infliction of false imprisonment pursuant to 18 Pa.C.S. 2903 (relating to false imprisonment).
3.1.4 Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to Child Protective Services).
3.1.5 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).

3.2 Domestic Violence-A pattern of abusive behavior which keeps one partner in a position of power over the other partner through the use of fear, intimidation, and control. It is an act or pattern of abuse perpetrated by a person upon his or her intimate partner not done in defense of self or others, including, but not limited to the following

3.2.1 Physical injury or threat of imminent bodily injury.
3.2.2 Sexual, psychological, or emotional abuse
3.2.3 Physical restraint

3.2.4 Stalking
3.2.5 Violation or a court order of protection or similar injunction
3.2.6 Death threats or death
3.2.7 Property crime directed at the victim that is directly related to a domestic violence situation

3.3 Family or household members-is defined as one of the following with *NO* requirement of living together:

3.3.1 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.

3.4 Intimate partner-of a police officer is any person who meets one or more of the following criteria;

3.4.1 Is or was legally married to the police officer
3.4.2 Has a child in common with the police officer
3.4.3 Has or had a dating relationship with the police officer
3.4.4 Is specified as an intimate partner by state law
3.4.5 Is cohabitating or has cohabitated romantically with the police officer

3.3 Victim-A person who is physically, psychologically, or sexually abused by a family or household member. A victim is a person against whom abuse is committed, who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling, or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling, or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

3.4 Weapon-Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. §907 (relating to possessing instruments of a crime).

4.0 DUTIES AND RESPONSIBILITES OF FIRST RESPONDING OFFICER

4.1 Upon arrival on the scene of a domestic violence related call or incident involving a police officer, the first responding patrol unit shall notify dispatch and request a supervisor of a higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction.

4.1.1 In all cases in which a member of the Bureau of Police or police officer from another jurisdiction is involved in a case of suspected domestic violence, a supervisor ***must*** be called to the scene. The responding supervisor shall determine whether evidence exists for an immediate arrest and shall affect the arrest if deemed appropriate. *(Refer to G.O. 44-5, Section 3.4).*

4.2 The responding officers shall perform the following actions:

4.2.1 Obtain necessary medical assistance
4.2.2 Address the immediate safety of all parties involved, including children.
4.2.3 Secure the scene and preserve evidence
4.2.4 Note all spontaneous utterances, admissions, and/or incriminating statements

5.0 DUTIES AND RESPONSIBILITIES OF ON-SCENE SUPERVISOR

5.1 The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic documentation of the parties involved and scene shall be recorded where such resources are available.

5.1.1 The Mobile Crime Unit or Night Felony Squad shall be requested if the on-scene supervisor feels it is necessary.

5.2 The on-scene supervisor shall identify the reporting officer and ensure the report is taken.

5.2.1 All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians. (*Refer to G.O. 40-12, Section 4.1).*

5.2.1 The on-scene supervisor will initiate the Lethality Assessment Program if applicable. (Refer to G.O. 40-12.2)

5.3 In cases where probable cause exists *(Refer to G.O. #40-12, Section 5.0, "Police Response to Domestic Violence Incidents*"), the on-scene supervisor shall effect the arrest, sign all of the reports, and handle all of the court appearances in regard to the arrest. *(Refer to G.O. #44-5, "Criminal/Civil Actions Against Police Officers").* It shall be the District Attorney's decision to seek prosecution even in cases where the victim recants.

5.3.1 Arrest of both parties involved in a domestic violence abuse incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the primary physical aggressor is made. In the event that both parties are arrested, the investigative report shall explain any and all reasons for those decisions.

5.4 If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:

5.4.1 Exhaust all reasonable means to locate the alleged offender
5.4.2 Ensure that an arrest warrant is obtained, if unable to locate the alleged offender
5.4.3 Document all subsequent actions in a timely manner

5.5 The supervisor shall seize any <u>weapon</u> used or threaten to be used in the commission of the offense.

5.5.1 Seized weapons which are evidence in the case shall be collected, packaged, and processed. according to *(Refer to G.O. #36-1*, "*Evidence Procedures*.").

5.6 Whenever an officer is arrested for a domestic violence abuse related offense <u>and is armed</u>, the on-scene supervisor shall relieve the accused officer of his/her <u>firearm</u>.

5.6.1 Unless the firearm is evidence in the case, the firearm shall be secured at the subject officer's duty location by the on-scene supervisor.

5.7 If other <u>weapons</u> are present in the home, seizure of those weapons should be discussed with the family.

5.7.1 Consent should be obtained before seizing any weapons that are present, but were not used in the commission of the offense. *(Refer to G.O. #40-12, "Police Response to Domestic Violence Incidents"*)
5.7.2 Any weapons seized at the consent of the family shall be packaged and sent to the Property Room *(Refer to G.O. #36-1*, "*Evidence Procedures*.")

5.8 If the involved officer is not arrested <u>and is armed</u>, the on-scene supervisor may relieve the involved officer of his/her <u>firearm</u>, if serious safety concerns are present. These concerns should be fully articulated in the report.

5.8.1 The firearm shall be secured at the officer's duty location by the on-scene supervisor.

5.9 If the victim has left the scene, the supervisor shall make every effort to follow through on the investigation and attempt to locate the victim.

5.10 The on-scene supervisor shall provide the victim with oral and written notice of the availability of safe shelter and domestic violence services in the community, including the hotline number for domestic violence services.

5.10.1 Written notice shall be in the form of a copy of the "Victim Services Notification Form", available in the "Police Officers Toolkit".
5.10.2 When utilizing the Automated Police Reports System (APRS) to write the PBP Form #3.0 "Investigative Report", the supervisor shall indicate in the report the date and time the victim was notified and that the victim was unable to sign the electronic report. *(Refer to G.O. #40-12, "Police Response to Domestic Violence Incidents")*
5.10.3 The on-scene supervisor will also provide the victim with the name and phone number of the Chief of Staff,

(412) 323-7841, who will serve as the victim's principal contact for case information. In the event that the Chief of staff is the suspect the Chief of Police will serve as the victim's principal contact.

5.10.3.1 The Chief of Staff, with the assistance of a domestic violence victim advocate, will ensure that the victim is offered the opportunity to create a safety plan and discuss stalking.

5.10.3.2 The Chief of Staff will also notify the victim prior to the return of the firearm to the accused officer.

5.11 Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not obtained, the on-scene supervisor shall explain all details of the incident in a PBP Form #54.0 "Special Report". The completed "Special Report" will be forwarded as follows:

5.11.1 Through the chain of command to the Chief of Police
5.11.2 A copy will be forwarded to the duty location Commander of the involved officer.
5.11.3 The Chief of Police will forward this information to the OMI and will request further investigation of the details of the incident contained in the report.
5.11.4 A copy will be forwarded to the Director of Public Safety.

6.0 DUTY AND RESPONSIBILITIES OF THE DUTY LOCATION COMMANDER

6.1 The Commander of any officer arrested for a domestic violence related incident shall immediately order the officer's supervisor to initiate "monitoring". Monitoring is a documented observation and evaluation of the officer's performance. The officer's shift supervisor must perform at least 20 on-scene field checks of that officer within a quarter of the year.

6.1.2 The member's duty location Commander shall take the appropriate steps to provide assistance to the officer, family members, or partner.

6.1.3 If the duty location Commander determines that a crime has been committed, an investigation must be immediately initiated.

6.1.4 The Commander or his designee will send and electronic and paper copy of the Domestic Violence/PFA Review Form to the Assistant Chief's Office of OPS.

7.0 ADDITIONAL CONSIDERATIONS

7.1 When a PBP member becomes the subject of a criminal investigation and/or protection order, regardless of the jurisdiction, the member is responsible for immediately informing the shift supervisor at his/her duty location, providing copies of the order and giving timely notice of court dates. The supervisor shall notify the duty location Commander.

7.1.2 This would also include domestic violence incidents that occur outside the City, where another police agency responds, whether or not an arrest was made.

7.1.3 The involved member shall submit a special to his/her duty location Commander as soon as possible.

7.2 In the event that the reported incident involves the chief law enforcement officer of the Pittsburgh Bureau of Police, the on-scene supervisor shall immediately notify the Director of Public Safety through the Emergency Operations Center (EOC).

7.3 In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed. *(Refer to General Order, #40-12, "Police Response to Domestic Violence Incidents.")*

7.4 In responding to a domestic violence incident where the parties involved are both law enforcement officers, the standard domestic violence procedures set forth in this policy should be followed.

7.5 Informal contacts or any information from concerned partners and/or family members regarding a PBP member must be immediately forwarded to the member's duty location Commander.

7.5.1 Any officer involved in a domestic violence related incident may be reassigned at the discretion of the Chief.

8.0 LAW ENFORCEMENT OFFICER FROM ANOTHER JURISDICTION

8.1 When responding to a domestic violence call involving a law enforcement officer from another jurisdiction, all responding officers shall follow the same procedures that they would follow if the police officer was from the Pittsburgh Bureau of Police.

8.1.1 The Chief or his/her designee will immediately notify the chief law enforcement officer of the involved officer's jurisdiction and forward all reports to him/her within 24 hours of the incident.

9.0 DISTRUBUTION OF REPORTS

9.1 The on-scene supervisor shall ensure copies of all related reports are sent through the chain of command to the following:

9.1.1 Chief of Police
9.1.2 Chief of Staff
9.1.3 Chief of OPS
9.1.4 Involved officer's Assistant Chief
9.1.5 Involved officer's Commander
9.1.6 Commander of zone in which incident occurred
9.1.7 Director of Public Safety

10.0 ADMINISTRATIVE INVESTIGATION

10.1 Upon receipt of **any** officer-involved domestic violence reports, including any related "Special Reports", the Chief of Police, or his/her designee, will forward copies of all reports to the Director of the Office of Municipal Investigations (OMI) and request an investigation.

10.2 Any officer determined through an administrative investigation to have committed domestic violence will be subject to disciplinary action.

11.0 DISCIPLINARY ACTION

[redacted]

11.2 If no arrest is made, no disciplinary action shall be taken until an OMI investigation is complete.

11.3 Any officer convicted of domestic violence abuse through criminal proceedings will be terminated from the PBP as per Pennsylvania Municipal Police Officers' Education and Training Commission rules and regulations regarding revocation of certification.

12.0 DOMESTIC VIOLENCE REVIEW BOARD

12.1 The Chief of Police will establish the Domestic Violence Review Board consisting of the following members to review all officer-involved domestic violence related incidents

12.1.1 Chief of Staff
12.1.2 Assistant Chief of Professional Standards
12.1.3 Assistant Chief of Investigations
12.1.4 Assistant Chief of Operations
12.1.5 Commander-at-Large
12.1.6 Independent Advisor from the Women' Center and Shelter
12.1.7 City-contracted Psychologist
12.1.8 Director of Personnel and Civil Service

12.2 Authority, Responsibilities and Duties of the Domestic Violence Review Board

12.2.1 The Domestic Violence Review Board shall be responsible for reviewing domestic violence incidents involving members of the Bureau of Police.
12.2.2 The Board will meet after each officer involved domestic violence related incident.
12.2.3 The Board will also meet once a quarter to review all Bureau-wide domestic violence incidents and PFA orders.
12.2.4 The Chief of Police will retain the authority to follow the normal course of departmental disciplinary action against an officer who has been involved in a domestic violence related incident.
12.2.5 The Domestic Violence Review Board will review all available information pertaining to officer-involved domestic violence related incidents.
12.2.6 The Board shall serve in an advisory capacity by presenting findings and making recommendations to the Chief of Police.
12.2.7 The recommendations will include suggestions that may pertain to training, policy, discipline, safety or any other issues of importance that arise from the review.
12.2.8 While the Board may make recommendations, the final discretion as to these recommendations shall remain with the Chief of Police.

13.0 SERVICE OF A PROTECTION FROM ABUSE ORDER ON A MEMBER OF THE PITTSBURGH BUREAU OF POLICE

13.1 A shift supervisor must serve a Protection from Abuse Order (PFA) on a member of the Bureau of Police.

13.2 The supervisor serving the PFA shall be responsible for preparing a PBP Form 54, "Special Report", detailing the following:

13.2.1 Date of service of the PFA order
13.2.2 Time of service of the PFA order
13.3.3 Location of service of the PFA order
13.3.4 Whether weapons were seized
13.3.5 All other pertinent information in regards to the service of the PFA order

13.3 The completed "Special Report" and a copy of the PFA order will be forwarded as follows:

13.3.1 Through the chain of command to the Chief of Police
13.3.2 A copy will be forwarded to the Commander of the officer who received the PFA order
13.3.3 The Chief of Police will forward this information to the OMI and will request further investigation of the allegations contained as part of the PFA order.
13.3.4 A copy will be forwarded to the Director of Public Safety.

13.4 The supervisor serving the PFA shall be responsible for reviewing and enforcing the terms of the PFA order (i.e. removal of weapons, removal/exclusion of persons from the residence, etc.)

14.0 DOMESTIC VIOLENCE FILE

14.1 The Chief of Police will maintain a paper file on all officer-involved domestic violence incidents.

14.2 The Chief of Police or his/her designee, will maintain an electronic database on all officer-involved domestic violence incidents.

14.2.1 The database shall include the following:

14.2.1.1 The name of the involved officer
14.2.1.2 The officer's identification number
14.2.1.3 The CCR# of the incident
14.2.1.4 The date/time of the incident
14.2.1.5 The location of the incident
14.2.1.6 Whether or not an arrest was made

14.2.1.7 The disposition of the case
14.2.1.8 The name of the victim
14.2.1.8 The relationship of the victim to the involved officer
14.2.1.9 The DAR number, if initiated
14.2.1.10 The date the DAR was initiated
14.2.1.11 The disposition of the DAR

15.0 PROTECTION FROM ABUSE FILE

15.1 The Chief of Police will maintain a paper file on all officer-involved Protection from Abuse (PFA) Orders.

15.2 The Chief of Police or his/her designee, will maintain an electronic database on all officer-involved PFA order.

15.2.1 The database shall include the following:

15.2.1.1 The name of the involved officer
15.2.1.2 The officer's identification number
15.2.1.3 The docket number on the order
15.2.1.4 The date/time the PFA order was filed with Family Court
15.2.1.5 The date/time the PFA order expires
15.2.1.6 The names of all protected persons
15.2.1.7 Court-ordered restrictions on firearms
15.2.1.8 Location of residence if there is a Court-ordered exclusion from a residence

15.3 In addition, the PBP will perform periodic checks of protective order databases for names of officers and respond accordingly.

16.0 RETURN OF SEIZED FIREARMS/WEAPONS

16.1 Firearms/weapons seized in response to a domestic violence related court order/arrest will be returned when the court releases the firearm/weapon.

16.2 Firearms/weapons seized as a result of a domestic violence related incident where no arrest was made and there is no court order will be returned at the discretion of the Chief of Police.

17.0 CONSIDERATIONS FOR PROMOTIONS OR FIELD TRAINING OFFICER POSITIONS

17.1 Regarding recommendations for promotions, the Chief of Police shall not recommend to the Director of Public Safety, an officer who has an active Protection from Abuse (PFA) order or a pending criminal case.

17.2 An officer's domestic violence history will be included when considering an officer for promotions and/or assignment to Field Training Officer positions.

18.0 POST-HIRE INTERVENTION

18.1 When new officers are hired, the PBP shall reach out to the family member/intimate partners to introduce this policy and other related policies.

18.2 The PBP shall engage in consistent and ongoing outreach to officers and their family members/intimate partners with information on this policy, the point of contact within the PBP, and referrals for local support services, if needed.

Approved By:

_____

Cameron McLay
Chief of Police