


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "CIVIL PROCESS"		ORDER NUMBER: 56-1
		PLEAC STANDARD: 2.7.3, 2.7.4		PAGE 1 OF 2
ISSUE DATE: 11-5-2015	EFFECTIVE DATE: 11-5-2015	ANNUAL REVIEW DATE: NOVEMBER	RESCINDS: ALL PREVIOUS	AMENDS: N/A

1.0 POLICY /PURPOSE

- 1.1 The policy of this department is to avoid involvement in civil situations, unless police presence is absolutely essential. When responding to civil situations, officers will determine whether criminal violations have occurred.
- 1.2 The purpose of this order is to establish guidelines as to when an officer MAY enforce civil orders or charge a person for violating a civil order as well as when an officer MUST enforce civil orders.

2.0 GENERAL

- 2.1 The service of all civil process shall only be made by sworn police officers of the PBP.
- 2.2 In general, civil documents will be served by the Sheriff's Department or another agent of the court. While members of the Pittsburgh Bureau of Police generally do not serve these documents, officers may rely on them to help resolve incidents where they would apply.

3.0 PROTECTION FROM ABUSE (PFA)

- 3.1 PFA Orders shall be logged in at each Zone and served in accordance with *General Order 40-12 POLICE RESPONSE TO DOMESTIC VIOLENCE INCIDENTS* Section 14.
- 3.2 Officers will ensure the person being served the PFA is aware of potential criminal penalties if they return to the premises of the petitioner or have contact with the petitioner while the PFA Order is in effect.

4.0 RESPONDING TO REQUESTS FOR ASSISTANCE (DOMESTIC ISSUES)

- 4.1 In domestic or neighborhood disputes, officers are frequently confronted with the facts appearing to be both civil and criminal in nature. Officers should not become involved in civil disputes while maintaining the peace.
 - 4.1.1 Officers will ensure that all parties involved understand the position of the Department, and that any violent or unlawful act may prejudice future civil proceedings.
 - 4.1.2 If there is a dispute over the ownership of personal property, officers will standby and act only to preserve the peace. Officers may enter premises if requested by a party that has legal right to be on the premises.
 - 4.1.3 The person will be given sufficient time to pack personal items (clothes, medicine, toiletries and essentials).
 - 4.1.4 When parties disagree over the right to possession of personal property, officers will advise the parties to seek civil remedy through the courts.

5.0 CHILD CUSTODY ORDERS

- 5.1 Generally, officers will not serve or enforce child custody orders unless;
 - 5.1.1 the Custody Order is part of a PFA or,
 - 5.1.2 one parent/guardian is attempting to remove the child from the custody of another parent/guardian in violation of the Child Custody Order or,
 - 5.1.3 the officer is ordered to by a supervisor.

- 5.2 Officers will ensure that any Child Custody Order is current and the parties named in the order are positively identified prior to any police action.
- 5.3 Officer's will use their best judgment when dealing with any Child Custody Order. If any doubt exists as to the action that should be taken, the officer should contact a supervisor.
- 5.4 Nothing in this General Order shall prevent an officer from taking action where the officer believes a child is in imminent danger of physical harm. *See General Order 43-10 JUVENILE POLICY – PROCEDURES Section 4.1 and General Order 43-10.1 JUVENILE POLICY –CHILD ABUSE.*
- 5.5 The PBP will assist agents of County Youth & Family in serving orders related to the removal of children from an unsafe household.

6.0 EVICTION ORDERS

- 6.1 Generally, officers will not serve eviction orders unless;
 - 6.1.1 the Eviction Order is part of a PFA or,
 - 6.1.2 the officer is ordered to by a supervisor.
- 6.2 Officers will ensure that any Eviction Order is current and the parties named in the order are positively identified prior to any police action.
- 6.3 Officers will not make any determination as to the ownership of personal property. All parties will be referred to their local magistrate for property disputes.
- 6.4 The evicted person will be given sufficient time to pack personal items like clothes and toiletries prior to being evicted.
- 6.5 The evicted person will be allowed to leave with a vehicle if;
 - 6.5.1 the vehicle is registered to the evicted person (either singularly or jointly) and,
 - 6.5.2 the evicted person has a valid driver's license and,
 - 6.5.3 the Eviction Order does not specifically state that the vehicle must stay in the possession of the person not being evicted.
- 6.6 Officers will ensure the evicted person is aware of potential criminal penalties if they return to the premises while the Eviction Order is in effect.

7.0 INDIRECT CRIMINAL CONTEMPT (ICC)

- 7.1 Generally, officers will not charge violators of civil orders unless;
 - 7.1.1 the violation is of a PFA Order or,
 - 7.1.2 the charge has been approved by the District Attorney's Office.
- 7.2 Violations of PFA Orders shall be handled in accordance with *General Order 40-12 POLICE RESPONSE TO DOMESTIC VIOLENCE INCIDENTS* Sections 8.0-13.0.

8.0 MENTAL HEALTH COMMITMENT

- 8.1 Involuntary mental health commitments shall be handled in accordance with *General Order 40-15 RESPONDING TO INCIDENTS INVOLVING PEOPLE WITH MENTAL ILLNESS* Sections 8.0 and 9.0.
- 8.2 Officers will ensure that any Involuntary Commitment Order is current and the person to be involuntarily committed is positively identified prior to any police action.
- 8.3 Officers will enforce any valid Involuntary Mental Health Commitment Order that is brought to the attention of the PBP.

Approved by:



Cameron McLay
Chief of Police