

PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "CRIMINAL/CIVIL ACTIONS AGAINST POLICE OFFICERS"	ORDER NUMBER: 44-5
		CALEA STANDARD: NONE	PAGE 1 OF 5
RE-ISSUE DATE: 12/14/03	EFFECTIVE DATE: 8/25/97	ANNUAL REVIEW DATE: AUGUST	RESCINDS: ALL PREVIOUS
			AMENDS: NONE

1.0 POLICY OR PURPOSE

1.1 To provide a protocol for the arrest, service of an arrest warrant, service of a court order or service of a civil lawsuit on a member of the Pittsburgh Bureau of Police by another member of the Bureau of Police.

2.0 NOTIFICATION PRIOR TO SIGNING OF COMPLAINT

2.1 In all cases, when any member of the Pittsburgh Bureau of Police is to be physically arrested on the complaint of another member, notification shall be made to the affected member's chain of command from his/her Commander to the Chief of Police prior to the signing of the complaint and the preparation of the summons, and before the member is processed at the Warrant Office.

2.2. Each rank in the chain of command shall be personally responsible for notifying the next higher rank up to the Chief of Police.

3.0 ON-VIEW ARREST OF A MEMBER OF THE PITTSBURGH BUREAU OF POLICE

3.1 Whenever a situation occurs which dictates the on-view arrest of a member of the Bureau of Police, a shift supervisor *must* be called to the scene.

3.2 Whenever possible, a supervisor at least one grade higher than the officer being arrested will make the arrest at the scene, sign all of the reports, and handle all of the court appearances in regard to the arrest.

3.3 In those instances when an immediate arrest is needed, and a supervisor is not available, the officer on the scene will make the arrest, however, a supervisor must review, approve and sign all of the reports, and handle all of the court appearances in regard to the arrest.

3.4 In all cases in which a member of the Bureau of Police 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 under Section 2711 of the Pennsylvania Crimes Code (Domestic Violence Act) and shall effect the arrest if deemed appropriate.

3.5 [REDACTED]

3.6 The shift supervisor shall be responsible for notifying the Zone Commander in which the arrest occurred, the Commander of the officer being arrested, and also the Duty Commander.

3.7 It shall be the responsibility of the Commander of the arrested officer to personally notify the Assistant Chief of the appropriate branch.

- 3.8 It shall be the responsibility of the Assistant Chief to personally notify the Deputy Chief, who in turn shall personally notify the Chief of Police.
- 3.9 The Deputy Chief shall forward all related information regarding the arrest to the Assistant Chief of Administration, the Commander of the Chief’s Office of Special Investigations and also to the Office of Municipal Investigations.
- 3.10 If the arrest is for an offense which is a Misdemeanor 2 or higher, the Assistant Chief of Administration will forward all related information to the Training Academy to be processed. The completed paperwork will be sent by the Assistant Chief of Administration to the Municipal Police Officer’s Education and Training Commission. A copy of the correspondence will be forwarded to the Assistant Chiefs, the Deputy Chief and the Chief of Police.
- 3.11 If the arrest is for an offense which is a Felony 3 or higher, the Chief of Police will notify the Director of Public Safety so that official notification may be made to the Department of Personnel and Civil Service.

4.0 ARREST BY WARRANT OR SUMMONS

- 4.1 Physical arrests of members of the Pittsburgh Bureau of Police shall be made on complaint of another member of the Pittsburgh Bureau of Police in accordance with Rule 509 of the Pennsylvania Rules of Criminal Procedure which is reprinted as follows:

If a complaint charges an offense which is a court case, the issuing authority with whom it is filed shall:

- (1) *issue a summons and not a warrant of arrest in cases in which the offense charged is punishable by a sentence to imprisonment of not more than one year (i.e. Misdemeanor 3 and Summary Offenses) except as set forth in paragraph (2).*
- (2) *issue a warrant of arrest when:*
- (a) *the offense charged is punishable by a sentence to imprisonment of more than five (5) years (Felony 3 and above) or*
 - (b) *the issuing authority has reasonable grounds for believing that the defendant will not obey a summons; or*
 - (c) *the summons has been returned undelivered; or*
 - (d) *a summons has been served and disobeyed by a defendant; or*
 - (e) *the identity of the defendant is unknown;*
- (3) *issue a summons or a warrant of arrest, within the issuing authority’s discretion, when the offense charged does not fall within any of the categories specified in paragraphs (1) or (2) (Misdemeanor 1 and Misdemeanor 2); or*
- (4) *when a defendant is charged with more than one offense and one such offense is punishable by a sentence to imprisonment for more than five (5) years (Felony 3), issue a warrant of arrest.*

- 4.2 All arrest warrants and/or summons, drawn up against a member of the Bureau of Police, shall be sworn to by a member at least one grade higher than the officer against whom the complaint is being filed.

- An exception to this requirement shall be made if the reporting/investigating officer is advised by an Assistant District Attorney or the Police Legal Advisor to swear out an affidavit for arrest or summons. In this specific instance, a member of equal or lower rank may then swear out an affidavit for the issuance of an arrest warrant or summons.

- 4.3 The commander of the affected member shall be notified prior to the drawing up of an affidavit for an arrest warrant or summons, and the arrest shall be coordinated through him/her.
- 4.4 It shall be the responsibility of the Commander of the affected member to personally notify the Assistant Chief of the appropriate branch.
- 4.5 It shall be the responsibility of the Assistant Chief to personally notify the Deputy Chief, who in turn shall personally notify the Chief of Police.

- 4.6 The Deputy Chief shall forward all related information regarding the arrest to the Assistant Chief of Administration, the Commander of the Chief's Office of Special Investigations and also to the Office of Municipal Investigations.
- 4.7 If the arrest is for an offense which is a Misdemeanor 2 or higher, the Assistant Chief of Administration will forward all related information to the Training Academy to be processed. The completed paperwork will be sent by the Assistant Chief of Administration to the Municipal Police Officer's Education and Training Commission. A copy of the correspondence will be forwarded to the Assistant Chiefs, the Deputy Chief and the Chief of Police.
- 4.8 If the arrest is for an offense which is a Felony 3 or higher, the Chief of Police will notify the Director of Public Safety so that official notification may be made to the Department of Personnel and Civil Service.
- 4.9 Whenever possible, a supervisor at least one grade higher than the affected member shall serve the arrest warrant, make the arrest, prepare all of the reports, and handle all of the court appearances in regards to the arrest.
- 4.11 In those instances where the immediate service of the arrest warrant is necessary, and a supervisor is not available, the officer on the scene shall be responsible for making the arrest, however, a supervisor must review, approve and sign all of the reports, and handle all of the court appearances in regard to the arrest.

4.12

[REDACTED]

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

- 5.1 A shift supervisor shall be responsible for accompanying a responding police officer to serve a Protection from Abuse Order (PFA) on a member of the Bureau of Police.
- 5.2 The supervisor serving the PFA shall be responsible for preparing a Form 54 (Special Report) detailing the following:
- Date of Service of the PFA
 - Time of Service of the PFA
 - Location of Service of the PFA
 - All other pertinent information in regards to the service of the PFA order
- 5.3 The completed Special Report, along with a copy of the PFA will be forwarded as follows:
- Through the chain of command to the Chief of Police.
 - A copy will be forwarded to the Commander of the officer who received the PFA.
 - The Commander of the officer involved will forward this information to OMI and will request further investigation of the allegations contained as part of the PFA. *{Revised 9/1/98}*

6.0 NOTIFICATION OF CIVIL SUITS

- 6.1 Any member of the Bureau of Police who has been named as a party in any civil suit involving allegations of untruthfulness, physical force, racial bias, or domestic violence shall make immediate notification to his/her Commander.
- 6.2 The officer shall prepare and submit a Form 54 (Special Report) through the chain of command to the Chief of Police detailing the following:
- Time, date and location of the incident

- Charges filed against the officer
- Jurisdiction of the charges or suit
- Any bond or conditions of bond
- Date, time and place of any hearing.

6.3 The Assistant Chief of Investigations or of Operations shall forward this information to the Assistant Chief of Administration, the Commander of the Chief’s Office of Special Investigations and also to the Office of Municipal Investigations.

7.0 ARREST OF A MEMBER OF THE BUREAU OF POLICE BY ANOTHER POLICE AGENCY

7.1 Any member of the Bureau of Police who has been placed under arrest by any police agency other than the Pittsburgh Bureau of Police shall notify his/her Commander of the arrest within twenty-four (24) hours of the initial arrest. This notification may be made by telephone to the Commander.

7.2 Immediately following the officer’s return to work (or within 72 hours if not working due to circumstances such as being off sick, compensation, vacations, etc.) after the initial arrest, the arrested member shall prepare and submit a Form 54 (Special Report) through the chain of command to the Chief of Police detailing the following:

- Time, date and location of the arrest
- Charges filed against the officer
- Jurisdiction of the arrest
- Any bond or conditions of bond
- Date, time and place of the preliminary hearing.

7.3 The Assistant Chief of Investigations or of Operations shall forward this information to the Assistant Chief of Administration, the Commander of the Chief’s Office of Special Investigations and also to the Office of Municipal Investigations.

7.4 If the arrest is for an offense which is a Misdemeanor 2 or higher, the Assistant Chief of Administration will forward all related information to the Training Academy to be processed. The completed paperwork will be sent by the Assistant Chief of Administration to the Municipal Police Officer’s Education and Training Commission. A copy of the correspondence will be forwarded to the Assistant Chiefs, the Deputy Chief and the Chief of Police.

7.5 If the arrest is for an offense which is a Felony 3 or higher, the Chief of Police will notify the Director of Public Safety so that official notification may be made to the Department of Personnel and Civil Service.

7.6 [REDACTED]

8.0 ARREST OF POLICE OFFICERS FROM OTHER POLICE AGENCIES

8.1 Any time a police officer from another jurisdiction is arrested by a member of the Bureau of Police, a copy of the arrest report will be forwarded to the Assistant Chief of Administration.

8.2 If the arrest is for an offense which is a Misdemeanor 2 or higher, the Assistant Chief of Administration will forward that report and related information to the Training Academy to be processed. The Assistant Chief of Administration will send the completed paperwork to the Municipal Police Officer’s Education and Training Commission. A copy of the correspondence will be forwarded to the Assistant Chiefs, the Deputy Chief and the Chief of Police.

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Approved By:

Robert W. McNeilly, Jr.
Chief of Police