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| PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i> | | SUBJECT: "POLICE RESPONSE TO DOMESTIC VIOLENCE INCIDENTS" | | ORDER NUMBER: 40-12 | |
| | | PLEAC STANDARD: 4.10.1 | | PAGE 1 OF 11 | |
| RE-ISSUE DATE: 9/6/2022 | EFFECTIVE DATE: 7/30/2014 | REVIEW MONTH: July | RESCINDS: ALL PREVIOUS | REVIEW DATE: 9/6/2022 | |

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, oral and written notice of the availability of a safe shelter and of domestic violence services including the Domestic Violence hotline number. The officer shall hand the victim a copy of the PBP Domestic Violence Resource Guide. This can be found in the Police Officer’s Tool Kit. If supplies of the resource guide have been exhausted at the officer’s duty location, or are unattainable from the Police Officer’s Tool Kit, the officer shall note this in their report and try to provide the resource guide to the victim when the resource guides become available. This resource guide 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 If the victim believes the resource guide does not provide enough detailed 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 “PA Victims Compensation Assistance Program Notification Form” for guidance on how to note handling of Crime Victim Notification in your report. A PA Victims Compensation Assistance Program notification form must be given to a victim of domestic violence and this must be noted in the report.
 - 2.2.1 The “PA Victims Compensation Assistance Program 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 and collection of weapons and firearms used in the alleged offense;
 - 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;
 - 3.2.9 Collect and preserve all body worn camera (BWC) video from all responding officers.
 - 3.2.10 Collection of all digital evidence including but not limited to phone evidence, social media posts / communication, and any related video evidence.
- 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 and a copy shall be forwarded to the PBP Domestic Violence Unit.

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. 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
 - Section 2718 (relating to strangulation).
- 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 seven offenses. Corroborative evidence could also be physical evidence that supports the credibility of the reporting party such as torn clothing, over-turned furniture, or other evidence of an altercation.

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 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 (conflicting statements).
- Another 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 can be discussed, as needed, with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney.

5.4.2 Following arrest, the officer shall take the defendant to the Allegheny County Jail or follow the current juvenile arrest protocol as any other arrest, and all paperwork shall be processed. Under no circumstances shall an adult actor be released before arraignment. If there is no juvenile detention facility available, or the juvenile will not be accepted in any other facility, and the victim of the offense *is* the parent or guardian, the officer should consult with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney, and contact "Children and Youth Services" (CYS) for disposition of the juvenile. If the victim of the offense is *not* the parent or guardian of the juvenile, the juvenile can be released to the parent or guardian, after consulting with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney.

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.

- 6.1 All warrants for crimes committed under Section 2711 *must* be filed. If the warrant is not served immediately, the responding officer will ensure that the warrant is filed. All warrants shall be uploaded into RMS.
- 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 with whom you have a child/children in common. The PFA order may also include provisions for "no contact" between the abuser and the petitioner, eviction of the abuser from petitioner's residence, weapons relinquishment, the temporary custody of minor children, and the possession of some personal property.
- 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 PAC.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 – The provisions of a PFA order for which an arrest is mandated upon violation. The specific "Safety" provisions are listed in 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 (PFAD).
- 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.

8.4.5 Copies of all PFA violation reports shall be forwarded to the PBP Domestic Violence Unit.

8.5 PROTECTION FROM ABUSE SERVICE REQUIRING RELINQUISHMENT OF WEAPONS

8.5.1 Designated personnel will monitor the daily PFAD system. The PFAD system will update daily at 0530 hours. The designated personnel will ensure the address of the Defendant is a City of Pittsburgh address and the ORI number is correct. Upon doing so, a Supervisor and / or designated personnel will immediately assign the PFA to officers for service. Designated personnel will deactivate the 24-hour notification (with weapons relinquishments) within PFAD that the PFA has been assigned for service. The deactivation box will be clicked, and then type "This PFA has been assigned and attempts are being made for service." If designated personnel discover the address is not a City of Pittsburgh address, the designated personnel will complete an ORI correction form and e-mail it to ra-clean@pa.gov. The designated personnel will notify the correct jurisdiction that a PFA is awaiting service. An Event report will be completed documenting the proper jurisdiction was notified. The designated personnel will initiate an Event report documenting the receipt of the PFA. Designated personnel will keep a detailed log of all PFA's (emergency PFA's), PFAD / weapons relinquishment cases, and ICC Warrants to include final dispositions in the Zone PFA Order & ICC Service Log.

8.5.2 A PFA service with a weapons relinquishment will be recorded in the same manner as a standard PFA. The PFA service will be attempted / completed by Zone Officers, with all efforts being documented via Event/Supplement reports. Prior to service of the PFA, officers should ensure officer safety measures to include the following research related to the Defendant: Firearm permits, QROS (Record of Sale Query), Driver's License (DQ which produces both), RMS, ASAP for past arrests, address history, criminal history, alternate locations, and contact information. Attempt to call the defendant and locate the defendant at other locations (place of work, alternate addresses, the jail, etc.). Capture information in the reports, i.e., person spoken to, telephone numbers, etc. Zone Supervisors / designated personnel will update the Protection from Abuse Database (PFAD) and the Zone PFA Order & ICC Tracker.

8.5.3 The successful service of a PFA with weapons relinquishment will require Officers to also complete a FCSS form for the recovered weapons. Officers should ensure that all weapons relinquished are listed in the property / evidence section of the reports so they can be searched in the M.O. system.

8.5.4 Zone supervisors / designated personnel will update PFAD, complete a weapons relinquishment receipt, ensure the receipt is provided to the defendant, and "turn off" the automated investigation required notification in PFAD. Relinquished weapons will be processed as "PFA Guns." "Weapons" may be items other than firearms and may include ammunition. PFAD will have an appendix listing all "weapons" reported to the courts by the Plaintiff. Supervisors should refer to this appendix before service.

Note: When serving a temporary PFA, officers are strongly encouraged to request immediate relinquishment of firearms upon service of the PFA. It is a unique opportunity to avoid giving the defendant 24 hours to do something catastrophic. If the defendant does not relinquish, the defendant will have 24 hours to comply with the order unless there is another basis to seize the firearms. Filing of criminal charges and / or committing a defendant to a mental health facility may permit officers to contemporaneously seize weapons that are subject to a PFA order. If the defendant agrees to immediate relinquishment, **officers must be sure that it is safe to do so.**

8.6 PFA SERVICE THAT RESULTS IN IMMEDIATE ARREST WITH RELIQUISHMENT OF WEAPONS.

8.6.1 Officers will complete the arrest according to current Rules and Regulations.

8.6.2 Arresting officers will also complete a FCSS form for the confiscated weapons. The weapons must be listed in the property / evidence section of the event/incident or supplemental reports.

8.6.3 If the weapons have been used in a crime, such as Simple Assault / Physical Menace or Terroristic Threats, the weapons should be processed according to normal evidence procedures (CSU for photographs, Allegheny Crime Lab for ballistics, and eventual storage at the PBP Property Room as an exhibit number). They will then be retained as evidence until completion of all criminal proceedings, with a final disposition being decided by a court order, District Attorney's release, or a District Attorney's destruction order.

- 8.6.4 If the relinquished weapons have not been used in a crime, they should be processed as "PFA Guns."
- 8.6.5 The arresting officer's supervisor / desk personnel will update PFAD regarding the service, note the reason for arrest in PFAD, complete a weapons relinquishment receipt, ensure the receipt is provided to the defendant, and "turn off" the automated investigation required notification in PFAD. Update the PFA Order & ICC Warrant Service Log.

8.7 THE INVESTIGATION AND PROSECUTION OF DEFENDANTS WHO FAIL TO RELINQUISH WEAPONS

- 8.7.1 After (4) four diligent attempts by Zone officers have failed to contact a Defendant who must relinquish firearms, or the defendant fails to relinquish the firearms in the time specified, or Officers determine the PFA contains an incorrect address, Zone Supervisors must ensure the PFA is assigned to the Zone's Plainclothes Detective Office or the Commander's designee for immediate investigation. This investigation may begin with a simple phone call to inform the defendant he / she is not in compliance with the PFA weapons relinquishment order. The Zone's Plainclothes Detectives may have to conduct an in-depth investigation to develop probable cause to obtain a search warrant to locate and confiscate firearms. The defendant can be charged with 2nd degree misdemeanor for failure to relinquish under 6105(h)(relevant to misdemeanor crime of domestic violence) and other relevant crimes. The Domestic Violence Unit will assist with any in-depth or exigent circumstance investigations.
- 8.7.2. Officers / Detectives investigating PFAD cases for the failure to relinquish firearms, should conduct their investigation in a timely and diligent manner, as any other investigations. Officers/ Detectives are encouraged to check the following items to assist in their investigation and for officer safety: Firearm permits, QROS (Record of Sale Query), Driver's License (DQ which produces both), RMS / ASAP for past arrests, address history, criminal history, alternate locations, and contact information. Attempt to call the defendant and locate the defendant at other locations (place of work, alternate addresses, the jail, etc.). Capture information in the reports, i.e., person spoken to, telephone numbers, etc.
- 8.7.3 All attempts to contact the defendant will be documented in a supplemental report.
- 8.7.4 Consult with the Allegheny County District Attorney's Office, and apply for a warrant after establishing non-compliance, with the investigating Officers / Zone Detectives as the Constable.
- 8.7.5 Prior to execution of the warrant for a Defendant failing to relinquish firearms, the Affiant shall forward the approved warrants to the PBP Tactical Operations Section (TOS) for consultation on the warrant service.

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 all firearms, other weapons and ammunition used or threatened to be used by the defendant during the violation of the protection order or during 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 follow the current juvenile arrest protocol as any other arrest, and all paperwork shall be processed. Under no circumstances shall an adult defendant be released before arraignment. If there is no juvenile detention facility available, and the victim of the offense is the parent or guardian, the officer should consult with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney, and contact "Children and Youth Services" (CYS) for disposition of the juvenile.
- 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 Event report 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 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 court liaison 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 after a diligent search, 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 Magisterial District Justice in whose district the violation took place or from the Magisterial District Judge at Arraignment Court.

10.3 If the ICC warrant is issued, the warrant will be faxed by the Magisterial District Judge'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 Magisterial 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 Magisterial District Justice will issue the arrest warrant for ICC.

10.5.2 The Magisterial 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. (*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 or weapons are present in the home, any guns or weapons used in the commission of the alleged offense shall be seized. Seizure of any guns or weapons that are present but were not used or threatened to be used in the commission of the offense, can be discussed as needed, with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney.

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 Incident Report

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 follow the current juvenile arrest protocol to ensure a detention hearing on the ICC violation. If there is no juvenile detention facility available, or the juvenile will not be accepted elsewhere, the officer must document this in the Offense Report.

12.2.1 If there is no juvenile detention facility available or the juvenile will not be accepted elsewhere, and the victim of the offense is *not* the parent or guardian of the juvenile, the juvenile can be released to the parent or guardian after consulting with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney.

12.2.2 If there is no juvenile detention facility available or the juvenile will not be accepted elsewhere, and the victim of the offense *is* the parent or guardian, the officer should consult with the on-call Allegheny County Domestic Violence Unit, Assistant District Attorney and contact "Children and Youth Services" (CYS) for disposition of the juvenile.

13.0 REPORTS UPON APPREHENSION OF AN INDIRECT CRIMINAL CONTEMPT VIOLATION

13.1 Prepare PBP "Incident Report", "Arrest Report", and the Indirect Criminal Complaint Form. Copies should be forwarded to the PBP Domestic Violence Unit.

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 Magisterial District Judge 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 zone supervisors

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 desk officer receiving that document shall make proper entry into the Zone PFA Order / ICC Warrant Service Log found in Share Point. The receiving desk officer shall document the following in the tracker:

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 be updated to reflect the status of the service of the PFA Order / ICC Warrant.

14.2.1 For each attempt to serve either a PFA Order or ICC Warrant, the officer(s) / designated personnel must complete the following to reflect both in reports (Incident / Supplementals) and the PFA Order & ICC Warrant Service Log:

14.2.1.1 Date/time assigned to officer(s).

14.2.1.2 Name of officer(s) assigned to serve the PFA Order of 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 updated and an Affidavit of Service should be completed and faxed to the appropriate court.

14.4 The "PFA Order/ICC Warrant Service Log" shall be updated, in addition to any other reports or documents required by PBP procedures, the Allegheny County District Attorney'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

16.0 PFA Administrator (Quality Assurance Functions) – PBP Domestic Violence Unit

16.1 The PBP Domestic Violence Unit / Analyst(s) will be dedicated to tracking, conducting coordination, and reporting all PFA's found within the PBP jurisdiction. Information provided through the PFAD system and the PFA Order & ICC Warrant Service Log will create a mechanism for the Domestic Violence Unit / Analyst(s) to construct a report to PBP Leadership upon their request, and to provide Domestic Violence training for the Bureau.

16.2 The PBP Domestic Violence Unit will act as a quality assurance over-watch to address any outstanding PFA's at the Zone level. The Domestic Violence Unit will work with Zone Officers, Supervisors, and Plainclothes Detectives to ensure that outstanding PFA's are being handled with due diligence. To provide additional resources when all aspects are exhausted, to address PFA's that are outstanding and require an escalation to receive additional resources and support that is based upon risk and time, consult with the District Attorney's office, and to accelerate the service of the PFA. The Domestic Violence Unit can also assist officers with outstanding ICC / domestic related warrants when actors cannot be located. The Domestic Violence Unit can recommend resources such as the PBP Fugitive Task Force,

Allegheny County Sheriff's Office, U.S. Marshalls Service, etc.

16.3 The Domestic Violence Unit will receive the "Monday Morning E-Mail (MME)" from PFAD which will provide all un-served PFA's for the prior week. The Domestic Violence Unit / Analyst(s) will cross reference cases from the MME with the Zone PFA Order / ICC Warrant Service Log in SharePoint to ensure that outstanding PFA's / ICC Warrants are being served.

Approved By:



Thomas Stangrecki
Acting Chief of Police