1.0 POLICY OR PURPOSE

1.1 The purpose of this General Order is to provide police officers with guidelines regarding the utilization and reporting of both deadly and non-deadly force.

1.2 The City of Pittsburgh Bureau of Police recognizes and respects the inherently special value of each human life. The law recognizes, however, that police officers, in the performance of their duties, will encounter situations where it is necessary to use force in order to effect an arrest or otherwise protect the public welfare; or as a means of protecting themselves or others.

1.3 It is the policy of the Bureau of Police that use of force, as designated herein, shall be reported in a timely, complete, and accurate manner by involved officers as prescribed by this policy.

2.0 DEFINITIONS

2.1 Use of Force – The amount of effort required by police to compel compliance from a person.

2.2 Deadly Force – Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

2.3 Non-deadly Force – Any use of force other than that which is considered deadly force.

2.4 Impact Weapon – Use of any hard object as a less-lethal weapon to compel compliance. Such term shall include, but is not limited to: police baton or ASP.

2.5 Chemical Force – Any use of OC spray or other chemical suppressant.

2.6 Physical Force – The use of any part of an officer’s body, the use of a vehicle, or the use of police canines to compel compliance.

2.7 Less Lethal Force – The use of kinetic energy projectiles deployed to areas of the subject’s body that are considered less likely to cause death or serious bodily injury. Such term shall include, but is not limited to: any discharge of a TASER either through use of a cartridge or in the drive stun mode, sock round, K01 baton round, or similar object authorized for use by the PBP.

2.8 Weapons of Last Resort - The Bureau recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements (brick, hammer, car) as weapons. Use of such weapons should be viewed as weapons of last resort.

2.9 Reasonable belief – the facts or circumstances the officer knows, or should know, that are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

2.10 Serious bodily injury – bodily injury which creates a substantial risk of death or which causes permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

2.11 Forcible Felony – the crimes of murder, voluntary manslaughter, rape, robbery, kidnapping, involuntary deviate sexual intercourse, arson endangering persons, and aggravated assault causing serious bodily injury.
3.0 USE OF FORCE

3.1 The City of Pittsburgh expressly forbids any use of force that is excessive. Excessive force is the use of force which exceeds the level that a reasonable officer might reasonably believe, at the time of the incident, is necessary under the circumstances of a particular incident.

3.2 Officers shall only use that level of force which the officer might reasonably believe is necessary to affect an arrest, gain compliance, or to protect the officer or others from physical harm. To gain control in a physical confrontation, an officer may be required to use a force option which exceeds the level of force employed by the subject, and an officer may do so, so long as the force option utilized is reasonable under the circumstances.

3.3 The provisions of this policy shall apply to any use of force occurring while an officer is acting in an official law enforcement capacity.

3.4 Any use of force as described herein shall be employed in accordance with the training that has been received by the involved member and in accordance with all written directives pertaining to the use of force.

3.5 Any use of force as defined in Section 2.0 of this order by a member of the Bureau of Police shall be reported on the Subject Resistance Report (SRR), PBP Form 10.10.

3.5.1 For the purpose of this order, the following shall NOT be considered as uses of force, and a SRR PBP Form 10.10 will NOT be completed unless otherwise noted:

- The mere presence of police officers or police canines
- The police issuance of verbal commands
- *Handcuffing with no or minimal resistance when used as a restraint in arrest and transport activities
- *Come-along holds
- *The physical removal of peacefully resisting demonstrators
- The unholstering or display of a firearm or TASER

(*An SRR PBP Form 10.10 must be completed where the use of such force results in injury to the subject requiring medical treatment before acceptance into a detention facility.)

3.6 PBP personnel are not authorized to use neck restraints or similar control techniques which have the potential for serious injury unless involved in a deadly force encounter.

4.0 DISCHARGE OF FIREARMS

4.1 Pittsburgh Bureau of Police personnel will refer to General Order 12-7, “Discharge of Firearms”, as the Bureau policy regarding the handling of firearms, unintentional discharge of firearms, or the discharge of a firearm to destroy an animal.

5.0 USE OF DEADLY FORCE

5.1 A “peace officer” (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code, Title 18 C.S.A. Section 501, shall only use deadly force when necessary and justified to affect lawful objectives in conformance to the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions. Title 18, Chapter 5, Section 508, Subsection (a.), relating to "The Use of Force in Law Enforcement", provides for the lawful and justified use of deadly force by a police officer only when they believe that:

5.1.1 The action is in defense of human life, including the officer’s own life, or in defense of any person in imminent danger of serious physical injury, or when they reasonably believe both that:

5.1.1.1 Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
5.1.1.2 The person to be arrested has committed, or attempted, a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that the person to be arrested will endanger human life or inflict serious bodily injury unless arrested without delay.

5.2 According to the United States Supreme Court in Tennessee vs. Garner (1985) a verbal warning, IF FEASIBLE, must be given prior to the use of deadly force by an officer.

5.3 When an officer intentionally employs deadly force against another person, and death or injury results, the following procedures will apply:

- The officer shall determine the physical condition of the injured party, and render first aid when appropriate. Medical assistance shall be immediately requested.
- The officer shall immediately notify Communications of the incident and location so that proper notifications may be made.
- Other than a brief overview to the supervisor, the involved officer(s) shall not discuss the incident with anyone except Homicide personnel and the FOP Attorney. When necessary, this overview shall include information that is required for a broadcast to apprehend suspects, vehicles, recover evidence or locate witness.

5.4 The shift supervisor will respond immediately and secure the scene. The shift supervisor will:

- Notify the appropriate Commander via the chain of command of the incident,
- Notify the Homicide Squad, which will be responsible for conducting the investigation (See section #12-10, “Critical Incident Procedures Involving Police”),
- Ensure that all Bureau policies and procedures are followed, and
- Ensure that the SRR PBP Form 10.10, the Weapon Discharge Report and any other required or necessary documents are prepared and submitted.

5.5 All agency personnel that are authorized to carry firearms shall receive in-service training, at least annually, on the agency’s use-of-force and deadly force policies.

6.0 USE OF NON-DEADLY FORCE

6.1 Following the use of any non-deadly force employed under the color of law by an officer, the officer will determine the physical condition of the party, and render first aid when appropriate. Medical assistance shall be immediately requested.

6.2 Officers shall then make an immediate verbal report to their supervisor following the use of any use of non-deadly force except those identified in Section 3.5.1.

6.3 The supervisor shall:

6.3.1 Ensure that any/ all officers who use non-deadly force in an incident submit written SRRs PBP Form 10.10, as required under this policy, and any other required or necessary documents are prepared and submitted and,

6.3.2 Ensure that all Bureau policies and procedures are followed.

6.4 Training - all recertification training will be done on a yearly or biennial basis as described below.

6.4.1 The following shall be recertified on a yearly basis;

6.4.1.1 TASER

6.4.2 The following shall be recertified on a biennial (every other year) basis;

6.4.2.1 OC spray
6.4.2.2 ASP, baton, or other impact weapon
6.4.2.3 Specialty Impact Weapons such as bean bag rounds
6.4.3 All training shall be evaluated by a certified instructor.

6.4.3.1 The PBP training academy shall verify all instructor certifications and maintain a record of each instructor’s certifications.

6.4.4 All training and qualifications shall be documented with a copy of all records kept at the PBP training academy.

7.0 REFERRAL/TRANSPORT FOR MEDICAL ATTENTION

7.1 If the use of force against a subject results in injury of which an officer has actual knowledge or an immediate complaint of injury where an officer has actual knowledge of such complaint, the subject shall be examined by an appropriate health care provider prior to interrogation or processing.

7.2 Refusal of treatment by the subject shall be documented and verified by the officer and attending physician or health care provider.

8.0 REPORTING USE OF FORCE

8.1 Each officer who uses force in an incident shall submit a separate written SRR PBP Form 10.10.

8.2 The SRR shall be completed in its entirety as soon as time and circumstances permit, but in no event later than the end of his or her current tour of duty. If a member is incapacitated, the officer’s immediate supervisor will submit the SRR for the officer and will note in the “Shift Supervisor Remarks” section that this was done.

8.2.1 For officers working secondary employment details, they have the option of remaining in a paid status to complete any non-arrest related SRR reports that may have arisen while working the secondary employment detail or they may wait until their next regularly scheduled shift to complete the SRR report. All SRR reports related to an arrest MUST be complete prior to the detail officer ending their tour.

8.3 The actions of the subject that necessitated the use of force and the reasons why the officer used force will be fully described in the narrative section of the Investigative Report.

8.4 It is acceptable for officers to document the narrative only once on the Investigative Report, and make reference to the narrative on any related reports by entering the statement “See Related Investigative Report for Narrative.” Supervisors may require officers to provide more detailed information about the actor’s resistance in the SRR narrative section.

8.5 The narrative section of the Investigative Report will list all officers involved in assisting with a use of force incident.

8.6 All involved officers will complete the SRR and return it to their own duty location. The immediate supervisors assigned to their duty location will review the report. This applies whether the officer was on or off duty.

8.6.1 If the officer is off-duty or working secondary employment and he or she is anticipating an extended absence from their assigned duties, i.e. vacation, they shall ensure that the SRR is submitted to their immediate duty location supervisor prior to commencing the absence.

8.6.2 If the officer is a SWAT operator who is not assigned to SWAT on a full-time basis, they shall submit the SRR through the chain-of-command of the zone/unit where they are assigned. It will then be the responsibility of shift supervisor to forward the SRR to the zone in which the incident occurred.

8.7 The SRR will be forwarded through the chain of command to the duty location Commander.

9.0 REVIEW POLICY

9.1 The shift supervisor will review the SRR PBP Form 10.10 to determine whether Bureau policies and procedures were appropriately followed.
9.1.1 Concerns or issues relating to a particular SRR will be communicated by the shift supervisor on a Form 54 (Special Report) through the chain-of-command to the Duty Location Commander.

9.2 The Duty Location Commander will review the SRR to determine whether Bureau policies and procedures were appropriately followed.

9.2.1 When a Duty Location Commander approves a SRR, and determines that no excessive use of force was used, the original report shall be forwarded to the Assistant Chief of the Administration Branch.

9.2.2 When a Duty Location Commander has reason to believe that excessive force may have been used in an incident, the Commander will check the “OMI Investigation Requested” block located on Page 2 of the SRR, and will attach a Special Report explaining the reason for this request.

9.2.3 When a Duty Location Commander has checked either the “OMI Investigation Requested” or “Homicide Investigation Requested” block on Page 2 of the SRR, the distribution outlined in section 9.4 will apply, however, copies of the report will also be forwarded through the chain of command to the Office of the Chief of Police.

9.2.4 The Duty Location Commander will attach any Special Report(s) PBP Form 54 describing any necessary actions initiated during the review process for each SRR as it passes through the chain of command.

9.3 The Assistant Chief of the Administration Branch will send one copy of the completed form to each of the following:

- The Assistant Chief of the appropriate branch.
- The Commander of the Zone in which force was required to overcome the subject’s resistance.
- The officer’s duty location performance file.
- The Director of the Training Academy.
- The Manager of OMI.

9.4 Assistant Chief of Administration will review all SRRs to determine whether:

- Any violations of Bureau policies and procedures occurred;
- Applicable Bureau policies were clearly understandable and adequate;
- Any deficiencies in training are evident.

9.5 The Assistant Chief of Administration will also:

9.5.1 Notify the Chief of Police in the event a pattern of the employment of excessive force by a particular officer(s) is detected;

9.5.2 Make recommendations to the Chief of Police concerning policy changes and additional training requirements; and

9.5.3 Prepare, at minimum, quarterly reports of use of force incidents for the Chief of Police.

Approved By:

____________________
Cameron McLay
Chief of Police
1.0 POLICY OR PURPOSE

1.1 To provide policy regulating the discharge of firearms by members of the Pittsburgh Bureau of Police.

2.0 USE OF DEADLY FORCE

2.1 Pittsburgh Bureau of Police personnel will refer to Procedural Order #12-6, “Use of Force” which shall continue in effect as the Bureau policy regarding the utilization and reporting of both deadly and non-deadly force.

2.2 In the event of a conflict between this order and statutes or case law, the more restrictive shall control.

3.0 DEFINITIONS

3.1 FIREARM – This includes primary service firearms, secondary firearms, shotguns, rifles, and any less-lethal applications that require documentation as a level of force or an unintentional discharge.

3.2 LESS-LETHAL (MUNITIONS) APPLICATION – The use of kinetic energy projectiles, when deployed to areas of a suspect’s body that are considered less likely to cause death or serious physical injury.

3.3 KINETIC ENERGY IMPACT DEVICES -- a flexible baton round (bean bag) that can be deployed from a distance to strike a subject and cause the subject to stop aggressive actions through pain compliance.

3.4 LESS LETHAL FORCE -- Any use of force that by its very nature is not intended to, nor is it likely to cause death; however, death may result depending on its use.

3.5 REASONABLY NECESSARY -- Those actions, based upon the known facts or circumstances, which would normally be expected from a reasonable and prudent person under similar circumstances.

4.0 DISCHARGE OF FIREARM

4.1 Firearms may be discharged in the performance of police duties only under the following circumstances:

4.1.1 When necessary to protect oneself against a clear and present danger of death or serious bodily injury
4.1.2 When necessary to protect a third person against a clear and present danger of death or serious bodily injury
4.1.3 To kill a dangerous or seriously wounded animal when other disposition is impractical
4.1.4 At an approved training session on the police range

4.2 Warning shots are prohibited for the following reasons:

4.2.1 Warning shots may cause injury to innocent persons
4.2.2 Warning shots may prompt a suspect to return fire even though his original intent was to flee
4.2.3 Warning shots may be mistaken by other officers as coming from the suspect and cause further unnecessary shooting
4.2.4 Errant warning shots can be the basis for liability for the Bureau of Police, as well as the officer
4.3 A police officer shall not discharge a firearm under conditions where it is likely that an innocent person may be injured. The only exception is a situation where an officer, or third party, is faced with immediate death or serious bodily injury and the officer has done everything reasonably necessary to avoid the use of deadly force.

4.4 An officer shall not discharge his or her firearm at a moving vehicle or the occupants of a moving vehicle unless the occupants are using deadly physical force against the officer or another person present by means other than the vehicle. The only exception would be when the vehicle is being operated as a weapon and an officer, or a third party, is faced with immediate death or serious bodily injury and the officer has done everything reasonably necessary to avoid the use of deadly force.

4.4.1 Shooting at a moving vehicle with a firearm is unlikely to immediately stop or disable the vehicle.

4.4.2 Shooting at a moving vehicle could cause injury or death to innocent persons in the vehicle, or could strike the driver causing the vehicle to go out of control and cause death or injury to innocent parties (uninvolved pedestrians and motorists).

4.4.3 When possible, an officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants.

4.5 An officer who discharges a firearm is required to notify communications immediately via police radio. The only times the discharge of a firearm does not require radio notification to communications shall be when shots are fired during firearms qualification at the range. Mere notification to communications of a firearm discharge does not override the response to a “shots fired” detail dispatched close in proximity to the known firearm discharge incident.

4.7 Any discharge of a firearm, other than routine firearms training or the humane destruction of an animal that is wounded, rabid, or otherwise has the potential to cause a public hazard will require a mandatory drug/and or alcohol testing of the officer. This includes all firearm discharges documented as a level of force, less-lethal firearm discharges, discharges to destroy an attacking animal and unintentional firearm discharges. The supervisor initiating the mandatory testing will complete a special which will be forwarded through the chain of command to the Chief of Police. (Refer to Procedural Order #17-10, “Drug and Alcohol Policy.”)

5.0 SAFE HANDLING OF FIREARMS

5.1 Except for general maintenance, storage, inspections, or authorized training, officers shall not draw or exhibit their weapons unless under circumstances which create reasonable cause to believe it may be necessary to lawfully use such firearm in conformance with other sections of this policy.

5.3 Carelessness, horseplay, or disregard for the safety of others in the use or handling of firearms is strictly prohibited and subject to disciplinary action.

6.0 REPORTING DISCHARGE OF FIREARM

6.1 Each firearm discharge shall be reported to the member’s immediate supervisor whether or not someone is injured by such discharge. This includes all firearm discharges documented as a level of force, less-lethal firearm discharges and unintentional discharges.

6.2 It shall be the responsibility of any involved officer to ensure the shift supervisor in the zone where the incident occurred is notified by way of the police radio channel used for that zone. The broadcast will be made on channels 1, 2, or 3. (Notifications will not be transferred to another channel.)

6.3 It shall be the responsibility of any officer on the scene or having knowledge of such an incident that it is reported immediately to his/her immediate supervisor.

6.4 It shall be the responsibility of the responding shift supervisor to ensure that a Commander is notified immediately.
6.4.1 Commanders will be notified in the following manner:

6.4.1.1 Commander of the involved officer
6.4.1.2 Duty Commander if after normal business hours
6.4.1.3 Assistant Chief of the involved officer’s branch if a Commander is not immediately contacted

6.4.2 For holidays, weekends, etc.

6.4.2.1 Duty Commander
6.4.2.2 Commander of involved officer
6.4.2.3 Assistant Chief of the involved officer’s branch if a Commander is not immediately contacted

6.5 Written reports on the appropriate forms shall be made as soon as time and circumstances permit, but in no event later than the conclusion of the involved officer’s tour of duty. If a member is unable to complete the forms for any reason, the member’s immediate supervisor will submit the initial report.

7.0 FIREARM DISCHARGE WITH INJURIES

7.1 Pittsburgh Bureau of Police personnel will refer to Procedural Order #12-6, “Use of Force” which shall remain in effect as the Bureau policy governing the use and reporting of deadly force resulting in death or injury to another person.

7.2 A member of the Training Academy’s Firearms Section will sit on all Critical Incident Review Boards that are convened for incidents involving the discharge of a firearm that results in injuries.

8.0 INTENTIONAL DISCHARGE WITH NO INJURIES

8.1 When a firearm is discharged intentionally at a subject by an officer, whether or not death or injury occurs, the following procedures shall apply:

8.1.1 The officer involved will immediately report the incident to his/ her shift supervisor.

8.1.2 The shift supervisor The Shift Supervisor shall immediately notify the Zone Commander, Duty/Watch Commander, the VCU, and the Collision Investigation Unit (CIU), if applicable, by radio, and make all additional notifications which are warranted by the circumstances of the critical incident.

8.1.3 VCU shall immediately respond and assume command of all police critical incident investigations. (Refer to 12-10 Critical Incidents)

8.1.4 The officer involved will complete and submit a Subject Resistance Report Form, a Weapon Discharge Report, and any other required or necessary documents for the incident in question following the 48 hours delayed interview period.

8.1.5 The VCU supervisors will review and sign the PBP Form #10.10, “Subject Resistance Report” and the PBP Form #9.10, “Weapon Discharge Report” in the appropriate spaces, and will include all remarks, recommendations and conclusions in the spaces provided. The reports will then be forwarded to the Major Crimes Commander.

8.1.6 All reports will be reviewed by the Major Crimes Commander. The Major Crimes Commander will sign the “Subject Resistance Report Form” and the “Weapon Discharge Report” in the appropriate spaces, and will include all remarks, recommendations and conclusions in the spaces provided. The reports will be forwarded through the chain of command to the Office of the Chief of Police, who will personally review all incidents and a copy of the final report will be forwarded to the involved officer’s Commander.

8.1.7 A member of the Training Academy’s Firearms Section will sit on all Critical Incident Review Boards that are convened for incidents involving the intentional discharge of a firearm that results in no injuries.
**9.0 UNINTENTIONAL DISCHARGE OF FIREARMS**

9.1 When a firearm is discharged unintentionally, the following procedures shall apply:

9.1.1 The officer involved will immediately report the incident to his or her shift supervisor.

9.1.2 The VCU supervisor will conduct an investigation into the circumstances surrounding the incident and make a determination as to whether or not the discharge was justified and consistent with Bureau policy e.g., ensure that the discharge was not meant to serve as a warning shot, etc.

9.1.3 The officer involved will complete and submit a “Weapon Discharge Report”, and any other required or necessary documents for the incident in question following the 48 hours delayed interview period.

9.1.4 The VCU supervisor will sign the back of the “Weapon Discharge Report” in the appropriate space, along with his or her conclusion and recommendations. This report will then be forwarded through the chain of command to the Office of the Chief of Police, who will personally review all incidents and a copy of the final report will be forwarded to the involved officer’s Commander.

9.1.5 A member of the Training Academy’s Firearms Section will sit on all Critical Incident Review Boards that are convened for incidents involving the unintentional discharge of a firearm that result in injury or death.

9.1.6 The Training Academy’s Firearms Section will conduct a debriefing on all unintentional discharges that do not result in injury or death.

**10.0 DESTRUCTION OF ANIMAL**

10.1 When a weapon is discharged to destroy an animal, and the discharge is not a documented level of force, the “Weapon Discharge Report” will be forwarded through the chain of command to the Office of the Chief of Police.

**11.0 KINETIC ENERGY IMPACT PROJECTILES**

The decision to use impact projectiles shall be made based upon the actions of the subject or threats facing the officer and the totality of the circumstances of the incident. The use of this device must be reasonable and necessary.

11.0.1 Impact projectiles may be used in dangerous or high risk situations where de-escalation is required but with a minimal potential for death or serious injury. Vehicles not equipped with an approved gun rack should store the shotgun in a secured trunk.

11.0.2 The use of kinetic energy impact projectiles are considered less lethal force when deployed to areas of the subjects body that are considered unlikely to cause death or serious bodily injury.

11.0.3. The use of kinetic energy impact projectiles are considered deadly force, if intentionally deployed to areas of the subjects body that are recognized as likely to cause serious bodily injury or death (head, neck, throat, chest or solar plexus).

11.1 The less lethal shotgun shall remain unloaded with munitions stored in the side-saddle until time of deployment. All less lethal shotguns will be secured in a city approved gun rack located within the vehicle.

11.2 When using a less lethal platform/ shotgun beanbag shotgun, the recommended distance is no less than 20 feet and no more than 60 feet from a suspect. Beanbag (CTS Super Sock 2581) rounds have an optimal effective range of 15 to 60 feet with a maximum effective range of 60 feet.

11.3 Discharging Officer Responsibilities

* Officers Shall not Target a Subject’s Head, Neck or Genital Area (Unless deadly force is justified)*
In circumstances where deadly force is not justified, officers should direct the beanbag round toward the following areas:

* Lower abdomen, at belt level
* Buttocks
* Arms above and below the elbow
* Thigh area
* Legs below the knee
* Shoulder Area

11.3.1 Officer shall request a supervisor to respond to the scene;

11.3.2 Use verbal commands and point the bean bag gun at the subject prior to deployment;

11.3.3 Shall have lethal force cover present at time of deployment and shall use cover and distance to ensure officer Safety;

11.3.4 Consider surroundings prior to deployment to reduce the risk of serious bodily injury to the subject or officers;

11.3.5 The warning order for LESS LETHAL MUNITIONS deployment shall be “Bean Bag Bean Bag Bean Bag”

11.3.6 Persons who have been subjected to a bean bag round deployment shall be transported to a medical facility for evaluation and treatment;

- Transportation will be by the Medics;
- Officer will advise medical personnel that the subject has been the subject of a bean bag round deployment;
- Officers shall obtain a hospital release form after treatment and release back to police custody.

(PLEAC 1.3.5)

11.3.7 All spent munitions and cartridges will be collected and sent to the property room.

11.4 Supervisor Responsibilities:

11.4.1 Supervisor shall distribute less lethal shotguns to qualified personnel.

11.4.2 Supervisor shall respond to the scene and take overall command of the incident;

11.4.3 Shall ensure that all procedures on the use and deployment of bean bag rounds are followed;

11.4.4 Shall ensure that proper medical attention is afforded to the subject of the deployment and police officers or citizens, if necessary;

11.4.5 Notify the Duty Commander of the incident;

11.4.6 Ensure that a Department Use of Force Report is completed;

11.4.7 Ensure that all reports associated with the incident are completed properly and submitted prior to the end of the tour of duty.

11.5 Training Officer Responsibilities:

11.5.1 Establish and maintain a training program for the less lethal kinetic energy impact projectiles.

11.5.2 Maintain a record keeping system to include officers trained and date of qualification or re-qualification.

11.5.3. Ensure re-qualification training for all officers trained in the use and handling of kinetic energy impact projectiles is completed once a year.

12.0 DISTRIBUTION OF REPORT

12.1 A copy of the report, after review by the Chief of Police, will be distributed to:

12.1.1 The Executive Officer Commander
12.1.2 The Assistant Chief of Office of Professional Standards
12.1.3 The Assistant Chief of the branch of the involved officer
12.1.4 The Commander of the involved officer
12.1.5 The Director of the Training Academy
12.1.6 The Manager of OMI

Approved By:

_____________________
Scott Schubert
A/Chief of Police
1.0 POLICY OR PURPOSE

1.1 The City of Pittsburgh Bureau of Police recognizes and respects the inherently special value of each human life. The law recognizes, however, that police officers, in the performance of their duties, will encounter situations where it is necessary to use force in order to affect an arrest, to otherwise protect the public welfare or a means of protecting themselves or others.

1.2 As set forth in section 3.2 of General Order #12-6, “Use of Force”, an officer “shall only use that level of control which he/she might reasonably believe is necessary to affect an arrest or to protect the officer(s) or others from physical harm.”

1.3 In determining which control options may be “reasonable” in a given incident, an officer must consider all facts and circumstances with which he/she is confronted at the time of the incident.

2.0 CONTINUUM OF CONTROL

2.1 The continuum of control illustrates the variety of “control” options that may be available to an officer when presented with a given level of subject resistance.

2.2 The continuum of control aids officers in determining whether a particular control option constitutes a reasonable method of control under a given set of facts and circumstances.

2.3 The theory of control is the “one plus one” theory. This theory provides that as a general rule, an officer may utilize a control option one level higher than the resistance demonstrated by a subject.

2.4 To gain control in a physical confrontation, e.g. where a particular method of control has failed or other special circumstances exist, an officer may be required to adapt, for example, by using higher or lower control options, by using multiple control options, etc., depending on changes in escalation/de-escalation of resistance by a subject.

3.0 CONTINUUM OF CONTROL LEVELS

3.1 The City of Pittsburgh Bureau of Police recognizes five levels of control:

3.1.1 Level 1 Officer Presence

3.1.1.1 The officer assumes control of the situation and/or suspect(s) through his/her visual and verbal identification of authority including uniform, badge, and verbalization.

3.1.2 Level 2 Verbal Direction

3.1.2.1 In dealing with people, each officer must make every reasonable attempt to make his/her contact one that inspires respect and generates voluntary compliance.

3.1.2.2 The manner and form in which an officer speaks to an individual can be an effective means of exerting control over the situation. Verbal control may be in the form of advice, persuasion, admonitions and/or orders.

3.1.2.3 This level also includes verbal commands, surrender rituals, 8 step “meet and greet”, and 5 step “hard style”.
3.1.3 Level 3 Restraint and Control

3.1.3.1 This level includes soft empty hand control techniques, hard empty hand control techniques, the use of Oleoresin Capsicum (O.C.), K-9 deployment, and use of a conducted electrical weapon such as a TASER.

3.1.3.1.1 **Soft Empty Hand Control Techniques** - Have a minimum probability of causing injury. This category typically involves the turning, moving, or directing of the subject’s body in a specific direction.

3.1.3.1.2 **Hard Empty Hand Control Techniques** - Have a probability of causing injury. This category typically includes impact strikes using the officer’s personal weapons (hands, feet, knees, and elbows).

3.1.3.1.3 Use of **Oleoresin Capsicum (O.C.)** to control a suspect.

3.1.3.1.4 **K-9** deployment

3.1.3.1.5 **Use of a CEW (Conducted Electrical Weapon), including a TASER.**

3.1.4 Level 4 Impact Devices

3.1.4.1 This level typically includes:

3.1.4.1.1 Batons - both straight and expandable
3.1.4.1.2 Extended range impact devices - such as less lethal munitions
3.1.4.1.3 Other impact devices

3.1.5 Level 5 – Deadly Force

3.1.5.1 This level includes force which under the circumstances/manner in which it is used, is readily capable of causing death or serious bodily injury such as a firearm.

4.0 LEVELS OF SUBJECT ACTION/RESISTANCE

4.1 Resistance is defined as the effort to oppose an arrest or other law enforcement action.

4.2 Levels of resistance or action that may be employed by a suspect include:

4.2.1 Level 1 – Body Language/Psychological Resistance

4.2.1.1 This level includes non-verbal cues indicating the subject’s attitude, demeanor and physical readiness.

4.2.2 Level 2 – Verbal Non-Compliance

4.2.2.1 This level includes verbal responses, defiant or threatening responses that show an unwillingness to actively cooperate/submit to lawful authority or verbal direction, but no active attempts are made to harm or resist the officer’s control.

4.2.3 Level 3 – Passive Resistance

4.2.3.1 This level includes low level physical non-compliance and some form of physical maneuver may be required in order to escort the individual from one location to another.

4.2.4 Level 4 – Defensive Resistance

4.2.4.1 This level includes physical, affirmative actions, which attempt to prevent an officer’s control but never attempts to harm the officer. Use of dead weight, grasping of objects, moving away from the officer, flight or hiding to evade capture are all examples of defensive resistance.
4.2.5 **Level 5 – Active Aggression**

4.2.5.1 This level includes physical attempts to cause bodily harm to the officer or another.

4.2.6 **Level 6 – Deadly Force**

4.2.6.1 This level includes resistance likely to cause serious bodily injury or death to the officer or another.

5.0 **FACTORS EFFECTING CONTINUUM OF CONTROL**

5.1 As a general rule the continuum of control applies to all control situations. However, situations may vary depending on the totality of circumstances which may include but not be limited to the following factors:

5.1.1 **Officer – Subject Factors** include but are not limited to age, sex, size, skill level, multiple officers or subjects.

5.1.2 **Special Circumstances** include but are not limited to close proximity to a firearm or other weapon, special knowledge/ability, disability or exhaustion, ground disadvantage, imminent danger, lighting conditions, and weather conditions.

5.1.3 **Weapons of Last Resort** - The Bureau recognizes that in some extreme circumstances, where the safety or survival of the officer is in jeopardy, the situation may dictate utilizing other implements as weapons. Use of such weapons should be viewed as weapons of last resort.

Approved By:

[Signature]
Cameron McClay
Chief of Police
1.0 POLICY OR PURPOSE

1.1 To establish guidelines governing the investigation and review of police-involved critical incidents.

1.2 It is the policy of the Pittsburgh Bureau of Police to investigate thoroughly, objectively, and timely all police-involved critical incidents toward the following purposes:

1.2.1 To determine whether PBP members adhered to applicable policy and law;
1.2.2 To determine whether modifications to Bureau policy and training are necessary;
1.2.3 To determine whether any other issues should be addressed.

1.3 As per City Ordinance 160.01, the Bureau of Police will request another law enforcement agency to conduct the criminal investigation into any critical incident involving any PBP member in order to insure transparency and avoid any perceived conflicts of interest associated with an agency investigating its own incidents.

1.4 The Bureau of Police is dedicated to fully cooperate with all government agencies having jurisdiction to investigate critical incidents.

2.0 DEFINITIONS

2.1 Critical Incident – Any incident in which a PBP officer is involved, while acting in an official capacity, which causes critical bodily injury or death to any person, as well as any intentional shootings, in which a PBP member discharges a firearm at a subject as a use of force but the subject is not injured. Critical incidents would include, but are not limited to:

2.1.1 Intentional and accidental shootings which result in bodily injury or death as a result of a gunshot wound;
2.1.2 Intentional and accidental use of any other dangerous or deadly weapons, including less-lethal firearms, which causes critical bodily injury or death to any person;
2.1.3 Attempts by police officers to make arrests or to otherwise gain physical control for a law enforcement purpose and which causes critical bodily injury or death to any person;
2.1.4 Any fatal or critical bodily injury to a person in police custody.
2.1.5 Police pursuits that result in critical injury or death.

2.2 Public Safety Statement - A statement made by an officer involved in a critical incident to a supervisor, immediately following the incident, for public safety purposes.

2.3 Investigators – The Violent Crime Unit (VCU) or Allegheny County Police Department (ACPD) as per signed MOU, or other law enforcement agency.

3.0 PROCEDURES

3.1 The following procedures shall apply in circumstances which constitute a critical incident:

3.1.1 Responding officers shall determine the physical condition of the injured party(s) and render first aid when appropriate. Medical assistance shall immediately be summoned.
3.1.2 Responding officers shall immediately notify Communications and the Shift Supervisor by radio of the nature and location of the incident and request whatever assistance is necessary to stabilize/secure the scene.
3.2 The Zone Shift Supervisor shall respond immediately and secure the scene pending the arrival of Investigators. The Supervisor will notify EOC via police radio and request that PBP Command and Major Crimes Supervisor be notified. The Supervisor will request the EOC notify Allegheny County Police Department (ACPD). The ACPD will contact the Zone Shift Supervisor for a briefing on the incident and confirm whether or not they will investigate the incident. In the event the ACPD declines, the Supervisor will request the Violent Crime Unit (VCU) will respond and conduct the investigation.

While securing the scene, the following procedures shall be followed:

3.2.1 No unauthorized civilians or personnel shall be permitted on the scene. Authorization shall be granted only to the extent that an emergency situation requires the presence of a given individual. An officer(s) will be assigned to maintain a crime scene log.

3.2.2 No individual shall handle, alter or remove evidence unless the circumstances of a given emergency warrant handling, alteration or removal or there is a likelihood of losing such evidence if it is not immediately collected. In all other cases, handling, alteration or removal of evidence shall only occur with the permission of Investigators. In all cases, if evidence is handled, altered or removed, the Investigators shall be notified upon arrival at the scene.

3.2.3 Obtain a public safety statement from the involved officers as outlined in Section 5.3.

3.2.4 Take any necessary actions to search for suspect(s), identify and secure witnesses, and request any other resources needed to stabilize the situation (SWAT, additional personnel, etc.)

3.2.5 An uninvolved officer shall be designated to prepare the original PBP Forms #2.0 “Offense Report”, and #3.0 “Investigative Report.” In completing the #3.0 report, the designated officer shall include the names of all Public Safety personnel present during the course of the critical incident. The officer(s) completing the original #2.0 and #3.0 reports and any officers completing supplemental reports shall complete the reports at the VCU Office. The VCU supervisor shall review and approve the reports prior to their distribution.

3.2.6 All officers entering the crime scene must advise Investigators prior to leaving of all actions he/she took and all information he/she developed which may aid the investigation.

3.2.7 Witness Officers may be requested to report to Investigators’ Offices for purposes of an interview and will also prepare a supplemental report.

3.2.8 All witnesses shall be identified and separated pending the arrival of Investigators. All biographical information shall be included in either the PBP Forms #3.0 “Investigative Report,” or a supplemental report. However, if a determination is made that a witness may be in danger of retaliation, his/her name shall not be included in written reports prepared by non-homicide personnel.

3.2.9 Investigators shall immediately respond and assume command of all police critical incident investigations as defined in 2.1.

3.3 The Duty or Zone Commander shall notify the Major Crimes Commander and the Chief of Police.

3.3.1 The Duty, Watch, or Zone Commander shall immediately respond to the scene of the critical incident.

3.3.2 The Major Crimes Commander shall immediately respond to the scene of the critical incident.

3.4 The Shift Supervisor will remain in charge of the critical incident until relieved by the Duty/Watch Commander, Zone Commander or Major Crimes Commander. All personnel on scene of equal or lesser rank will report to the Major Crimes Commander. The Major Crimes Commander will serve as the liaison if the ACPD or another agency is designated to investigate the incident.

3.5 Uniform personnel at the scene of critical incidents may be used at the discretion of the Major Crimes Commander in order to facilitate the investigation.

3.6 Major Crimes Commander shall summon any investigative assistance needed at the scene of a critical incident (i.e. VCU Detectives, Computer Crimes to secure electronic MVR/BWC/City Camera recordings, etc.)

3.7 The Shift Supervisor shall ensure that notification of the family of an injured or deceased officer(s) is made in person and in compliance with Section 27-1, “Notification of Next of Kin of Death or Injury to On-Duty Member.”

3.8 In the event there is an injured prisoner, the Zone where the hospital is located shall supply the necessary officer(s) to guard the prisoner, regardless of whether the Pittsburgh Bureau of Police, Allegheny County Police or other independent agency investigates the case. (Refer to Memorandum COP #06-499, “Overtime for Guarding Prisoners.”)
3.8.1 While in the custody of the Pittsburgh Bureau of Police at a hospital, the prisoner will not be allowed visitors unless authorized by the Major Crimes Commander or Zone Commander.

### 4.0 NOTIFICATIONS FOR CRITICAL INCIDENTS

4.1 In any critical incident as defined by this policy, the Major Crimes Commander shall ensure the following agencies are notified of a critical incident. Requests shall be made as follows:

4.1.1 The Allegheny County Police Department (ACPD).
4.1.2 Pennsylvania State Police (PSP) – If the ACPD cannot respond to a critical incident that they would otherwise investigate, the ACPD will make a request the PSP respond to investigate.
4.1.3 Violent Crime Unit (VCU) - If the above agencies decline to investigate then VCU will be the primary investigator. The Allegheny County District Attorney’s Office Investigators or a member of the Allegheny County District Attorney Homicide Unit will be notified.

4.2 The Major Crimes Commander will ensure that a supplemental report is completed documenting the calls to each agency. Included in the report will be:

4.2.1 The name of the PBP supervisor requesting assistance.
4.2.2 The name of the person who was contacted from each agency.
4.2.3 The date and time of each contact.

4.3 The Major Crimes Commander shall notify the Pittsburgh Members Assistance Program (PMAP) Coordinator about the critical incident.

4.3.1 Inform personnel at the scene that the PMAP personnel will be reporting to the Headquarters, Allegheny County Headquarters or other appropriate location.
4.3.2 Provide any necessary information to PMAP personnel about the critical incident which will allow them to accurately compile a list of all personnel affected by such incident.
4.3.3 PMAP personnel shall not offer legal advice to the involved officer(s) nor direct any part of the criminal investigation.

4.4 The Major Crimes Commander will notify the Academy – The Firearms Section or appropriate personnel - and will request that a replacement firearm be provided for the involved officer, if shots were fired during the incident.

4.5 The Chief of Police or his/her designee will notify the FBI Field Office in writing of the incident on the next business day.

### 5.0 THE INVOLVED OFFICER(S)

5.1 If an officer(s) is injured, he/she shall be transported immediately to a hospital, and shall be accompanied by at least one other officer. The accompanying officer shall remain with the injured officer and take control of the injured officer’s weapon and other personal property as needed until relieved by a supervisor.

5.2 Officers who were present at the scene at the time of the critical incident, whether the involved officer(s) or the witness officer(s), shall be relieved of their duties at the scene as promptly as possible. The involved officer(s) shall be relieved first and should be sequestered somewhere in the immediate area of the scene. The witness officer(s) should also be sequestered at the scene. The involved officer(s) and witness officer(s) will remain on scene until the arrival of Investigators unless in need of medical attention.

5.3 The involved officer(s) shall be directed by the Shift Supervisor to provide an on-scene Public Safety statement. The initial responding supervisor shall immediately ask a series of questions (refer to supervisor’s directive) to establish the level of danger that may still exist and to assist investigators with gathering relevant evidence.

Note: The evidence collected as a result of the Public Safety statement may be vital for establishing that the officer(s) was properly exercising lawful authority as defined in Pennsylvania statutes.
Supervisors Directive for the Public Safety Statement

“Officer [name],
1) Are you, or anyone else injured?
2) Are there any outstanding suspects? If yes…
   a) What is their description?
   b) What is their direction and means of flight?
   c) What type of weapon do they have?
3) Did you fire your weapon? If yes…
   a) Approximately, where were you located when you fired?
   b) In what direction did you fire?
   c) How many shots do you think you fired?
4) Did the suspect fire? If yes…
   a) Approximately, where were they located when they fired?

5.4 A criminal investigation will be conducted by the Investigators.

5.4.1 The Investigators will respond to immediately conduct the criminal investigation. The PBP will secure the crime scene(s) by establishing a perimeter and keeping a log of all persons entering and leaving the scene until the scene is processed or otherwise relieved from this responsibility. No evidence shall be collected, moved or altered except where required by safety concerns or the exigency of the circumstances with regard to preservation of evidence.

5.4.2 To the extent possible, any firearm, weapon or object involved in the critical incident should remain in place and undisturbed prior to the scene being processed. If the firearm, weapon or object is still in possession of the officer involved in the critical incident, that officer shall surrender the firearm, weapon and/or object, along with his or her duty belt (if necessary) to a PBP supervisor who shall secure same for later inspection without altering the condition thereof.

5.4.3 The PBP shall limit the viewing of Mobile Video Recordings (MVRs) and Body Worn Cameras (BWC) recordings by any officer at the scene unless there is a public safety need to identify or search for suspect(s) and/or involved vehicles that may have left the scene. See 69-3 Body Worn Camera Policy

5.4.4 Upon the arrival of Investigators (ACPD, PSP, or VCU), the PBP shall immediately surrender the scene to them for its control thereof. The Investigators will conduct the investigation; collect evidence; interview witnesses, victims, suspects, and PBP Officers; consult with the District Attorney’s Office as to the filing of any criminal charges; and render any other assistance that may be requested.

5.4.5 If the ACPD investigates, The Allegheny County Medical Examiner’s (ACME) Forensic Unit will be used exclusively to process the scene(s), including photography and evidence collection, utilizing their own officers, investigators, and crime scene analysts. The County will maintain custody of all recovered evidence until the District Attorney makes a final decision regarding the incident.

If the PSP or other outside agency investigates they will use their respective crime scene units. Otherwise, the PBP Crime Unit will be used for cases that the VCU investigates.

5.4.6 All interviews will be conducted at the Investigators’ recorded interview rooms or other facilities as it may designate.

5.4.7 All PBP officers who were directly involved in the critical incident and/or deployment of deadly force which caused the serious bodily injury or death, will be transported to the Investigators’ facilities for interview and evidence collection. The FOP representative of the involved PBP officers may observe the interview but not be present in the interview room.

5.4.8 All other PBP officers and supervisors who witnessed the critical incident will be required to be interviewed by the Investigators, including a statement at the scene and at their facility. Garrity rights will not be given nor will there be any waiting period prior to providing a statement.
5.4.9 In order to ensure that the post-shooting drug and alcohol examinations are conducted in a timely manner, a supervisor can arrange for such testing and coordinate with the Investigators.

5.4.10 The ACPD will make arrangements to receive members of the PMAP in order to provide timely support to members.

5.4.11 All weapons used will be turned over to the Investigators and/or the appropriate crime/forensic unit. Arrangements will be made with the PBP Academy- Firearms Section to provide a replacement weapon (as necessary).

5.4.12 The Major Crimes Commander or other designated Commander will serve as a Liaison to the Investigators from other agencies. The liaison will be responsible for providing requested materials to the Investigators such as reports, MVR and BWC recordings; coordinating the scheduling of interviews of PBP officers, and providing any updates from the Investigators to the Chief of Police.

5.4.13 The PBP will replace any uniform items and/or equipment retained by the Investigators as evidence.

5.4.14 The involved officer(s) will be encouraged, and given the opportunity, to notify their families as soon as possible.

5.5 ADMINISTRATIVE LEAVE

5.5.0 Prior to being released from Duty, the Chief or his/her designee may require the involved officer(s) to provide a Garrity Statement at Pittsburgh Police Headquarters.

5.5.1 The involved officer(s) will be placed on administrative assignment for a period of time to be determined by the Chief of Police or his/her designee. Such relief from duty, in and of itself, shall not be considered a suspension or disciplinary action taken against the officer, but rather an administrative course of action relieving the officer from further performance of field duties while permitting the department time to conduct an objective investigation into the matter.

5.5.1.1 While on administrative leave due to a critical incident, the involved officer(s) are not permitted to work secondary employment details.

5.5.1.2 If required, the involved officer(s) shall attend court hearings that cannot be postponed.

5.5.2 The involved officer(s) must be seen by the City-contracted psychologist as soon after the incident as possible. The PMAP Peer Coordinator will assist the involved officer(s) with scheduling the appointment.

5.5.2.1 All communications between the officer(s) and the psychologist are confidential and protected.

5.5.2.2 The psychologist will provide a written release and notify the Office of the Chief of Police when the officer(s) is ready to return to duty, as well as any applicable restriction.

5.5.2.3 The officer(s) may select a psychologist or psychiatrist of their choice under the guidelines of the medical coverage provided by the City of Pittsburgh or Employee Assistance Program for continued counseling.

5.5.3 After being cleared by the psychologist, the involved officer(s) will be scheduled to provide a Garrity Statement as described in Section 5.6. Upon completion, the involved officer(s) can be scheduled to return to work at their original duty location or another duty location if circumstances jeopardize the ability of the officer to safely perform the duties of their position at their original duty location.

5.6 ADMINISTRATIVE REVIEW

An Administrative Review will be promptly conducted by the Office of Professional Standards.

5.6.1 The Major Crimes Commander will advise the Administration Commander accordingly and provide a case file.

5.6.2 Representatives from OPS, the FOP, and the FOP attorney may be present during any interview conducted as part of the administrative investigation.

5.6.3 Neither investigative personnel nor representatives from the DA’s office will be present during any interview conducted as part of the administrative review.

5.6.4 The “Garrity Rule” will be provided to the involved officer(s) by sworn personnel assigned to the OPS.
5.6.5 The involved officer(s) statement provided under “Garrity” will not be shared with VCU personnel, the DA’s office personnel, or any other agency involved in the criminal investigation.

5.6.6 All paperwork by the involved officer(s) will be completed following the Garrity interview.

6.0 DRUG & ALCOHOL TESTING (Refer to General Order #17-10, “Drug and Alcohol Policy”)

6.1 If, following a critical incident, the officer(s) involved voluntarily request that a drug or alcohol test be conducted, such tests shall be administered.

6.2 If an officer operating a police vehicle were involved in an on-duty vehicular accident which is reportable under the Motor Vehicle Code, or the vehicle accident is non-reportable at the time of occurrence, but the officer(s) reports an injury as a result of the accident any time after the tour of duty in which the accident occurred, the officer operating the vehicle shall be tested as soon as possible.

6.3 If the involved officer(s) discharged a firearm (including a less lethal firearm), as defined in General Order # 17.10, Section 2.7, the involved officer(s) shall be tested as soon as possible.

6.4 If there is reasonable suspicion to believe that the officer(s) directly involved in a critical incident may be under the influence of drugs and/or alcohol at the time of the incident, the supervisor will follow all procedures set forth in General Orders 17-8 “Police Officers Accused of Being Intoxicated” and/or 17-10 “Drug Testing Policy” of the Pittsburgh Bureau of Police Manual of Procedural Orders.

6.5 The results of any drug or alcohol testing of the officer(s) involved will be forwarded to the Mercy Occunet representative, who shall then notify the Chief of Police of the results. The Chief may share the results with the CIRB, OMI, OPS, and VCU if necessary.

7.0 CRITICAL INCIDENT REVIEW BOARD


8.0 MEDIA RELEASE

8.1 All news releases pertaining to a critical incident involving a Pittsburgh police officer will originate from the Office of the Chief of Police or his/her designee.

8.2 Under no circumstances will the names of the officer(s) be made public until authorized by the Chief of Police.

8.3 Regarding a critical incident, all media inquiries shall be referred to the PIO or Chief of Police.

8.4 Officers shall refer media inquiries to the Public Information Officer (PIO).

9.0 UNION REPRESENTATION

9.1 The FOP representative of the officers involved may be present for the interview of the officers (as per Section 5.4.7) and otherwise involved in representing the officers. Therefore, to the extent possible, the FOP representative should not be involved in any other aspect of the investigation in order to avoid any claim of a conflict of interest (for instance, taking possession of the officer’s weapon).

9.2 It is recognized that the FOP representative may be present at staging area of the incident scene but not in the crime scene and will be present at the facility of the appropriate facility to provide representation to the officers.
Approved By:

Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The purpose of this policy is to reinforce the Pittsburgh Bureau of Police’s commitment to the standards of conduct embodied in General Order #10-1, The Law Enforcement Code of Ethics. This policy will enable members of the Pittsburgh Bureau of Police to better understand how the PBP’s commitment to The Law Enforcement Code of Ethics regulates their conduct and activities while on- and off-duty.

1.2 This policy is not intended to serve as an exhaustive treatment of requirements, limitations or prohibitions on officer conduct and activity. Additional guidance on matters of conduct is provided in specific policies, procedures and directives disseminated by the Bureau of Police and from the immediate supervisors and senior supervisors within the Bureau of Police.

1.3 The Pittsburgh Bureau of Police’s commitment to the Code of Ethics requires that officers conduct themselves at all times in a manner that reflects the highest ethical standards, and which is consistent with the rules and expectations contained in this policy and otherwise disseminated by the Pittsburgh Bureau of Police.

2.0 DEFINITIONS

2.1 Accountability – In the context of this policy, accountability means that it is the duty of all members of the Pittsburgh Bureau of Police to truthfully acknowledge and detail the reasons for their actions and decisions when requested to do so by an authorized member of the Bureau without deception or subterfuge. The PBP commitment to Accountability confirms that every member, at every level of command, will hold themselves and each other to the highest standards of ethical conduct.

2.2 Supervisor - Any management or non-management police officer with oversight responsibility for other officers including sergeants, lieutenants and other members with similar responsibilities. A member who is authorized to act in the capacity of a supervisor may be held to the same standards as those members who hold the permanent rank of supervisor.

2.3 Senior Supervisor - Any management or non-management police officer with oversight responsibility for other officers including commanders, assistant chiefs, Executive Officer, civilian manager, the Chief of Police and other members with similar responsibilities. A member who is authorized to act in the capacity of a senior supervisor may be held to the same standards as those members who hold the permanent rank of senior supervisor.

2.4 Authority – For the purpose of this policy, one who is in a position of “authority” shall include, but not be limited to any senior supervisor, supervisor, acting supervisor, Training Academy Instructor, Field Training Officer, Intoxilyzer Operator, officer conducting an investigation, etc. It is recognized that having a position of authority means that the member is responsible for the actions of other members.

2.5 Bureau of Police Facilities – Shall include all duty locations under the direct control of the Bureau of Police, as well as those locations not under the direct control of the Bureau of Police, but which contain Police Bureau offices such as the Allegheny County Courthouse, City County Building, Municipal Courts Building, etc.

3.0 STANDARDS OF CONDUCT
3.1 Obedience to Orders and/or Laws

3.1.1 All members and employees of the Bureau of Police must obey and enforce all Federal, State and Local laws and ordinances; rules and regulations and orders of the Bureau of Police; and all lawful written or verbal orders of a superior officer.

3.2 Accountability and Responsibility

3.2.1 All members are directly accountable for their actions through the chain of command to the Chief of the Pittsburgh Bureau of Police. Every member of the PBP, through and including the Chief of Police, will hold themselves and their fellow officers to the highest ethical standards, and can expect to be held accountable for violating those standards.

3.2.2 All members shall accept responsibility for their actions without attempting to conceal, divert or mitigate their true culpability. Members shall not engage in efforts to thwart, influence or interfere with an internal or criminal investigation.

3.2.3 In the process of an investigation into an alleged violation of the Standards of Conduct, a member will be afforded the opportunity to explain and justify their actions so that, while still being held responsible, the member may provide a view of the totality of the circumstances surrounding the incident/event.

3.3 Liability for a Violation by Pleading Ignorance

3.3.1 Members and employees shall not escape liability for a violation of any rule, any regulation, order or procedure, or any policy statement by pleading ignorance or by claiming that they thought it did not apply to them.

3.4 Members and Employees to Read and Understand All Written Directives

3.4.1 It will be the duty and responsibility of every member and employee to read and understand all rules, regulations, orders and other written directives.

3.4.2 If a member is in doubt as to the meaning, content or application of any rule, regulation, order, procedure, policy statement or any other written directive they will consult their immediate supervisor or senior supervisor for an explanation or clarification.

3.5 Superior Officers And Supervisors To Instruct And Disseminate Oral And Written Directives

3.5.1 It will be the duty and responsibility of all supervisors to disseminate any and all information which they may receive in the form of rules, regulations, orders, procedures, policies or other written or oral directives, to subordinates under their command. The supervisors shall instruct their subordinates, or ensure instruction is given by the Field Training Officers, in their meaning and application. Because it is one of the primary duties of the first-line supervisors to instruct and enhance the abilities of their subordinates, those supervisors who fail to perform the above actions shall be held in neglect of duty and may be subject to disciplinary action.

3.6 Conduct Unbecoming A Member Or Employee

3.6.1 A member will conduct her/himself at all times, whether on- or off- duty, in a manner that is not detrimental to the reputation or good name of the Bureau of Police.

3.6.2 Conduct justifying disciplinary action against a member or employee of the Bureau of Police is not limited to a criminal act, nor must it be proven beyond a reasonable doubt.

3.6.3 Conduct unbecoming a member or employee of the Bureau of Police is any conduct which adversely affects the morale, effectiveness or efficiency of the Bureau, or which has a tendency to destroy public respect for its members and employees and to diminish confidence in the operations of the Bureau of Police.

3.7 Conduct Toward The Public

3.7.1 The PBP recognizes that a solid working relationship between our members and the community is vital to the cooperation that will ensure that we can accomplish our mission, and that the community can maintain the highest level of trust in the PBP.
3.7.2 In the performance of his/her duties, a PBP member or employee shall be professional, polite, and civil. Members will maintain decorum and command of temper and refrain from the inappropriate use of harsh, coarse, profane or uncivil language.

3.7.3 In the performance of his/her duties, a PBP member or employee will not use negative ethnic designations, insults or other derogatory terms at any time when addressing any person, or in any communication.

3.7.4 When on duty or identifiable as a member of the PBP, employees are not permitted to make any statements or speeches, whether in the public sphere, the traditional media, or on social media, that may be deemed to be unlawful, obscene, defamatory, or would tend to destroy the respect or diminish confidence in the operations of the Bureau of Police.

3.7.5 When requested by any person, a member will give his/her name and badge number in a courteous manner.

3.8 **Conduct Toward Superior Officers and Other Employees**

3.8.1 A member or employee will address all supervisors and senior supervisor by title or rank at all times while on duty and in the presence of others. Proper respect to superior officers will be rendered at all times. The use of indecent, profane, ethnic, or insolent or uncivil language is prohibited.

3.8.2 Members or employees at every level of the chain of command shall conduct themselves in a manner that fosters cooperation among all members and employees of this Bureau, and will at all times be expected to show respect, courtesy and professionalism in their dealings with one another.

3.8.3 No member or employee shall maliciously threaten, strike, or assault any other member or employee of the Bureau of Police. Members or employees who aid, abet, incite, or agitate any altercation between members and/or employees shall be held responsible along with those actually involved.

3.9 **Insubordination**

3.9.1 No member or employee will be insubordinate to any superior officer, his/her civilian supervisor or to one in a position of duly constituted authority as defined in Section 2.0 of this policy.

3.9.2 A member or employee shall be considered insubordinate when he/she is unwilling to submit to authority, will not follow lawful orders, is willfully disobedient, or uses disrespectful, mutinous, insolent or abusive language or actions toward a supervisor.

3.10 **Superior Officers Conduct Toward Subordinates**

3.10.1 Superior officers will be consistent in their supervision of subordinates and will avoid as far as possible censuring them in the presence of others. Supervisors at all levels of the chain of command, up to and including the Chief of Police, are forbidden to injure or discredit those under their command or authority by tyrannical or capricious conduct or by abusive language or actions.

3.11 **Disciplinary Action to be Taken By Superior Officers**

3.11.1 When circumstances warrant, superior officers or supervisors will initiate disciplinary action according to the policies and procedures of the PBP and in accordance with the Working Agreement between the City and the FOP, or take such other appropriate corrective action as is necessary to maintain the highest standards of conduct in their command. Because fair, equal, and just discipline is essential to the successful operation and reputation of the PBP, superior officers or supervisors who fail to perform the above actions will be held in neglect of duty and may be subject to disciplinary action.

3.12 **Incompetency**

3.12.1 A member will perform his/her official police duties in a competent manner. A member will be considered incompetent when that member is incapable of the satisfactory performance of police duties.

3.12.2 The lack of any of the following qualities will constitute evidence of incompetence: courage, honesty, sound judgement, emotional stability, industry, alertness, decisiveness, power to observe, initiative, intelligence, technical skills, tactical skills and the ability to get along with people. This list should not be considered as “all inclusive.”

3.13 **Neglect Of Duty**

3.13.1 A member or employee will not neglect his/her official duties.
3.13.2 A member will be considered in neglect of duty when he/she creates a situation that is detrimental to the safe and/or efficient operation of the PBP through their failure to give suitable attention to the performance of duty or failure to perform the duties prescribed in Bureau rules, regulations, orders, procedures or other Bureau directives.

3.14 **Cooperation**

3.14.1 A member or employee will promptly and sincerely cooperate with other members or employees of the Bureau in the performance of duties or with any other person or agency which will enable the objectives of the Bureau of Police to be accomplished.

3.15 **Devoting Entire Time To Duty**

3.15.1 Members are expected to devote their complete time and attention to the requirements of their assignment while on duty. Members shall not cause their assigned duties to be delayed or fail to complete assigned tasks because of the performance of unofficial or personal tasks.

3.15.2 If a member needs to go home (other than meal break) or other location, due to an emergency or an unofficial personal task, the member should seek permission from a supervisor (and/or follow a similar process as outlined in Section 40-2, 4.2)

3.16 **Ceasing To Perform Before The End Of Tour Of Duty**

3.16.1 A member or employee will not cease to perform before the end of the tour of duty without the prior approval of his/her supervisor.

3.16.2 A member should work the designated shift and number of scheduled hours and should not leave before the end of their shift, unless released by a supervisor.

3.17 **Leaving Post Or Assigned Duties**

3.17.1 A member or employee will not leave his/her post, zone or assigned duties during his/her tour of duty except to respond to a police emergency or when directed or permitted by a supervisor. A member will not leave his/her post or assigned duties at the end of the tour of duty until properly relieved.

3.18 **Leaving the City While On Duty**

3.18.1 A member or employee will not leave the City of Pittsburgh, whether on police business or otherwise, while on duty without the authorization of his/her supervisor except while in hot pursuit or to facilitate routine patrol on the periphery of the city.

3.19 **Truthfulness**

3.19.1 Members and employees are expected to be honest and truthful at all time, whether under oath or otherwise, except in rare cases where investigative purposes would be jeopardized by complete honesty. In instances where a member or employee is not permitted to divulge facts or circumstances, the inquiry will be directed to a supervisor, senior supervisor, or the Public Information Officer for official comment.

3.19.2 A member shall be make every effort to be accurate, complete and truthful in all matters.

3.20 **Sleeping While On Duty**

3.20.1 A member or employee will not sleep while on duty except in particular instances where the Chief or his/her designee may issue instructions granting permission to sleep while on duty.

3.21 **Participating In Games Of Chance**

3.21.1 Members or employees will not gamble nor participate in any illegal games of chance while on duty unless authorized to do so by his/her supervisor. Members are not permitted to frequent legal gaming establishments while on duty, except in the performance of their official duties.

3.22 **Watching Television or Reading Newspapers or Other Literature While On Duty**
3.22.1 In accordance with Section 3.15 of this order, members and employees are not permitted to allow the practice of watching television or reading literature/newspapers to interfere with the performance of their official duties.

3.23 Carrying Canes, Packages, Umbrellas While On Duty

3.23.1 Members and employees are not permitted to carry canes, umbrellas, packages, etc. while on duty, except as required for the performance of their official duties.

3.24 Improperly Seeking Admission to Public Places Of Amusement

3.24.1 Members or employees will not attempt to use the power and authority afforded to them by their position to seek to obtain admission for her/himself or others to any theater or other public place of amusement.

3.25 Frequenting Bureau of Police Facilities

3.25.1 Members or employees, either on- or off-duty, shall not frequent Bureau of Police facilities except as duty requires, upon orders or with the express permission of the supervisor of the said duty location.

3.25.2 Any member or employee who is has been suspended from duty, placed on extended leave, or who has been terminated from service with the Bureau of Police is not permitted access to any Bureau of Police facility except on those occasions when it has been approved by a senior supervisor or when summoned by a supervisor to appear.

3.25.3 A member who has been terminated does not have the right or authority to enter any Bureau of Police facility other than the rights or privileges enjoyed by any other private citizen.

3.25.4 Members or employees who have been suspended from duty, placed on extended leave, or who have been terminated from service with the Bureau of Police are strictly prohibited from using any Bureau of Police equipment.

3.26 Use Of Private Automobile For Police Business

3.26.1 A member or employee shall not use a private automobile for official police business or duties except with permission of his/her supervisor.

3.26.2 Members of specialized units are occasionally required to respond to emergency scenes in their own personal vehicles. Once the member is a permanent member of the specialized unit, this emergency response is considered to be pre-authorized, provided that all requirements of Title 75 – PA Vehicles Code are observed.

3.26.3 Except for authorized Travel/Training requests, the use of a personal vehicle shall not be considered a reimbursable expense, unless specifically authorized by a Senior Supervisor.

3.27 Reporting Hazardous Conditions

3.27.1 Members shall report all hazardous conditions that they may see or discover whether on patrol or at their assigned place of duty, and shall respond to protect the public safety and interest until such condition is corrected.

3.28 Telephone - Use and Answering Of

3.28.1 Members or employees shall not use the Bureau telephone service for personal calls, nor shall they receive personal calls at zone headquarters, division offices or at any other facility of the Bureau except in emergencies.

3.28.2 Members and employees shall be prompt and courteous at all times when answering the telephone, being sure to give his/her name, rank or title and the station, division, section or unit to which the officer is assigned.

3.29 Fingerprints and Photograph To Be On File

3.29.1 All members and employees of the Bureau of Police shall have their fingerprints and photograph recorded, filed and renewed as required by the Bureau of Police.
3.30 Operators (Drivers) License

3.30.1 All members and employees of the Bureau of Police are required to carry their current and valid Pennsylvania operator’s license with them while on duty. If for any reason the member’s operator’s license should become invalid by suspension, revocation or expiration, regardless of the length of such suspension, revocation or expiration, the member shall report the fact to the Chief of Police, in writing and through the chain of command.

3.30.2 Supervisors will conduct checks for current and valid Pennsylvania operator’s licenses of members under their command concurrent with semi-annual Performance Evaluations. This will be accomplished by physically viewing the member’s operator license, and by entering the Operator License Number in the “Remarks” section of the Performance Evaluation.

3.31 Telephone Or Telephone Number To Be Maintained

3.31.1 All members and employees shall maintain an operable telephone number where they can be reached or contacted in the event of an emergency, or for any other notifications required by the PBP.

3.32 Report Change Of Address Or Telephone Number

3.32.1 Members and employees are required to notify the PBP of any changes to residential address or telephone number, in writing and on the prescribe forms, as soon as possible – but definitely before the end of their next regularly scheduled shift or duty period.

3.32.2 Post Office boxes shall not be considered as “residential” addresses.

3.33 Working Hours And Duties

3.33.1 A member or employee of the Bureau shall work such hours and perform such duties as may be prescribed by his/her Commander.

3.33.2 Members or employees are reminded that although they may be assigned to a particular division, zone, section, unit, etc., they may be assigned anywhere within the Bureau, or within the City, where their services may be needed. Every effort will be made to ensure that these reassignments are made in accordance with the PBP rules and regulations and the Working Agreement between the City and the FOP, but certain emergency situations may require rapid adjustment of working hours or duty locations.

3.34 Punctuality

3.34.1 Members and employees shall be punctual in reporting for duty at the time and place designated by the Commander. A member or employee anticipating the inability to report for duty on time shall notify either the desk officer or their immediate supervisor at least 10 minutes before the start of the tour of duty that he/she anticipates being late.

3.35 Private Arrangements with Other Members Or Employees

3.35.1 A member or employee shall not make any private arrangement with any other member or employee to work in his/her place beyond the proper relieving time without first obtaining permission from their supervisor according to the rules and regulations and the Working Agreement between the City and the FOP.

3.36 Members Not To Be Used For General Police Duties for Private Concerns While On Duty

3.36.1 On-Duty members and employees of the Bureau of Police shall not be used for general police or traffic duty on grounds maintained by private interests as a commercial enterprise unless with the express permission of a senior supervisor, and according to the Working Agreement between the City and the FOP. This shall not be construed as to prohibit performance of duty at public functions attracting large public assemblages, or to affect the policing of public highways leading to and from such private enterprises.
3.37 Discharge for Conviction Of Felony

3.37.1 In accordance with Pennsylvania state law, and in an effort to maintain the highest standards of ethics and integrity, the Pittsburgh Bureau of Police shall immediately dismiss and discharge from duty any member or employee who is convicted of a crime that would require the suspension of his/her MPOETC Certification (i.e. – any Felony charge and certain Misdemeanor charges).

3.38 Strike-Sickouts-Work Slow Downs

3.38.1 Under applicable State and Federal laws, members or employees or the Bureau of Police shall not participate in a strike. Members and employees are further advised that they are not permitted to take part in any sick out, to deviate from policies, procedures, or orders, or to stage a work slowdown for the purpose of inducing or coercing a change in the terms and conditions of employment, or in their compensation or over any labor dispute.

3.39 Confidential or Privileged Information

3.39.1 Members and employees are not permitted to provide any copies of official instructions, orders, reports, or other written correspondence to unauthorized persons, except as authorized by a senior supervisor or as required by law.

3.39.2 Members and employees shall not divulge any personal data of another member or employee such as address, phone number, social security number, fingerprints, photographs, etc., without first obtaining proper authorization from a senior supervisor.

3.39.3 Members or employees of the Bureau of Police are prohibited from using confidential or privileged information gained through their position as law enforcement officers to advance financial or other private interests, whether their own or those of other people.

3.39.4 Members and employees are only permitted to keep permanent files of their own work. All other official PBP reports and files must be maintained within the control of the PBP.

3.39.4.1 This section shall not apply to the temporary retention of files by a member as needed for pending prosecutorial purposes.

3.40 Jeopardizing Undercover Operations

3.40.1 No member shall engage in any course of action that may disclose or jeopardize an ongoing undercover investigation. This can include, but is not limited to, divulging any knowledge or facts of an ongoing undercover investigation to unauthorized persons or publicly acknowledging the identity, position or responsibilities of an undercover detective if encountered in public.

3.41 Statements – Speeches

3.41.1 According to the rules set forth in this policy and other applicable rules and regulations, members and employees of the PBP are reminded that anything that they say in the public reflects directly back upon themselves, the PBP, and the City of Pittsburgh. Remembering that we must always present the highest level of professionalism, members and employees are not permitted to make any statements or speeches, whether in the public sphere, the traditional media or on social media, that is deemed to be unlawful, obscene, or defamatory or that would impede with the operations of the PBP.

3.41.2 This section is in no way attempting to restrict the constitutionally guaranteed freedom of speech of members and employees. It is simply reminding all members of the PBP that we are held to a higher standard, and that we must continually achieve that higher level of ethical behavior.
3.42 Participation in Radio - Television - Public Programs

3.42.1 Members or employees shall not, while on duty, participate in scheduled radio, television or other public programs as a representative of or using the official uniform of the Pittsburgh Bureau of Police without the permission of the Chief of Police. This shall not apply to interviews or statements given to the media regarding crime scenes, etc.

3.42.2 Members or employees shall not participate in any television, radio or other public programs during their off-duty time while wearing the official uniform of the Pittsburgh Bureau of Police without first requesting the permission of the Chief of Police.

3.43 Endorsements

3.43.1 Members or employees may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services without the written permission of the Chief of Police or his/her designee. This includes, but is not limited to, the use of tow services, repair firms, attorneys, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

3.44 Withholding Information

3.44.1 Members and employees shall not, under any circumstances, withhold any information under their control that is essential to the investigation and/or prosecution of any criminal activity, or that may further the mission of the PBP.

3.45 Conducting Self-Assigned Investigations

3.45.1 Members shall not undertake any self-assigned investigations at any time. Investigations shall only be conducted at the request, direction or instruction of a supervisor.

3.46 Visiting Suspected Establishments

3.46.1 A member shall not visit or frequent any location or establishment wherein he/she suspects that a violation of the law is being committed except in the performance of duty, and shall take such action as is prescribed by the Bureau of Police concerning the violations.

3.47 Bribes

3.47.1 No member or employee shall accept any bribe or gratuity for permitting illegal acts. A member or employee shall report in writing to the Chief of Police any and all offers of bribes or gratuities to permit illegal acts.

3.48 Gratuities - Awards - Rewards - Ticket Sale - Soliciting Contributions – Disposition of Property

3.48.1 No member of the Bureau of Police shall collect or attempt to collect gratuities in any form whatsoever for the performance or non-performance of his/her sworn duty. Salary, awards and rewards as permitted by law are an exception to this section.

3.48.2 No member or employee shall accept any award (excluding plaques, certificates, medals or ribbons), compensation, reward or gift resulting from or connected in any way with the performance of duty except with the permission of the Chief of Police or his/her designee.

3.48.3 No member or employee shall solicit or accept contributions for the Bureau of Police, or for any other agency, organization, event or cause while representing oneself as a member of the Bureau of Police, without the express consent of the Chief of Police or his/her designee.

3.48.4 No member or employee shall purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
3.49 Bail - Bonds - Security - Forfeits

3.49.1 No member or employee shall make bail or bond for any prisoner or assist in the same without the permission of his/her Commander and informing the arresting officer(s). Nor shall they intervene in any way toward a bond reduction without permission from the Commander and informing the arresting officer(s).

3.49.2 No member shall make bail or bond for any prisoner that he/she has arrested, without the permission of his/her Commander. Members or employees shall not recommend or suggest or solicit for any bondsman, attorney or other businesspersons or firms.

3.49.3 Zone stations or divisions shall not accept security from any arrested person or from any other person for an arrested person.

3.50 Entering Into Contracts or Agreements

3.50.1 No member or employee shall represent himself to be a party to or enter into any agreement, negotiation or contract to purchase or otherwise procure any article or material of any description to be used by the Bureau of Police without the authority of the Chief of Police or a senior supervisor.

3.51 Political Matters

3.51.1 No member shall run for or hold political office.

3.51.2 Members of the Bureau of Police shall not jeopardize the impartial position of the Bureau in political matters by championing the cause of or campaigning for any political party or candidate by representing themselves as members of the Bureau of Police, whether on or off duty or while in uniform.

3.51.3 According to both Pennsylvania and Federal law, no police officer in commission, whether in uniform or civilian clothing, shall be within one hundred (100) feet of a polling place during the conduct of any primary or election, except in the exercise of his privilege of voting or for the purpose of serving warrants, or unless called upon to preserve the peace. A member who is in violation of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine not exceeding $500.00 or to undergo imprisonment of not more than one (1) year or both in the discretion of the Court (1937, June, P.L.l. 1333, Article xviii).

3.52 Compounding Offenses - Withdraw of Complaints by Members

3.52.1 No member of the Bureau of Police shall compound any offense committed against his person or property or withdraw any complaint except upon a written request to the District Attorney or his designee, and with the approval of the District Attorney’s Office.

3.53 Entering, Visiting, Loitering in Establishments/Locations Which Adversely Affect the Bureau Of Police

3.53.1 No member shall enter, visit, or loiter in any establishment or location wherein the activities are not in accordance with law or where the reputation of such establishment may destroy public confidence. Frequenting such establishments diminishes the reputation of the PBP, and may adversely affect the morale and efficiency of the Bureau of Police or cause such controversy as to affect the neutrality of law enforcement.

3.54 Prohibited Associations

3.54.1 No member shall knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community except as necessary to the performance of official duties, or where unavoidable because of familial relationships.

3.54.2 No member shall commence social relations with the spouse, immediate family member or romantic companion of persons in the custody of the Bureau of Police.

3.54.2.1 A person shall be considered “in the custody” of the Bureau of Police until the completion of arraignment proceedings.

3.54.3 No member shall knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.
3.55 Meals

3.55.1 Meal breaks will be restricted to 30 minutes or as set forth in the contract

3.55.2 Meal breaks should not be taken at the beginning or end of the shift

3.55.3 All meal breaks will be considered in service
   • Personnel will notify radio of the location of meal break
   • Stay in radio contact with dispatch during meal break (can be called back to service, if necessary to respond to emergency calls)

3.55.4 The location of meal/break period will be restricted to:
   • Restaurants or areas within the members work zone or area
   • Employees home if it is located within work zone or area
   • Restaurant outside of work zone but with permission of a supervisor
   • In general, no more than two marked vehicles will be permitted at a location at the same time (unless permitted by a supervisor)

3.55.5 No alcohol consumption

3.55.6 Supervisors should monitor the amount of officers who are out of service at any one time, to ensure adequate Personnel are available for service.

Approved By:

[Signature]
Cameron McLay
Chief of Police
1.0 PURPOSE

1.1 For the consistency and standardization of the disciplinary action process.

2.0 POLICY

2.1 In all cases of disciplinary action whether the recommendation is an oral or written reprimand, regular suspension or immediate suspension, the initiating supervisor shall complete a Disciplinary Action Report, (DAR) PBP Form #206.

3.0 DEFINITIONS

3.1 Supervisor – Any sergeant, lieutenant, any acting sergeant or lieutenant, or other command staff rank, civilian or sworn, up to and including the Chief of Police.

3.2 Senior Supervisor – Any supervisor from the rank of commander to the Chief of Police.

3.3 “DAR” – Disciplinary Action Report

3.4 “MPOETC” – Municipal Police Officers Education and Training Commission

4.0 PREPARATION OF THE DAR

4.1 Prior to the preparation of a DAR the initiating supervisor and/or duty location Commander of the involved member will meet to discuss the incident that gave rise to the disciplinary charges. (11/12/02)

4.2 The initiating supervisor shall inaugurate a DAR by typing the name, rank, badge number, ID number, unit assignment, and date of hire of the member on the report, in addition to the date and time of the violation and date of the report in the designated spaces.

4.3 The specific section number or numbers of the General Order, regulation or procedure violated and a short definition of each shall be typed in the section titled “Violation(s)”.

4.4 The charges or violations against a member will be documented in the “Narrative” section of the DAR form.

4.5 All members are required to sign the DAR when they are notified that the disciplinary action is initiated. The member will not make any marks, notations, or remarks on the form other than the member’s signature. The member’s signature is an acknowledgement ONLY that he or she is aware and has received a copy of the DAR and in NO WAY indicates acceptance of the recommended discipline. (COP #97-003) 1/29/97

4.6 Any violation of this order, or refusal to sign the form, will constitute insubordination and will be cause for an additional DAR for the member. (COP #97-003) 1/29/97

4.7 Immediate suspension, as related to the circumstances that led to the DAR, can only be imposed upon the approval of the Chief of Police/and or his or her designee.(11/12/02)
5.0 DISTRIBUTION OF THE ORIGINAL DAR

5.1 When the DAR is completed, a copy will be given to the member involved. A second copy will be sent directly to the Chief of Police. A third copy will remain on file with the Commanding Officer of the Zone or Unit. (COP #96-025) 10/16/96

5.2 The original DAR, together with all related reports, shall continue to be forwarded through the chain of command. (COP #96-025) 10/16/96

6.0 PROCESSING THE DAR THROUGH THE CHAIN OF COMMAND

6.1 The Zone or Unit Commander will meet with the member charged on the DAR.

6.2 The member will be advised that he or she may respond in writing to the DAR.

6.3 The Commander will complete a Special Report (Form #54) to the Chief of Police at the conclusion of the meeting that will document the following information:

   6.3.1 The date and time of the meeting
   6.3.2 Who attended the meeting
   6.3.3 Confirmation that the charges against the member were explained
   6.3.4 Confirmation that the member understood the charges
   6.3.5 The member’s response (a written response from the member may be attached)
   6.3.6 The fact that the member has no further explanation concerning the matter if applicable
   6.3.7 The Commander’s remarks (including recommended discipline)

6.4 The Commander will attach only prior Disciplinary Action Reports and dispositions that fall within the "reckoning periods" established in Section 19-A of the Working Agreement, and thus may be considered in determining the penalty for the present offense. The "reckoning periods" are one year from date of DAR issuance for discipline resulting in an oral written reprimand; two years from date of DAR issuance for discipline resulting in a written reprimand; and five years from date of DAR issuance for discipline resulting in a suspension.

6.5 The Commander will complete a second/separate Special Report summarizing the member’s PARS/OMS record.

6.6 The original DAR, with Commander’s signature affixed, and the Commander’s Special Reports, along with any appropriate supportive documentation will be forwarded through the member’s chain of command.

6.7 The Assistant Chief of the involved branch and the Deputy Chief of Police will review each DAR with the attached Commander’s Special Reports and the member’s written comments. The Assistant Chief and the Deputy Chief will then make the appropriate entries in the DAR. The completed information will be forwarded to the Chief of Police.

6.8 Within ten (10) working days after the DAR goes through the chain of command and is signed by the Chief of Police, there will be a meeting (referred to as the “Initial Meeting”) between the involved member, the F. O. P., the director of Public Safety or his or her designee, the involved Assistant Chief, the Deputy Chief, and the Chief of Police or his or her designee. At this meeting the initiating supervisor will describe the basis for the proposed discipline and summarize the evidence upon which it is based. The involved member will be given an opportunity at this meeting to respond to the charges against him or her.

7.0 APPROVAL OF DISCIPLINE

7.1 After the DAR has been signed by the Zone/ Unit Commander, the Assistant Chief of Police, the Deputy Chief of Police, and the Chief of Police it will be submitted for approval to the Director of Public Safety. Disciplinary actions must be approved by the Director of Public Safety.
7.2 DAR’s involving suspensions will have the actual suspension days determined by the Chief of Police or his or her designee.

7.2.1 Once the discipline has been imposed, the duty location Commander will submit a memo through the chain of command to the Chief of Police documenting the suspension dates. (11/12/02)

7.3 The Director of Public Safety will make notice of discipline by letter to the member. If an internal hearing is requested the notice of discipline must be issued within (5) five working days of the date of the internal hearing. If no internal hearing is requested or if an oral reprimand is issued, there are no time requirements.

7.4 Upon implementation of discipline, the original DAR, together with all related reports, will be sent to the Chief of Police.

7.5 A Copy of the final DAR and all related reports will be distributed to:

7.5.1 The member
7.5.2 The F.O.P.
7.5.3 The member’s personnel file at Personnel and Finance
7.5.4 The member’s Zone/Unit personnel file
7.5.5 The manager of OMI

8.0 DISAPPROVAL OF DISCIPLINE

8.1 The Zone or Unit Commander, the Assistant Chief of the respective branch, the Deputy Chief of Police, or the Chief of Police may recommend disapproval of a disciplinary action. However, when the disciplinary action is disapproved, the official recommending such disapproval shall attach a memo to the DAR indicating his or her reasons for disapproval. The distribution of the DAR will continue through the chain of command to the Director of Public Safety. The Director of Public Safety will be the final decision in all disciplinary actions.

9.0 AMENDMENT OF DISCIPLINE

9.1 The Zone or Unit Commander, the Assistant Chief of the respective Branch, the Deputy Chief of Police, or the Chief of Police may recommend an amended action to that of the initiating supervisor.

9.1.1 The amendment will be indicated in the appropriate block on the DAR beside his or her signature.
9.1.2 The amended recommendation will then be forwarded through the chain of command to the Director of Public Safety.

10.0 DISPOSITION OF DAR

10.1 If a DAR should go to arbitration, after the arbitration hearing or when the DAR has been concluded, there will be correspondence from the Chief’s Office to the involved Commander explaining that the disposition of the case that has been determined.

10.1.1 The Commander will complete a Special Report advising the member that the final disposition has been an oral reprimand, a written reprimand or a suspension.
10.1.2 The member will sign the Special Report as acknowledgement of receipt of the disciplinary disposition.

10.2 If the disposition is either an oral or written reprimand, the member will sign and receive a copy of the Special Report.

10.2.1 A copy of the Special Report will be placed in the member’s personnel file and performance file.
10.2.2 The original Special Report will be sent to the Chief’s Office to be included in the DAR file and database.

10.3 If the discipline is a suspension, the member will sign and receive a copy of the Special Report.

10.3.1 The Special Report from the Commander will include the date(s) that the member will be marked suspended (“Z” day(s)).
10.3.2 The original Special will then be forwarded to the Chief’s Office to be placed in the officer’s DAR file.
10.3.3 A copy of the Special Report will be sent to the Manager of Personnel and Finance.
10.3.4 This copy will be compared with payroll records to ensure the member’s payroll was properly marked.

10.4 In the case of a termination, the member will be advised to return his or her Pittsburgh Bureau of Police badge, identification card, and MPOETC card.

10.5 These items will be taken to the Office of the Deputy Chief of Police. Other items issued to the member that belong to the City of Pittsburgh or the Pittsburgh Bureau of Police will be returned to the Property room (11/12/02).

11.0 RELEASE OF INFORMATION

11.1 DAR information shall be maintained consistent with the Working Agreement between the City of Pittsburgh and the FOP.

Approved By:

______________________________
Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The Pittsburgh Bureau of Police has legal responsibility and management obligation to ensure a safe work environment, as well as a paramount interest in protecting the public by ensuring that its members have the physical stamina and emotional stability to perform their assigned duties.

1.2 The use and/or abuse of drugs (including legal drugs such as alcohol) is destructive to the good order and reputation of the Bureau of Police and will not be tolerated. Members must have physical coordination and unimpaired judgement to react prudently and effectively to the demands of police service.

1.3 This order states Police Bureau Policy relative to the use and/or abuse of narcotics, illegal drugs, alcohol, non-prescription drugs and/or legally prescribed drugs by any member of the Pittsburgh Bureau of Police and sets forth conditions in which drug and/or alcohol tests will be required.

2.0 DEFINITIONS

2.1 The term DRUG includes alcohol, cannabis, narcotics or controlled substances as defined under the Pennsylvania Crime Code Controlled Substance, Drugs, Device and Cosmetics Act.

2.2 The term DRUG ABUSE includes the use of cannabis, narcotics, or any controlled substance that has not been legally prescribed and/or dispensed, or the abuse of a legally prescribed or non-prescription drug.

2.3 The term ALCOHOL includes beverages and medication or other substances containing ethyl, methyl, isopropyl or other low molecular weight alcohol.

2.4 REASONABLE SUSPICION STANDARD – An apparent state of facts and/or circumstances found to exist by a supervisor which would cause a reasonably intelligent person to believe the member to be under the influence of a “drug” as that term is defined herein. The standard for reasonable suspicion is less than probable cause.

2.5 DRUG AND/OR ALCOHOL TESTING – the use of Intoxilyzer, Breath Alcohol Test (BAT), urinalysis, hair testing or any other clinically accepted method of detecting drugs and/or alcohol in the human body.

2.6 PBP VEHICLE – PBP vehicles shall be defined as any motorized vehicle such as a car, wagon, truck, motorcycle, boat etc. or any bicycle owned by the City of Pittsburgh Bureau of Police. Additionally, this may include any private vehicle authorized for official police duty, or any specialty vehicle, e.g. leased car, taxicab, other city vehicle, rented vehicle, vehicle belonging to another agency, or any vehicle used by the Bureau of Police for official police duty (this shall not include the use of a member’s personal vehicle).

2.7 FIREARM – This includes primary service firearms, secondary firearms, shotguns, rifles, and any less lethal firearm applications that require documentation as a level of force or an accidental discharge.

3.0 GENERAL RULES

3.1 The use of illegal drugs, synthetic drugs or non-prescribed controlled substances, and/or the abuse of legally prescribed drugs and/or controlled substances by a member of the Pittsburgh Bureau of Police is strictly prohibited. The use of medically prescribed marijuana by an officer or the possession of a medical marijuana certification card, other than the “Caregiver Card", is prohibited as it shall be basis for denial of a municipal police officer’s MPOETC Act 120 Certification under 37 Pa Code § 203.11(a)(10) and revocation pursuant to 37 PA Code § 203.14 (3).
3.2 Generally, no member or employee shall consume or purchase alcoholic beverages while on duty.

3.2.1 Any on duty consumption or purchase of alcoholic beverages may only be approved during the course of an official Narcotics/Vice investigation. Consumption or purchase of alcoholic beverages may only be made in accordance with the expressed written permission of a Narcotics/Vice Civil Service ranked supervisor, and in accordance with Narcotics & Vice Protocols

3.3 Violation of this policy will result in disciplinary action.

3.4 Refusal of a member to take the required drug and/or alcohol testing shall be considered insubordination and will result in the immediate relief from his or her police duties pending disposition of any administrative action. Pursuant to Civil Service Rule III, the member will be ordered to take a Civil Service Medical Exam.

3.5 The Bureau, upon notification of the refusal of a member to take the medical examination, shall mark the member as “Y” or absent without permission.

4.0 MANDATORY DRUG TESTING

4.1 For mandatory drug testing the City may use Intoxilyzer, Breath Alcohol Test (BAT), urinalysis, hair testing or any other clinically accepted method of detecting drugs and/or alcohol in the human body.

4.2 Mandatory drug and/or alcohol testing will be conducted only upon the approval of a Commander, Assistant Chief, Deputy Chief, Chief of Police or pursuant to Civil Service regulations under the following circumstances:

4.2.1 Based on reasonable suspicion citing specific circumstances when a member was incapable of performing his or her required duties or exhibited unusual work performance measures and/or behavioral traits.

4.2.2 At any time during a member’s probationary period as defined by the working agreement between the City of Pittsburgh and the Fraternal Order of Police, Fort Pitt Lodge #1.

4.2.3 For counseling assistance programs or as a condition of the Track III Employee Assistance Program due to prior drug and/or alcohol abuse.

4.2.4 Prior to assignment to special units, i.e. Drug Suppression, Special Weapons and Tactics (SWAT), Explosive Ordinance Disposal (EOD) Unit, the Property Room, Narcotic K-9 handlers and Narcotic K-9 trainers.

4.2.5 Random testing twice a year for members assigned to Special Units as listed above.

4.2.6 When a member is scheduled for a physical examination to return to duty after an absence of 45 days or more which normally requires a physical examination and the member has a record of excessive absenteeism.

4.3 Under the circumstances covered in sections 17-10.4.2.2, 17-10.4.2.4, and 17-10.4.2.5 hereunder, the Commanding Officer will ensure that the drug and/or alcohol testing is scheduled and completed. The Commanding Officer will direct a “Special Report” (PBP Form #54.0) to the Chief of Police through the chain of command notifying the Chief that the drug and/or alcohol testing has been completed. The “Special Report” (PBP Form #54.0) will include the names of those tested and the date that the testing was completed.

4.4 The immediate supervisor of the involved member will ensure that mandatory drug/ and or alcohol testing is conducted under these circumstances:

4.4.1 It shall be the responsibility of the involved member to immediately notify communications and request his or her supervisor to the scene, via radio on the relevant channel of the within a reasonable period of time following a member’s involvement in an on-duty vehicular accident which is reportable under the Motor Vehicle Code. If the member is out of radio range then a telephone notification to both communications, their supervisor is permissible, but must be documented and explained. This includes any vehicle as defined in Section 2.6 of this policy.

4.4.2 In situations where the vehicle accident is non-reportable at the time of occurrence but becomes reportable anytime after the tour of duty in which the accident occurred (e.g. the member or other individual operating a civilian motor vehicle experiences pain after the accident), the member’s supervisor is required to have the member tested as soon as possible. This testing may include a hair sample.

4.4.3 Anytime a member discharges a firearm, as defined in section 17-10.2.7, with the exception of routine firearm training or the destruction of a wounded animal. It shall be the responsibility of the involved member to immediately notify his or her supervisor of the firearm discharge. This includes all firearm discharges documented as a level of force and accidental firearm discharges.
5.0 PROCEDURES FOR THE ORDERING OF DRUG AND/OR ALCOHOL TESTING IN CASES OF REASONABLE SUSPICION

5.1 A senior supervisor (Commander or above) will be notified by the initiating supervisor of the circumstances leading to the request for “Reasonable Suspicion” testing.

5.2 The supervisor requesting the testing will direct a PBP Form #249, “Reasonable Suspicion Observation Form” to the Commander or other ranking officer indicating the reasons that formed the basis for the testing. If the basis for the request includes an infraction of any the Bureau of Police policies, a Disciplinary Action Report (DAR) will follow the request.

5.2.1 In the event time does not permit a written PBP Form #249 “Reasonable Suspicion Observation Form” to be submitted prior to testing, the supervisor will advise the Commander verbally and submit a written PBP Form #249, “Reasonable Suspicion Observation Form” by the end of that same tour of duty.

5.3 The PBP Form #249 “Reasonable Suspicion Observation Form” will be presented to the suspected member who will sign his or her name at the bottom of the report indicating that they have read it. The signature will be prefaced with this statement “By my signature below, I (name) acknowledge that I have read this memo. (signature of member) (Date and time signed)” The signature will in no way be considered an admission of guilt, only an acknowledgement of the fact that they have read the report. A copy of this report will be given to the suspected member.

5.4 A suspected member who refuses to submit to properly required drug and/or alcohol testing shall be deemed insubordinate. The requesting supervisor or other Commanding Officer will prefer charges and/ or initiate a Disciplinary Action Report and the suspected member will be transported home.

5.5 If the suspected member agrees to testing, the member shall complete and sign the consent form. If the suspected member is unable to read the consent form the supervisor shall read it to the member. A copy of the consent form will be given to the suspected member. The supervisor will retain a copy of the consent form. The supervisor will attach this copy of the consent form to the PBP Form #249 “Reasonable Suspicion Observation Form” required under Section 17-10.5.2.

5.6 A supervisor will transport the suspected member to the approved testing facility and will stand-by until the testing is completed. At the testing facility the supervisor will complete and sign the laboratory request form for the drug and /or alcohol testing indicating:

5.6.1 The name of the suspected member to be tested
5.6.2 The member’s Social Security Number
5.6.3 The classification of the test (reasonable suspicion)

5.6.4 THE SUPERVISOR SHOULD ALWAYS REQUEST, AT A MINIMUM, A NON-DOT URINE DRUG SCREEN AND BREATH ALCOHOL TEST (BAT).

5.7 Upon completion of the testing, a copy of all police reports, to include the PBP Form #249 “Reasonable Suspicion Observation Form” from the suspected member’s supervisor confirming that the testing was completed, will be forwarded to the Chief of Police through the chain of command.

6.0 ALLEGATIONS OF MISCELLANEOUS DRUG-RELATED ACTIVITY (BOTH ON AND OFF DUTY)

6.1 Allegations of miscellaneous drug-related activity which would be considered reasonable suspicion requiring a drug test include, but are not limited to:

6.1.1 Illegal sale, delivery, manufacture, purchase, or possession of drugs and narcotics
6.1.2 Whenever the results of a preliminary criminal investigation indicate a reasonable suspicion to believe that the suspected member is involved in illegal drug-related activity
6.1.3 Upon completion of the initial stages of an administrative investigation which indicates a reasonable suspicion to believe that the suspected member is personally using illegal drugs or is personally misusing or abusing alcohol, legally prescribed and/or dispensed medications.
6.2 A reasonable suspicion exists when a person believes that an individual is under the influence of a drug that affects behavior, and direct observation, articulable reasons and common sense support this belief.

6.2.1 The following, in addition to other evidence of suspected drug use, may give rise to a reasonable suspicion to believe that a member’s physical or mental abilities to perform assigned duties and responsibilities are affected by drugs:

6.2.1.1 Abnormal conduct or aberrant behavior as compared to member’s usual conduct and/or behavior.
6.2.1.2 Observed difficulty with or unusual speech, mental concentration, physical movement, or the behavior characteristics symptomatic of controlled substance and/or alcohol abuse.

7.0 USE OF DRUGS

7.1 Members who take any prescription drug(s) are responsible for assuring that the prescribing physician or medical professional is aware of the safety sensitive nature of the officer’s job related duties.

7.1.1 Prescription drugs, including both controlled and non-controlled drugs, are to be taken in accordance with the directions of the prescribing physician or medical professional.

7.2 Whether on or off duty, the use of synthetics or any illegal drug, abuse of any drug (whether or not legal and/or prescribed) is prohibited.

7.2.1 Abuse of a legally prescribed drug refers to the inappropriate use of a prescription drug by not following the directions of the prescribing medical professional regarding dosage, intermixing of drugs and alcohol, or misappropriation of a prescription.
7.2.2 Abuse of a non-prescription drug or compound (such as inhalants) refers to inappropriate use resulting in an adverse effect on a member’s job performance or public behavior, which would reasonably be expected to destroy public respect of the member and/or the Bureau.

7.2.3 Non-prescribed, over-the-counter medications shall be used only with due consideration for possible side effects on job performance.

7.3 Any member who is concerned about possible side effects of any prescription drug(s), or needs further explanation of the label instructions on over-the-counter medications, shall contact his or her doctor or pharmacist before any consumption thereof that could affect the member’s on-duty performance and/or conduct.

7.3.1 Any member concerned about a medical condition, or treatment of that condition including prescription drug use, may contact the Department of Human Resources and Civil Service to discuss accommodations that may be possible or required. Members should refer to General Order #20-01, Section A-2 “Reasonable Accommodation for Disabilities”, and should contact the Director of the Department of Human Resources and Civil Service at (412) 255-2717.

7.4 If a member on full duty assignment uses any legally prescribed drug(s) and has reason to believe the drug usage results in a direct threat by impairing the ability to perform essential, safety-sensitive job functions (such as use of weapons or operation of vehicles), the member must report the prescription drug usage to his or her supervisor prior to beginning their tour of duty or secondary employment.

7.4.1 The member’s supervisor will promptly call 412-232-8107 and request a prescription review. (These are the same numbers used to request a drug and alcohol test.) The member’s supervisor will be asked to provide his or her name and a phone number to which the Mercy OccuNet medical professional can return the call.

7.4.2 The member’s supervisor will provide the Mercy OccuNet medical professional with the member’s name and the name of the prescription drug.

7.4.3 The member will be afforded the opportunity to talk on the telephone with the Mercy OccuNet medical professional, and should be provided as much privacy as possible.

7.4.4 The Mercy OccuNet medical professional will provide the member’s supervisor with a verbal recommendation regarding the member’s fitness for duty. The supervisor will follow the verbal recommendation of the Mercy OccuNet medical professional and consider it an order.

7.4.5 The supervisor will direct a confidential memo, through the chain of command, to the Chief of Police regarding the recommendation given by the Mercy OccuNet medical professional. This memo shall include:
7.4.5.1 The officer’s name and badge number.
7.4.5.2 The medication name and dosage involved.
7.4.5.3 The prescribing physician.
7.4.5.4 The name of the Mercy OccuNet medical professional.
7.4.5.5 The recommendation of the Mercy OccuNet medical professional.

7.5 If the disclosing officer is on transitional duty and the reported medication was prescribed by the physician treating the officer’s job-related injury, the supervisor should **not** contact Mercy OccuNet. The officer can continue in transitional duty.

7.6 If the disclosing officer is on transitional duty and the reported medication was prescribed by a physician other than the physician treating the job-related injury, the supervisor must contact Mercy OccuNet 412-232-8107 and request a prescription review.

7.6.1 The supervisor will direct a **confidential** memo, through the chain of command, to the Chief of Police regarding the recommendation given by the Mercy OccuNet medical professional. This memo shall include:

7.6.1.1 The officer’s name and badge number.
7.6.1.2 The medication name and dosage involved.
7.6.1.3 The prescribing physician.
7.6.1.4 The name of the Mercy OccuNet medical professional.
7.6.1.5 The recommendation of the Mercy OccuNet medical professional.

7.7 If the recommendation of the Mercy OccuNet medical professional is that an officer **not** perform his or her duties, the officer will be sent home. The officer must use authorized leave time until the prescribing physician resolves the matter with Mercy OccuNet and fitness for duty is assured.

8.0 GENERAL PROCEDURES FOR THE ADMINISTRATION OF DRUG AND/OR ALCOHOL TESTING

8.1 Upon notice of a scheduled random testing the member’s supervisor will accompany the member to Mercy OccuNet at 1515 Locust Street.

8.1.1 Upon the necessity of post-accident or post-firearm discharge testing, the member’s supervisor will call Mercy OccuNet at **412-232-8107** to initiate the testing process. The member’s supervisor will then accompany the member to Mercy OccuNet at 1515 Locust Street.

8.1.2 If there is no response from the testing representative after 15 minutes, the supervisor should call the on call Mercy OccuNet Employee Health Nurse at 724-575-9078.

8.1.3 The Mercy OccuNet authorized testing representative will meet the supervisor and the member within 2 hours of the initial call.

8.1.4 The supervisor will provide the testing representative with the following:

8.1.4.1 Photo ID of member
8.1.4.2 The member’s Social Security Number
8.1.4.3 The classification of test (i.e., random, post-accident, post-firearm discharge)

**8.1.4.4 THE SUPERVISOR MUST ALWAYS REQUEST, AT A MINIMUM, A NON-DOT URINE DRUG SCREEN AND BREATH ALCOHOL TEST (BAT).**

8.2 A member refusing to submit to properly required testing will be deemed insubordinate. The requesting supervisor or the member’s Commanding Officer shall initiate a DAR.

8.3 If a member agrees to submit to the testing, the member shall complete and sign all of the necessary forms.

8.4 The member’s supervisor will complete and sign all necessary forms and stand-by at the testing site until the testing has been completed.
8.5 Upon completion of testing a copy of all police reports, to include a “Special Report” (PBP Form #54.0) from the member’s supervisor confirming that the testing was completed, will be forwarded to the Chief of Police through the chain of command.

8.6 Under no circumstances will the supervisor give instructions to the collection technician regarding the administration of the testing.

8.7 Supervisors must deliver the member scheduled for random testing promptly. If a supervisor and member are unable to make the appointment as scheduled, the test provider must be contacted and advised of the circumstances.

9.0 PROCEDURE FOR THE ADMINISTRATION OF A DRUG TEST IN CASES WHEN THE MEMBER NEEDS MEDICAL ATTENTION AND/ OR IS ADMITTED TO HOSPITAL

9.1 If the member subject to testing is transported to a hospital for medical treatment and is admitted to the hospital or otherwise unable to be transported to Mercy OccuNet due to his or her medical condition, the supervisor will call Mercy OccuNet 412-232-8107

9.2 If the member subject to testing is transported to a hospital for medical treatment and is not admitted to the hospital, the member’s supervisor shall accompany the officer to Mercy OccuNet for the drug/alcohol test after the officer’s treatment is completed. The member’s supervisor shall follow the procedures set forth in Section 8.0 of this order.

Approved By:

______________________________
Scott Schubert
Chief of Police
INTRODUCTION

This City of Pittsburgh’s policy prohibiting discrimination, harassment or retaliation of employees or job applicants on any basis protected by federal, state or local law. If you believe you have experienced or witnessed such illegal treatment, utilize the Complaint/Report Procedure described in Section B. The City will take appropriate action(s) to prevent discrimination, harassment and retaliation and will protect the rights of employees (and/or applicants) who file complaints.

NO DISCRIMINATION /NO HARASSMENT / NO RETALIATION POLICY AND REPORTING PROCEDURE

A. EQUAL EMPLOYMENT OPPORTUNITY

The City of Pittsburgh (“the City”) is an equal opportunity employer. It is the policy of the City that employees and applicants shall receive consideration and treatment consistent with all equal employment opportunity laws in all terms and conditions of work. The City does not discriminate against anyone on the basis of race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age (40 and over), or non-disqualifying physical or mental disability, or on any other basis protected by federal, state or local law.

The City strives to provide a work environment which promotes respect and in which each employee has the opportunity to develop to his or her full potential. Illegal discrimination, harassment and retaliation are strictly prohibited, not only because they violate the law, but also because they are contrary to the City’s interest in attracting, retaining and promoting the most talented, effective and dedicated employees.

The City has an internal complaint/report procedure, described below in Section B, to address and resolve complaints of discrimination, including retaliation and harassment. Utilize it if you believe this Policy has been violated. The City will take appropriate action(s) to prevent discrimination and to protect the rights of employees (and/or applicants) who file complaints.

The City has an internal Complaint/Report Procedure, described below in Section B, to address and resolve complaints of discrimination, harassment, and retaliation. Utilize it if you believe this Policy has been violated. The City will take appropriate action to prevent all forms of harassment and discrimination in order to protect the rights of employees who file complaints.
1. DISCRIMINATION IS PROHIBITED

The City requires that all applicants and employees be treated as individuals, on the basis of their own qualifications, skills, abilities, conduct and performance. Discrimination on account of any status protected by law, including but not limited to those identified in the first paragraph above, is prohibited. This Policy applies to all employment practices, including recruitment, hiring, evaluation, promotion, transfer, discipline and termination, as well as to all forms of compensation and benefits.

All personnel working for the City, including contractors, students and volunteers, are required to comply with this Policy, including the Complaint/Report Procedure in Section B. All personnel must behave in a non-discriminatory and business-like manner in all dealings with co-workers and all non-employees of the City contacted in the course of employment. This Policy also prohibits discrimination and harassment by persons doing business with the City, including vendors.

2. REASONABLE ACCOMMODATION FOR DISABILITIES AND RELIGIOUS BELIEFS IS REQUIRED

The City makes reasonable accommodations for the known disabilities and bona fide religious beliefs of otherwise qualified applicants and employees. If, because of a disability or a religious belief, you need job accommodations, contact the Director of Personnel and Civil Service Commission at (412) 255.2717 or the Department of Personnel and Civil Service Assistant Director– EEO Officer at (412) 255.2519.

It is a violation of this Policy to discriminate against qualified job applicants or employees because they need, or may need, a reasonable accommodation for a disability or religious beliefs. If you violate this Policy, you will be subject to disciplinary action, up to and including discharge, without further warning.

If you believe that you have been discriminated against or retaliated against in violation of this Policy, or otherwise believe that this Policy may have been violated, report the problem at once in accordance with the Complaint/Report Procedure described in Section B. The City takes all reports of discrimination and retaliation seriously. The City will promptly investigate all reports and complaints of prohibited harassment. If it is determined that inappropriate conduct occurred, the City will take corrective and remedial action(s) determined to be appropriate.

3. HARASSMENT and/or CREATING A HOSTILE WORK ENVIRONMENT IS PROHIBITED

Additionally, this Policy prohibits harassment, both in the workplace and in other work-related activities, such as business trips and business-related meetings and social events.

No employee should have to tolerate harassment of the types described in this Policy and the City takes allegations of harassment seriously. The City will promptly investigate all reports and complaints of prohibited harassment. If it is determined that inappropriate conduct occurred, the City will take corrective and remedial action appropriate to the situation. If you engage in harassment prohibited by this Policy, you will be subject to disciplinary action, up to and including
discharge, without other warning.

If you believe that you are being harassed or otherwise believe that this Policy has been violated, report the problem immediately using the Complaint/Report Procedure described in Section B.

4. Sexual Harassment is Prohibited

Sexual harassment in the workplace or in other work-related settings is illegal and is prohibited by this Policy. Sexual harassment is typically defined as unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature, when:

- Submission to that conduct is made explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of that conduct is used as a basis for employment decisions; or

- The conduct has the effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

For the purpose of this Policy, “unwelcome” means “unwanted.” An employee should never assume that any such conduct is welcomed by others.

Under the definition given above, sexual harassment includes a direct or implied request by a supervisor for sexual favors in exchange for favorable job action (such as a favorable review, a salary increase or promotion) or in exchange for avoiding unfavorable job action (such as demotion, discipline or discharge). Any such request is strictly prohibited, and will result in disciplinary action or discharge, without prior warning. If any supervisor or manager makes any such direct or implied request to you, report it at once as described below in Section B. The City will take actions appropriate to protect you from further harassment and retaliation.

The legal definition of sexual harassment also includes other types of conduct. While it is not possible to describe all circumstances which may constitute sexual harassment, the following are examples of conduct which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct:

- Sexual advances and propositions, with or without physical contact;

- Making or threatening reprisal for a negative response to sexual advances;

- Sexual epithets and jokes, and written or oral remarks about: your own or someone else’s sex life, body or sexual activities, sexual deficiencies or prowess;

- Displaying or circulating obscene or sexually suggestive objects, pictures, cartoons, internet materials or screen-savers;

- Gossip or questions about someone’s sexual experiences or orientation or talking about your own sexual experiences;

- Assaults, pinching, hugging, kissing or touching of an offensive or sexual nature or
rubbing up against the body or impeding or blocking movement;

- Leering, wolf whistles, catcalls, sexual slurs or gestures, or sexually suggestive, insulting or degrading comments;

- Sexually suggestive or obscene letters, notes, e-mails or invitations;

- Requests by a supervisor or manager to a subordinate for a date or to have a sexual relationship;

- Repeated flirtation, requests for dates and the like by anyone to someone who has indicated that such attentions are not welcome.

Whether such conduct is deemed to be illegal or not, unwelcome and offensive conduct of these types by any man or woman toward anyone (including someone of the same gender) is prohibited by this Policy. Do not engage in such conduct. If you do, you will risk losing your job and may be held personally liable for money damages.

If anyone says or does these things to you or in your presence or hearing and it bothers you, report it immediately, as provided in the Complaint/Report Procedure described below in Section B.

5. Other Types of Harassment are Prohibited

Not all harassment is sexual. This Policy also prohibits verbal or physical harassment of any person because of his or her race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, familial status, age (40 and over), disability or other protected status or exercise of legal rights, including the right to report violations of this Policy, where such conduct is unwelcome and has the effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment. Whether any such conduct is deemed to be illegal or not, conduct such as that described below is prohibited:

- Epithets, slurs, ridicule, insults, or threatening, intimidating or hostile acts, including those that purport to be “jokes” or “pranks”, made to or about someone because of his or her membership in a protected class or exercise of legal rights;

- Stereotyping or offensive comments, cartoons, pictures or objects (such as swastikas or KKK paraphernalia) that denigrate or insult members of a protected class or those who exercise legal rights;

- Demeaning, hostile or derogatory remarks directed at someone because of his or her protected class status or exercise of legal rights.

- Communicates a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, social media, facsimile, wireless communication or similar transmission.

- Showing a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. May include lewd, luscious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously.
• Gender-biased comments which aim to sexualize, objectify, demean or denigrate an individual.

These are just some examples of conduct which may constitute harassment, depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct.

If anyone says or does these things to you or in your presence or hearing, report it immediately, as provided below in the Complaint/Report Procedure described in Section B.

6. RETALIATION IS PROHIBITED

The City also forbids retaliation against employees because they have properly exercised their legal rights (such as the right to a leave of absence from work granted by the Family and Medical Leave Act or the right to file a complaint with a government agency), or because they have reported any violation of this Policy or otherwise have opposed, in a non-disruptive manner, actions they reasonably believe to constitute unlawful discrimination, retaliation or harassment.

Illegal discrimination or retaliation against any employee or citizen or anyone else is strictly prohibited. If you violate this Policy or any equal opportunity law, you will be subject to disciplinary action, up to and including discharge, without other warning and may incur legal liability. If you believe you have been retaliated against in violation of this Policy, report it immediately as described in Section B.

B. COMPLAINT / REPORT PROCEDURE

Under this policy, all employees share responsibility for assuring that the workplace is free from all forms of harassment, discrimination and retaliation. If you believe that a violation of any part of this Policy has occurred, you must report the problem as quickly as possible. Make your report of the situation to:

Department of Human Resources and Civil Services
414 Grant Street, Room 431
Pittsburgh, PA 15219
(412) 255-2710

Reports may be received between the hours of 7a.m. and 5p.m. Monday through Friday. If an employee is unable to make a report during these times, the Discrimination/ Harassment/ Retaliation Investigation Unit will make arrangements to receive a complaint after these designated hours.

In the alternative, you may report a violation of this Policy directly to your Department Director or Bureau Chief. To report a violation of this Policy, you should disregard and ignore general chain of command requirements and contact your Director or Chief, listed below, as quickly as possible:

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<td>Public Safety</td>
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If you discuss the problem first with your supervisor or someone else in your direct chain-of-
command and do not get a prompt or satisfactory response, contact the Director or Chief immediately. If you are uncomfortable for any reason discussing the matter with your Director or Chief, or you are not satisfied after bringing the matter to their attention, you may bypass them and instead report the matter promptly to the ‘Senior HR Manager/HR Manager of the Department of Human Resources and Civil Service, 414 Grant Street Room 431, Pittsburgh, Pennsylvania 15219 or via telephone (412)-255-2710.

C. **REPRISAL IS PROHIBITED**

It is a violation of this Policy for any employee who learns of any report, complaint or investigation pursuant to this Policy to retaliate against the person who made the report, or against anyone involved in the investigation, on the basis of his or her good faith use of the Complaint/Report Procedure or on the basis of his or her cooperation in the investigation.

D. **MANAGEMENT RESPONSIBILITIES**

Every City Director, Bureau Chief, Assistant Director, Manager or Supervisor is required to report, immediately and in full detail complaints of discrimination, harassment and retaliation to the Department of Human Resources and Civil Service:

- Every report or complaint of discrimination, harassment and/or retaliation made orally or in writing by any employee, regardless of whether the employee reports directly to you and regardless of whether the employee expressed a desire to make a “formal” complaint;
- Any situation which may be a violation of this Policy or of any employment law;
- Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to HR so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Management personnel must immediately report such matters to the Department of Human Resources and Civil Service, 414 Grant Street, Pittsburgh, Pa 15219, 412-255-2710. A request for reasonable accommodation includes:

- Any employee’s statement that he or she is having difficulty doing the job because of a serious health condition or a disability;

  The supporting documentation from the physician of the employee.

Management personnel must immediately report such matters to the **Department of Human Resources and Civil Service, 414 Grant Street, Pittsburgh, Pa 15219, 412-255-2710.**

Management personnel must comply with and enforce all aspects of this Policy and must fully cooperate in the City’s investigative, remedial and corrective actions. Management personnel must not interfere or attempt to interfere with or to prevent any employee’s effort to make a complaint or report under this Policy. Failure by any management personnel to comply with these responsibilities is a violation of this Policy and will result in disciplinary action, up to and including discharge, without
other warning. A supervisor who violates this Policy may also be held personally liable for money damages.

E. EMPLOYEE RESPONSIBILITIES

All employees must comply with this Policy and report any violation of this Policy as provided in Section B. All employees are required to cooperate fully in any preventative, investigative, remedial and corrective actions taken by the City. Failure to fulfill these responsibilities is a violation of this Policy and will result in disciplinary action, up to and including discharge, without other warning.

F. INVESTIGATION OF REPORTS AND COMPLAINTS

All reports of harassment, discrimination and retaliation made pursuant to this Policy will be promptly evaluated and investigated. Evaluations are to be conducted by the Department of Human Resources and Civil Service and Investigations are to be conducted by or under the direction of the Manager of the Office of Municipal. All such investigations will be conducted in as confidential a manner as is consistent with a proper investigation and to the extent practical under the circumstances. The City’s investigation typically will include private interviews with the person(s) who made the report, with any witnesses and with the person(s) alleged to have violated this Policy. When the investigation has been completed, the City will, to the extent appropriate, inform the person(s) who made the report and the person(s) alleged to have violated this Policy of the results of the investigation. The City may also inform other appropriate persons, such as those involved in taking corrective or remedial action.

G. CORRECTIVE AND REMEDIAL ACTION

If it is determined that a violation of this Policy or of the law or other inappropriate conduct has occurred, the City will take actions appropriate under the circumstances to punish the misconduct and to otherwise remedy the situation. Remedial action is intended to prevent future violations and to undo the effects of the violation of this Policy and will vary depending on the situation.

Disciplinary action for any violation of this Policy may range from counseling and/or training to discharge, and may include any other form of corrective action the City deems to be appropriate under the circumstances.

H. FEDERAL, STATE AND LOCAL LAWS

Federal, state and local laws prohibit illegal discrimination, harassment and retaliation. If you believe that you have been subjected to illegal discrimination, harassment or retaliation and you are dissatisfied with the City’s response to your complaint or otherwise wish to do so, you may file a charge of discrimination with any of the following agencies within the respective time frames:
I. **QUESTIONS?**

Any questions concerning this policy should be directed to the Equal Employment Opportunity Officer, Department of Human Resources and Civil Service (“HR&CS”), Room 431, City-County Building (412.255.8969).

Approved By:

Scott Schubert  
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The purpose of this policy is to set forth guidelines to govern secondary employment by members of the Pittsburgh Bureau of Police.

1.2 It is the policy of the Pittsburgh Bureau of Police to permit members to engage in secondary employment within the guidelines set forth in this policy. These guidelines are intended to inform members of the types of secondary employment that are appropriate and to establish procedures to maintain accountability. These requirements are essential for the efficient operation of the Bureau of Police and for the protection of officers, the Bureau and the community.

2.0 DEFINITIONS

2.1 Secondary Employment – Any employment of a member by a private entity that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

2.2 Outside Employment – Any employment of a member by a private entity that will not require the use or potential use of law enforcement powers by the off-duty employee.

2.3 Secondary Employer - A private entity that employs a member conditioned on the actual or potential use of law enforcement powers by the police officer employee.

2.4 Coordinator - A currently employed Pittsburgh Bureau of Police Officer, with four (4) complete years of service, who has been designated by a Secondary Employer and approved by the Chief of Police to coordinate and assist in scheduling a secondary employment opportunity. Any reference to a “coordinator” in this policy is understood that the “coordinator” has been designated by the Secondary Employer and approved by the Chief of Police.

2.5 Senior Supervisor – Any management or non-management police officer with oversight responsibility for other officers, including commanders, assistant chiefs, the Chief and other officers with similar responsibilities.

2.6 Seniority Based – This feature of the computer system will award secondary employment opportunities in a rotating seniority basis. Seniority based jobs are those secondary employment details that are generally posted the first of the preceding month of the secondary employment opportunity and generally filled on the fifteenth of the preceding month of the secondary employment opportunity. (Example: February seniority based jobs are posted on January 1st and filled on January 15th.)

2.7 Short Bids – Additional job requests received, after the typical bid posting on the first of the month and at least 96 hours prior to the start of the detail for secondary employment opportunities that would be seniority based will be posted on the “Short Bid” feature of the computer system and will award secondary employment opportunities 72 hours before the start of the detail in a rotating seniority basis.

2.8 “My Agency’s Open Jobs” – Secondary employment opportunities that are awarded on a first-come, first-serve basis. These are jobs that need to be scheduled as soon as possible and the deadline for the seniority based job posting has passed.

2.9 Rotating Seniority - secondary employment opportunities awarded by following a list which begins with the most senior officer eligible to work secondary employment and ends with the least senior officer eligible to work secondary employment. As each employment opportunity is filled, the next opportunity will be awarded to the next most senior officer.
employee. Opportunities will not be filled on a “straight” seniority system, or one that requires the City to return to the most senior officer each time an opportunity is presented. A new seniority cycle begins every three months starting on January 1 (i.e. January, April, July, and October).

2.10 **Detail** - The secondary employment opportunity. The word “detail” is interchangeable with the phrase “secondary employment opportunity.”

2.11 **Preference List** - A list of officers specifically requested by the secondary employer to work a specific secondary employment opportunity. The secondary employer must submit the request for specific officers in writing to the Special Events and Cost Recovery Office.

2.12 **Special Hauling Permit** – This is any permit issued by the Commonwealth, County, or City that is required prior to being allowed to haul any non-standard cargo or operate any non-standard vehicle on the roadways within the City of Pittsburgh.

2.13 **Special Events Coordinating Office Normal Business Hours** – Monday through Friday from 0800-1630 hours, excluding holidays.

2.14 **Cost Recovery Fee** – A per officer per hour fee (at the rate of 10% of time and a half of the PO4 wage) that is charged to all secondary employers, that elect to hire off duty Pittsburgh Police Officers.

2.15 **Cover Your Assets (CYA)** - A contracted company that provides a secure website allowing Secondary Employment opportunities to be scheduled, bid on, posted, and selected.

*See also General Order 66-3 CALL SIGNS, Section 10.0*

**3.0 AUTHORITY**

3.1 The Chief of Police or his/her designee shall have the authority to approve or disapprove the secondary employment of any member of the Bureau of Police.

3.1.1 All PBP officers working secondary employment shall be in full uniform. Only the Chief of Police or his/her designee may authorize a plainclothes detail.

3.2 The police uniform is the property of the City of Pittsburgh, and as such, the Chief of Police or his/her designee may deny permission to wear such uniform in any off-duty capacity or for the purpose of secondary employment.

3.2.1 No officer is permitted to wear the police uniform for secondary employment unless the secondary employment opportunity is approved by the Chief of Police or his/her designee and logged with CYA.

3.2.2 Members will abide by all general uniform regulations prescribed by the Bureau of Police. At no time while engaged in secondary employment will a member of the Bureau of Police wear only part of Pittsburgh Bureau of Police uniform or any informal uniform attire.

3.3 The Chief of Police or his/her designee may regulate the type of employment and the hours a member may work.

3.4 CYA will schedule **all** of the secondary employment opportunities where the member will wear the police uniform or in plainclothes when the detail involves the actual or potential use of law enforcement powers.

3.5 The Planning supervisor has the authority to oversee adherence to this policy.

**4.0 ACCOUNTABILITY**

4.1 Members will conduct themselves as though they were on-duty, and will be subject to all departmental rules, regulations, policies and procedures set forth by the Pittsburgh Bureau of Police while engaged in a secondary employment capacity.
5.0 **ELIGIBILITY**

5.1 In order to be eligible for approval to engage in secondary employment, as a detail officer or a coordinator, a police officer must be in good standing with the Pittsburgh Bureau of Police. Continued annual approval of secondary employment is contingent upon such good standing.

5.2 No member will be approved for secondary employment, as a detail officer or a coordinator:

5.2.1 If member has a history of other non-job related absenteeism

5.2.2 If member has a pattern of violations of this policy

5.2.3 If any disciplinary actions are sustained.

5.3 All members of the Bureau of Police in good standing are eligible to engage in secondary employment, as a detail officer coordinator, except for the following:

5.3.1 Any officer who has less than (18) eighteen months from date of hire with the Pittsburgh Bureau of Police. Effective with recruit class BR-13-01 (date of hire: 04/01/2013).

5.3.2 Any officer who is on suspension, sick leave, X-leave, administrative leave, compensation, absence without permission, a limited duty assignment, maternity duty, catastrophic leave, military leave, Family and Medical Leave Act, any type of leave resulting from an off-duty injury or who is temporarily assigned to administrative duties due to possible criminal charges or pending investigation of a PBP policy infraction.

5.3.3 Any officer whose Secondary Employment privileges have been disapproved.

5.3.4 Any officer who is not currently employed with the Pittsburgh Bureau of Police.

5.3.5 Any officer who has been suspended from working secondary employment.

5.3.6 Any officer who is currently under a Protection from Abuse Order with firearms restrictions.

5.4 Upon approval of an officer’s ability to work “Secondary Employment” officers will be authorized to work the following maximum number of hours per work week, which will commensurate with number of years an officer has been employed with the Pittsburgh Bureau of Police:

5.4.1 Officers will be eligible to work a maximum of 16 hours per week in secondary employment opportunities after (18) eighteen months from date of hire with the Pittsburgh Bureau of Police, until they have completed three (3) years of service. Effective with recruit class BR-13-01 (date of hire: 04/01/2013).

5.4.1.1 Effective with basic recruit class BR-14-01 (date of hire 3/17/14), Officers will be eligible to work a maximum of 16 hours per week in specific types of secondary employment opportunities after (12) twelve months from date of hire with the Pittsburgh Bureau of Police, until they have completed (18) months of service. These secondary employment opportunities include only special event and traffic details. Officers are not permitted to work any other types of secondary employment opportunities, until the completion of (18) eighteen months of service.

5.4.2 Officers will be eligible to work a maximum of 24 hours per week in secondary employment opportunities from three (3) to four (4) years of completed service.

5.4.3 Officers are eligible to work the maximum of 32 hours per week in secondary employment opportunities upon completion of four (4) years of service.
6.0 PRIMARY DUTY

6.1 All members engaged in secondary or outside employment must recognize that their primary duty, obligation and responsibilities are to the Pittsburgh Bureau of Police.

6.2 Members are subject to call at all times for emergencies, special assignments or extra duty, and no secondary or outside employment may infringe on these obligations, unless otherwise noted as a priority detail on the job description of the secondary employment opportunity posted on CYA.

6.3 No member shall hold more than one compensated position in the City government, and no compensated city employee shall hold a compensated position in any other government except as follows:

   6.3.1 Member of Military Reserve or PA National Guard; and or

   6.3.2 Member or employee of a Pension Board (Section 707, Home Rule Charter)

7.0 SECONDARY EMPLOYER OBLIGATIONS AND OPTIONS

7.1 The Secondary Employer must complete and submit a PBP Form #219.10, “Secondary Employment Application Agreement.”

7.2 The “Secondary Employment Application Agreement” is reviewed, approved or disapproved by the Chief of Police or his/her designee.

7.3 Approved applicants are notified in writing of the approval of their “Secondary Employment Application Agreement.” Obligations and options are also presented.

7.4 There shall be a standardized pay rate of no less than one and a half times the hourly rate of a PO4 working any detail.

   7.4.1 Supervisors are the exception to this regulation. A Sergeant or Lieutenant may apply for and work at one and a half times the PO4 rate.

7.5 The Secondary employer will be billed for the officer(s) time, administrative fee and any other fees by CYA. The Secondary Employer will make payment of the invoice to the City Treasurer, Pittsburgh Department of Finance. Officers shall not be paid directly by the employer, whether by cash or check or compensated in any manner.

   FAILURE BY A SECONDARY EMPLOYER TO COMPLY WITH THIS REQUIREMENT WILL RESULT IN THE IMMEDIATE SUSPENSION AND/OR TERMINATION OF ANY AND ALL SECONDARY EMPLOYMENT PROVIDED TO APPLICANT AND THE DENIAL OF ANY FUTURE APPLICATIONS.

7.6 Secondary employers have two options when scheduling officers for a detail.

   7.6.1 Option 1-The secondary employer can schedule officers by utilizing the services of CYA.

      7.6.1.1 The CYA system will list the detail on the Secondary Employment web site and all qualified Pittsburgh Bureau of Police officers will have opportunity to bid on the detail. The detail will be assigned based on a rotating seniority basis.

      7.6.1.2 The Secondary Employer will be billed for the officer(s) hourly rate and cost recovery at the end of each month. The Cost Recovery Fee (“CRF”) is 10% of the time and a half rate of PO4 per hour/per officer. Failure to pay this bill within thirty (30) days of receipt may result in the revocation of the secondary employer’s approved status.

      7.6.1.3 All details must be paid through the Pittsburgh Bureau of Police payroll system. A Secondary Employer may not directly pay an officer via cash, check, or any other means. In addition, the Secondary Employer may not pay an officer through a third party.
7.6.1.4 All Secondary Employers subject to special events or traffic obstruction permits or vehicle escorts special hauling permits are required to use this option.

7.6.2 **Option 2**- An approved Secondary Employer may request to designate an active PBP officer to coordinate details

7.6.2.1 The secondary employer will complete and submit a PBP Form #219.20, “Secondary Employer’s Optional Designation of a Pittsburgh Police Officer to Coordinate and Assist in Scheduling Details” Form and a PBP Form #219.30, “Secondary Employer’s Optional Police Officer Preference Request” Form.

7.6.2.2 Coordinator must be in compliance with the rules and regulations of secondary employment. If a coordinator is denied the opportunity the contractual grievance procedure will be followed.

7.6.2.3 Any coordinator shall not be employed by, own and/or have any pecuniary interest with any business entity engaged as a Secondary Employer for PBP personnel or be compensated in any manner for coordinating services.

7.6.2.4 If an officer scheduled to work the detail is unable to work the detail he or she must cancel the detail and notify the coordinator. The coordinator will be responsible for filling the detail or notifying the vendor that there will be no police presence.

7.6.2.5 The Secondary Employer will be billed for the officer(s) hourly rate, administrative fee and any other fees by CYA. The Secondary Employer will make payment of the invoice to the City Treasurer, Pittsburgh Department of Finance. The secondary employer will be billed at the end of each month. The coordinators shall not be paid directly by the employer, whether by cash or check or be compensated in any manner. Failure to pay the Cost Recovery Fee within thirty (30) days of receipt may result in the revocation of the secondary employer’s approved status.

**FAILURE BY A SECONDARY EMPLOYER TO COMPLY WITH THIS REQUIREMENT WILL RESULT IN THE IMMEDIATE SUSPENSION AND/OR TERMINATION OF ANY AND ALL SECONDARY EMPLOYMENT PROVIDED TO APPLICANT AND THE DENIAL OF ANY FUTURE APPLICATIONS.**

8.0 SECONDARY EMPLOYMENT SCHEDULED BY THE CYA (OPTION 1)

8.1 An officer who has been approved to work voluntary secondary employment details may pursue the opportunity by registering on the approved secondary employment scheduling system website at: https://www.cyausa.com/offduty

8.1.1 **It is the responsibility of each individual officer to have a full and complete understanding of the CYA system.**

8.1.1.1 Training regarding the CYA system is available by contacting the Special Events Coordinating Office, Monday-Friday between 0800-1630 Hours, except on holidays.

8.1.2 All police officers requesting to work secondary employment details must provide CYA with a valid telephone number where he or she can be reached at all times.

8.1.3 Officers shall maintain and update their secondary employment profiles, should there be any change (phone number, assignment, address, etc.).

8.2 Voluntary secondary employment will be published through the https://www.cyausa.com/offduty website. Accessing this website can be done from any computer or device with Internet access.

8.2.1 Once an officer accesses this website, he/she will be required to login and provide a password. Each authorized individual will be responsible for his or her private password and at no time shall this be divulged or disclosed to any other individual. *(Refer to G.O. #68.1, Section 2.3, Electronic Communication/Computer Network Policy.)*
8.2.2 All Secondary Employment opportunities under this section can be found at the “My Agency’s Open Jobs”, “Short Bids” or “Seniority-Based” features of the CYA system.

8.3 Generally, seniority based secondary employment opportunities are posted the first of the preceding month of the secondary employment opportunity and generally filled on the fifteenth of the preceding month of the secondary employment opportunity. (Example: February seniority based jobs are posted on January 1st and filled on January 15th.) Generally, all postings will remain open for “bidding” for fourteen (14) days. Each posting will reflect:

8.3.1 The identity of the secondary employer(s).
8.3.2 The nature of the position(s) posted.
8.3.3 The location of each employment opportunity.
8.3.4 The date(s) of each employment opportunity.
8.3.5 The start time(s) of each employment opportunity.
8.3.6 Approximate end time(s) for each employment opportunity.
8.3.7 The number of personnel requested by each secondary employer.
8.3.8 Contact number for event holder.
8.3.9 Any specific instructions or conditions for each employment opportunity.

8.4 Ending times for events are approximate, and may vary depending on the nature of the detail.

8.5 After the deadline for volunteering for secondary employment opportunities, all bids will be organized in order of seniority and will be awarded on a rotating seniority system.

8.6 Secondary employment opportunity bids for Motorcycles, River Rescue, Bicycles, K-9, EOD, Sergeants and Lieutenants positions will be posted on the https://www.cyausa.com/offduty website and will be bid separately.

8.7 Generally, officers will be notified of all approved bid awards on the (15th) fifteenth of each month, by the secondary employment opportunity being on their schedule listed on CYA.

8.8 If certain positions are not filled through the first posting and bid cycle, the Secondary employment opportunities will be posted on the “My Agency’s Open Jobs” feature of the computer system.

8.9 Additional requests received, prior to the typical bid awards on the (15th) fifteenth of each month, for secondary employment opportunities that would be seniority based will be posted upon receipt and filled with that corresponding month’s seniority based jobs.

8.10 Additional requests received, after the typical bid awards on the (15th) fifteenth of each month, for secondary employment opportunities that would be seniority based will be posted on the “Short Bid” feature of the computer system.

8.11 Once an officer submits a request to work, he or she is required to check the “My Schedule” feature of the computer system after the deadline to submit requests has expired, to see if he/she were awarded the secondary employment opportunity.

8.11.1 If the officer does not have access to a computer, he/she can call CYA during business hours at 412-200-5220 to check the status of Secondary employment bids.

8.12 All officers scheduled to work a secondary employment opportunity are required to check the “My Schedule” feature of the computer system twenty-four (24) hours prior to the start of their secondary employment opportunity to see if has been cancelled.

8.12.1 If the secondary employment opportunity is cancelled within twenty-four (24) hours of the start of the assignment, CYA will call to notify the officer at the phone numbers listed in his or her profile.

8.12.2 If the secondary employment opportunity is cancelled more than 24 hours prior to the job, notification may be in the form of an e-mail message, a phone call, a phone message, or the deletion of the detail from the officer’s schedule on the CYA system.
8.13 All officers who report to a secondary employment opportunity scheduled through CYA where the detail has been cancelled or postponed upon arrival, and the officer was not previously notified, shall be entitled to the full detail hours of pay.

8.13.1 If the detail is cancelled and an officer is notified within less than one hour of the scheduled start time of his/her shift, the officer shall be entitled to two (2) hours of pay at the posted detail rate.

8.13.2 If an officer works a portion of the scheduled shift and is released early by the hiring company, he/she shall receive pay for the entire shift scheduled at the posted detail rate.

8.14 Once an officer completes a secondary employment opportunity, he/she must close out the job and enter the correct hours in which he/she worked no later than the following Monday at 0800 hours. This is to ensure the officer is paid for that job during the appropriate pay period and for cost recovery purposes. If the officer is unable to close out his/her job within this time frame, then he/she must call the CYA at 412-200-5220, and request that the job be closed out. The officer must include the name, date and times of the secondary employment opportunity in the message.

8.15 Cancellation of seniority-based secondary employment opportunities scheduled by CYA:

8.15.1 If an officer is awarded a secondary employment opportunity and needs to cancel the job, he/she shall hit the “cancel” button next to the job listed on their schedule. The detail will be posted to eligible jobs. If no other Officer “takes” the job then the Officer who was awarded the detail originally is responsible for working.

8.15.2 Once an officer has been awarded a secondary employment opportunity by “Seniority-Based”, “Short Bids” or “My Agency’s Open Jobs”, it is final. No officer can bid on or change his or her schedule to work a different secondary employment opportunity during that same time period.

8.15.3 Emergency cancellations of assigned secondary employment opportunities scheduled by the CYA will be accepted for emergencies, including but not limited to: hospitalization of the officer, the officer’s spouse or child, injury to the officer in which he/she would not be able to report for his/her regular tour of duty, death in the officer’s family, or mandatory overtime at the officer’s duty location.

8.15.3.1 The Planning supervisor may request proof of such emergencies.

8.15.3.2 To cancel a secondary employment opportunity due to an emergency or mandatory forced overtime, the officer must call CYA at 412-200-5220.

8.15.3.3 The officer who needs to cancel due to an emergency or mandatory forced overtime must give as much notice as possible to CYA.

8.16 The City of Pittsburgh will honor all requests from secondary employers prohibiting specific officers from working secondary employment opportunities. The secondary employer must submit this request in writing to the Chief of Police.

9.0 SECONDARY EMPLOYMENT SCHEDULED BY AN APPROVED DESIGNATED COORDINATOR (OPTION 2)

9.0 All secondary employment scheduled outside of CYA must be approved by the Chief of Police or his/her designee and recorded with the CYA.

9.1 An approved secondary employer may request a specific, currently employed PBP officer to coordinate and assist in scheduling a secondary employment opportunity detail. The coordinator will schedule the detail through CYA.

9.1.1 Coordinators shall have four (4) completed years of service with the Pittsburgh Bureau of Police.
9.1.2 This request shall be documented on PBP Form #219.2 “Secondary Employer’s Optional Designation of a Pittsburgh Police Officer to Coordinate and Assist in Scheduling Details.” The Chief of Police or his/her designee must approve all coordinator requests.

9.1.3 The City of Pittsburgh will also honor all requests from secondary employers prohibiting specific officers from scheduling secondary employment opportunities for that Secondary employer. The secondary employer must submit this request in writing to the Chief of Police or his/her designee.

9.1.4 A list of approved coordinators is on file with CYA.

9.2 Subject to the officer’s eligibility status, the City shall honor a written request from a secondary employer, with regard to which officer/officers will be assigned to a particular detail.

9.2.1 This request shall be documented on PBP Form #219.3 “Secondary Employer’s Optional Police Officer Preference Request.”

9.2.2 Any such request will be subject to the Secondary Employer meeting the qualifications established by the Pittsburgh Bureau of Police and the officer/officers involved being in compliance with this policy.

9.2.3 The City of Pittsburgh will also honor all requests from secondary employers prohibiting specific officers from working secondary employment opportunities. The secondary employer must submit this request in writing to the Chief of Police.

9.2.4 If an approved designated coordinator exhausts the preference list provided by the Secondary Employer, then the scheduler/coordinator must notify CYA 72 hours prior to the start of the job, and the job will be posted under “My Agency Open Jobs” feature of the computer system for all eligible officers to work.

9.3 Coordinators must report the names of all officers who fail to report or who arrive late to a scheduled detail, in writing to the Planning supervisor.

9.4 All scheduling and cancellation of details that utilize a designated coordinator are the responsibility of the designated scheduler/coordinator.

9.4.1 Secondary employers who hire outside of CYA shall be directed to contact the designated scheduler/coordinator for that event, not CYA.

9.4.2 All approved coordinators must be available to the secondary employer throughout the course of the secondary employment opportunity to address any scheduling concerns.

9.4.3 Coordinators must schedule officers for the correct number of hours’ works. Any attempt by coordinators to hide income for officers by under-reporting hours worked may result in criminal charges or civil fines. Scheduler/coordinators must schedule officers for the correct hourly rate and number of hours worked. Any attempt by coordinators to hide income for officers by under-reporting hours worked or listing the incorrect hourly rate, may result in criminal charges or civil fines.

9.5 Once an officer completes a secondary employment opportunity, he/she must close out the job and enter the correct hours in which he/she worked by the following Monday at 0800 hours. This is for cost recovery purposes. If the officer is unable to close out their job within this time frame, then they must call CYA at 412-200-5220, and request their job be closed out. Officers must include the name, date and times of the secondary employment opportunity in the message.

10.0 SECONDARY EMPLOYMENT APPROVAL NOTIFICATION/LOG/SUPERVISION

10.1 Secondary Employment Approval Secondary Employment approval will be conducted annually during performance evaluations. The initial reviewing supervisor will approve or deny secondary employment privileges with supporting arguments as necessary, and forward it to the Commander. The Commander will review the performance evaluation and concur or non-concur with the secondary employment privileges, with supporting arguments as necessary.
10.1.1 The chief of police shall have final authority to grant or deny the off duty employment request.

10.1.2 All officers of the Pittsburgh Bureau of Police in good standing are eligible to engage in secondary employment, as a detail officer or a coordinator, except for the following:

10.1.2.1 Any officer who has less than (18) eighteen months from date of hire with the Pittsburgh Bureau of Police. Effective with recruit class BR-13-01 (date of hire: 04/01/2013).

10.1.2.2 Any officer who is on suspension, sick leave, X-leave, administrative leave, compensation, absence without permission, a limited duty assignment, maternity duty, catastrophic leave, military leave, Family and Medical Leave Act, any type of leave resulting from an off-duty injury or who is temporarily assigned to administrative duties due to possible criminal charges or pending investigation of a PBP policy infraction.

10.1.2.3 Any officer who’s “Secondary Employment Application” has been disapproved.

10.1.2.4 Any officer who is not currently employed with the Pittsburgh Bureau of Police.

10.1.2.5 Any officer who has been suspended from working secondary employment.

10.1.2.6 Any officer who is currently under a Protection from Abuse Order with firearms restrictions.

10.1.2.7 Any Officer who has a consistent poor work performance.

10.1.4 If an officer’s secondary employment privileges have been suspended or revoked, the Chief or his/her designee will send a memo to CYA stating that the officer’s secondary employment privileges have been suspended or revoked.

10.1.5 If the officer’s secondary employment privileges are subsequently reinstated, the Chief or his/her designee will send a memo CYA to include the reinstatement date.

10.2 **Secondary Employment Log** – Any time an officer works a secondary employment opportunity that does not have a supervisor, he/she will be required to phone the Zone Duty Location where the secondary employment will be worked.

*See General Order 66-3 CALL SIGNS, Section 10.0 for more guidance*

10.2.1 The officer shall advise the Desk Officer/Sergeant who answers the call as to the following:

10.2.1.1 Name/assigned number of the officer working the secondary employment opportunity.

10.2.1.2 Location of the secondary employment opportunity.

10.2.1.3 Hours the secondary employment opportunity is to be worked.

10.2.1.4 The name of the coordinating officer or CYA.

10.2.2 The Desk Officer/Sergeant will be responsible for logging this information on PBP Form #300.1 “Secondary Employment Detail Log” which shall be kept electronically in the appropriate zone’s “I” drive folder.

11.3.2.1 Log sheets are to be saved by the appropriate date in the “I” drive.

10.2.3 Additionally, the Desk Officer/Sergeant will enter his/her name and assigned number and date/time the call was received in the appropriate block on the Secondary Employment Detail Log.

10.2.4 A new log shall be made commencing with the start of the AM shift each day.
10.2.5 The Desk Officer/Sergeant shall be responsible for faxing a copy of the log to the EOC at the start of each shift.

10.2.6 The Night Turn Desk Officer/Sergeant will be responsible for forwarding the daily electronic log to the mailto: pbp.specialevents@pittsburghpa.gov

10.2.7 Zone Commanders are to ensure their clerks are entering information from the secondary employment log into the OMS database. (Refer to ACA #11-030, dated 2/11/2011)

10.3 On duty supervisors shall conduct checks of the officers working Secondary Employment within their Zones.

11.0 SECONDARY EMPLOYMENT ARRESTS/COURT PAY

11.1 The member working the secondary employment opportunity is responsible for handling the initial reports for incidents that occur at the detail location and for summoning the zone or investigative units to assist or follow-up on serious incidents.

11.2 If an arrest is made by a member working a secondary employment opportunity that is directly related to that secondary employment opportunity, the officer working the secondary employment opportunity will handle the arrest and testify as required in any subsequent court case, and shall not turn it over to another officer to handle.

11.3 The officer will mark “Off-Duty” in the assignment block of all reports/court kiosk screens related to such arrests.

11.4 Central Records and Report Unit (CRRU) personnel will question the officer if there is any doubt as to the officer’s work status.

11.5 When an arrest is made during an approved secondary employment opportunity, the officer will be compensated for any overtime incurred to process arrest (after scheduled detail concludes) and court appearance in his/her paycheck.

11.6 When appearing in court for an arrest in connection with an approved secondary employment opportunity, officers must check in and check out of the courts by utilizing the court kiosks.

11.7 All court appearances resulting from secondary employment opportunities are to be paid by the City at the three (3) hour minimum as stated in the Collective Bargaining Agreement.

12.0 SECONDARY EMPLOYMENT LIMITATIONS

12.1 Secondary employment shall be limited to a reasonable number of hours per workweek, not to exceed 16 hours per day in combination with the officer’s scheduled tour of duty or the permissible number of hours per week, which is outlined in Section 5.4. A workweek runs from Monday-Sunday.

12.1.1 No requests will be submitted or approved to engage in secondary employment beyond the permissible number of hours limited per work week.

12.1.2 Work hours for all secondary employment must be scheduled in a manner that will not exceed the permissible limit.

12.2 Work hours for all secondary employment opportunities must be scheduled in a manner that will not conflict or interfere with a police officer’s performance of his/her primary duty as a member of the Pittsburgh Bureau of Police.

12.3 A member may not work a secondary employment opportunity where it appears that the secondary employment might impair his/her ability to discharge his/her obligation to the Bureau of Police.

12.4 Police officers may not engage in secondary employment that is conditioned on the actual or potential use of law enforcement powers outside of the limits of the City of Pittsburgh, either in uniform or in plainclothes.

12.5 An officer may engage in secondary employment opportunities at establishments whose primary purpose is the selling and dispensing of alcoholic beverages under the following provisions:
12.5.1 Officers shall be in full uniform.

12.5.2 Officers are not permitted to work inside the establishment, but may respond inside to handle any disturbances, crimes, etc., occurring in the establishment.

12.5.3 Officers are not permitted to “card” patrons.

12.5.4 Officers may not search patrons prior to entry into the establishment. (This provision also prohibits the use of hand-held metal detectors for the purpose of scanning or searching customers for weapons.)

12.5.5 Officers must ensure that the establishment is adhering to the posted occupancy limitations.

12.6 Officers may not work secondary employment at any location that may tend to bring the Bureau of Police into disrepute or that may reduce the efficiency or usefulness of the officer as a member of the Bureau of Police. Some examples of employment that present a threat to the status or dignity of the Bureau of Police include, but are not limited to:

12.6.1 Establishments that sell pornographic books, magazines, sexual devices, or videos that otherwise provide entertainment or services of a sexual nature.

12.6.2 Any gambling establishment not exempted by law.

12.7 Officers are prohibited from actively soliciting Secondary Employment from any business. Businesses shall directly contact the Pittsburgh Bureau of Police when seeking officers for Secondary Employment.

13.0 SECONDARY EMPLOYMENT DISCIPLINE AND REVOCATION (PLEAC Standard 1.7.1)

13.1 Secondary Employment Revocation: Secondary Employment privileges can be revoked/suspended/reduced for just cause, as determined by the Chief of Police or his/her designee. Any sworn member who is denied Secondary Employment privileges may appeal any such decision by means of the contractual grievance-arbitration procedure (Working Agreement between the City of Pittsburgh and the Fraternal Order of Police Fort Pitt Lodge No. 1, page 140).

13.1.1 Upon the annual completion of performance evaluations, respective Commanders may make the recommendation to approve, approve with restrictions, or disapprove secondary employment privileges, which is ultimately determined by the Chief of Police or his/her designee.

13.1.2 Commanders will review the Police Assessment Review System (PARS) and the Officer Management System (OMS) and may approve, approve secondary employment privileges’ with restrictions, or disapprove the application based on the following:

13.1.2.1 Any other documentation that causes the Commander to believe that Secondary Employment is interfering with and officer’s primary duty, obligation, and responsibilities to the Pittsburgh Bureau of Police.

13.1.3 Upon a Commander’s quarterly review of COMPSTAR, Commanders may make the recommendation to revoke or reduce the number of hours an officer is permitted to work; which is ultimately determined by the Chief of Police.

13.1.4 Officers who have been arrested or are the subject of a criminal investigation may have their Secondary Employment privileges suspended by the Chief of Police or his/her designee, which includes performing the functions of a coordinator.

13.2 Violations of Secondary Employment Policy
13.2.1 It is the duty of CYA to review the number of hours worked by an individual officer on a weekly basis and notify the Planning supervisor if any officers worked in excess of the permissible number of hours. Any officer working in excess of permissible hours per section 5.4, shall submit a memo to Planning supervisor explain the violation of policy.

13.2.2 In the event of a complaint pertaining to Secondary Employment, the Planning supervisor may recommend discipline and/or suspension of privileges, which will be determined by the Chief of Police or his/her designee.

13.2.3 The Planning supervisor may initiate the Counseling or the DAR process for infractions pertaining to the Secondary Employment Policy.

14.0 OUTSIDE EMPLOYMENT

14.1 Employees may engage in off-duty outside employment that will not require the use or potential use of law enforcement powers by the off-duty employee as long as the following requirements are met:

14.1.1 The employment is of a non-police nature in which police powers are not a condition of employment and the work provides no real or implied law enforcement service to the employer.

14.1.2 The employment is not performed during assigned hours of duty.

14.1.3 The employment presents no potential conflict of interest between primary duty as a police officer and the duties required by the outside employer. Some examples of employment representing a conflict of interest include, but are not limited to:

14.1.3.1 Process server, re-possessors, bill collector, tow truck operator or any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.

14.1.3.2 An investigator for a private sector agency or any employment which might require the police officer to have access to police information, files, records or services as a condition of employment.

14.1.3.3 For a business or labor group that is on strike.

14.1.4 The employment does not constitute a threat to the status or dignity of the police as a professional occupation. Some examples of employment that present a threat to the status or dignity of the police profession include, but are not limited to:

14.1.4.1 Establishments that sell pornographic books, magazines, sexual devices or videos or that otherwise provide entertainment or services of a sexual nature.

14.1.4.2 Any gaming establishment not exempted by law.

14.1.4.3 Any private security company

15.0 GENERAL RULES, REGULATIONS & GUIDELINES

15.1 If a police officer is in compliance with these requirements regarding secondary employment, the City will consider any injury or illness that the police officer suffers while so engaged in secondary employment to be the same as if actively employed on behalf of the Bureau. That is, if otherwise qualified, the police officer will be entitled to Heart and Lung or Worker’s Compensation Benefits under the law. (Refer to the Fraternal Order of Police, Fort Pitt Lodge No. 1 and City of Pittsburgh Act 111 Interest Arbitration Award, Case No. 55 630 L 00341 04, Supplemental Award and Grievance Awards)

15.2 If an officer works a portion of a scheduled shift and is released early by the hiring company, he/she shall receive pay for the entire shift scheduled at the posted detail rate.
15.3 If an officer works a portion of a scheduled shift because of late arrival or leaving the detail earlier for any other reason than being released by hiring company, the officer is only entitled to be paid for the actual time worked at the posted detail rate.

15.4 Officers scheduled to work secondary employment opportunities shall report to the secondary employment opportunity at the designated starting time.

15.5 Upon reporting to a secondary employment opportunity location, if the officer cannot locate the employer, the officer shall:

15.5.1 Call the employer’s contact person listed on the CYA detail page or the designated coordinator.

15.5.2 Immediately call CYA at 412-200-5220 which provides 24 hour coverage.

15.6 Officers working secondary employment details will not enforce business rules or directions of the Secondary Employer.

15.7 Officers are prohibited from utilizing any police vehicle for secondary employment opportunities unless specifically authorized by CYA. When using any police vehicle for secondary employment officers are to clean the vehicle on the inside, check all equipment and replace equipment, when necessary; no vehicle shall be returned with less than half a tank of fuel when returned to the pickup location.

15.7.1 While using a police vehicle to report to and return from a secondary employment opportunity, officers must be wearing a City of Pittsburgh police uniform.

15.7.2 Any officer or supervisor who uses a police vehicle, marked or unmarked, for a secondary employment detail, must complete a PBP Form #1.1, “City of Pittsburgh Police Uniform Daily Activity Report.” All blocks must be completed, including the vehicle condition and equipment inventory. The completed form shall be left at the duty location from which the vehicle was assigned.

15.7.3 The start time for a detail is when the officer is to arrive at his or her post, NOT when he or she is to pick up a police vehicle. The vehicle must be procured prior to the detail start time.

15.8 When working a traffic detail that requires officers to operate a traffic light or direct traffic, officers will not sit in their personal vehicle, police vehicle, or on a chair, stool, steps, etc., unless directed to do so by a police supervisor or the job foreman.

15.8.1 Officers must be dressed in full uniform and wearing either a green traffic vest, green raincoat, or the issued police jacket with the reflective markings displayed.

15.9 All personnel will report directly to the designated location of their assigned post, unless directed otherwise, for roll call purposes. Personnel should use the call sign of the venue where they are located.

15.9.1 Officers shall obtain this call sign from the Zone desks and/or the Command Post/Supervisor working the event. All personnel should utilize the designated Police channel for the Zone they are working in or use the designated police channel for that event.

15.10 All personnel are to legally park their personal vehicles on any city street (example, not on a sidewalk). No officer shall park his/her personal vehicle on private property, unless given permission from the private property owner.

15.11 If at any time, a member has a problem at any secondary employment opportunity location, the officer is to notify the Event Supervisor for assistance.

15.11.1 If he/she cannot resolve your problem, they will contact CYA who will contact the Duty Commander or the designated coordinator, if not scheduled through CYA, for final disposition.
15.11.2 If no supervisor is assigned to your particular secondary employment opportunity, contact CYA who will contact the Duty Commander. **Do not confront** personnel at the various venues in an adversarial manner, but defer your problem(s) to the appropriate Supervisor or CYA.

15.11.3 If you have an emergency and need to speak to someone about the secondary employment opportunity contact the Duty Commander through the EOC.

15.11.3.1 The Duty Commander must document all calls received related to secondary employment issues on their daily recap report.

15.12 Officers must remain on location until one of the following four conditions are met all patrons leave the premises, the scheduled detail hours are completed, released by a Pittsburgh Police supervisor at the event, or released by the scheduling venue supervisor.

15.13 Officers awarded any secondary employment opportunity will work the secondary employment opportunity assigned to them.

15.14 Officers are not permitted to accept secondary employment opportunities with the intention of giving it to another officer to work.

15.15 Officers are not permitted to leave a detail unless they can find a replacement or if subjected to a call out for a special unit, they must notify CYA. If the CYA is not open, then officers should notify the EOC via radio.

15.16 All members who wish to work or schedule secondary employment opportunities shall adhere to the Bureau of Police Manual of Procedural Orders at all times while working secondary employment opportunities.

15.17 Late arrival, failure to appear, and unexcused call-offs are examples of actions subject to the suspension of secondary employment privileges and possible disciplinary action.

15.18 Scheduler/coordinators who do not adhere to this policy shall be subject to the suspension of secondary employment scheduling authorization and possible disciplinary action.

15.19 With the approval by the Chief of Police or his/her designee, officers may voluntarily work details and not be compensated i.e. for non-profit or community events.

Approved By:

_____________________

Cameron McLay
Chief of Police
1.0 POLICY OR PURPOSE

1.1 Every member and employee of the Bureau of Police assigned to operate a vehicle shall be held accountable for the safe operation and the proper use and care of the vehicle and all accessories, equipment and tools assigned to such vehicles. Standard equipment on vehicles shall not be changed, interchanged, altered or removed from such vehicle without the permission of the commanding officer.

1.2 Officers are responsible for using discretion and driving with a due regard for the safety of all persons as to the speed at which he/she shall drive, and will proceed at a rate of speed that is conducive with the existing conditions; i.e., weather, traffic and road conditions.

2.0 INSPECTION OF VEHICLES

2.1 At the beginning of each tour of duty, members assigned to vehicles shall carefully inspect the vehicle for the following reasons:

2.1.1 For any damage or missing equipment.
2.1.2 To assure that the vehicle is in serviceable condition.
2.1.3 To assure that the audible and visual equipment are working.
   2.1.3.1 A vehicle will be immediately taken out of service if it is determined either during the vehicle inspection or during the tour that the audible or visual signals are not functioning.
2.1.4 To assure that no weapons or contraband are present within the vehicle.
   2.1.4.1 Any weapons or contraband found in the vehicle during the pre-shift inspection shall be packaged, logged, and an incident report will be completed.

2.2 If two officers are assigned to the vehicle for a given tour of duty, each officer shall be held jointly responsible for proper operation, servicing and inspection of the vehicle.

2.3 If, during an inspection, any defect is discovered, the officer shall immediately report it verbally to his/her immediate supervisor and complete the Daily Vehicle Log form. If the defects are such that further operation of the vehicle is unsafe or might cause greater damage to the vehicle, the vehicle shall not be moved and the officer shall report same to his/her shift supervisor.

2.4 The officer shall also inspect the equipment box assigned to the vehicle to assure that it is fully stocked and the equipment contained within is in serviceable condition.

2.5 If, during this inspection any items of equipment are found to be missing or in need of replacement or repair, the officer shall complete the Daily Vehicle Log.
   2.5.1 The officer shall also advise his/her immediate supervisor who shall insure that the supervisor responsible for inventorying equipment at the respective duty location is advised.

2.6 A copy of the Vehicle Damage Log shall be forwarded to Fleet Operations via email/ fax.

2.7 An officer who discovers unreported damage and fails to report it immediately will assume the responsibility for such damage.
2.8 When damage is unreported, the responsibility for such damage will revert to the last person using that vehicle prior to the damage being discovered.

2.9 Any defect, damage or loss reported after the vehicle has been inspected and placed in service shall be construed to have occurred during the tour of duty of the officer reporting same. It is therefore important that all members assigned to vehicles make a careful inspection daily for any damage, defects or absence of equipment before placing the vehicle in service.

3.0 CARE AND SERVICING OF VEHICLES

3.1 If any mechanical defect occurs while a vehicle is being operated, the driver shall, as soon as possible, contact his/her shift supervisor for instructions. However, if the defect is such that further operation is unsafe or might cause greater damage, the vehicle shall not be moved and the driver shall promptly contact his/her shift supervisor.

3.2 Damaged bumpers, fenders, glass, etc., which do not affect the efficient and safe operation of the vehicle, shall be reported as in other cases, but the vehicle shall be kept in service until called for by the City Garage.

3.3 Damage/mechanical defects which render further operation unsafe shall be towed to Fleet Operations.

3.4 Operators shall comply strictly with all requests for maintenance as scheduled by the City Garage such as oil changes, lubrication, tune-ups, etc.

4.0 OPERATION OF BUREAU VEHICLES

4.1 A supervisor shall not knowingly allow any member under his/her command to operate a Bureau vehicle unless the member possesses a valid and current State of Pennsylvania Operator’s License.

4.2 All members of the Bureau of Police while on duty and operating Bureau of Police vehicles shall be held accountable for the safe operation of Bureau vehicles at all times. While operating a Bureau of Police vehicle, each member has a duty to drive with due regard for the safety of all persons.

4.3 No member of the Bureau of Police shall operate a Bureau of Police vehicle after having consumed drugs or alcohol.

4.4 No member of the Bureau of Police shall transport or cause or permit to be transported any intoxicating liquor or beverages in any Bureau of Police vehicle except with the permission of a senior supervisor or in the performance of an official police duty.

4.5 No member of the Bureau of Police while on-duty and operating a Bureau of Police vehicle shall consider himself/herself strictly as a “driver.” He/she shall perform and assist in performing any and all police duties whenever the occasion arises. This also applies to partners who are riding as passengers in such vehicles. Failure to perform such duty or render assistance shall be deemed “Neglect of Duty.”

4.6 Members of the Bureau of Police, whether operating or riding as passengers in Bureau of Police vehicles, shall wear a properly adjusted and fastened seat belt while the vehicle is in operation as required by State law.

4.6.1 If a member is involved in a reportable collision and is injured and it is determined that the member did not have his/her seatbelt properly adjusted and fastened while the vehicle was in operation, the possibility exists that the member may be denied workman’s compensation for any injury sustained.

4.7 Drivers shall observe all traffic regulations, in particular those pertaining to parking, especially in restricted or prohibited areas. If an emergency requires them to occupy a restricted or prohibited area, they shall park their vehicle in such a manner as not to unnecessarily interfere with the movement of traffic. When the emergency has ceased to exist, they shall vacate the prohibited area immediately. If a vehicle must be double-parked, flashing lights shall be used during such time.
4.8 Except under exceptional circumstances, or in emergency situations, operators of Bureau of Police vehicles shall drive within the posted speed limits.

4.9 Drivers of Bureau of Police vehicles shall at all times give the right of way to Bureau of Fire apparatus. They shall not drive over any hose unless permission to do so has been obtained from an officer of the Bureau of Fire.

4.10 Drivers shall not permit the engine of any vehicle to be left running while the vehicle is unattended and unoccupied. When it is necessary to leave the Bureau of Police vehicle unattended, the operator shall, except in an emergency, remove the ignition key and then lock the vehicle.

4.10.1 Vehicles may be left running and unoccupied during a traffic stop.
4.10.1 Canine handlers are permitted to leave the engine running to maintain proper interior vehicle temperatures during periods of extreme hot or cold temperatures. (#COP 99-011)
4.10.2 Should a canine handler elect to leave the canine vehicle running under these circumstances, a second key shall be used to lock the vehicle doors and the canine should remain in the front seat of the vehicle to act as a deterrent. (#COP 99-011)

4.11 Drivers shall not, except in an emergency, use any Bureau of Police vehicle for the purpose of towing or pushing another vehicle.

4.12 Radio equipped vehicles shall not transport electric dynamite caps nor shall a radio transmitter be used within fifty (50’) feet of any electric blasting or dynamite caps. Such caps shall be transported in vehicles designed for that purpose.

5.0 CLASSIFICATION OF RESPONSES FOR POLICE SERVICE

5.1 Request for police services will be classified as follows:

5.1.1 Code 1 Routine- Non-emergency – Code one instructs the responding Officer to respond without delay but to follow the normal flow of traffic and to obey all traffic regulations. No emergency warning equipment in use unless circumstances dictate otherwise. (Accident)

5.1.1.1 Examples of routine calls for service can include requests for information or any routine service call.

5.1.2 Code 2- Expedited Response- Medium sense of urgency. Important to hurry, but probably not life threatening. Instructs the officer to obey traffic regulations yet utilize emergency warning equipment, as necessary, to move through congested traffic.

5.1.2.1 An “emergency” response can include any of the following:

5.1.2.2 Police Officer needs help or any instance in which the safety of an officer is directly threatened.
5.1.2.3 Shooting.
5.1.2.4 Explosion or bombing.
5.1.2.5 Asphyxiation or electrocution.
5.1.2.6 Robbery or any felony in progress involving danger to life.
5.1.2.7 Major accident with significant injuries.
5.1.2.8 Attempted suicides.
5.1.2.9 All other situations in which human life is in peril and the police have primary responsibility.

5.1.3 Silent Runs – Deactivation of emergency equipment.
5.1.4 An officer may want to deactivate their emergency equipment at a distance from the scene in order to avoid detection of their approach.

5.1.5 This technique may be employed at the officer’s discretion; however, the responding officer must comply with posted speed limits, obey all traffic control devices and comply with all laws and rules of the road.

Officers are reminded that the privileges granted to operators of emergency vehicles under Section 3105 of the Vehicle Code shall only apply when the vehicle operator is making use of an audible signal AND a visual signal. **When responding with lights only, operators of emergency vehicles must come to a complete stop before proceeding past a stop sign and must obey all traffic signals. Operators may not exceed the posted speed limit or disregard regulations governing direction of movement.**

5.2 While responding to any “urgent” or “emergency” call for service, Bureau members will act in accordance with Section 3105 of the Motor Vehicle Code “Driving During Emergency Situations” which states in part that:

5.2.2 The driver of an emergency vehicle has a duty to drive with due regard for the safety of all persons.

5.2.3 The driver of an emergency vehicle, when responding to an emergency may:

5.2.3.1 Proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation.

5.2.3.2 Exceed the maximum speed limits so long as the driver does not endanger life or property.

5.2.3.3 Disregard regulations governing direction of movement or turning in specified directions.

§ Officers will assess the need for a Code 2 response or a Code 3 response. Officers should consider the time of day, traffic conditions, weather conditions, severity of the crime and the amount of back up officers on-scene. Officers must exercise “due regard” for the safety of all persons during the response. If these or other safety conditions exist, responding officers will reduce their response to the appropriate level.

5.3 **Code 4 – “Scene is Under Control”** – To be used when the scene is secure and no additional units are needed.

5.4 **Code 5 – “Confidential Radio Transmission”** – To be used when the dispatcher is about to give confidential information, for example, notification from index that an actor has warrants or a vehicle is stolen. This gives the officer an opportunity to step away from the actor before he receives this information.

6.0 RIDE-ALONG POLICY FOR BUREAU VEHICLES

6.1 Ride-alongs in Bureau of Police vehicles shall be authorized only after the following conditions have been met:

6.1.1 Permission has been granted by a Commander or person of equivalent or senior rank.

6.1.2 A “Ride Along Request and Waiver of Liability” (PBP #52.1) has been signed. The person riding along must not be armed.

6.1.3 The person riding along may not enter into any location where another person has a reasonable expectation of privacy (unless the third person grants permission for the person riding along to enter the area where there is a reasonable expectation of privacy).

6.1.5 The person requesting the ride along has requested, received and provided a copy of a current E-Patch clearance obtained from https://epatch.state.pa.us/Home.jsp.

6.1.6 The person approving the ride along request has checked the Allegheny County Quick Arrest System and the 5th Judicial website (https://dcr.alleghenycounty.us/) to ensure no recent charges of a misdemeanor 2 or higher (or any that would preclude them of seeing NCIC data) are pending against the ride along requestor.

6.2 Ride-alongs in Bureau vehicles shall be limited to the following:

6.2.1 Off-duty officers from other jurisdictions. (Form PBP #52-1 not required).

6.2.2 Citizen Police Academy graduates (one-time occasion).

6.2.3 Members of the media.

6.2.4 Any other person(s) with the permission of a Commander or person of equivalent or senior rank.
6.3 This does not prohibit an officer from having a person or expert accompany the officer in the serving of a warrant for the purpose of identifying items listed in a search warrant, for example, a locksmith to open a safe, a computer expert to gather information from a computer, etc.

6.4 The original “Ride Along Request and Waiver of Liability” (PBP #52.1) shall be forwarded to the Assistant Chief of Operations after completion of the ride along.

**7.0 TRANSPORTING CIVILIANS IN BUREAU VEHICLES**

7.1 With the exception of the transportation of prisoners, only authorized members of the Pittsburgh Bureau of Police or persons authorized to “ride-along” as per Section 6.0 above may ride in Bureau vehicles.

7.2 During the course of regular police operations, deviations from this policy may be become necessary such as:

7.2.1 The emergency transport of citizen who may be lost, stranded or needs assistance,

7.2.2 The courtesy-transport of a citizen such as a victim or witness or as defined in section 6.3 above.

7.3 When these types of transports are necessary, the transporting officer shall:

7.3.1 Obtain the permission of the supervisor to conduct the transport.
7.3.2 Insure that passengers wear their safety belts or children are restrained in car seats in accordance with Pennsylvania State law.
7.3.3 Notify the EOC of the transport as well as the number of occupants, destination location and starting and ending mileage.

7.4 For these types of transports, a “Waiver of Liability Report Form” (PBP #52.1) is not required.

7.5 For police community functions and activities that may require civilian transportation, a “Waiver of Liability Report Form” will be completed and signed. In the event children are to be transported (such as for a “Kidswatch” activity), the legal guardian will complete and sign the form.

7.6 Bureau of Police vehicles assigned to senior supervisors are exempt from the provisions of this section.

**8.0 REQUESTS FOR USE OF BUREAU VEHICLE FOR OFFICIAL BUSINESS**

8.1 When a request is made for the use of a Bureau vehicle to be taken outside of Allegheny County for official business (i.e. for training, etc.), the Assistant Chief of the respective branch must approve the request.

8.2 To facilitate a request for use of a Bureau vehicle, a Special Report (PBP Form #54) will be submitted to the Assistant Chief and cc’d to the Deputy Chief and Chief of Police. The request shall contain the following information:

8.2.1 Type of vehicle requested.
8.2.2 Police assigned number.
8.2.3 Reason for the use of the vehicle.
8.2.4 Length of time the vehicle is needed.

8.3 In the event an emergency exists requiring the travel of a Bureau vehicle outside of Allegheny County, the Commander of the respective unit may give authorization.

**9.0 REQUESTS FOR USE OF BUREAU VEHICLE FOR OTHER THAN OFFICIAL BUSINESS**

9.1 When a request is made for the use of a Bureau vehicle for any purpose other than City of Pittsburgh official business, the Assistant Chief of the respective branch must approve the request.

9.2 To facilitate a request for use of a Bureau vehicle, a Special Report (PBP Form #54) will be submitted to the Assistant Chief that shall contain the following information:
9.2.1 Type of vehicle requested.
9.2.2 Police assigned number.
9.2.3 Reason for the use of the vehicle.
9.2.4 Length of time the vehicle is needed.
9.2.5 Contact person or agency making the request.

9.3 After approval, the Assistant Chief shall forward the information through the chain of command to the Chief of Police for billing purposes.

10.0 TAKE HOME VEHICLES

10.1 The City of Pittsburgh, employees are authorized to take vehicles home under specific circumstances based on the members call back to duty and responsibilities.

10.2 The Chief of Police or his/her designee may grant permission to members to take home vehicles.

10.3 Take home city vehicles may be used for:

10.3.1 Responding to and from work;
10.3.2 Off-duty responses;
10.3.3 Other Bureau-related business; and
10.3.4 Limited discreet personnel use as approved by supervisors

10.4 Bureau members operating take-home city cars shall:

10.4.1 Be armed with a Bureau-approved weapon, badge and identification;
10.4.2 Monitor the primary police radio channel;
10.4.3 Assist citizens and officers in emergency situations; and
10.4.4 If involved in an accident, notify the on-duty supervisor and comply with Bureau Policy 30-2 “Collisions Involving Police Vehicles.”

10.5 Members are to return their assigned vehicle and keys to the members Commander or designee before or on the effective date of their job reassignment, compensation, light duty, suspension or other leave exceeding one duty week.

11.0 PORT AUTHORITY BUSWAYS AND THE BUREAU OF POLICE

11.1 Port Authority Busways (East and South) are within the geographical boundaries of the City of Pittsburgh, however, Port Authority Police provide primary services for these Busways. The Chief Law Enforcement Officer in command of the Port Authority Police may request assistance or aid. At the time of the request, such aid and assistance shall be given when dispatched by radio until relieved by the Chief Law Enforcement Officer in command of Port Authority Police.

11.2 Members of the Bureau of Police will respond in instances when Bureau of Fire or EMS equipment is dispatched to assist these Bureaus in the performance of their duties if necessary.

11.3 Marked Bureau of Police vehicles, unmarked Bureau of Police vehicles with a current Port Authority permit and unmarked Bureau of Police vehicles who have declared an emergency may use the Port Authority Busways under the following conditions:

11.3.1 The driver of the vehicle obeys the posted speed limit.
11.3.2 The driver of the vehicle will obey all other posted signs and markings.
11.3.3 Flashers and headlights must be utilized while traveling on the busway.

11.4 The operator of an unmarked Bureau of Police vehicle without a current Port Authority permit will utilize Port Authority Busways for emergencies only. Use of the Busways is not a matter of convenience.
11.5 Under emergency circumstances only are personal vehicles permitted to travel unescorted on Port Authority Busways. (i.e. SWAT call outs, Negotiators, etc.).

Approved By:

Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 To provide for the safety of members of the Bureau of Police while operating PBP vehicles and to ensure the serviceability and longevity of PBP vehicles by reducing the number of collisions.

1.2 Pittsburgh Bureau of Police is a professional law enforcement agency, which prides itself with the integrity to investigate all incidents in a professional and impartial manner.

1.3 When a PBP vehicle is vandalized or involved in a collision or incident, the vehicle's driver shall immediately notify Communications, who shall notify the supervisor and he/she shall respond to the scene.

2.0 DEFINITIONS

2.1 Collision – For the purpose of this policy, a police vehicle collision is any collision of a Bureau of Police vehicle with another vehicle, stationary object, person, or animal that results in any property damage or personal injury.

2.2 PBP Vehicles – PBP vehicles shall be defined as any vehicle such as a car, wagon, truck, motorcycle, or bicycle (COP #03-672), watercraft, etc., owned by the City of Pittsburgh Bureau of Police. Additionally, this may include any private vehicle authorized for official police duty, or any specialty vehicle, e.g. lease car, taxicab, other city vehicle or any vehicle used by the Bureau of Police for official police duty (this shall not include the use of an officer’s personal vehicle).

3.0 DUTIES OF ON SCENE MEMBERS

3.1 Any member of the Bureau of Police involved in a collision while operating a Bureau of Police vehicle shall:
   3.1.1 Immediately notify communications and request a supervisor
   3.1.2 Render aid to the injured.
   3.1.3 Request another police vehicle be dispatched to the scene for reporting purposes (if appropriate).
   3.1.4 Request EMS personnel be dispatched (if necessary).
   3.1.5 If able the officer involved should activate the vehicle lights ASAP after the incident.
   3.1.6 Secure the scene from further damage, and preserve evidence.
   3.1.7 If able, a police officer involved in a collision shall perform any and all police actions necessary at the crash scene until additional units arrive.
   3.1.8 If the collision involving the police vehicle is not reportable, the involved officer and immediate supervisor dispatched to the scene of the collision shall be responsible for taking all appropriate actions on scene.

3.2 It shall be the responsibility of the responding shift supervisor to ensure a Commander is notified immediately.

3.2.1 On weekdays, Monday through Friday on the AM shift, Commanders will be notified in the following order:
   • Duty location Commander of officer involved
   • Assistant Chief of respective branch (if Commander is not immediately contacted)

3.2.2 At all other times:
   • City of Pittsburgh-wide Duty Commander
   • Duty-location Commander of involved officer
   • Assistant Chief of respective branch (if Commander is not immediately contacted)

3.3 Failure of any officer to comply with the obligation to submit to drug/alcohol testing will result in that officer being relieved from duty for the remainder of the shift (non-paid) and the initiation of a Disciplinary Action Report.
3.4 If a member of the Bureau of Police is involved in a collision with a PBP vehicle, the officer shall not make any statement as to the liability of such a collision to any party involved, and shall provide only the following information:

- Name of Officer
- Operator License Information
- Registration Number of PBP vehicle
- Vehicle Number

3.5 The other party should be advised to contact the Claims Division of the City of Pittsburgh Law Department at 412-255-2031 to obtain and file a claim.

4.0 INVESTIGATION OF THE COLLISION

4.1 Zone, unit, and bureau supervisor shall be responsible for the investigation of on-duty traffic collisions involving their personnel when no injuries are sustained by the involved parties and the collision is not Code-3 or pursuit related. This shall include Department vehicles and all vehicles being operated on official business.

4.2 Any collision involving employees' on-duty and/or driving a City vehicle will be reported to the on-duty Pittsburgh Bureau of Police Commander or Watch Commander as soon as possible.

4.3 Involves non injuries and/or minimal property damage:

4.3.1. When minor damage is sustained only to the Department vehicle and/or involves minor property damage, an investigation shall be conducted by the supervisor of the involved unit.

4.4 On-Duty or Off-Duty Driving a Department Vehicle:

4.4.1 These collisions will be investigated by the involved officers supervisor unless fault of the employee is in question or circumstances dictate the need for another unit to investigate.
4.4.2 When a collision involves serious injury or multiple vehicle collision the Collision Investigation Unit will respond.
4.4.3 When a collision involves a supervisor the next ranking supervisor on-duty not involved in the collision will investigate it.

4.5 Collisions Involving Employees Out of the City:

4.5.1 The involved employee will notify the appropriate jurisdiction in addition to a supervisor.

4.5.2 The decision to respond will be made after examining existing factors and conditions, for example, the actual distance, whether the time of day or night would permit a timely safe response to the scene, severity of injury to those involved, and damage the vehicle. When circumstances permit a supervisor to respond to an out-of-city accident, that supervisor will respect the jurisdictional authority of the investigative agency.

5.0 REPORTING AND DISTRIBUTION

5.1 An officer involved in a collision while operating a PBP vehicle shall be responsible for completing a form # 50 and any other relevant paperwork immediately following.

5.2 If, for any reason, the officer does not complete the required reports, the officer’s immediate shift supervisor shall ensure that the reports are completed as accurately as possible by the officer dispatched to take the report or by the shift supervisor. The injured officer will submit his or her report as soon as possible thereafter.

5.3 The following reports shall be completed:

5.3.1 The Form #50 “City of Pittsburgh Bureau of Automotive Equipment Accident Report” must be completed any time damage results from a collision or incident that involves a PBP vehicle.

5.3.1.1 A copy of the Form #50 will be sent to Fleet Operations and the Office of Management and Budget Supervisor (OMB) at the City garage or his/her designee.
5.3.1.2 The Equipment Sergeant should contact Fleet operations to schedule the vehicle for an estimate.
5.3.2 If the collision involving the police vehicle is considered reportable as mandated by Pennsylvania State Law (i.e., injury or tow), a Pennsylvania AA-45 Accident Report must be completed and a 2.0 and 3.0 for documentation.

5.3.3 If the officer is injured, a City of Pittsburgh Incident Investigation Form and a City of Pittsburgh Police Officers’ Work Injury Report Form must be completed.

6.0 SUPERVISORY REVIEW AND RESPONSIBILITY

6.1 Respond to the scene.

6.2 Determine if the Collision involves serious personal injury, death, or substantial damage to the claimant, city vehicle before the scene is cleared.

6.3 Take photos of the involved vehicle (s), scene and any other pertinent information.

6.4 If the collision involving the police vehicle is reportable, a mandatory drug/alcohol test will be conducted in accordance with Section 4.0 of MPO #17-10 “Drug and Alcohol Policy.”

6.5 The immediate shift supervisor of an officer involved in a collision will be responsible for initiating the completion of PBP Form #49.1 “Collisions Involving Bureau of Police Vehicles” prior to end of the supervisor’s tour of duty. The immediate supervisor will complete Sections I through V of the report.

6.5.1 Additionally, the shift supervisor will be responsible for attaching all related, available documentation pertaining to the collision to the completed PBP Form #49.1.

6.5.2 The shift supervisor should check for video (if available) of the incident and tag the video if located.

6.5.3 The Shift Sergeant and/or Lieutenant will enter any applicable remarks in Section VI of the report, and will affix their signature in the appropriate section.

6.5.3.1 Applicable remarks should include (but are not limited to) a supervisory review of the collision, safety issues and training issues. A review of all applicable procedural orders should be done and officer compliance issues should be indicated.

6.5.4 The completed report will then be forwarded to the Commander who will enter any applicable remarks and will sign in the appropriate section.

6.5.5 The Commander will make recommendations regarding training, counseling and discipline. The Commander will consider the nature of the collision, the extent of vehicle(s) damaged, the injuries involved, the officer’s driving history and the extent of the officer’s responsibility in the collision in making his/her recommendations.

6.6 The completed report and attached documentation will then be forwarded to the Assistant Chief of Administration for presentation to the Police Vehicle Collision Review Board at the next scheduled meeting. (Refer to MPO #30-3 “Police Vehicle Collision Review Board.”)

6.7 Copies of all accident reports involving an officer will be placed in the officer’s Zone Personnel and Performance Files.

6.8 It shall be the responsibility of the Senior Supervisor notified to ensure the above tasks are completed without delay.

7.0 POLICE VEHICLE COLLISION REVIEW BOARD

7.1 The Police Vehicle Collision Review Board shall be responsible for the review of collisions involving members of the Bureau of Police, and shall determine cause and make recommendations regarding to training, policy, discipline, safety or any other issues of importance that arise from the review as per MPO #30-3 “Police Vehicle Collision Review Board.”

7.2 At the conclusion of each meeting, the Assistant Chief of Administration shall submit a summary of pertinent information, findings and recommendations of the Police Collision Review Board by completing Form # 49.3 “Collisions Involving Bureau of Police Vehicle Report - Collision Review Board Recommendations.” This report shall then be forwarded to the Chief of Police for final review, determination and distribution.

Approved By:

Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The purpose of this policy is to provide officers with guidelines associated with the use, safety, maintenance and qualification requirements related to firearms authorized by the Bureau of Police while on-duty and off-duty.

1.2 It is the policy of the Pittsburgh Bureau of Police that officers adhere to the requirements established herein in order to ensure the safe handling and use of authorized firearms.

See also General Order 12-6 Use of Force
See also General Order 17-9 Member’s Accused of being under the influence of Drug/Alcohol
See also General Order 30-10 Operation of Bureau Vehicles
See also General Order 42-5 Sniper/Hostage/Barricaded Individual
See also General Order 70-4 Firearms Training
See also General Order 12-07 Discharge of Firearms

2.0 DEFINITIONS

2.1 Authorized Firearm – Any make, model or caliber of firearm that meets the designated requirements and specifications of the Pittsburgh Bureau of Police that has been approved by the Chief of Police or his/her designee for general or individual use by members of this Bureau. This includes Primary Service firearms, Secondary firearms, shotguns, less lethal shotguns and rifles used by members of this Bureau.

2.2 Primary Service Firearm – The firearm authorized by the Bureau of Police to be carried as part of the service uniform and related equipment for uniformed personnel or the authorized firearm to be carried by plainclothes officers.

2.3 Secondary Firearm – Any authorized firearm other than the primary service firearm that is carried on duty (as a back-up weapon) or off-duty in an authorized concealed manner.

2.4 Firearms Qualifications – Compliance to standards established by the Municipal Police Officers Education and Training Commission (MPOETC) and the Pittsburgh Bureau of Police.

2.5 Less Lethal Firearms/Munitions – The less lethal weapons systems and kinetic energy projectiles authorized by the Bureau of Police. These munitions include:

2.5.1 Launchable chemical munitions – Munitions deployed to interior or exterior locations for the purpose of area denial or space deprivation by rendering those areas temporarily uninhabitable.

2.5.2 Kinetic energy projectiles – Projectiles that, when deployed to areas of a suspect’s body, are considered less likely to cause death or serious physical injury.

2.6 Director of Training – Supervisor assigned by the Chief of Police and approved by MPOETC as the Training Academy Director.
2.7 Lead Instructor – Officer assigned by the Training Academy supervisors to oversee the safe and efficient operation of the PBP shooting range, the initial and annual firearms qualification of PBP personnel, any additional or supplemental firearms training, and the maintenance and repair of firearms.

*The instructor holding this title could be day to day or project specific.

3.0 LICENSE TO CARRY FIREARMS BY PBP MEMBERS

3.1 Sworn police officers working within the Commonwealth of Pennsylvania are exempt from licensing requirements for the carrying of a concealed firearm. Members who still wish to obtain a license to carry firearms are further reminded that they are still bound by the rules and regulations of the Pittsburgh Bureau of Police and therefore are limited to carrying only those firearms authorized within this policy.

3.2 No member shall be permitted to obtain license to carry firearms applications for any other person without written permission from the Chief of Police or his/her designee.

4.0 GENERAL RULES

4.1 Officers shall report to their immediate supervisor any use of prescription drugs or other medication that they reasonably believe would impair their ability or judgment to use a firearm as per General Order #17-9 “Members Accused of Being Under the Influence of Alcohol or Drugs.”

4.2 Officers shall secure their firearms at all times in such a manner as to restrict irresponsible use.

4.3 All authorized firearms shall be carried in a safe and secure manner.

4.4 While on-duty, members shall wear the authorized Primary Service firearm on his/her person in an authorized holster. The Primary Service firearm shall not be carried in a purse, attaché case, etc.

4.5 Removal of firearms from their holsters for other than authorized purposes such as tactical use, training and qualification, inspection or cleaning and maintenance is unauthorized. Any careless, flippant or casual use or display of a firearm will constitute grounds for disciplinary action.

4.6 An on or off-duty officer should refrain from carrying or storing a firearm in any circumstances where an unnecessary risk of loss, theft or misuse could exist.

4.7 Officers must be armed when in uniform and/or operating a marked patrol vehicle, whether on or off duty.

4.8 Approval of firearms for individual primary service firearm use, and secondary firearm use shall be at the discretion of the Lead Instructor or his designee (a qualified firearms instructor), after having observed, at a minimum:

4.8.1 The officer’s knowledge and safe-handling ability of each firearm approved for use.

4.8.2 Successful completion of an approved course of fire with a passing score

4.9 Some vehicles in operation by the Bureau of Police have a trunk-release feature easily accessible from within the vehicle. For this reason, officers are reminded of General Order 30-1 “Operation of Bureau of Police Vehicles” Section 4.10 which states “Drivers shall not permit the engine of any vehicle to be left running while the vehicle is unattended and unoccupied. When it is necessary to leave the Bureau of Police vehicle unattended, the operator shall, except in an emergency, remove the ignition key and then lock the vehicle.” It is imperative that Bureau of Police vehicles are locked
when officers leave the vehicle to protect against the possibility of theft of the shotgun, less lethal shotgun/patrol rifle from the trunk by an unauthorized activation of the trunk release if the vehicle is left unattended.

4.10 If the officer’s police vehicle becomes disabled due to a crash or the departmentally issued shotgun, less lethal shotgun/patrol rifle is damaged in any manner through use or transport, the shotgun/patrol rifle shall be returned to the shift supervisor who shall ensure that it is delivered to the Firearms Section for a thorough inspection.

5.0 APPROVED EQUIPMENT

5.1 FIREARM (Handgun) – Only the following types of firearms are authorized to be carried by members of the Bureau of Police.

5.1.1 The approved Primary Service firearms and Secondary firearms include:

5.1.1.1 Glock models 17, 19, 21, 22, 23, 26, 27, 30, 30s, 36, and 43.

5.1.1.2 Colt, Smith & Wesson, or a Ruger revolvers with a barrel length of no less than 2” or more than 6” capable of accepting city issued ammunition.

5.1.1.3 Members will be required to purchase, at their own expense, a Glock Semi-automatic pistol prior to beginning the MPOETC approved firearms training course, unless that member was hired prior to May 29, 1990 and chooses to still qualify with the Smith & Wesson Model 64 revolver.

5.1.1.4 Members will be required to complete an MPOETC approved qualification course of fire prior to carrying any firearm as a Primary Service firearm or Secondary firearm.

5.1.2 Members hired before May 29, 1990:

5.1.2.1 Will carry the Smith & Wesson 4” Model 64 revolver issued by the City of Pittsburgh

5.1.2.2 May, at their own expense, carry the Glock Semi-automatic pistol following successful completion of the Glock Transitional Course.

5.1.3 Members hired on or after May 30, 1990, at their own expense, will carry either of the Glock Semi-automatic pistol model 17, 19, 21, 22, 23, 30, 30s.

5.1.4 Police Officers, Detectives, Sergeants and Supervisors assigned to desk duty or to such an assignment which is administrative or investigatory in nature, and not involved in field duty, may carry:

5.1.4.1 Glock Models 17, 19, 21, 22, 23, 26, 27, 30, 30s, 36, or 43

5.1.4.2 Colt, Smith & Wesson, or a Ruger revolver with a barrel length of no less than 2” or more than 6” capable of accepting city issued ammunition.

5.2 SHOTGUNS – The carrying of a departmentally issued shotgun is only permitted by authorized SWAT members.

5.2.2 The SDD/SWAT supervisor shall ensure a current list of all SWAT officers who have qualified with a shotgun is available.

5.2.3 Only departmentally issued shotguns are authorized to be carried by SWAT members: The authorized shotgun is the Remington 870p 12 gauge.

5.2.4 SDD/SWAT supervisors will be responsible for the inspection of departmentally issued shotgun prior to issuance.

5.3 PATROL RIFLE – The carrying of a departmentally approved patrol rifle by Bureau of Police members is permitted only under the conditions set forth in this section.
5.3.1 The Director of the Training Academy shall ensure that a current list of officers who have qualified with the patrol rifle is available each month.

5.3.2 Any officer who requests to carry an authorized patrol rifle in the course of his/her normal tour of duty must first successfully complete the approved training and qualification program. Officers must then successfully requalify bi-annually in order to maintain his/her patrol rifle certification. Supervisors will be notified immediately when officers are disqualified.

5.3.3 Only Bureau approved patrol rifles are authorized to be carried by members of the Bureau of Police.

5.3.3.1 The Bureau maintained patrol rifles are the Smith and Wesson M&P 15 rifles and the Colt Law Enforcement M4 Carbines.

5.3.3.1.1 Bureau Patrol Rifles will be individually assigned. All patrol rifles will be zeroed specifically to the one officer assigned to deploy it.

5.3.3.2 Members may, at their own expense, request to carry a personally-owned patrol rifle. All patrol rifles must meet the requirements listed below.

Factory Built M4 carbine

- Gas-operated (Direct Impingement)
- Caliber: 5.56x45 NATO
- A4 Type Receiver
- 10.3” to 16” Barrel with a FlashHider
- Semi-Safe Trigger Group
- Telescoping Adjustable Buttstock

5.3.3.3 All personally-owned patrol rifles are subject to approval by the Firearms Section. Personally-owned patrol rifles will meet or exceed the quality and function of rifles which are maintained by the Bureau.

5.3.3.4 All authorized Patrol Rifles will be equipped with an electronic sighting system, Back-up sighting system, weapons light, and a Sling. The Firearms Division will maintain a current list of all authorized models.

5.3.3.4.1 Bureau approved electronic sighting systems will include Aimpoint red dot sights and EOTech holographic weapons sights. Sighting systems will have no optical magnification.

5.3.3.4.2 Back-up sighting systems may be fixed or flip-up. Sights will be able to be co-witnessed through the electronic sighting systems field of view.

5.3.3.4.3 Weapons lights must be able to be activated by left and right support hand. Light must have a minimum output rating of 150 lumens.

5.3.3.4.4 Bureau approved tactical slings will include Blue Force Vickers Combat slings (2 point) and Magpul multi-mission slings (2-1 point).

5.3.3.5 Optional Equipment

5.3.3.5.1 Modifications from factory spec. must be inspected and approved by the Firearms Division. All upgrades must be manufactured by a reputable manufacturer and enhance the function of the patrol rifle.

5.3.3.5.2 Members may elect, at their own expense, the following upgrades:

- Pistol Grip
Ambidextrous Safety Selector (Ambi-Selector Lever)
- Sling Adaptor Plate
- Adjustable Stock
- Charging Handle
- Handguard
- Rail mounted forward grip
- FlashHider

5.3.3.5.3 The Firearms Section will install authorized upgrades or direct Members to factory authorized repairs centers.

5.3.3.5.4 All repairs or part replacements will be the sole financial responsibility of the member.

5.3.4 Shift supervisors will be responsible for the inspection of departmentally issued patrol rifles prior to issuance. When the patrol rifle is returned at the end of the shift, the shift supervisor will conduct a cursory inspection to ensure that the weapon is unloaded, clean, functions properly, and the tamper proof tape is still secure. If any possible problem or questionable condition is detected, the patrol rifle shall be taken to the Firearms Section for further inspection.

5.3.5 Patrol rifles shall be “cruiser/patrol loaded” and secured in the police vehicle’s weapons rack or in the departmentally issued transporting case in the trunk of Bureau of Police vehicles. Cruiser/patrol is such a condition that the patrol rifle is in a state where:
- Bolt is forward with no round in the chamber
- Dust cover is closed
- Safety is on the “safe” position
- Loaded magazine is magazine is inserted into the magazine well

5.3.6 Officers may deploy the patrol rifle in any circumstances where the officer can articulate a reasonable expectation that the rifle may be needed to gain a tactical advantage.

5.3.6.1 Bureau supervisors and officers SHALL NOT deploy the patrol rifle as an entry weapon or in situations where an Entry Team should be used, except when immediate action/intervention is necessary to save lives such as an active threat or an eroding critical incident.

5.3.6.2 Supervisors and officers are reminded of General Order 42-5 “Sniper/Hostage/Barricaded Subjects” Sections 3.0 and 4.0 which address their respective responsibilities when responding to calls of this nature.

5.4 LESS LETHAL WEAPONS - The carrying of departmentally issued less lethal weapons/munitions is permitted only under the conditions set forth in this section.

5.4.1 Any authorized Officer who has successfully completed the annual less lethal weapons qualification may be issued a less lethal weapon.

5.4.2 The senior ranking supervisor of any team or section that employs less lethal weapons shall ensure that a current list of officers who have qualified with less lethal weapons is sent to the Director of the Training Academy. The list shall be maintained at both the Training Academy and at within that team or section.

5.4.3 Only departmentally issued less lethal weapons and munitions are authorized to be carried by authorized officers of the Bureau of Police. The following are the authorized less lethal weapons systems:
• The Remington 870 12-gauge shotgun specifically modified to indicate it as a less lethal weapon and used with the beanbag round.
• Penn Arms 40mm munitions launcher.
• Federal Lab 37 mm gas gun.

5.5 SWAT WEAPON SYSTEMS – The carrying of departmentally issued Sniper Weapon Systems (SWS), carbines and, submachine guns and munitions launching systems is permitted only under the conditions set forth in this section. The deployment of these weapons systems is subject to SWAT operational procedures.

5.5.1 Only SWAT officers who have successfully completed the approved qualification courses may be issued an approved SWAT weapon system.
5.5.2 The Special Deployment Division Commander shall ensure that the Tactical Operations Section maintains a current list of SWAT officers who have qualified with all SWAT weapon systems. This list shall be sent to the Director of the Training Academy and the list shall be maintained at the Training Academy and at the SWAT duty location.
5.5.3 Only departmentally issued weapon systems that have been approved by the Chief of Police are authorized to be carried by qualified SWAT officers while on duty.
5.5.4 SWAT officers are permitted to maintain departmentally issued SWAT weapon systems on-duty and off-duty to facilitate rapid emergency deployment to critical incidents. Officers maintaining departmentally issued weapon systems off-duty shall adhere to all security and safety precautions as set forth in this General Order.

5.6 All firearms that have been issued through the Firearms Section are the property of the Pittsburgh Bureau of Police and, except with the permission of the Chief of Police, will not be sold, lent or otherwise disposed of. Except for handgrips as specified by this policy, no modifications will be made to any City issued firearm.

5.6.1 Upon suspension or termination of service for any reason, the City issued firearm will be returned immediately to the Firearms Section.
5.6.2 Upon successful completion of the Glock transition course, the City owned revolver will be returned to the Firearms Section.

5.7 Holsters – Only approved holsters meeting the following criteria shall be worn:

• Shrouded trigger guard
• Method of retention
• Ability to draw and re-holster with one hand
• Establish the proper grip while drawing the firearm.
• Level 2 retention or greater.
• Designed specifically for the firearm intended to be carried within

5.7.1 The Safariland Model #6280 SLS and Safariland Model # 6360 are approved City issue duty holsters for both the Glock and Smith & Wesson Model 64. Both models are required to be equipped with a hood guard accessory which provides additional protection for the retention system.
5.7.1.1 Holsters possessing similar qualities to the Safariland model #6280 and #6360, are approved for use by members of the Bureau of Police:

5.7.1.2 The following are examples of approved holsters for use by members of the Bureau of Police:

- Safariland Model #7280
- Safariland Model #070
- Safariland SLS/ALS Model #6365

5.7.1.3 Before any member is permitted to use one of the above holsters, they must first qualify with the holster and demonstrate proficiency with the holster to the approval of the Firearms Staff.

5.7.2 Failure to demonstrate proficiency with a holster may result in the member failing firearms qualification.

5.7.3 A member wishing to purchase and utilize a holster that possesses similar qualities to the holsters listed above must forward a Form #54, Special Report to his/her Commander listing the brand name, model number and retention level of the holster they wish to carry. The Commander will forward the request to the Firearms Section who will approve or disapprove the request.

5.7.3.1 If a request is disapproved by the Firearms Section, the reason for disapproval must be documented in the form of a Special from the Director of the Training Academy to the commanding officer of the member requesting the holster.

5.7.3.2 Approved requests for holsters other than those listed above will be maintained in the Zone personnel jacket of the individual officer as well as on file in the Firearms Section of the Training Academy.

5.7.4 Shoulder holsters and concealed carry shirts are not authorized for primary duty use.

5.8 Ammunition – Only City issued ammunition is authorized and approved for use in any approved firearm.

5.8.1 The .38 Special +P, 9mm, .40 S&W, .45ACP and .223 are authorized for the Primary Service and Secondary firearm.

5.8.2 Bureau approved 00 buckshot and/or rifled slug is/are the authorized round to be carried in departmentally issued shotguns by qualified officers.

5.8.3 While on duty, reloading devices (i.e. magazines or speed loaders) shall be worn in an approved ammunition carrier upon the member’s person, and may be subject to inspection and approval by the Firearms Staff.

5.8.4 Specialized ammunition for SWAT Tactical Operations:

5.8.4.1 Bureau approved .223 / 5.56mm ammunition and any approved special application ammunition.

5.8.4.2 Bureau approved 12 gauge 00 buckshot, slug and any other approved special purpose ammunition or munitions.

5.8.4.3 Bureau Approved 37mm or 40mm special application launchable munitions.

5.8.4.4 Bureau Approved .308 / 7.62mm ammunition and any approved special application ammunition.

5.8.4.5 Bureau Approved .50 caliber ammunition and any approved special application ammunition.

6.0 REGISTRATION/INSPECTION/MAINTENANCE OF FIREARMS

6.1 All authorized firearms possessed by a member that will be carried as primary service and/or secondary firearms and individually owned patrol rifle shall be registered with the Firearms Section of the Bureau of Police Training Academy.
6.2 All members, upon reporting for annual qualifications, shall present their primary service firearm and, if applicable, their secondary firearm to the Firearms Staff for a visual and functional inspection.

6.3 It will be the responsibility of the Firearms Section to maintain a database, which contains information pertaining to the registered firearms such as make, model, caliber, and serial number of authorized firearms as well as the officer who owns the weapon or to whom the weapon is assigned.

6.3.1 This database shall be updated weekly during the annual qualification period.

6.3.2 The Firearms Section will maintain additional documentation of approved personally owned patrol rifles to include current configuration, non-factory accessories, authorized installer, and a photo.

6.3.3 The Firearms Section shall conduct an annual review of the information contained in this database.

6.3.4 A paper copy of the retired/resigned/terminated officer’s firearms information will be archived by the Firearms Section.

6.4 The officers assigned to the Training Academy Firearms Section will perform an annual inspection of all departmentally owned firearms.

6.5 In addition to the Firearms Section, the Tactical Operations Section of SWAT will maintain and conduct annual inspections of all SWAT maintained weapon systems.

6.6 An inspection report of departmentally owned firearms will be prepared by the Firearms Section and be submitted to the Tactical Training Division Supervisor.

6.7 Any Primary Service, Secondary firearm, or Individually-owned Patrol rifle carried by an officer whether on or off-duty, with the exception of firearms used for recreational purposes, must be inspected and approved by the Training Academy’s Firearms Section, and the officer shall be qualified in the use of such firearm prior to carrying that firearm.

6.8 Authorized personnel shall maintain firearms in a clean and safe-operating condition. Firearms will be subject to inspection by authorized personnel. Officers must safely unload their firearms prior to inspection.

6.9 A member shall not lend, sell or otherwise dispose of a Primary Service or Secondary firearm that the member purchased him/herself unless the transaction has been made through a duly authorized and licensed dealer. The exception shall be during an emergency at which time a member may temporarily lend his/her firearm to another member.

7.0 TRAINING

7.1 Only those officers that have successfully completed firearms qualifications in accordance with MPOETC (Municipal Police Officers Education and Training Commission) and have demonstrated proficiency with the firearm are authorized to carry a firearm on or off duty.

7.1.1 It will be the responsibility of the Firearms Section to maintain training records, which identify the qualifying certified firearms instructor, course of fire information and scores for each approved firearm with documentation as to the prescribed course of fire requirements.

7.1.2 Any officer failing to meet the minimum standards set forth by MPOETC and/or failing to demonstrate proficiency with their firearm will need to be rescheduled for remedial firearms training. This remedial firearms qualification/training will be scheduled for the next training day or as soon as possible. The firearms section will notify the failing officer’s commander of the need for remedial qualification/training.
7.2 While on-duty or off-duty, no member will arm him/herself with any firearm unless the officer has qualified with such firearm, the exception shall be during an emergency.
7.3 All personnel will be required to adhere to firearms qualification standards specified by MPOETC.
7.4 Any officers on alternate/light duty may not be scheduled to qualify until they return to full duty.

8.0 CARRYING FIREARMS WHILE OFF-DUTY
8.1 While members are permitted to carry authorized firearms during off-duty hours, they are encouraged to refrain from doing so when there is likelihood that they will be consuming alcoholic beverages or medications. When armed off-duty, members shall have in their possession their badge and identification card issued by the Bureau of Police.
8.2 Any secondary firearm carried by an officer while off-duty – with the exception of firearms used for recreational purposes, must be authorized under Section 5 of this policy, and the officer shall be qualified in the use of such firearm prior to carrying that firearm.
8.3 Only those officers that have successfully completed firearms qualifications in accordance with MPOETC (Municipal Police Officers Education and Training Commission) standards and have demonstrated proficiency with the firearm are authorized to carry a firearm while off-duty.
8.4 Any secondary firearm carried by an officer, with the exception of firearms used for recreational purposes, shall be carried in a holster which is affixed to the body, possess a method of retention and a shrouded trigger guard. Firearms shall be stored in such a manner to prevent access to untrained or unauthorized persons.
8.5 Any officer who is on compensation or assigned to transitional duty with a limitation that would exempt him/her from firearms training shall not be permitted to carry a firearm while off-duty.

9.0 FIREARMS MODIFICATIONS AND REPAIRS
9.1 There will be no temporary or permanent modification (including any which may void the manufacturer’s warranty of the weapon), addition, or deletion made to any service firearm whether purchased individually or as issued by the Quartermaster through the Firearms Section except handgrips, handguards or grip adapters approved by the Firearms Section.
9.2 Laser sights are not authorized for use with any firearm.
9.3 Officers are prohibited from carrying as a primary or secondary firearm any firearm that has a ported barrel or slide.
9.4 A Primary Service or Secondary firearm which has become defective, inoperable, damaged due to wear in the normal course of duty or which may create a safety hazard shall be taken immediately to the Firearms Section for inspection and repair.
9.5 The Firearms Section shall retain approval oversight over all firearms and modifications.

10.0 NOTICE OF MALFUNCTIONS OF FIREARMS EQUIPMENT
10.1 Any time a piece of firearm equipment such as the holster, magazine or magazine pouch malfunctions, an officer should complete a PBP Form #81 “Lost, Damaged or Stolen Equipment Report” and forward it through the chain of command.
10.2 A copy of the Form #81 shall also be forwarded directly to the Firearms Section who shall be responsible for noting any trends that may develop regarding malfunctions in firearms and firearms equipment. The Firearms Staff shall inform the
Director of the Training Academy about these potential trends so that the appropriate action may be taken to rectify these problems.

11.0 REPORTING OF LOST OR STOLEN FIREARMS

11.1 Any time a firearm(s) owned by a member of the Bureau of Police is lost or taken in a burglary or theft, a police report shall be filed immediately upon the discovery that it has been lost or stolen. A copy of the police report will be forwarded to the Chief’s Office and also distributed to all duty locations. The police report must contain a complete description of the firearm(s) that was lost or stolen.

12.0 REPLACEMENT FIREARMS OBTAINED FROM THE TRAINING ACADEMY

12.1 Any time the Primary Service firearm of a member is lost, stolen or misplaced, a replacement firearm may be provided to the officer by the Firearms Section. The replacement firearm may only be issued with the approval of the Chief of Police or designated appointee.

   12.1.1 If shots are fired during a critical incident, the weapon of the involved officer(s) will be collected by the Investigating Unit and a replacement weapon will be issued through the Pittsburgh Bureau of Police Training Academy as soon as possible.

   12.1.2 The involved officer will maintain possession of the replacement firearm until his/her weapon is returned.

   12.1.3 If the officer(s) has another weapon which they are qualified to carry on-duty, they may elect to use that weapon rather than accept the issued replacement as long as the weapon meets current regulations.

   12.1.4 The officer’s weapon will be taken to the Allegheny County Department of Laboratories to be examined, test fired, and returned to the officer(s) when testing is complete.

12.2 The replacement firearm provided by the Firearms Section must be the same type of firearm with which the officer has qualified (i.e. Glock 19 for a Glock 19 or S & W Model 64 for an S & W Model 64.

12.3 Any replacement firearm must be immediately returned to the Firearms Section as soon as possible.

12.4 Officers involved in a critical incidents involving discharge of a firearm shall meet with the Firearms Section prior to their return to work. They will be required to complete a course of fire at the discretion of the Firearms Section. The purpose is not to qualify the officer, rather it is intended only to provide the officer with the opportunity to assess their own readiness and comfort level with respect to weapon handling.

Approved By:

___________________________
Scott Schubert
Chief of Police
1.0 POLICY/PURPOSE

1.1 It shall be the policy of the Pittsburgh Bureau of Police (PBP) that all property determined to have evidentiary value shall be collected in such a manner that the evidence is not altered or destroyed, a proper chain of custody is maintained, the evidence is stored in a secure area, the evidence is only accessed by authorized individuals, proper audits are performed for accountability and the evidence is properly disposed of when no longer needed.

1.2 The purpose of this General Order is to establish guidelines and procedures for the collection, transport, storage, accountability, and disposal of evidence that is in the possession of the PBP.

*See General Order 36-2 Property Room Procedures for procedures on destruction, conversion, or return of Evidence collected by the PBP*
*See General Order 37-1 Lost-Stolen-Abandoned Property for procedures on destruction, conversion, or return of Property collected by the PBP*

2.0 DEFINITIONS

2.1 **Property Holding Area** – This is any area at the zones or other duty location that is set aside to temporarily hold property until it can be returned to its’ owner or disposed of. This area will be secured and the key will be under the control of the desk officer or desk sergeant. This area will be known as the “30 day hold.”

2.2 **Property Room** – This is the centralized area (currently located at PBP Headquarters building) that is used to store all Evidence and some property collected by officers of the PBP.

2.3 **Property** – Any material item that has been taken by a member of the PBP for any reason other than its’ potential use as evidence. This will include items belonging to an arrestee that were not accepted into the Allegheny County Jail as inmate property.

2.4 **Evidence** – Any material item that has been taken by a member of the PBP for its’ potential use in the prosecution of a suspect.

2.5 **Evidence Locker** – This is a secure locker or area that is used to temporarily hold Property Room evidence and crime lab evidence that is too large for the mailbox or that has not been finished processing by the reporting officer.

2.6 **Mailbox** – A full-size US Postal Service style mailbox found in each zone and various duty locations used to temporarily hold Property Room evidence and crime lab evidence.

2.7 **Case Constable** – The officer responsible for representing the PBP in the Commonwealth’s case against a defendant. This may not be the arresting officer or the reporting officer if they are no longer available to appear on behalf of the PBP.

2.8 **Narcotics Warehouse** – This a centralized area that is used to store large/bulky items that are too large for the Property Room.

2.9 **High Value Property** – Any material item with an estimated value of over $500 or any currency valued over $100.

2.10 **Investigative Unit** – Officers assigned to a unit that specializes in the collection of a certain type of evidence (i.e. Sex Assault, Fire Investigations Unit, Crime Scene Unit, Burglary, or Violent Crime Unit.)
3.0 GENERAL

3.1 Before attempting to collect any evidence at any potential crime scene, officers shall ensure the scene is safe and that the scene is secured.

3.2 Any officer who collects evidence shall ensure that the evidence is not altered, contaminated, destroyed, or modified in any way from the condition it was found in at the scene.

3.3 Direct specific questions regarding evidence packaging to the Crime Scene Unit (CSU). When applicable, officers may also consult with the Allegheny County Office of the Medical Examiner (Crime Lab).

3.4 Officers are to be aware that any pictures taken of evidence with a personal camera, phone, or other electronic device will cause that device to become discoverable to both the prosecution and the defense. This means that your camera or phone can be taken as evidence.

3.5 Under no circumstances are officers to share photographs of crime scenes, evidence, victims, etc. with unauthorized individuals or place any photographs in a public location or forum, or on any types of social media sites.

3.6 CSU will have qualified evidentiary personnel available 24/7 to respond to a crime scene.

3.7 All evidence shall be packaged by the reporting officer by the end of their tour of duty unless it is the duty of another officer or investigative unit to package (i.e. CSU takes over the processing of a crime scene).

3.8 All zones shall maintain a mailbox and an evidence locker to hold evidence. The mailboxes are the default storage container to be used for all evidence. Red colored mailboxes will be used for Crime Lab submissions and Green will be used for items going to the Property Room. See sub-section 5.6

3.9 In any case where evidence has been collected and sent to the Property Room, the Case Constable shall complete a Supplemental Report PBP Form 8.11 after the completion of each court hearing. The Supplemental Report PBP Form 8.11 will contain the following information;

3.9.1 Date of the hearing
3.9.2 The court and the Judge
3.9.3 The disposition of the case
3.9.4 If there were any Court Orders or other directives regarding disposition of seized evidence.
3.9.5 If the officer knows of any reason this evidence should not be returned to the owner or destroyed.

3.10 A supervisor must approve the submission of all evidence to the Property Room.

3.11 All evidence collected by the PBP shall be stored at the Property Room with the exception of hazardous materials such as incendiary devices, biohazard material, explosives, etc. and large/bulky items such as vehicles, furniture, gambling machines, etc. Under no circumstances is Evidence to be stored in officer’s lockers, desks, on their person, in their vehicles (personal or department), or at their residences.

3.12 No perishable food items are to be sent to the Property Room (i.e. food, drinks). If these items are collected, they should be document in the PBP Form #3.0, “Investigative Report” photographed if possible, and destroyed at the officer’s respective duty location.

3.12.1 In cases where food / drinks of evidentiary value may need to be collected, the Crime Scene Unit shall be notified and will make the determination for further processing and storage.

4.0 COLLECTION OF EVIDENCE

4.1 The first officer to arrive at a crime scene will assess the scene and request all necessary assistance in order to:

- Aid the injured;
- Apprehend the actor;
• Obtain witnesses;
• Protect the crime scene by establishing a secure perimeter to ensure that nobody enters the crime scene who is not authorized to do so, and keep a record of those entering;
• Notify a supervisor;

4.2 Routine crime scenes that do not require the Crime Scene Unit (CSU) or other investigative units will be handled by the initial officers on the scene. The reporting officer will ensure that any evidence collected is properly packaged and documented on the Investigative Report PBP Form 3.0.

4.2.1 Included in the Investigative Report PBP Form 3.0 will be a complete description of the evidence as well as a narrative describing how the evidence came into the possession of the PBP.

4.3 The reporting officer will notify the Fire Investigations Unit in any cases involving fire / arson investigation. The reporting officer will notify the CSU in any cases involving: homicide, attempted homicide, sexual assault, burglary, business robberies, or any other case that may require specialized evidence collection techniques or experience.

4.3.1 Current hours of operation for the CSU are 24 hours a day, 7 days a week.
4.3.2 Current hours of operation for Computer Crimes is 0800-2400. Computer Crimes personnel will be made available for call out on a case-by-case basis as determined by the supervisor of Major Crimes.
4.3.3 The Fire Investigations Unit is available 24 hours a day, 7 days a week.

4.4 This notification will be done by calling the Headquarters Desk (Unit 3800), who will relay the message to the appropriate investigative unit in Major Crimes. The time, date and last name of the person notified must be recorded in the appropriate blocks on the Investigative Report PBP Form 3.0.

4.5 A member of the CSU, Fire Investigations Unit, or other investigative unit will contact the reporting officer or a supervisor to determine the appropriate response. The CSU, Fire Investigations Unit, or other investigative unit will either:

4.5.1 Respond directly to the scene.
4.5.2 Respond at a later time. The officer may need to stay on scene to safeguard the evidence or transport the evidence to a secure location. This will ONLY be done at the direction of the CSU.
4.5.3 Not respond, but assist the reporting officer in the collection of evidence (if needed).
4.5.4 Determine that there is nothing of evidentiary value.

4.6 Once it has been determined that the CSU, or the Fire Investigations Unit will respond to a crime scene, they will be responsible for the following:

4.6.1 Latent finger print development
4.6.2 Sketches, measurements, photographs and video taping;
4.6.3 Collection of potential evidence;
4.6.4 Collection of known source standards to be compared to seized evidence;
4.6.5 Transportation of evidence;
4.6.6 Preparing necessary Supplemental Reports.

5.0 PACKAGING EVIDENCE

5.1 Firearms

• Seized firearms will be identified and safely packaged. All firearms will be sent to the Crime Scene Unit, whose, responsibility will be to photograph the firearm (s) prior to submitting it for ballistic testing. Any specific testing should be requested utilizing the Crime Scene Unit processing form 43-9.1 in the Police Officers Toolkit.
• Firearms shall not be loaded (no round in the chamber) when sent to the CSU or Property Room. There should be no magazine in the firearm. Do not unload any loaded magazines. Place the loaded magazine and the loose round(s) from the chamber (if any) into separate secured white envelopes; place the envelopes into the same evidence envelope with the firearm.
5.3 Choose the best available container and package the evidence according to the following procedures:

- Officers will clearly write “FIREARM CLEARED AND INSPECTED BY: NAME AND BADGE NUMBER” on the outside of the evidence envelope, evidence brown paper bag, or evidence package in a visible area in red ink or marker.
- For firearms seized by PFA where there are no criminal charges write: “FIREARM CLEARED AND INSPECTED BY: NAME AND BADGE NUMBER” and add: “PFA GUN.”
- If the submitting officer fails to adhere to the proper packaging of a firearm and / or fails to mark clearly the firearm evidence package as outlined above, CSU personnel will not accept the firearm / firearm evidence package. The firearm will be returned to the submitting officer for proper submittal.
- Firearms discovered at a crime scene in which either the CSU or Major Crimes’ Detectives are called out to process, SHOULD NOT BE DISTURBED until they are processed by CSU or Major Crimes’ Detectives; DO NOT TOUCH THESE FIREARMS, DO NOT UNLOAD THESE FIREARMS, DO NOT MOVE THESE FIREARMS, unless by not doing so the firearm presents a clear and present danger. If the firearm must be moved, officers will handle the firearm with gloves whenever possible. The firearm may be placed in the trunk of a patrol vehicle. DO NOT unload the firearm. Officers will ensure the lead Detective/Investigator is notified of the original location of the firearm and the reason it was moved.
- CSU personnel should be contacted when recovered firearms cannot be rendered safe or cleared (vintage, rusted, jammed, or in a corrosive condition), for further processing and packaging. CSU personnel may request the recovering officer to transport the firearm(s) directly to the Firearms Division or the CSU Division, in the safest manner applicable.

5.2 Evidence will be packaged and marked so as not to damage or contaminate the evidence. Caution will be used so evidence is not contaminated, altered or destroyed. This will be accomplished by proper packaging and common sense.

5.2.1 . Evidence that cannot be marked will be packaged in an appropriate container, sealed and the container marked.

5.3 Choose the best available container and package the evidence according to the following procedures:

- Do not place evidence from one investigation with evidence from another investigation;
- Package each item of evidence separately in plastic vials, pill boxes, envelopes, boxes or brown paper bags;
- Seal each evidence package (envelope, bag, container) securely to prevent damage and leakage;
- Drug evidence will be packaged separately from non-drug evidence;
- Syringes at the scene of a suspicious death or an overdose will be collected by the Medical Examiner’s office or the CSU.
- Syringes recovered by officers will be disposed of at the Zone in a Sharps container, unless the syringe(s) is of evidentiary value and is necessary for the court case. The syringe will be packaged (plastic syringe tube if possible) in a manner to ensure safety to the transporting evidence officer, Property Room personnel, and / or CSU personnel.
- Officers shall not collect, handle, or package bodily fluids / blood evidence, unless directed by CSU personnel, or it is necessary for the protection of that evidence. In the event officers are subject to come in contact with bodily fluids / blood evidence, officers should use universal precautions (latex gloves, masks), when possible, to protect against blood borne pathogens and to protect against contamination of the evidence.
- Air-dry wet or bloody exhibits and package in paper. Plastic can alter and destroy trace evidence;
- Mark the container before placing evidence inside;
- Make sure known source standards are packaged separately from potential evidence;
- Blood samples of sex assault (drugged) victims and sex assault kits will be stored according to Sex Assault and Family Crisis Division protocol.
- DUI blood will be taken to SDD and stored (refrigerated) per SDD Division protocol.
- Small amount of Marijuana will be sent to the Property Room when the only charge is 35 Pa. Stat. Ann. § 780-113(a) (31).

5.3.1 Digital / Computer / Cellular Phone Evidence

- Computer evidence (digital evidence) will be handled on a case-by-case basis. Direct questions to the Computer Crimes Unit or the CSU.
- All electronic devices submitted to the Computer Crimes Unit must be accompanied with a Computer Crime Processing Form. This is to ensure a proper “chain of custody” is maintained for all evidence. Computer Crime Detectives will not accept any electronic device(s) without the Computer Crime Processing Form. The Computer Crime Unit Processing Form is located in the Police Officers Toolkit and shall be submitted electronically.
• Officers must determine the value of digital evidence (phone numbers, call data) vs. physical evidence (prints, DNA) when submitting cellular phones to the CSU. Current retrieval methods for prints and DNA evidence could cause the loss of digital evidence. Current retrieval methods for digital evidence will likely obliterate any prints or contaminate DNA evidence.

• All cellular phones sent to the Property Room must have evidentiary value, for example, criminal charges must include Delivery or Intent to Deliver. Otherwise, the report narrative must indicate that a search warrant is being requested and shall be obtained for further processing of the cellular phone. The seizure of cellular phones must be directly related to the charges in the case, and/or articulable facts must be established for further investigation of the cellular phone(s). The Property Room will not accept cellular phones for mere safekeeping or storage.

5.4 Evidence will be placed into an evidence envelope, sealed, initialed and the CCR # written on the envelope.

5.5 If the evidence is too large for an evidence envelope then a brown paper bag will be used. The bag shall be sealed, initialed and CCR # recorded on the bag along with any information that would normally be placed on the evidence envelope. If more than one evidence envelope or bag is used, each one will be properly filled out and labeled 1 of 3, 2 of 3, and 3 of 3.

5.6 The front of the evidence envelope will be completed and the number or letter used to identify the exhibit will correspond with the assigned number or letter on the police report, for example:

• If exhibit 1 on the police report is “a plastic baggie with green leafy vegetable matter believed to be marijuana” then exhibit 1 on the evidence envelope should be “a plastic baggie with green leafy vegetable matter believed to be marijuana.”

5.7 Evidence to be analyzed by the Allegheny County Crime Lab will be identified numerically. An exhibit number will be placed on each piece of evidence or the evidence will be placed in a container with an exhibit number attached to the container. A description of the exhibits will be listed on the police report in a separate paragraph in the following manner:

5.7.1 “Exhibit 1.” Describe the exhibit, who found it, and where it was found, for example:

• Exhibit 1 - A plastic baggie of suspected marijuana found by Officer Smith in the actor Jones’ left front pants pocket.
• Exhibit 2 - A blue steel S&W .38 cal. Revolver, serial # 11235, found by Officer Smith in the actor Jones’ left front pants pocket.
• Exhibit 3 - Six (6) spent cartridges found in Exhibit 2 by Officer Smith.

5.8 Evidence which will not be sent to the Allegheny County Crime Lab will be identified alphabetically and listed on the police report in a separate paragraph in the following manner:

5.8.1 “Exhibit A.” Describe the exhibit, who found it and where it was found, for example:

• Exhibit A - A $100.00 dollar bill serial # A23612D, found in actor Jones’ right hand by Officer Smith.

5.9 The Property Room will need an accurate total of any money sent to them as evidence. Serial numbers from money are not needed by the Property Room and do not need to be listed on the Property Record and Receipt PBP Form, however they should be included in the report if they would hold some evidentiary value.

5.10 Jewelry must be listed separately by type, for example:

• Exhibit A – 3 gold necklaces, 1 silver ring, 4 gold rings, and 2 pair diamond earrings, found in a cloth bag in Actor Jones’ right hand by Officer Smith.

5.11 All Evidence will be logged on one Property Record and Receipt PBP Form. A second form will only be used if:

5.11.1 there is too much evidence to list on one Property Record and Receipt PBP Form
5.11.2 the evidence will be sent to two different locations (i.e. cell phone to CSU and money to Property Room)
6.0 **CHAIN OF CUSTODY**

6.1 The police report will serve as an inventory control form.

6.2 Evidence seized and packaged by the Crime Scene Unit will be secured, recorded and delivered by the Crime Scene Unit to the Allegheny County Crime Lab as soon as possible.

6.3 Evidence seized by anyone else will be taken to the reporting officer’s zone or duty location as soon as possible, identified and packaged. A shift supervisor will check to see that the guidelines in Section 4.0 have been followed. The supervisor or designee will place the evidence in the evidence locker or the evidence mailbox.

   6.3.1 Submitting Officer presents all evidence to the Desk Officer.
   6.3.2 Desk officer conducts initial inspection.
   6.3.3 A supervisor then inspects the evidence.
   6.3.4 Upon approval by the supervisor, the submitting officer enters the evidence in the evidence book.
   6.3.5 The supervisor or desk officer then signs the book and the evidence is dropped into mailbox or placed in evidence locker.

6.4 If an emergency situation occurs and the prior shift supervisor was unable to inspect and place the evidence in their proper location, the following shift supervisor shall ensure the proper procedures are followed.

6.5 All zones and other duty locations that require the storage of evidence shall maintain an Evidence Book. This book will be standardized throughout the PBP and will be provided by the Property Room. The Property Room will be responsible for determining the necessary fields of information to be recorded in the Evidence Book and will produce a template/example to be kept in the Evidence Book for reference.

6.6 The Evidence Book shall contain the following columns in the following order from left to right;

   6.6.1 Date received;
   6.6.2 Time received;
   6.6.3 CCR #;
   6.6.4 Description of evidence;
   6.6.5 Officer who logged in evidence (print and sign);
   6.6.6 Supervisor (or equivalent – desk officer) receiving evidence (print and sign);
   6.6.7 Where evidence will be sent to;

       6.6.7.1 This column will have 5 categories: CL – Crime Lab, PR – Property Room, CU – Crime Unit, EL – Evidence Locker, O – Other

   6.6.8 Transporting Officer (print and sign);
   6.6.9 Date released;
   6.6.10 Time released;
   6.6.11 Condition of evidence;
   6.6.12 Crime Lab number;
   6.6.13 Property Room number;

6.7 All evidence that is to be sent to the Property Room or the Crime Lab shall be placed in the evidence mailbox with the exception of:

   6.7.1 Evidence that is too large to fit in the mailbox.
   6.7.2 Evidence that is waiting signed arrest paperwork from CRRU.
   6.7.3 Evidence that has not yet been packaged and the packaging officer has been called out of the station on an emergency.
   6.7.4 Evidence returned from the Property Room for administrative correction to paperwork.

6.8 All evidence that is not placed in the mailboxes shall be placed in the zone evidence locker.
6.9 All evidence that is to be sent to an agency or a lab that is not under the control of the PBP, the Allegheny County Crime Lab, or the Allegheny County DA’s office will be documented on a Supplemental Report PBP Form 8.11 or the Investigative Report PBP Form 3.0 and will include the following:

6.9.1 the name of the agency/lab receiving the Evidence
6.9.2 the location of the agency/lab
6.9.3 the reason the Evidence is being sent to the agency/lab
6.9.4 any other pertinent information relating to the transfer

6.10 In certain exceptional cases Evidence will not be stored at the Property Room. For example; bulky items will be stored at the Narcotics and Vice Warehouse, flammable material will be stored at the Fire Investigations Unit. Regardless of where evidence is stored it will meet the Chain of Custody requirements as per General Order 36-2 Property Room Section 3.2.

6.11 Evidence that was signed out of the Property Room for the purpose of court but can not be returned to the Property Room due to the Property Room being closed, shall be taken to that officer’s duty location and logged into the Evidence Book at that location until the Property Room is open.

6.12 On each shift, a supervisor shall inventory all evidence that is in the station awaiting transport to the Property Room and list this evidence by CCR# on the Daily Assignment Sheet. Any duty location that stores Evidence will assign someone to conduct this inventory.

6.13 The mailbox and evidence locker will remain locked after evidence is placed inside and again after evidence has been checked.

6.14 The officer assigned to transport the evidence to the Property Room or Allegheny County Crime Lab will take the receipt from the Property Room or Allegheny County Crime Lab and return it to the zone or duty location of the officers who initiated and completed the police report.

6.15 The clerk of the zone or duty location whose officers seized the evidence will file the receipt and also file the Allegheny County Crime Lab report when it is finished and sent to the zone or unit by the Allegheny County Crime Lab.

Approved By:

Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The regulation of traffic, for the safety of the community, is a primary objective and responsibility of the Pittsburgh Police. All police officers are trained in traffic laws and regulations. All officers are expected to enforce traffic laws in a firm, fair, impartial, and courteous manner.

1.2 It is the policy of the Bureau of Police that officers shall consistently take the necessary steps to minimize the dangers involved in making traffic stops for the protection of the officer, the motorist and other users of the highway. In reviewing the guidelines contained within, all officers must be constantly mindful that there are no "routine" traffic stops.

2.0 DEFINITIONS

2.1 High Risk/Felony Stops – Where the officer has reason to believe there is a potential for danger.

2.2 Unknown Risk Stop – All other motor vehicle stops

3.0 STOPPING TRAFFIC VIOLATORS

3.1 Although it is recognized that varying conditions, including, but not limited to roadway construction, volume of traffic and the urgency of making vehicle stops may necessitate certain deviations from the following procedures, these procedures should be followed when possible.

3.2 Officers shall perform vehicle stops only when they have articulable and reasonable grounds to suspect that a violation of the motor vehicle code has occurred or they have objective facts that create a reasonable belief that criminal activity is afoot.

3.3 Once an initial decision has been made to stop a motorist, whenever possible, the officer shall select a location for the stop that provides reasonable safety avoiding curves, hills, heavily trafficked and poorly lit areas and roads without shoulders.

3.4 When a location has been selected for the stop, the officer shall notify communications of the following:

- 3.4.1 The location of the stop.
- 3.4.2 The license number of the vehicle.
- 3.4.3 A description of the vehicle.
- 3.4.4 The nature or reason for the stop.
- 3.4.5 The race, sex and number of occupants when possible.
- 3.4.6 A unit should respond as back up.

3.5 The officer will initiate the stop by activating both the overhead emergency lights and siren.

3.6 Once properly stopped, the officer should position the police vehicle about one-half to one car length behind the subject’s vehicle, at a slight angle and in a manner that ensures the safety of the officer on his/her approach.

3.7 At night, activate spotlights, high beams and take-down lights as needed to ensure adequate lighting conditions for safety, always being aware of the possible detrimental effects this lighting may have on oncoming motorists.

3.8 When conducting a traffic stop where the operator is driving with a suspended, revoked or cancelled license, officers will abide by the Pennsylvania Vehicle code 6309.2 Immobilization, towing and storage of vehicles for driving without operating privileges or registration and will tow and impound the vehicle. This includes any traffic stops involving drug arrest.

3.9 Officers are required to call out on all traffic stops and complete the traffic stop form as required in section 8.0 of this policy. Officers that violate this section will be subject to disciplinary action.
4.0  **APPROACH AND CONTACT WITH THE OPERATOR**

4.1  On approach, the officer shall exercise extreme caution by:
- Being alert to suspicious movements or actions of the operator or passengers.
- Ensuring the trunk or hatch is closed.
- Watching the door jam. If it begins to open, stop walking, maintain a defensive position, and order firmly, but politely, for the subject to remain in his/her vehicle. Watch the subject’s hands. If the subject continues to get out of the car and the officer feels threatened, disengage until the subject gets back into the vehicle. The police officer must control the situation and exercise sound tactical judgment at all times.
- Check the back seat or if the suspect vehicle is a pick-up truck, check the bed as it is passed. If the vehicle is a van, check (visually) all doors by stopping the police car directly behind the van.
- If problems occur or the officer feels uneasy, an approach should not be made until backup arrives.

4.2  When initiating contact with the operator, the 9 Step Protocol (Verbal Judo) protocol is suggested (with the addition of step 4, if/when applicable):
1. Greeting (*Good evening, sir*)
2. Introduction (*My name is Officer Smith with the Pittsburgh Police...*)
3. Reason for Stop (*The reason you are being stopped is...*)
4. Inform operator that the traffic stop is being audio and video recorded. (See PBP 69-1 Sec 5.2 Mobile Visual/Audio Recording Equipment (MVR).
5. Any Justified Reason? (*Is there any justified reason why you...*)
6. Request Driver’s License (*May I have your driver’s license? Remember to ask for Driver’s License separately from Registration and Insurance Information, as they are usually kept in different locations.*)
7. Request Registration and Insurance Information (*Sir, do you have registration and insurance information? If so, where are they located?*)
8. Decision (*The officer will have the discretion to issue either a warning or a citation. The officer should advise the operator whether or not a citation will be issued. If a ticket is issued, ask the operator to sign receipt of ticket.*)
9. Close (*Should be quick, effective and efficient. Advise the right to appeal if cited.*)

4.3  When returning to the police vehicle to write the citation or conduct necessary police business, the officer should never turn his/her back to the suspect vehicle.

4.4  The officer should avoid reaching into the suspect's vehicle while the engine is running.

4.5  The officer should always watch the hands of the operator and passengers.

4.6  During the stop, and at the officer’s discretion, the violator should remain in his/her motor vehicle while the officer writes the citation or conducts other business. When writing the citation, the officer will:
- Check all license, registration and operator’s information, if needed.
- Check wants and warrants for the vehicle and operator.

4.7  Once the citation is written, the officer will re-approach the vehicle using the same caution employed in the initial approach, and will quickly, but accurately, explain the following to the operator:
- The nature of the charges against the operator
- The procedure for entering a plea or paying the fine either by mail or in person at Traffic Court
- Request that the operator sign the citation in the proper section acknowledging receipt of the citation
- Verbally provide the name and badge number of the officer if requested by the operator
- Any other information the operator needs to know prior to release

5.0  **RESPONSIBILITIES OF BACKUP OFFICERS**

5.1  Two-Officer Unit - If the traffic stop is made by a two-officer unit, the contact officer will conduct all business of the encounter to include talking, searching, gathering evidence and radio transmissions. The sole responsibility of the cover officer is the protection of the contact officer. The cover officer is situated on the opposite side of the vehicle from the contact officer.

5.2  Backup Second Unit - If a second police unit responds to assist in the traffic stop, extreme caution must be exercised when positioning the second unit. The second unit should be positioned to provide additional protection to both
the stopping officer and the violator, and serve as a safety warning to other motorists. The second officer should approach the violator's vehicle only to a position where cover can be provided for the stopping officer.

6.0 STOPPING VEHICLES BY NON-UNIFORM PERSONNEL

6.1 A non-uniformed officer may make a traffic stop if the unmarked vehicle is properly equipped with lights and siren. In addition to complying with all of the provisions of this General Order (40-4), a non-uniformed officer must:

6.1.1 Activate both emergency lights and siren before initiating the traffic stop; and

6.1.2 Contact Communications and provide all of the information concerning the stop (as per Section 3.4)

6.1.3 The non-uniformed officer must have ID readily available and observable, and

6.1.4 Request that a uniformed back-up unit respond to the location of the traffic stop.

7.0 HIGH RISK VEHICLE STOPS

7.1 The following procedures are to be employed when an officer initiating a traffic stop has reason to believe that criminal activity is afoot and the occupants may be armed and dangerous.

7.2 Once the decision has been made to stop a potentially dangerous motorist, the officer shall notify communications of the following:

7.2.1 The location of the stop.

7.2.2 The license number of the vehicle.

7.2.3 A description of the vehicle.

7.2.4 The nature or reason for the stop.

7.2.5 The race, sex and number of occupants when possible.

7.2.6 A unit (s) shall respond to assist officer (s).

7.3 An officer working a one-officer unit should not initiate a high risk vehicle stop unless back-up units will not be available in an appropriate amount of time, or the urgency of the situation demands immediate action.

7.4 After selecting an appropriate location and upon assuring that adequate support units are in position, the officer should initiate the stop by activating the overhead emergency lights and siren.

7.5 Officers should position their vehicles in a manner that maximizes the opportunity for cover, eliminates a potential cross-fire situation between police vehicles, and in a manner that will illuminate the interior of the vehicle to the disadvantage of the occupant.

7.6 The officer initiating the stop should issue verbal commands through the public address system. Only one officer should issue commands.

7.7 The occupants of the vehicle shall be instructed to place their hands in a visible position, turn off the engine and throw the ignition keys out of the window.

7.8 Each occupant will be directed to remain in this position until directed to do otherwise. Each occupant will be instructed to remove him/herself from the vehicle individually, according to specific directions and will be directed to assume the appropriate search position.

7.9 Each occupant will be patted-down or searched, if justified, for weapons only and moved to a controlled position until it is determined that the vehicle is safe to approach. Occupants who have been placed under arrest will be handcuffed and searched incident to that arrest. With appropriate cover, officers should then approach the vehicle to inspect the passenger compartment and trunk for any additional occupants who may be hiding.

8.0 WRITTEN RECORDING OF TRAFFIC STOPS

8.1 Each traffic stop shall be recorded on the Traffic Stop Report (PBP Form #2.1).

8.1.1 All blocks must be completed.

8.2 The Traffic Stop Report will be submitted at the end of each officer’s tour of duty along with the Daily Activity Report for review by the Shift Lieutenant.

8.3 The Shift Supervisor (s) will be responsible for ensuring that the Traffic Stop Report is submitted daily, and that all required blocks are completed.

8.3.1 The shift supervisor will verify this has been completed by signing the Traffic Stop Report in the appropriate block.
9.0 UNIFORMITY IN APPLICATION OF VEHICLE CODE ENFORCEMENT

9.1 Physical arrests

9.1.1 DUI arrests will be made according to PBP General Order 44-7. (See PBP 44-7 DUI Arrests and Rule 130).

9.1.2 There may be other incidents in which a violator should be physically arrested. The decision to make a physical arrest should be based upon sound legal principles as opposed to peripheral issues such as the driver’s conduct during the traffic stop.

9.2 Traffic citations and parking citations

9.2.1 A traffic citation may be issued to all violators who jeopardize the safety of vehicular and pedestrian traffic, including hazardous moving violations, and operating unsafe and/or improperly equipped vehicles.

9.2.2 The decision to issue a traffic citation or a parking citation should be based upon sound legal principles as opposed to peripheral issues such as the driver’s conduct during the traffic stop.

9.3 Written warning/equipment repair card

9.3.1 All written warnings and equipment repair orders should be issued with the Pennsylvania Department of Transportation’s MV-433a card.

9.3.2 A written warning is a proper alternative to a traffic citation for minor non-hazardous violations and may be used based on the individual officer’s discretion, professional judgment, training, and experience.

9.3.3 An equipment repair order is a proper alternative for officers to use for minor equipment violations and for operators who do not have in their possession their driver’s license, registration card, and/or insurance card.

9.3.3.1 Violators issued an equipment repair card should have the proper response to the repair card explained to them in order to avoid a traffic citation or citations.

9.3.3.2 Equipment repair cards that require a time period to respond shall be monitored for return compliance. If the required action(s) are not completed within the required time period, a citation or citations for the violation shall be filed.

9.4 Verbal warning

9.4.1 A verbal warning is appropriate when the violator commits an act that may be due to ignorance of Pennsylvania law or local ordinances that may be unique or a violation of which the driver may not be aware.

9.4.2 A verbal warning is also appropriate as an alternative to a traffic citation or written warning for minor violations based on the officer’s discretion, professional judgment, training, and/or experience.

9.5 Traffic Ordinance Violations

9.5.1 Traffic ordinance violations shall be instituted on a non-traffic citation.

9.5.2 As per Section 6301 of Title 75 of the Pa Vehicle Code, when a violation is chargeable under Title 75, and a City of Pittsburgh Ordinance, the Vehicle Code charge shall supersede the ordinance violation; except parking violations.

Approved By:

_______________________
Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The purpose of a motor vehicle pursuit is the apprehension of a suspect who refuses to comply with the law requiring them to stop. The primary goal of the Pittsburgh Bureau of Police (PBP) is the protection of life and property.

1.2 It is the policy of the Pittsburgh Bureau of Police that a motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of risk created by the pursuit.

1.3 The following procedures shall provide guidelines for motor vehicle pursuits as well as standards for administrative review of a pursuit incident.

2.0 DEFINITIONS

2.1 Motor Vehicle Pursuit - An active attempt by a police officer operating a motor vehicle to apprehend one or more occupants of a motor vehicle when the driver of the vehicle is resisting the apprehension by maintaining or increasing his speed, or using evasive tactics, or by ignoring the police officer's audible or visual signal to stop. [75 Pa. C.S. §6341].

* For the purposes of this policy, an attempt by a police officer to stop any motor vehicle operating in conformance with posted speed limits and other traffic laws shall not be considered a Motor Vehicle Pursuit.

2.2 Primary Unit – The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

2.3 Secondary Unit – Any police unit, which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

2.4 PBP Vehicles – Any motorized vehicle such as a car, truck, motorcycle, van, or SUV owned or leased by the City of Pittsburgh Bureau of Police.

2.5 Roadblock - A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a violator.

2.6 Avenue of Escape - A gap in a roadblock that requires the violator to decrease the vehicle’s speed to permit the violator to bypass the roadblock.

2.7 Blocking Vehicle - A motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.

2.8 Divided Highway - A road that includes a physical barrier between traffic traveling in opposite directions.

2.9 Forcible Felony: For the purposes of this policy, a forcible felony may involve actual, threatened, or attempted force, violence, serious bodily injury, or death, which may include:

- Murder to include Homicide by Motor Vehicle
- Voluntary Manslaughter
- Arson – Endangering Persons
- Aggravated Assault causing serious bodily injury to include Aggravated Assault by Motor Vehicle
- An act of terrorism incident involving a weapon of mass destruction or an active shooter.
- Sexual Assault
- Rape
- Involuntary Deviant Sexual Intercourse
- Robbery including Robbery of a Motor Vehicle
- Kidnapping
- Burglary

2.10 **Due Regard** – The degree of care that a reasonable and prudent Police Officer, performing similar duties, and acting under similar circumstances would demonstrate.

2.11 **Pursuit-Rated Vehicle** - An authorized emergency vehicle that is specially designed and equipped for use during high-speed pursuits.

2.12 **Caravanning** - The unauthorized following of a pursuit at any distance, by any other units other than the primary and secondary units, unless authorized by a supervisor or dictated by environmental conditions e.g. bridges and tunnels.

### 3.0 ACCOUNTABILITY

3.1 This procedure is based upon recognition of the basic need for motor vehicle pursuits under certain circumstances. Great reliance is placed upon the individual officer and supervisor in the application of their knowledge, training, and experience viewed in conjunction with common sense. As in any other police situation, each officer and supervisor will be held accountable for their actions.

3.2 If any pursuit results in critical injury or death, of any person, it shall be considered a critical incident. Only the officer(s) operating the PBP vehicle(s) involved in the critical incident may be subject to an alcohol / drug test.

### 4.0 STATUTORY RESPONSIBILITIES

4.1 Section 3105 of the PA Vehicle Code (75 Pa. CS 3105 (a)) confers special privileges and limitations upon drivers of emergency vehicles. All officers are required to comply with this statute and shall be accountable to the "due regard" provision established in this section. Officers shall use this special privilege in accordance with traffic regulations outlined in Section 3105 (b) of the Vehicle Code.

4.2 Section 3105 (c): Required Use of Audible and Visual Signals. The privileges granted in Section 3105, shall apply only when the vehicle is making use of an audible signal and visual signals and the driver of the emergency vehicle is driving with due regard for the safety of all persons.

4.2.1 Officers may exceed the maximum speed limits so long as the driver does not endanger life or property.

4.2.2 Officers may proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation.

4.2.3 School Buses. Officers must come to a complete stop when a school bus flashes its red signal lights and activates a stop signal. The vehicle pursuit may continue only after exercising due caution for the safety of students.

4.3 During all pursuits officers shall use visual and audible signals as required in Section 3105 (c) of the vehicle code.

4.4 The City of Pittsburgh Bureau of Police will comply with Sections 6341-6345 of the Pennsylvania Vehicle Code (Title 75) concerning the reporting and record requirements for Pursuit of Vehicles.

### 5.0 AUTHORIZATION FOR PURSUIT

5.1 Vehicle pursuits for summary, misdemeanor or non-forceable felony offenses are prohibited unless the immediate danger to another person created by the pursuit is less than the immediate or potential danger of death or serious bodily injury to another person should the suspect remain at large and/or continue to flee.
5.2 Vehicle pursuits are authorized only when, based on the totality of the circumstances, an officer who is in close proximity to a suspect reasonably believes:

5.2.1 The suspect did commit or attempt to commit a forcible felony; or

5.2.2 The suspect is mentally ill (if the mental illness is known to the officer) or suicidal, and the officer reasonably believes that they are a danger to themselves or others to the extent that failing to apprehend the suspect is likely to result in death or serious bodily injury to themselves or others; or

5.2.3 If prior to initiating the pursuit, the driving ability of the suspect is observed to present an imminent danger of serious bodily injury or death to a person or persons or failure to pursue may result in serious bodily injury or death, a pursuit may be authorized if the officer can clearly articulate the reason(s) for why the pursuit was initiated under these conditions.

5.3 Pursuit for a mere minor motor vehicle violation without additional qualifying factors as set forth herein is prohibited.

5.4 The felony violation of Fleeing and Eluding, in and of itself, is not justification for a pursuit.

6.0 RESPONSIBILITY OF THE PURSUING OFFICER

6.1 In accordance with Section 5.0 a motor vehicle pursuit is justified only when the necessity of immediate apprehension outweighs the level of risk created by the pursuit.

6.2 When an officer has determined that he/she is in an emergency situation or motor vehicle pursuit, he/she shall use emergency lighting and siren to alert the public of the situation. If either the emergency lighting or siren is, or becomes inoperable, the officer may not engage in a motor vehicle pursuit. This equipment will be used simultaneously and continually from the start of the pursuit until the termination thereof.

6.3 Due regard shall be used through the duration of a pursuit, and especially when proceeding through intersections. An officer shall clear the intersections, and proceed through an intersection only after determining that doing so will not endanger life or property.

6.4 In justifying the need to initiate a pursuit, the pursuing officer shall take into consideration all of the following factors:

- Nature of charges/reason for pursuit
- Speeds involved
- Volume of traffic (vehicular or pedestrian)
- Location of pursuit
- Road conditions
- Weather conditions
- Time of day
- Ability to identify the operator and/or vehicle and apprehend at a later date
- Safety to the public, themselves, and other officers

6.5 The pursuing officer shall immediately report to the radio dispatcher that there is a "pursuit in progress" and give the following information:

6.5.1 Reason for pursuit
6.5.2 Location and direction of travel
6.5.3 Description of fleeing vehicle
6.5.4 Occupant information and description
6.5.5 Speeds involved

6.6 The pursuing officer should attempt to broadcast pertinent information continuously. The pursuing officer should keep all other units posted as to location, direction and speed. If there is a secondary unit, this information may be broadcasted by the secondary unit.
6.6.1 In the event a (2) two officer unit is in the primary unit position, the (2) two officer unit can maintain the broadcast of the pursuit (optional). If the broadcast is relinquished to the secondary unit, the passenger of the primary unit will assist the operator with any/all hazardous road/traffic conditions, clearing of intersections, and evaluating the conditions/risks of the pursuit.

6.6.2 If the pursuing officer is a one-person unit, the officer will not make radio transmissions when unsafe to do so. e.g. intersections or curves.

6.6.3 In the event the pursuing officers lose sight or contact with the pursued vehicle, they will immediately broadcast this information via radio.

6.7 The pursuing officer shall immediately terminate the pursuit if and when it becomes evident that the risks of life and property outweigh the benefit derived from the immediate apprehension or continued pursuit of the suspect.

6.7.1 If applicable, officers should wait for additional officers before approaching the vehicle and the occupant(s).

6.8 Whenever possible, any arrest resulting from a pursuit will be transported by an officer not involved in the pursuit.

6.8.1 The officer who initiated the pursuit will be designated as the Case Constable and ensure the completed paperwork is submitted to the CRRU/Warrant Office.

6.9 At no time will a member of the Pittsburgh Bureau of Police initiate or participate in a pursuit with non-sworn personnel in the police vehicle.

6.10 Pursuit vehicles equipped with a mobile video/audio recording device must adhere to General Order 69-1 section 5.1 MOBILE VIDEO/AUDIO RECORDING EQUIPMENT (MVR).

6.11 If a pursued vehicle is located unattended, it should be secured and treated as a crime scene.

7.0 COORDINATION WITH ALLEGHENY COUNTY EOC DISPATCHER

7.1 Supervisors will be responsible to familiarize themselves with the EOC pursuit policy in order to better understand the EOC’s responsibility during a vehicle pursuit.

7.2 Supervisors will be ultimately responsible to ask for any information necessary to make an informed decision concerning the pursuit.

7.3 Included below is the Allegheny County EOC policy on vehicle pursuits:

7.3.1 PURSUITS

7.3.1.1 The Tele-Communication Officer (TCO) will advise all units on the air to cease radio operations unless they have an emergency. The TCO shall ensure the Officer in Charge (OIC) for the pursuing Police Department is aware a Police unit has initiated a pursuit and the OIC has essential information concerning the pursuit.

7.3.1.2 When possible, determine from the unit in pursuit the following information if it hasn’t been provided by the officer.

- Present location?
- Direction of travel?
- Description of vehicle?
- License number of vehicle being pursued?
- For what reason is the vehicle wanted?
- Number of occupants?
- Speed?
7.3.1.3 In situations where it appears a pursuit will go multi-jurisdictional, refer to the Emergency Channel Policy.

7.3.1.4 It will be necessary to coordinate the pursuit on these channels.

7.3.1.5 Coordinate and dispatch all back-up assistance under the direction of the Police Department OIC.

7.3.1.6 Notify the appropriate jurisdictions, where practical, when the pursuit may enter their jurisdiction. The officer in pursuit should keep the TCO advised of his/her location.

7.3.1.7 All information pertaining to the vehicle should be given to the primary chase unit without delay.

7.3.1.8 During long pursuits, re-broadcast vehicle description, locations and direction of travel.

7.3.1.9 Under no circumstances shall the TCO leave the frequency while the pursuit is in progress.

8.0 RESPONSIBILITY OF THE SHIFT SUPERVISOR

8.1 Upon notification of a “pursuit in progress”, the zone shift supervisor shall be responsible for approval, monitoring and control of the pursuit, regardless of the assignment (i.e., Investigations, SDD, etc.) of the initiating officer. The zone shift supervisor will acknowledge as quickly as possible that they are monitoring the pursuit.

8.1.1 The monitoring supervisor may request that Communications tie into the Allegheny County Regional Pursuit Channel if the supervisor believes the pursuit may enter another zone, jurisdiction, or continues for an extended period of time.

8.2 The responsible supervisor shall not get involved in the pursuit, but monitor.

8.3 The zone shift supervisor will review and consider as many of the available facts of the pursuit as possible. Discretion may then be exercised in the following manner:

- By authorizing the pursuit to continue
- By authorizing the use of equipment approved by the department
- By coordinating, directing and limiting the participation of additional units involved in the pursuit
- By authorizing the radio channels to be tied or having the pursuit moved to the Allegheny County Regional Pursuit Channel
- By terminating the pursuit

8.4 The original zone shift supervisor shall continue to monitor the pursuit unless and until it crosses into another zone. At that time, the zone shift supervisor in the adjoining zone shall assume responsibility for the pursuit, and will acknowledge as quickly as possible to radio that they are monitoring the pursuit.

8.5 Termination of the pursuit is in order when, in the opinion of the supervisor, the level of risk created by the pursuit outweighs the necessity of immediate apprehension.

8.6 When a pursuit that has crossed zone boundaries is terminated by a supervisor or pursuing officer, the supervisor should reinforce to the officers in the adjoining zone(s) that the pursuit has, indeed, been terminated.

8.7 Whenever possible, the shift supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

8.8 If an arrest results from the pursuit, it is the responsibility of the shift supervisor to determine who will transport the suspect to the Allegheny County Jail or the next receiving facility or agency.

8.9 Whenever possible, the shift supervisor shall assign the prisoner transport to an officer not involved in the pursuit.

8.10 If a pursued vehicle is located unattended, it should be secured and treated as a crime scene.

8.11 Supervisors are required to review all completed reports, MVR recordings, BWC footage in preparing report, debrief and analysis of the pursuit to determine compliance of policy, Pennsylvania Law, and training deficiencies. If deficiencies are noted, the supervisor will submit a special report through the chain of command to the Training Academy.
9.0 RESPONSIBILITY OF OTHER OFFICERS DURING A PURSUIT

9.1 Unless exigent circumstances dictate otherwise, a pursuit shall consist of no more than two police vehicles, a primary and a secondary unit.

9.2 Other units will not pass the primary unit in the pursuit unless requested by the primary unit or extenuating circumstances exist.

9.3 The responsibility of the secondary unit is to assist the primary unit by assuming radio communications, if possible, and providing back-up assistance. If the primary pursuit vehicle becomes disabled, the secondary unit will become the primary unit. A third police vehicle may assume the duties of the secondary unit, if possible.

9.4 During a pursuit, a safe distance must be maintained between vehicles. This will allow for pursuing units to duplicate sudden movements made by the suspect vehicle and lessen the possibility of a collision.

9.5 All other units shall clear the air, using the radio only out of absolute necessity. The dispatcher will ensure that all radio communications during a pursuit are on an “emergency transmit” basis only.

9.6 Officers not involved in the pursuit are to move in the general direction of the pursuit activity. If requested, one or more of these units may be necessary to assist in safely arresting the suspect(s) or provide assistance for high risk stop procedures.

9.7 Upon receipt of a termination notice, all units shall turn off emergency lights and sirens, immediately discontinue the pursuit and return to their assigned zones, if applicable.

9.8 If a pursued vehicle is located unattended, it should be secured and treated as a crime scene.

10.0 UNMARKED PBP VEHICLES

10.1 Officers in unmarked police vehicles may engage in a pursuit if the vehicle is equipped with operable audible and visual warning devices when they have probable cause to believe the suspects may be pursued according to standards outlined in this policy.

10.1.1 All unmarked police vehicles that are not specifically equipped with operable audible and visual warning devices (lights and sirens) are strictly prohibited from engaging in a vehicle pursuit.

10.2 Operators of unmarked police vehicles will relinquish the pursuit when a marked unit is in a position to conduct the pursuit.

11.0 OTHER PBP VEHICLES – MOTORCYCLES/OTHER SPECIALTY VEHICLES

11.1 Operators of motorcycles, or other specialty vehicles may engage in a pursuit if the vehicle is equipped with operable audible and visual warning devices when they have probable cause to believe the suspects may be pursued according to standards outline in this policy.

11.2 Operators of motorcycles or other specialty vehicles will relinquish the pursuit when a marked unit is in a position to conduct the pursuit.

11.3 Police wagons are not permitted to engage in a pursuit

12.0 PURSUIT TACTICS

12.1 Firearms - An officer shall not discharge their firearm at a moving vehicle or at the occupants of a moving vehicle unless the occupants are using deadly force against the officer or another person present by means other than the vehicle.
*The only exception to said policy is a situation where a vehicle is being intentionally operated as a weapon and an officer, or another party, is presented with imminent serious bodily injury or death. In addition, the officer has done everything reasonably necessary to avoid the use of deadly force. (e.g. if possible move from vehicle’s path or not place yourself in harms way)

12.1.1 Officers shall not discharge a firearm for the sole purpose of disabling a vehicle.

12.2 Roadblocks – The use of roadblocks may only be employed as a last resort in circumstances where deadly force would otherwise be justified

- The use of a roadblock must be authorized by a supervisor.
- At no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock and its location.

12.2.1 Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, there shall be:
- Adequate distance to see the roadblock
- An avenue of escape
- No one in the blocking vehicle(s)
- Headlights, takedown lights, and spot lights shall not be directed into the pursued vehicle

12.3 Ramming -- All ‘bumping’, ‘ramming’, and ‘PIT’ (Pursuit Intervention Technique) maneuvers intended to force the fleeing operator to stop their vehicle are prohibited. “Pinching” (to prevent movement of a vehicle that is in a stationary position, by using contact with a police vehicle) is prohibited, unless exigent circumstances arise such as a medical emergency of the operator, or authorization from a supervisor. Reasonable officer standard shall apply.

12.4 Overtaking vehicles – As a general rule, officers should not attempt to overtake or pass a fleeing suspect. To do so places the officer in a highly vulnerable position.

12.4.1 Generally, the pursuing officer should keep a safe distance from the suspect and merely attempt to keep the suspect vehicle in sight until the suspect voluntarily stops.

12.4.2 All police pursuit vehicles should keep a safe distance apart, particularly at intersections to avoid collisions.

12.5 Tire deflation devices – When time permits and safety considerations are met, the use of controlled tire deflation devices are permitted by officers who have received appropriate training in their use.

12.5.1 The only PBP approved tire deflation device is the Stop Tech “Stop Stick”.

12.5.2 Officers must attend Stop Stick training before using the device.

12.5.3 Officers should avoid deploying Stop Sticks in the following conditions:
- In areas of heavy traffic
- In heavily populated areas or locations where pedestrians are nearby
- Near road construction
- Near steep embankments, curves, or obstacles that limit the deploying officer’s view of traffic and the approaching pursuit
- Stop Sticks are not recommended to be deployed in inclement weather (i.e. ice, snow, or heavy rainfall)
- Stop Sticks should be used on a solid surface (concrete or asphalt to work proficiently)

12.5.4 The Stop Stick tire deflation device shall not be used on the following vehicles
- Large Vehicles - Tractor trailers, large trucks, construction vehicles, etc.
- ATV’s, motorcycles, scooters, school buses transporting students, passenger buses carrying passengers, vehicles carrying hazardous material

12.5.5 The Stop Stick tire deflation device must be stored in the “Stop Stick Tray” or other approved device that is mounted or issued to the vehicle.

12.5.6 Officers must inspect the Stop Stick cord reel and sleeve for obvious damage at the beginning of their shift; however, officers should avoid removing the Stop Sticks from the sleeve. Officers must use care in handling the Stop Stick and avoid squeezing or stepping on the sleeve or sticks.

12.5.7 Damaged Stop Sticks shall be immediately removed from service and returned to Fleet Operations with a Completed PBP Form #81.1, “Lost, Stolen, Damaged Uniform/Equipment Claim.”

12.5.8 Officers should attempt to deploy the Stop Sticks from a location that offers concealment, protection, or an escape route if the vehicle swerves in their direction.

12.5.9 Officers deploying Stop Sticks during a pursuit shall advise dispatch and responding units of his/her location and that they are deploying Stop Sticks.

12.5.10 If a Stop Stick is deployed in the field and a vehicle strikes the Stop Stick, the Stop Stick shall be removed from service and returned to Fleet Operations with a copy of the following paperwork attached:

- PBP Form #2.0, “Offense/Incident Report”
- PBP Form #3.0, “Investigative Report”
- PBP Form #8.11, “Supplemental Report”
- Pennsylvania State Police Pursuit Form
- PBP Form #10.10, “Subject Resistance Report”
- Officers should not attempt to remove the serial number sticker from the unit. This will be removed by Fleet Operations, who will submit the paperwork to Stop Tech for the replacement.

12.5.11 If a Stop Stick is deployed but not struck by a vehicle, it can be returned to the patrol vehicle after the officer inspects it for any obvious damage. If the officer is unsure that there is damage, the Stop Stick must be returned to Fleet Operations for inspection.

12.5.12 Upon successful deployment, officers shall complete the Stop Stick electronic form on http://stopstick.com (click on the “Home” tab then select “Deployment Report”).

12.6 Air Support

12.6.1 Air support assistance, if available, should be considered.

12.6.2 If air support becomes involved, once the crew has established visual contact with the pursued vehicle, they should assume communication control over the pursuit. The primary and secondary ground pursuit vehicles, or involved Supervisor, will maintain operational control but should consider whether the participation of air support warrants their continued close proximity and/or involvement in the pursuit.

12.6.3 If the air support determines that it is unsafe to continue the pursuit, they can terminate the pursuit.

13.0 TERMINATION OF THE PURSUIT

13.1 If, at any time, the primary officer, secondary officer, shift supervisor, or any other sworn member involved or monitoring evaluates that the pursuit is no longer safe, the pursuit shall be terminated.

13.2 A pursuit may be terminated if the suspect’s identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.
13.3 Those listed in section 13.1 of this policy may order the termination of a pursuit at any time.

13.4 Upon receipt of a termination notice, all units shall turn off emergency lights and sirens, discontinue the pursuit, and return to their assigned zones, if applicable.

13.4.1 Additionally, all officers and supervisors aware of the pursuit will be equally responsible to monitor the radio and to ensure that all officers have heard the order to terminate the pursuit.

- All involved officers shall notify the radio dispatcher that they have complied with the order to terminate. The radio dispatcher shall acknowledge receipt of this message with a time check.

- The terminating member(s) shall not be disciplined, ridiculed, criticized, or harassed for issuing the order to terminate a pursuit. Nothing in this section prohibits a member from being disciplined for their lack of due regard and / or decision-making as they relate to the pursuit.

- Any officer who deliberately fails to disengage form a pursuit that has been terminated by a member may be subject to disciplinary action.

13.5 The pursuit should be terminated if the pursued vehicle’s location is no longer definitively known.

14.0 INTER-JURISDICTION PURSUITS

14.1 Pursuits entering another jurisdiction will continue to be monitored by Allegheny County Communications. Allegheny County Communications will be requested to notify the applicable police department.

14.2 When a pursuit enters another jurisdiction the Officer(s) involved shall notify EOC that the pursuit is entering another jurisdiction.

14.3 When a pursuit enters another agency's jurisdiction, the primary pursuing officer or Supervisor taking into consideration the distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit.

14.4 All assisting police officers engaged in any pursuit initiated in Pittsburgh by Pittsburgh police officers, shall be under the command and control of the Pittsburgh Bureau of Police shift supervisor.

14.5 Any pursuit that is determined to be in violation of the policies of another department shall be terminated when the request to terminate is made by the other department.

15.0 OUTSIDE AGENCY PURSUITS ENTERING PITTSBURGH

15.1 The shift supervisor will immediately inquire into the circumstances surrounding the pursuit and what assistance is requested by the pursuing agency.

15.2 If so determined by the shift supervisor, units will back up the pursuing agency as directed.

15.3 If the shift supervisor any member determines that continued pursuit by the outside agency violates this policy, the member shift supervisor or Officer on duty shall advise the pursuing agency(s) to terminate the pursuit. Pittsburgh Bureau of Police units will immediately discontinue pursuit assistance and monitor the event until the pursuit has been terminated or the suspect(s) arrested.

15.4 If the pursuing agency does not have a ranking officer available or on duty, Allegheny County Communications shall be directed to immediately contact a Sergeant, the Lieutenant or the Chief of Police to monitor the pursuit.
16.0 OUTSIDE AGENCY PURSUITS -- REQUESTING ASSISTANCE

16.1 Outside agencies that request assistance from Pittsburgh Police Officers for pursuits in their jurisdiction shall request assistance from the shift supervisor.

16.2 If so determined by the shift supervisor, unit(s) will back up the requesting agency as directed.

16.3 If the shift supervisor determines that continued pursuit by the outside agency violates this policy, the shift supervisor shall advise the Pittsburgh Police unit(s) to terminate the pursuit. Pittsburgh Police officers shall return to Pittsburgh as directed.

16.4 If the pursuing agency does not have a ranking officer available or on duty, Allegheny County Communications shall be directed to immediately contact a Sergeant, the Lieutenant or the Chief of Police to monitor the pursuit.

17.0 REPORTING

17.1 The Pittsburgh Bureau of Police shall comply with Act 154 of 1994 which mandates that all police departments in the Commonwealth of Pennsylvania maintain records of motor vehicle pursuits, as defined by Section 6341 of the Vehicle Code, and that such records shall be reported to the Pennsylvania State Police. The Pennsylvania Police Pursuit Report shall be completed each and every time a vehicle pursuit occurs within the jurisdiction of the City of Pittsburgh.

17.2 At the conclusion or discontinuation of a motor vehicle pursuit, the officer initiating the pursuit shall complete a Pennsylvania Police Pursuit Report (Form #SP7-0032), in APRS titled “Pursuit Report”, and any other reports deemed necessary as a result of the vehicle pursuit.

17.2.1 In the event that a member of the PBP becomes involved in a pursuit that has been initiated by another police agency, either within or outside the jurisdiction of the City of Pittsburgh, it shall be the responsibility of that officer joining the pursuit to complete the Pennsylvania Police Pursuit Report.

17.2.2 Only one report for each pursuit occurring within the jurisdiction of the City of Pittsburgh shall be completed. If more than one officer is involved in the pursuit, it shall be the responsibility of the officer initiating the pursuit to complete the Pennsylvania Police Pursuit Report.

17.2.3 In the event that additional reports are required (i.e. PA State Collision Reports, Investigative Reports, Arrest Reports, etc.), the Pennsylvania Police Pursuit Report shall be attached to the additional reports and shall be submitted either at the reporting officer’s duty location or, if the pursuit result in an arrest, the CRRU/Warrant Office.

17.3 The completed report and video shall be reviewed and approved by the shift supervisor to determine if the laws and regulations of the Commonwealth of Pennsylvania and PBP policy have all been complied with and to detect and correct any training deficiencies. If deficiencies are noted, the supervisor or senior supervisor shall submit a Special Report (PBP Form#54) through the chain of command to the Training Academy.

17.4 A copy of the approved report shall then be forwarded to the Assistant Chief of the Administration Branch will review all motor vehicle pursuits and shall identify any additions, deletions or modifications warranted in motor vehicle pursuit training or departmental pursuit procedures.

17.5 Originals of all Pennsylvania Police Pursuit Reports shall be forwarded to the CRRU/Record Room. It shall be the responsibility of the CRRU/Record Room personnel to maintain a file of photocopied Pennsylvania Police Pursuit Reports. The CRRU/Record Room personnel shall forward all original Pennsylvania Police Pursuit Reports to the following address:

Pennsylvania State Police
Bureau of Research and Development
1800 Elmerton Avenue
Harrisburg, PA 17110
17.6 PBP Supervisors will complete the PBP Form # 40.5, “Vehicle Pursuit Review” (located in the Supervisor’s Tool Kit) at the conclusion of each pursuit.

Approved By:

Scott Schubert
Chief of Police
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.

2.3 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:

- Photographing the crime scene;
- Photographing victim injuries;
- Collection of physical evidence;
- Identification of weapons and firearms;
- Recording of spontaneous statements by the suspect or statements by the victim or witnesses;
- Obtaining a written and signed statement from the victim, if the victim is willing to provide one;
- Obtaining a Mirandized statement about the events from the suspect;
- 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.”

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 terrorist 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 (412)350-4714. (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 FPA 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

13.2 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 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 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
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 RESPONSIBILITIES 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 weapon 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 and is armed, the on-scene supervisor shall relieve the accused officer of his/her firearm.

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 weapons 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 and is armed, the on-scene supervisor may relieve the involved officer of his/her firearm, 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 DISTRIBUTION 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

11.1 Whenever an officer is arrested for a domestic violence related incident, the on-scene supervisor shall immediately initiate a Disciplinary Action Report (DAR) and forward the DAR to the involved officer’s duty location Commander for service on the officer. All related reports must be attached to the DAR.

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
14.2.1.9 The relationship of the victim to the involved officer
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
1.0 POLICY OR PURPOSE

1.1 The purpose of this policy is to provide guidelines for the effective and efficient response to interrupted/disconnected 9-1-1 calls received at the Emergency Operations Center. It will also distinguish the difference between a hang-up and interrupted 9-1-1 call for service.

2.0 DEFINITIONS

2.1 Hang-up Call- Any call to the 9-1-1 Emergency Operations Center that is disconnected prior to any information is conveyed to the call-taker from a caller, where the call-taker would not be able to determine whether or not an emergency response is required or necessary.

2.2 Interrupted Call- Any call to the 9-1-1 Emergency Operations Center where some form of communication is received by the call-taker to indicate that there is some sort of emergency response is required. There is an actual caller on the line and insufficient information is conveyed to the call taker to ascertain the nature of the call. These types of calls may include the call taker receiving partial information from the caller or hearing some sort of conversation and/or struggle and then the line disconnects. These calls are generally labeled by the Emergency Operations Center as “unknown trouble” calls.

3.0 RESPONSIBILITIES OF RESPONDING OFFICER(S)

3.1 Upon being dispatched to interrupted 9-1-1 calls for service, the responding officer(s) shall use the following as guidelines for gathering information about the call:

3.1.1 Any available identifying information pertaining to the caller:

3.1.1.1 Does the dispatcher know the name of the caller?
3.1.1.2 Is the call-taker able to ascertain if the caller is male or female, based on his/her voice?
3.1.1.3 Is the call-taker able to ascertain the age of the caller (child, adult)?

3.1.2 Origin of the call:

3.1.2.1 Did the caller provide the call-taker with an address?
3.1.2.2 Was the call made from a landline? If so, what is the address associated with that telephone number?
3.1.2.3 Was the call made from a cell phone? If yes, is the dispatcher able to provide any further information/address/location associated with that particular cell phone number/call?

3.1.3 Nature of the call

3.1.3.1 What did the call-taker hear?
3.1.3.2 Was the call-taker speaking with the caller when the line was interrupted/disconnected?
3.1.3.3 Did the call-taker hear some sort of struggle prior to disconnecting?
3.1.3.4 Any other pertinent information that the call-taker can provide.

3.1.4 Was a call back attempted?
3.1.4.1 If not, then the responding officer shall request a call back.
3.1.4.2 If so, then what was the result of the call back?

3.2 Upon arrival to the location of the call, the following shall serve as guidelines for an effective and thorough investigation of the call for service, in an attempt to locate the caller as described in Section 3.1.1:

3.2.1 Knock on the door of the structure in order to contact/observe the caller.
3.2.2 If there is no response, ask the dispatcher to do a callback. If the responding officer hears the phone ringing from within the structure, this can confirm that responding officer is at the correct location.
3.2.3 Walk around the structure, checking for anything unusual or indication of a struggle.
3.2.4 Attempt to contact neighbors to gather further information in an attempt to establish if the caller is within the structure.
3.2.5 Is there a vehicle at or near the structure that could indicate that the caller is inside of the structure? Or is there a vehicle at or near the structure that could indicate that someone other than the caller/resident is inside of the structure?
3.2.6 Any other reasonable attempts to make contact with the caller.

3.3 If the responding officer is unsuccessful in contacting/observing the caller, he/she shall advise a supervisor of his/her findings. At that time, it is the supervisor’s responsibility to determine whether a forced entry is justified or if the call shall be cleared.

Approved By:

[Signature]

Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 Pittsburgh Bureau of Police members are dispatched to the scene of a fire for the protection of life and property, to assist the Bureau of Fire, and to record the incident on a police report.

1.2 The purpose of this policy is to provide the member of the Pittsburgh Bureau of Police with proper guidelines and procedures when responding a fire incident.

2.0 ACTIONS OF FIRST OFFICER ON SCENE

2.1 The first responding officer shall immediately notify the Emergency Operations Center (EOC) of the fire, the address of the fire, and the type of fire, i.e., structure, brush, vehicle, dumpster, playground etc.

2.2 The first responding officer(s) will park the police vehicle in a manner that will not interfere with the entrance of firefighting equipment to the scene or with the fire-fighting operations of the Bureau of Fire.

2.3 Additionally, NO PBP vehicle shall be parked in front of a structure or other burning object, as this may block access of fire-fighting equipment.

2.4 First responding officer(s) may also, if necessary, warn and assist occupants in evacuation of a building and take any other actions required by the situation.

2.4.1 Officers shall consider all potential safety hazards before making a decision to enter a structure affected by a fire.

2.5 The first officer(s) vehicle may be deemed the initial police command post for the incident.

3.0 ACTIONS AND DUTIES OF SUPERVISORY PERSONNEL

3.1 The zone shift supervisor will respond to the scene of all fire calls and assume command.

3.2 The supervisor will locate the “Incident Command Post” established by the Bureau of Fire and will establish a “unified” command post in conjunction with fire officials to ensure coordination of efforts and exchange of information.

3.2.1 Note: Fire Bureau “Incident Command Posts” can be roving or mobile in nature.

3.3 The supervisor will establish police lines beyond the fire apparatus and hydrants. The supervisor will ensure that police vehicles are kept at a safe distance and out of the affected area.

3.4 The supervisor will ensure that a record of the events of the fire, as they occur, is initiated at the beginning of the fire and is maintained until the fire is out and the command post is secured.

3.5 When necessary, the supervisor will also ensure that a chain of custody record is fully and accurately maintained and reported, relating to the protection of fire scenes under investigation.
4.0 ACTIONS OF MEMBERS AT THE SCENE OF A FIRE

4.1 Police responsibilities at the scene of a fire include:

4.1.1 Containment of onlookers or sightseers behind established police lines.

4.1.2 Directing traffic away from the location of the fire and the established access control points for emergency equipment

4.1.2.1 When a PBP vehicle is used to block off a street, an officer will stay with the vehicle to ensure that the PBP vehicle does not impede the free access to the fire location by other emergency vehicles.

4.1.3 Ensure that no person hinders or obstructs a fire official in the performance of his or her duties

4.1.4 Ensure the protection of water supply lines/hoses of the Bureau of Fire by preventing all vehicles from driving over the lines as prohibited by PA law. NO PBP vehicle will be driven over a water supply line.

4.1.5 In some circumstances, assist in removing injured fire, police, and civilian personnel from the scene of the fire

4.1.6 Permit only authorized personnel to enter police lines. Authorized personnel would be limited to on-duty firefighters, on-duty EMS personnel, and on-duty police personnel actively investigating the fire.

4.1.7 Remain alert for possible evidence or suspicious persons that may be in the area of the fire scene.

5.0 RECORDING OF EVENTS/ REPORTS

5.1 Upon release from the fire, the designated report car shall initiate a police report describing the incident. In general, reporting officers shall not make any conclusions about the cause. All observations and evidence about the cause of the fire gathered by the officer at the scene will be included in the narrative section of the report. The following information shall be obtained and entered on every police report:

5.1.1 The date and time of the fire – The time of the fire is the time the Fire Bureau is dispatched by the EOC
5.1.2 The full street address of the fire
5.1.3 All available information identifying the owner of any property damaged due to the fire
5.1.4 All available information identifying any person injured in the course of the fire incident. If the injured person is an emergency responder, their respective duty location and immediate supervisor’s name will be listed in the report. If the injured person is transported to a medical center for treatment, the name of the medical center will be included in the report.
5.1.5 All available information for any person identified as a witness to the fire incident.
5.1.6 The observations of the first officer(s) on the scene – i.e. location, size, and color of flames or smoke
5.1.7 The extent of damages to property, as reported through the unified incident command
5.1.8 A list of any dangerous conditions resulting from the fire, as reported through the unified incident command
5.1.9 A complete listing of all Police, Fire, and EMS personnel and equipment on the scene
5.1.10 The name of any officer who is involved in the discovery and/or transport of evidence.

5.2 A police report for any structure fire will contain the above listed information and this additional information:

5.2.1 A description of the part of the structure where the fire occurred
5.2.2 A description of the type of structure and number of stories
5.2.3 All of the required information identifying the owner of the structure, to include any alternate address and telephone number
5.2.4 All of the required information identifying all of the occupants of the structure at the time of the incident

5.3 Reporting Fires (Rescinds COP #96-402, “Vehicle Fires”)

5.3.1 If the cause of any type fire is unknown, the report shall be titled, “Fire-[Type of] Fire”. Examples of different types of fires are structure, vehicle, playground, trash, or brush fires.
5.3.2 If an on-view arrest is made for Arson, the report shall be titled “Arson”.

5.3.2.1 If an on-view arrest is made, the reporting officer shall contact the Arson Unit and Major Crimes Supervisor through the Investigations Desk, prior to transport to the Allegheny County Jail so the arrestee is available to be interviewed by the Arson Unit.

6.0 ACTIVATING THE ARSON UNIT

6.1 Activation of the Arson Unit is done automatically by the EOC when any one of the three conditions exist:

6.1.1 When a second alarm is requested by the Fire Incident Commander.
6.1.2 A life-threatening injury has occurred as a result of the fire.
6.1.3 A death has occurred either as a result of the fire or to conceal another crime.

6.2 If the fire has not reached 2-alarm and police officers on the scene have reason to believe that the fire has been deliberately ignited, any police or fire supervisor on the scene may request that the Arson Unit be activated by contacting the EOC or the Investigations Desk.

6.3 The Arson Unit investigates all structure fires and may, depending on the circumstances, investigate a vehicle fire, trash fire, brush fire, or playground fire.

6.3.1 Circumstances that may activate the Arson Unit to a vehicle fire, trash fire, brush fire, or playground fire include, but are not limited to the following:

6.3.1.1 Whether a person sustained a life-threatening injury.
6.3.1.2 If the fire spread to a structure.
6.3.1.3 If the fire lead to other property damage.
6.3.1.4 If evidence needs to be collected.
6.3.1.5 If suspects were seen setting the fire by witnesses and/or victims.
6.3.1.6 If suspects were seen leaving the scene of the fire by witnesses and/or victims.

7.0 RESPONSE TO HIGH RISE FIRE INCIDENTS

7.1 In the event of a fire in a building that is six or 75 feet high, the Bureau if Fire will follow SOP 312.

7.2 A supervisor will meet the Fire supervisor at the designated Command Post to coordinate evacuation of the structure as well as the surrounding area.

7.3 A supervisor will remain available to assist with the Fire Command until released or relieved by another supervisor.

8.0 ACTIONS OF SUPERVISORS AFTER FIRE IS EXTINGUISHED

8.1 After the fire is extinguished, the supervisor shall, if necessary, place uniformed patrols at the scene to prevent looting, protect fire scenes under investigation, and/or to safeguard the public.

8.2 The supervisor will contact an on scene Arson Unit member to determine if a uniform unit is requested to remain with the Arson Unit as they investigate the fire scene.

8.3 If it is determined that there is no need to place uniformed patrols for the extinguished fire scene, the vehicles assigned to the fire will be released and report back in service to the EOC.

8.4 The supervisor shall ensure that all established posts are released and shall account for all personnel assigned to the fire.

9.0 CHANGES OF SHIFTS/ RELIEFS

9.1 In the event that a fire continues on to another shift, the supervisor shall not leave the scene until properly relieved and not until all members under his or her command have been accounted for and have been provided with a relief.

10.0 DISTRIBUTION OF REPORTS

10.1 For those incidents when the Arson Unit has responded to a fire scene, the shift supervisor will ensure that a copy
of the report is faxed to the Arson Unit office after he/she has approved the report.

10.2. The fire report will then be sent through the chain of command.
10.3. Copies of all fire reports, regardless of type of fire, will be sent to the Arson Unit Office.

Approved By:

Scott Schubert
Chief of Police
1.0 POLICY OR PURPOSE

1.1 The purpose of this policy is to provide officers with guidelines for handling sniper, hostage, and/or barricaded subject situations.

1.2 The Pittsburgh Bureau of Police recognizes and respects the inherently special value of each human life. The law recognizes, however, that police officers, in the performance of their duties, will encounter situations where it is necessary to use force in order to effect an arrest or otherwise protect the public welfare, or as a means of protecting themselves or others. All force that is used in sniper, hostage, or barricaded subject situations shall be utilized in accordance with Procedural Order # 12-10, Use of Force.

2.0 DEFINITIONS

2.1 Barricaded Subject – Any individual who is reasonably believed to be a threat to commit serious bodily injury and/or death to him/herself, hostages, officers, or bystanders; who is resisting arrest and is in a stronghold position.

2.2 Hostage – Any person held against his/her will by force or threat of force, whether expressed or implied.

2.3 Incident Commander – The individual responsible for the management of all incident operations at the incident site, to include the negotiations team, tactical command, and responding agencies.

2.4 Negotiations Operations Center- This is where the Primary and Secondary Negotiators will conduct the negotiations operations. It should, if possible, be situated in close proximity to the command post.

2.5 Primary Negotiator – The individual responsible for communicating with the subject and developing intelligence.

2.6 Secondary Negotiator (Coach) – The individual responsible for monitoring negotiations, providing strategy suggestions and relieving the primary negotiator, if necessary.

2.7 Tactical Commander – The individual responsible for the management of the Special Weapons and Tactics (SWAT) Team operations to include perimeter officers, counter-sniper elements, entry teams, and arrest teams. The Tactical Commander shall report directly to the Incident Commander.

2.8 Tactical Negotiations Team- An element of at least three trained negotiators who work together to communicate and negotiate with the suspect(s) in an attempt to resolve critical incidents.

3.0 DUTIES OF RESPONDING OFFICER

3.1 A responding police officer confronting sniper, hostage, or dangerous barricaded subject situations shall not initiate tactical action unless he/she reasonably believes that imminent death or serious bodily injury is likely if no immediate action is taken. Use of force shall be consistent with the Pittsburgh Bureau of Police Use of Force Policy (Procedural Order # 12-10, Use of Force).

3.2 The responding officer(s) shall immediately notify the shift supervisor of the incident.
3.3 Responding officers shall initiate efforts to contain and isolate the incident scene and suspect by establishing an inner perimeter in order to provide a reasonable degree of safety for vehicular and pedestrian traffic and to maintain surveillance on the suspect.

3.4 Responding officers shall advise Communications of potential hazards and inform responding units of safe routes.

3.5 The first officer on scene shall establish the Incident Command System and shall be considered the Incident Commander until properly relieved.

3.6 The ranking officer on scene shall request additional law enforcement resources (e.g. SWAT, hostage negotiators, perimeter security, additional units, etc.) as needed.

3.7 In accordance with SWAT and the Tactical Negotiations Team Standard Operating Guide/Procedures, both teams shall be jointly activated in sniper, hostage, and/or barricaded subject situations.

4.0 SUPERVISOR RESPONSIBILITIES

4.1 Immediately upon notification, a police supervisor shall respond to the incident scene and ensure that the following tasks are initiated:

4.1.1 Establish command and control of the incident.
4.1.2 Inform the appropriate Commander about the nature and circumstances surrounding the incident.
4.1.3 If feasible, consult with the Tactical Negotiations Team to determine whether a negotiable situation exists. If an incident presents a potentially negotiable situation, the supervisor shall summons three negotiators to the scene.
4.1.4 Ensure the establishment of an inner and outer perimeter, command post, staging areas, and tactical operations center.
4.1.5 Implement a personnel accountability system to include officers, post assignments, and duties.
4.1.6 Ensure that access control points (ACP’s) are established and report those locations to EOC.
4.1.7 Determine what resources are required for traffic control, evacuation, staging area security, perimeter security, emergency medical services, and fire response.
4.1.8 Maintain a chronological log of all details and actions taken.
4.1.9 Maintain command and control until specifically relieved by a superior or until the incident is resolved.

4.2 The supervisor shall continuously monitor the above activities until specifically relieved by a superior officer.

5.0 SWAT TEAM RESPONSE

5.1 The first SWAT operator on scene shall assume command and control of the tactical response until specifically relieved by a superior SWAT Team Leader. This includes establishing a tactical operations center.

5.2 The Tactical Commander shall assist the Incident Commander in assessing the situation and provide an alternative resolution, should negotiations fail. The Tactical Commander shall not become involved in the negotiation process.

5.3 The Tactical Commander shall ensure that the following tasks are completed:

5.3.1 When possible, all SWAT team members are provided with an incident briefing, logistical plans, and an entry team hierarchy.
5.3.2 A dedicated radio channel for SWAT is available.
5.3.3 A dedicated EMS unit is available for the SWAT team.
5.3.4 TAC Command will ensure communication and coordination with the Negotiations Operation Center (NOC).
5.3.5 TAC Command will ensure that tactical plans are coordinated with negotiations to include surrender operations, delivery of demands and tactical resolve.

6.0 NEGOTIATIONS

6.1 A responding police officer confronting sniper, hostage, and/or barricaded subject situations shall not initiate negotiations
unless he/she reasonably believes that imminent death or serious bodily injury is likely if immediate communication is not initiated.

6.2 A police officer who engages a suspect in conversation should do so from a position of cover. Face-to-face negotiations should be avoided, whenever reasonable.

6.3 If an officer has engaged a suspect in conversation, he/she shall provide a detailed briefing to the primary negotiator upon his/her arrival. The negotiator will determine if the responding officer should continue as the primary negotiator and will develop an appropriate negotiation plan.

6.4 The primary negotiator and a secondary negotiator (coach) will assume responsibility for facilitating crisis negotiations and will establish a negotiation operations center. Whenever appropriate, a third negotiator should be summoned to serve as coordinator and command post liaison. The Tactical Negotiations Team Leader will report directly to the Incident Commander, keeping him/her apprised of the status of the negotiations. This includes the formulation of plans for surrender, arrest, deliveries, etc.

6.5 The Tactical Negotiations Team (TNT) shall coordinate with the SWAT Team, whereby both TNT and SWAT will be jointly responsible for resolving the sniper, hostage, and/or barricaded subject situation.

7.0 POLICE – MEDIA RELATIONS

7.1 Sniper/hostage/dangerous barricaded subject scenes are crime scenes. Accordingly, unauthorized individuals; including media; are prohibited from entering the scene.

7.2 The Incident Commander should request that live broadcasts be limited to ensure the safety of the tactical team.

7.3 Members shall refer to Procedural Order # 65-1, Media Policy.

8.0 DEMOBILIZATION, DEBRIEFING, AND AFTER-ACTION REVIEW PROCEDURES

8.1 The scene shall continuously be monitored by the Incident Commander to determine the need to add or eliminate resources. Consideration should be given to the potential resources that may be needed for unrelated emergency situations. All officers will remain at their posts or assignments until specifically relieved by a supervisor.

8.2 Following the incident, a supervisor from each division will conduct an inventory of his/her personnel to ensure that all are accounted for; all equipment issued is accounted for’ and to identify any special needs and provide officers with access to support services, if deemed necessary.

8.3 As soon as is practical for a sniper, hostage, and/or dangerous barricaded subject incident, the Incident Commander shall convene a SWAT incident review and forward any recommendations to the Chiefs.

8.4 The Chief of Police, or his/her designee, will review the after-action report with the appropriate Command Staff personnel to determine and discuss any lessons learned from the incident, and to determine if any changes in training or policy procedures are in order.

8.5 The after action report, as described in Section 8.4, will not be prepared in those instances when a Critical Incident Review Board is convened.

Approved By:

__________________________
Cameron McLay
Chief of Police
1.0 PURPOSE/POLICY

1.1 PURPOSE
Juveniles require unique considerations pursuant to State law. The purpose of this general order is to provide procedures regarding the custody of delinquent or dependent juveniles.

1.2 POLICY
It is the policy of the Pittsburgh Bureau of Police to abide by the provisions of this general order and the laws of the Commonwealth of Pennsylvania.

2.0 DEFINITIONS
Refer to General Order #12-4, “Glossary of Terms” for definitions on the following terms: Juvenile/Child, Dependent Child, Delinquent Child, Delinquent Act, Status Offender, Secure Custody, Non Secure Custody, Other Custodian.

3.0 CONSTITUTIONAL RIGHTS OF JUVENILES

3.1 Juveniles shall be afforded the same constitutional rights as adult offenders. These rights include, but are not limited to:

3.1.1 Miranda Warnings
3.1.2 Rights against self-incrimination
3.1.3 Conviction only upon proof of a delinquent act beyond a reasonable doubt.
3.1.4 Valid out of court confessions when the child is under 18 years of age is insufficient to support adjudication of delinquency unless it is corroborated by other evidence.
3.1.5 Rights to an attorney

3.2 Police Interrogation of Juveniles

3.2.1 Generally, before engaging in an interrogation of a child which is intended to elicit an incriminating statement, the juvenile and his parents, or other adult primarily interested in the welfare of the juvenile should be informed of his Miranda Warnings and they should be given time to consult with the juvenile in regard to these warnings.

3.2.2 Generally, unless such constitutional warnings are given and these rights are waived by the child after consultation with an interested adult, no statement or admission can be used against him/her in an adversary proceeding.

3.2.3 However, there is no presumption that a juvenile is incompetent to waive his Miranda rights without first having an opportunity to consult with an interested and informed adult. However, acquiring the presence of an interested adult is clearly preferable.
3.2.4 Determination of whether a juvenile knowingly waived his Miranda rights and made a voluntary confession is to be based on a consideration of the totality of the circumstances, including consideration of the juvenile's age, experience, comprehension, intelligence, background, capacities, prior criminal record and the presence or absence of an interested adult.

4.0 TAKING INTO CUSTODY (42 Pa C.S. 6324)

4.1 A child may be taken into custody:

4.1.1 Pursuant to an order of the court under this chapter.
4.1.2 Pursuant to the laws of arrest.
4.1.3 By a law enforcement officer if there are reasonable grounds to believe that the child is suffering from illness or is in imminent danger from his surroundings, and that his/her removal is necessary.
4.1.4 By a law enforcement officer if there are reasonable grounds to believe that the child has run away from his/her parents, legal guardian or other custodian.
4.1.5 By a law enforcement officer if there are reasonable grounds to believe that the child has violated conditions of his/her probation.

4.2 Juveniles who have committed a summary offense

4.2.1 The Juvenile Act of 2005 excludes summary offenses from the jurisdiction of the Juvenile Court. Under the Act, a summary offense is not a delinquent act. It only becomes a delinquent act, and thus within the jurisdiction of the juvenile court, when the juvenile fails to pay the fine levied against him/her upon a finding of guilt.

4.2.2 Summary offenses should be handled through the summary citation process, except for curfew violations. (Refer to PBP General Order #40-6, “Arrest Procedures for Violation of City of Pittsburgh Curfew Ordinance”)

4.2.3 Members of the Bureau of Police, when circumstances warrant, shall issue a standard traffic citation to juveniles who have violated provisions of the Pennsylvania Vehicle Code or City traffic and parking ordinances. The citation shall be prepared, issued and adjudicated in the same manner as for adults.

4.3 Juveniles who have committed a delinquent act

4.3.1 Because a delinquent act is a broad term covering both minor and serious offenses, police personnel have, and must exercise, discretion in deciding what course of action to take at that time. Permissible courses of action are:

4.3.1.1 Warn and release the juvenile (curbside warning). A curbside warning may be given to the juvenile by the officers on the scene and is to be used for minor offenses when the police officer believes it to be appropriate.
4.3.1.2 Warn and release the juvenile to his or his/her parents, legal caregiver or other custodian.
4.3.1.3 Prosecute the juvenile by referral to Juvenile Court and release the juvenile to his/her parents, legal guardian, or other custodian.
4.3.1.4 Detention of juvenile at Shuman Center.

4.4 Misdemeanor and Felony Cases

4.4.1 A referral case is one in which the police officer has decided that prosecution is necessary. The prosecution is initiated by sending the reports to Juvenile Court and releasing the juvenile to his/her parents or guardian.

4.5 Guidelines for Remedial Arrests (also called referrals or paper arrests)

4.5.1 Parent, Guardian or Custodian of the juvenile has agreed to assure the juvenile's appearance at Juvenile Court.
4.5.2 Parent, Guardian or other Custodian has the ability to control the child and he/she does not pose a threat to abscond.

4.5.3 A “Remedial” arrest of a juvenile can only occur for a charge that constitutes a misdemeanor or felony that did not occur in the presence of the officer. For all other misdemeanor and felony offenses, officers will follow the current procedure for processing juvenile arrests.

4.5.4 Approval for all remedial arrests will be at the discretion of the District Attorney.

4.6 Paperwork required for Remedial Arrests

4.6.1 If the juvenile has committed an offense that constitutes an M-3 or higher, the arresting officer shall first contact Shuman Center (regardless if it is a remedial arrest or a physical arrest) to determine if an attachment exists for the juvenile. The officer shall then complete the following paperwork:

4.6.1.1 Offense/Incident Report (PBP Form #2.0) No juvenile names, addresses or personal identifiers should appear anywhere on PBP Form #2.0.
4.6.1.2 Investigative Report (PBP Form #3.0)
4.6.1.3 Arrest Report (PBP Form #6.0)
4.6.1.4 The arresting officer will check “Juvenile” in the “Arrestee” block of the arrest report.
4.6.1.5 The arresting officer will also check “Remedial” in the type block of the arrest report.
4.6.1.6 The arresting officer will write the word “Juvenile” in the OTN block of the arrest report.
4.6.1.7 Juvenile Court Allegation Form: Police referrals will not be accepted without the “Juvenile Allegation form”.
4.6.1.8 The arresting officer will bring all paperwork related to the remedial arrest to the CRRU/Warrant Office where the “R” arrest number will be assigned.

4.7 The juvenile shall be taken to the appropriate duty location where he/she shall be detained pending completion of the arrest paperwork. (Refer to General Order #43-10.3 “Juvenile Policy-Legal Mandates Regarding Juvenile Custody and Detention”).

4.8 For fingerprinting and photographing of a juvenile refer to General Order #43.10.2 “Juvenile Policy Mandates Regarding Juvenile Records, Photographs and Files”.

4.9 If a juvenile is to be transported to Shuman Center and is to be remanded to their custody, the member transporting the juvenile to Shuman Center shall remain with the juvenile until he/she is in the care and custody of the detention officer and they receive a receipt for the juvenile. Each juvenile taken to Shuman Center must be accompanied by the proper reports.

4.9.1 When a juvenile is released to Shuman Center, the transporting officer must obtain a receipt (a.k.a. body receipt).
4.9.2 The receipt must be kept in the case file.

5.0 ARREST AND TRANSPORTATION OF JUVENILES

5.1 Generally, members of the Bureau of Police shall employ the same procedures governing the use of force, search of detainee/prisoner, use of restraints and transportation protocol in place for adult prisoners.

5.2 The use of seatbelts is required on all prisoners. If an officer is unable to secure a prisoner (size, being combative, etc.) then the transporting Officer shall notify communication with this information prior to transport. This information is also required to be documented in the officer’s report. If a transport unit was used then the officers providing the transport are required to notify the arresting officer to document the reason why a seatbelt was unable to be used.

5.3 ALL juveniles must be transported in a vehicle equipped with functioning seatbelts.

5.3.1 All children under the age of four (4) years old will be secured in a child passenger restraint system (Car Seat) during transport. Children must be transported in a car/suv.
5.3.2 All juveniles four (4) years old and older, but under eight (8) years of age, will be secured in a child booster seat during transport. Children must be transported in a car/suv.

5.3.3 All juveniles under the age of eighteen (18) and over the age of eight (8) will be secured in a properly adjusted and fastened safety seat belt system during transport. Juveniles may be transported in a PBP wagon if it is equipped with functioning seatbelts. Supervisors may use their discretion regarding the use of wagons to transport juveniles (i.e., age of juvenile, size of juvenile, level of combativeness, etc.).

This order complies with the Pa Motor Vehicle Code: Chapter 45: Other Required Equipment § 4581. Restraint systems.

5.2 The transporting officer(s) must notify the dispatcher by radio when leaving any on-scene or PBP duty location. The officer will advise the dispatcher of the age and sex of the child(ren) being transported. The transporting officer shall give his/her vehicle mileage and obtain a time check. This information is to be documented on the transporting officer(s) daily activity report (run sheet).

5.3 Upon arrival at destination, the transporting officer(s) shall notify the dispatcher of their arrival and must give his/her vehicle mileage and obtain a time check.

6.0 ACCEPTANCE OF JUVENILE DEFENDANTS TO THE ALLEGHENY COUNTY JAIL (ACT 33)

6.1 Juvenile suspects brought to the Allegheny County Jail for confinement will not be accepted without one of the following conditions:

6.1.1 Act 33 charges being presented by the arresting agency upon entrance to the Allegheny County Jail.
6.1.2 A court order signed by a judge of the Court of Common Pleas directing placement into the Jail.
6.1.3 No juvenile will be accepted into the Allegheny County Jail on the condition that the arresting agency will lodge adult charges at a later time.
6.1.4 When a juvenile is being criminally charged in accordance with Act 33, the member will complete all paperwork required in an adult arrest. The juvenile will be processed through the Warrant Office/CRRU as an adult arrest.

7.0 RE-FILING CRIMINAL ALLEGATIONS IN JUVENILE CASES

7.1 The case constable should first discuss the decision to resubmit Juvenile Allegations with the Allegheny County Juvenile Probation Officer assigned to the case. If the Juvenile Probation Officer agrees with the decision, the case constable will be directed to complete a new “Juvenile Court Allegation Form”. The Juvenile Probation Officer will generate a juvenile petition and submit it to Juvenile Court.

7.1.1 The case constable will exchange current contact information with the Probation Officer for necessary follow up. The officer will receive their court date by subpoena.

7.1.2 When the Probation Officer disagrees with the re-filing of a “Juvenile Court Allegation Form”, the case constable may contact the Supervising District Attorney of Juvenile Court during daylight hours at 412-350-5941 to discuss the case.

7.1.3 The Supervising District Attorney of Juvenile Court will hear the officer’s explanation for re-filing a “Juvenile Court Allegation Form”. The Supervising District Attorney will make the final decision on whether the allegations against the juvenile can be re-filed with Juvenile Court.

7.1.4 If permission is granted by the Supervising District Attorney to re-file the allegations against the juvenile, the supervising District Attorney will give the case constable direction, at that time, on all necessary paperwork needed to proceed with the case.

8.0 PROCEDURE FOR PARENT, LEGAL GUARDIAN OR CUSTODIAN NOTIFICATION

8.1 In those situations where parent/guardian notification is required the following procedure will be followed:
8.1.1 Upon entering a PBP duty location, the immediate supervisor will be notified of the juvenile’s presence.

8.1.2 The detaining officer will begin the parent, legal guardian or other custodian notification process by telephone if the phone number is known.

8.1.3 If telephone contact is not possible, all reasonable attempts to contact or locate the parent, legal guardian or other custodian must be made by the detaining officer. If the juvenile’s residence or known location of the juvenile’s parent/guardian is outside the detaining officer’s zone, the detaining officer will contact the appropriate immediate supervisor of the zone where the location is found to request assistance with the notification. The patrol unit sent to the location will make a personal notification of the status of the juvenile and:

8.1.3.1 Confirm a telephone number for the parent, guardian or other custodian to be immediately relayed to the detaining officers.

8.1.3.2 Document the time and location of notification with the full name, address and telephone number of the person contacted.

8.1.4 If the location of the juvenile’s residence or place known where a parent/guardian can be found is outside the City of Pittsburgh, the detaining officer will follow through with the parent, guardian or other custodian notification by contacting the appropriate outside police agency and requesting a patrol unit be sent to the location to make a personal notification.

8.1.5 If no contact is made with a parent, legal guardian or other custodian after reasonable attempts to do so, the detaining officer may notify Allegheny County Children Youth and Families (CYF) and file a complaint. The officer will document in the investigative report the name of the CYF representative, case referral number and all directives or special instructions to be carried out by the detaining officer.

9.0 PROCEDURE FOR RELEASE OF JUVENILE TO PARENT, GUARDIAN OR OTHER CUSTODIAN

9.1 When the parent or guardian or other custodian is notified, he/she shall be informed of the circumstances of the apprehension and the eventual disposition of the case.

9.2 When practical, the juvenile shall be transported to his/her residence by the detaining officer without taking him/her to the duty location.

9.3 When not practical or when there is a group, the detaining officers shall take the juvenile(s) to the duty location for release to his/her parents, guardian or other custodian.

9.4 If the release cannot be accomplished, the Allegheny County Children, Youth and Families (CYF) should be consulted for assistance.

9.5 The paperwork will then be processed and distributed as follows by the CRRU/Warrant Office:

9.5.1 Originals to the CRRU/Record Room.
9.5.2 One copy of arrest report only to Juvenile Court Liaison.
9.5.3 One copy to the arresting officer for the respective duty location.

10.0 PHYSICAL ARREST OR INVESTIGATION OF A JUVENILE WITHIN SCHOOLS

10.1 Physical arrest or investigation of a juvenile within a school shall be conducted only when absolutely necessary. However, when it is imperative for such an investigation or arrest, the following procedures shall be occur:

10.1.1 Contact the Pittsburgh Public School Police dispatch at (412)622-3520. When possible, request a Pittsburgh Public School Police Officer to assist you prior to entering the school.
10.1.2 The Pittsburgh Public School Police Officer will assist you with notifying the appropriate school official and parent/guardian or custodian when necessary.

10.1.3 If you are serving an arrest warrant on a student, follow the normal arrest protocol. In non-emergency situations, permit the Pittsburgh Public School Police and appropriate school official to create the environment to take the student into physical custody (Principal’s Office, Counselor Office, private stairway, etc.). Once the juvenile has been removed from the building, every reasonable attempt to contact a parent/guardian or custodian must be made to inform them of the arrest. Include the date, time, name of person(s) you notified in your investigation/arrest report.

10.1.4 If you are serving an arrest warrant on a school staff member, reasonable attempts must be made to make the physical arrest outside the presence of students and staff. When possible, permit the Pittsburgh Public School Police and/or appropriate school official to assist you with creating the environment for the physical arrest. They will offer the proper protocol, ensure privacy from student and staff and recommend exits from the school building to minimize exposure and detection by students.

10.2 In emergency situations, where the commission of a criminal offense has been witnessed by a PBP officer, the officer has a duty and a legal right to take direct and unhindered action in school in such a situation where they are engaged in HOT PURSUIT. The Principal and Pittsburgh Public School Police shall be notified of the action as soon as possible.

10.2.1 Generally, no member shall make an arrest in the classroom, except, in HOT PURSUIT or ARREST ON VIEW or at the request of the Principal or Pittsburgh Public School Police.

11.0 REMOVAL OF A JUVENILE FROM A CORRECTIONAL INSTITUTION FOR INVESTIGATION

11.1 When it is necessary to remove a juvenile committed to a correction institution by Allegheny County Juvenile Court for the purpose of interviews or investigation, a request shall initially be made to the Chief Probation Officer of Juvenile Court or his staff. The Chief Probation Officer shall assume the responsibility of notifying the institution involved and shall notify the Bureau of Police when clearance has been made.

11.2 When the juvenile is being detained at Shuman Center and an officer wants to have him/her removed for investigation, the officer should contact the juvenile's probation officer who will arrange the release of the juvenile for this purpose.

12.0 MISSING AND RUNAWAY JUVENILES

12.1 For Missing and runaway Juveniles refer to General Order #43-2 “Missing Person Investigations.”

13.0 DEPENDANT JUVENILES

13.1 Officers who have reason to believe a juvenile is sick, injured or under the influence of drugs, alcohol or some other intoxicant shall deliver the juvenile to the nearest hospital and:

13.1.1 Notify the parent, guardian or other custodian.

13.1.2 All dependent and neglected children who have been taken into custody by the Bureau of Police because they have been deserted by their parents or their parents have been arrested and when there is no one to care for them shall be taken to the zone station where the incident occurred and a police report shall be initiated and completed. The narrative section of this report shall describe the reason and circumstances. Describe the condition of the home, the number of children, ages, sex, names and addresses of close relative. If a child has been abused he/she shall be taken to a hospital first.

13.1.3 Dependent and neglected children shall be conveyed to the appropriate shelter or hospital. Children Youth and Families of Allegheny County must be contacted by phone prior to transporting the child.
13.1.4 When notified to attend a Juvenile Dependency Petition hearing, officers are to take a court card with them and have a Hearing Officer or clerical staff sign the card verifying attendance. Officer will complete the court card and submit it at their duty locations.

Approved by:

_______________________
Cameron McLay
Chief of Police
1.0 POLICY/PURPOSE

1.1 The purpose of this policy is to provide officers with guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible, and to establish guidelines for the appropriate conduct of such searches.

1.2 The Pittsburgh Bureau of Police recognizes that the use of strip searches and body cavity searches may, under certain conditions, be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interest of this agency's prisoner detention and holding facilities. Recognizing the intrusiveness that these searches may impose on individual privacy, however, it is the policy of the Pittsburgh Bureau of Police that such searches shall be conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines for conducting such searches as set forth in this policy.

1.3 Nothing in this policy shall preclude an officer from immediately recovering a weapon if the officer can articulate that any delay would cause imminent danger to the safety of the officer or others.

2.0 DEFINITIONS

2.1 **Strip Search** - Any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of genitals, anus, breasts, buttocks or under-garments.

2.2 **Body Cavity Search** - Any search, excluding the mouth, involving the visual inspection or the internal physical examination of body cavities or organs such as the stomach cavity.

2.3 **Supervisor** - Any management or non-management police officer with oversight responsibility for other officers including sergeants, lieutenants and other officers with similar responsibilities. To be considered a supervisor for the purposes of this policy, an officer must hold the Civil Service rank of Sergeant or above.

2.4 **Senior Supervisor** - Any management or non-management police officer with oversight responsibility for other officers including commanders, assistant chiefs, deputy chiefs, the Chief and other officers with similar responsibilities.

3.0 STRIP SEARCHES

3.1 Any strip search conducted must be done with the explicit approval of a supervisor or senior supervisor.

3.2 Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the officer has probable cause to believe that the individual is concealing contraband, weapons or other evidence of a crime, OR articulable reasonable suspicion that the person is concealing a weapon or contraband AND that the weapon or contraband poses an imminent threat to the suspect, the officers, or the general public.

3.3 A strip search may be conducted when the individual to be searched gives consent to the search by any means acceptable by law.
3.4 Field strip searches of prisoners shall be conducted only under exigent circumstances where the life of officers or others may be placed at risk, and only in privacy with the explicit approval of a supervisor or senior supervisor.

3.5 When authorized by a supervisor or senior supervisor, strip searches may be conducted only as follows:

- In conformance with approved hygienic procedures and professional practices.
- Excluding field searches authorized by this policy, in a room specifically authorized for this purpose.
- By the fewest number of officers necessary and only by those of the same sex as the person being searched.
- Field strip searches shall be conducted under conditions that provide privacy from all but those authorized to conduct the search, and in an area isolated from others.
- The individual shall not be required to remain unclothed any longer than is absolutely necessary.

4.0 BODY CAVITY SEARCHES

4.1 Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the suspect is concealing a weapon, evidence of a crime or contraband within a body cavity, the following procedures shall be followed:

4.1.1 The suspect shall be kept under constant visual surveillance until a body cavity search is conducted or an alternative course of action taken.

4.1.2 The officer shall consult with his/her immediate supervisor to determine whether probable cause exists to seek a search warrant. The officer shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and/or poses a threat to the safety of officers or others and/or the security of the department’s detention operations.

4.1.3 If probable cause exists for a body cavity search, an affidavit for a search warrant shall be prepared that clearly defines the nature of the alleged offenses and the basis for the officer’s probable cause.

4.1.4 On the basis of a search warrant, only an authorized physician, or medically trained personnel operating at the physician’s direction, shall perform a body cavity search.

4.2 Under no circumstances will a Pittsburgh police officer conduct a body cavity search.

4.3 For safety and security reasons, the search shall be conducted at a hospital or the Allegheny County Jail in the room designated for such searches.

4.4 Body cavity searches shall be performed with due recognition of privacy, and with all hygienic concerns previously addressed in this policy.

5.0 REPORTING PROCEDURES

5.1 All strip searches, field strip searches and body cavity searches will require the completion of the appropriate sections of the “Field Contact/Search/Seizure Report” (PBP Form #5). It will be the responsibility of the supervisor or senior supervisor who authorizes these searches to insure the proper reports are completed and submitted by the end of the tour of duty.

Approved By:

Regina McDonald
Acting Chief of Police
1.0 POLICY OR PURPOSE

1.1. The purpose of this policy is to provide officers with guidelines for all warrantless searches and seizures conducted in association with mere encounters, investigatory stops of individuals or motor vehicles, arrests or custodial detentions of individuals or searches of structures and crime scenes. In addition, the following guidelines set forth the procedures for the proper documentation of these searches and seizures.

1.2. The Fourth Amendment to the United States Constitution has been interpreted by the United States Supreme to require that, whenever possible and practicable, with certain limited exceptions, a police officer should always obtain a valid search warrant prior to initiating a search.

2.0 DEFINITIONS

2.1. **Exigent Circumstances** - Information obtained in such a way that it was unforeseen and which requires immediate action. Frequently, the term relates to an unforeseen series of events which produce probable cause that evidence of a crime is located in a specific place, and there is not enough time to obtain a search warrant before the evidence will be moved and/or destroyed, and may never again be located by the police. Exigent circumstances, coupled with probable cause, will support a warrantless search.

2.2. **Field Contact Interview** - Contact by an officer with a citizen for the purpose of conducting an investigative stop/detention. Its purpose is to gather information to confirm or dispel the officer's suspicion as soon as possible.

2.3. **Investigative Stop/Detention** - A brief stop and/or detention of a citizen, whether on foot or in a vehicle, based upon articulable facts that lead an officer to reasonably suspect that the citizen is, has been or is about to engage in criminal activity i.e., reasonable suspicion. Its purpose is to confirm or dispel the officer's suspicions as quickly as possible.

2.4. **Mere Encounter** - A request for information by an officer to a citizen. It need not be supported by any level of suspicion or probable cause, but it also carries with it no official compulsion for the citizen to stop or respond to the officer's inquiries.

2.5. **Motor Vehicle** - A vehicle that is self-propelled, including but not limited to automobiles, trucks, trailers, motorcycles or recreational vehicles. It does not include any vehicle that has been immobilized in one location for use as a temporary or permanent residence or storage facility or which would otherwise be classified by law as a residence or a building.

2.6. **Motor Vehicle Search** – An examination of all or a portion of a motor vehicle with an investigatory motive, namely, looking for contraband, fruits, instrumentalities or evidence of criminal activity.

2.7. **Probable Cause to Arrest** – It exists if the facts and circumstances known to the officer at the time of arrest, and of which the officer has reasonably trustworthy information, are sufficient to warrant an officer of reasonable caution in the belief that the suspect has committed, or is committing a crime.

2.8. **Probable Cause to Issue a Search Warrant** - It exists if the facts and circumstances known to the officer and of which the officer has reasonably trustworthy information to warrant an officer of reasonable caution in the belief that the items sought are connected with criminal activity and will likely be found in the place to be searched. Such

probable cause must be set forth in an affidavit and presented to a neutral and detached judicial officer for review in determining whether to issue a search warrant.

2.9. **Probable Cause to Make a Warrantless Search** – It exists if the facts and circumstances known to the officer and of which the officer has reasonably trustworthy information to warrant an officer of reasonable caution in the belief that the items sought are connected with criminal activity and will likely be found in the place to be searched. A warrantless search may only be performed if there is some exception to the general requirement that all searches are to be conducted pursuant to a search warrant.

2.10. **Pat-Down Search** - A search limited to an external feeling of the outer garments of a citizen based upon reasonable suspicions that criminal activity may be afoot and that the person may be armed and presently dangerous. If a weapon is detected, the officer may reach into a pocket or under the garment and seize the weapon.

2.11. **Reasonable Suspicion** - A legal standard of proof that is less than probable cause but more than a hunch or feeling. It must be based on specific and articulate facts, taken together with rational inferences from those facts. Reasonable suspicion is evaluated using the "reasonable officer" standard, in which an officer in the same circumstances could reasonably believe a person has been, is, or is about to be engaged in criminal activity; it depends upon the totality of circumstances, and can result from a combination of particular facts, even if each is individually innocuous.

2.12 **The Fourth Amendment of the Constitution** - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2.13 **Authority to Consent** - In order for consent to be valid, it must be given by one possessing control over the area searched. Any officer initiating a consent search shall ensure the subject giving consent has ownership or other authority to consent to the area or item to be searched.

2.14 **Voluntariness of Consent** - Consent to search must be voluntarily given and not the result of duress, coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances. Officers shall ensure that consent searched are in fact voluntary and that the consent has been freely given prior to initiating any such search.

### 3.0 CONSENT TO SEARCH

3.1. Voluntariness of consent.

3.1.1. Consent to search must be voluntarily given and not the result of duress or coercion, express or implied. Voluntariness is a question of fact to be determined from all the circumstances. Officers shall ensure that consent searches are in fact voluntary and that consent has been freely given prior to initiating any such search.

3.2. An officer may search a person, vehicle, residence or other area or object without probable cause provided that he/she has obtained consent to search from a person authorized to grant such consent.

3.2.1. Any officer initiating a consent search shall ensure the subject giving consent has ownership or other authority to consent to the area or item to be searched, i.e., person in charge may not consent to the search of another person’s items if the other person is present.

3.2.2. A person has a right to limit the scope of a consent search.
3.2.3. Officers conducting consent searches shall ensure that the subject granting consent has extended that consent to the area and/or item(s) searched.

3.3. Consent must be clear, unequivocal and voluntary. Consent to search may be withdrawn at any time and officers must terminate the consent search immediately.

3.4. The right to conduct a consent search is only as broad as the consent itself. Consent may be limited to specific portions or containers within a premise, a vehicle or upon a person.

3.5. Consent searches of any type must be conducted with a minimum degree of intrusion, and must be completed within a reasonable length of time.

3.6. Written consent should be obtained whenever possible before conducting a consent search by requesting that the individual review and sign the “Consent to Search” in Section B of the “Field Contact/Search/Seizure Report” (PBP Form #5).

3.7. Any time an officer obtains consent to search, the officer must complete Sections A and B of the “Field Contact/Search/Seizure Report” (PBP Form #5).

3.7.1. If the consent search results in the seizure of property, the officer must also complete Section C of the “Field Contact/Search/Seizure Report” (PBP Form #5).

4.0 SEARCH AND SEIZURE CONSENT FORM

4.1. Prior to conducting a consent search of a person’s property officers should make every effort to have the person sign a Search and Seizure Consent form.

4.1.1. In cases where the consent form is not used, the officer shall provide a detailed explanation in the incident report as to the circumstances and the reasons for not using the form, as well as the facts surrounding the voluntariness of the consent.

5.0 PROCEDURE FOR CONDUCTING PAT-DOWN SEARCHES (Terry Stop)

5.1. Pat-down searches of suspects may be conducted for weapons only, and only under the following circumstances:

5.1.1. Where there is reasonable suspicion that the suspect is or may be engaged in criminal activity, and

5.1.2. Where there is reasonable suspicion that the suspect may be armed and presently dangerous.

5.2. Pat-down searches should be performed with due caution, restraint and sensitivity. Pat-down searches should be conducted in the following manner:

5.2.1. Whenever possible, pat-down searches should be performed by officers of the same gender.

5.2.2. Whenever possible, pat-down searches should be conducted by at least two officers; one should perform the search while the other provides protective cover.

5.2.3. When conducting a pat-down search, officers shall not place their hands inside a suspect's pockets unless the article feels like an object that could reasonably be a weapon such as a firearm, knife, club or other item. An officer may also reach into the pocket or clothing during the search for weapons if the officer detects an object that is not a weapon and it is immediately apparent to the officer that the item is contraband or evidence of a crime.

5.2.4. If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the officer should not open the item. Whenever possible, the officer should place it out
of the suspect’s reach.

5.2.5. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer shall retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer may make an arrest of the suspect and complete a full-custody search of the suspect.

5.3. Handcuffs

5.3.1. Officers may handcuff subjects prior to initiating a pat-down if the officer can justify that the handcuffing was necessary for officer safety. Any person being handcuffed for a pat-down shall be informed that they are being handcuffed for officer safety, they are not under arrest, and the handcuffs will be removed when the encounter is over or when officer safety is ensured.

5.4. Pat-downs can extend to the driver/passenger compartment of a vehicle, and officers may search the driver/passenger(s), if the officer reasonably believes that a suspect can gain access to a weapon.

5.5. If, after conducting a pat-down search of a subject, the officer determines probable cause exists to arrest the subject and the pat-down search results in the seizure of property from the subject, the officer must complete Sections A, B and C of the “Field Contact/Search/Seizure Report” (PBP Form #5), as well as all other required reports.

5.6. If, after conducting a pat-down search of a subject no probable cause exists to effect an arrest and no property is seized, the officer is not required to record the pat-down search. However, an officer may record any information obtained during the course of the pat-down search and encounter in Section A, “Field Contact Information” section of the Field Contact/Search/Seizure Report (PBP Form #5).

6.0 INVESTIGATIVE Stops AND WARRANTLESS SEARCHES OF MOTOR VEHICLES
(Refer to General Order 46-1 Interview and Interrogations Section 5.0 Mere Encounter, Section 6.0 Investigative Stops and 7.0 Custodial Detention).

6.1. An officer may only stop a motor vehicle under the following circumstances:

6.1.1. If there is reasonable suspicion to suspect that the vehicle or the driver is in violation of some provision of the Vehicle Code, or

6.1.2. If there is reasonable suspicion based upon articulable facts that the vehicle or occupants are, have been, or are about to engage in criminal activity, or

6.1.3. If probable cause otherwise exist.

6.2. Whenever feasible, a warrant must be obtained for the search of a motor vehicle.

6.3. Warrantless searches of motor vehicles may be conducted under the following circumstances:

6.3.1. With the consent of the operator or owner.

6.3.2. When the officer has probable cause to search a vehicle. Warrantless searches based upon probable cause may extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area of the vehicle. When police have prior knowledge about a vehicle, a search warrant must be obtained before searching it, if there is time to do so.

§ Commonwealth of Pennsylvania v Shiem- Accordingly, we adopt the federal automobile exception to the warrant requirement, which allows police officers to search a motor vehicle when there is probable cause to do so and does not require any exigency beyond the inherent mobility of a vehicle.
6.3.3. When necessary to examine the Vehicle Identification Number. Entries made to examine the Vehicle Identification Number must be limited to actions reasonably necessary to accomplish that goal.

6.3.4. Terry Stop rule. Officers may search the driver/passenger(s) compartment, if the officer reasonably believes that a suspect can gain access to a weapon.

6.4. In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought.

6.5. Locked containers such as attaché cases, suitcases and footlockers that are found during a vehicle search shall be secured and opened only with consent or after a search warrant has been obtained.

6.6. Whenever possible, the search of a motor vehicle and of containers found therein should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and/or conducted after the vehicle or container has been moved to another location. However, in all instances, searches shall be conducted as soon as is reasonably possible; that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all officers, citizens and property concerned.

6.7. Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.

6.8. After conducting any warrantless search of a motor vehicle, the officer must record the facts of the search by completing Sections A and B of the “Field Contact/Search/Seizure Report” (PBP Form #5).

6.8.1. If the warrantless search of the motor vehicle results in the seizure of any property, Section C of the “Field Contact/Search/Seizure Report” (PBP Form #5) must be completed.

7.0 INVENTORY OF VEHICLES

7.1. Officers shall conduct an inventory of a vehicle for the purposes of identifying valuables contained in a vehicle in police custody to assure the safekeeping of any such valuables.

7.2. Officers shall not conduct an inventory if the sole purpose in conducting the inventory is to find evidence of a crime.

7.2.1. An inventory cannot be done in order to circumvent the need for a search warrant.

7.2.2. If, during an inventory, evidence of a crime is discovered, the officer shall stop the inventory search and secure a search warrant prior to continuing the search.

7.3. An inventory will be conducted when the vehicle is being towed by PBP to the City auto pound. The purpose of this inventory is to note the condition of the vehicle and determine if there are any non-evidentiary, high value, or potentially dangerous items in the vehicle that should be secured at the Zone station.

7.4. If the inventory results in the seizure of property, the officer must also complete Section C of the “Field Contact/Search/Seizure Report” (PBP Form #5). A copy of this form must be placed in the vehicle.

7.5. Refer to General Order 41-4.03 Towing and Tow Pound Procedures and Inventories.

8.0 SEARCHES INVOLVING MOTOR VEHICLES THAT DO NOT REQUIRE REPORTING

8.1. Officers are not required to complete a PBP Form #5, “Field Contact/Search/Seizure Report” when searching stolen or abandoned vehicles.
8.2. Officers are not required to complete a PBP Form #5, “Field Contact/Search/Seizure Report” where invalid license plates, operator’s licenses and/or inspection stickers are seized.

9.0 SEARCHES INCIDENT TO ARREST

9.1. For the safety of the officer, a defendant shall be searched after he/she has been arrested pursuant to an arrest warrant or where a warrantless arrest, authorized by law, has been made based upon probable cause.

9.1.1. After a defendant has been arrested, an officer may thoroughly search the defendant to discover any weapons or evidence of criminal activity. The search is not limited to the person of the defendant, but may also extend to any area or object into which the defendant may reach to secure a weapon or item of destructible evidence.

9.1.2. When a person has been arrested based upon a warrant, probable cause or other legal authority, a search incident to that arrest may be made in accordance with the following:

9.1.2.1. **Person**
   The clothing worn by the person and any bags or packages they may be in possession of at the time and place of arrest.
   Multiple searches of the person are permitted under this exception as custody is passed from officer to officer or passed to the next receiving facility.

9.1.2.2. **Vehicle**
   A cursory search under vehicle seats, or within area of the interior where the person could reach and retrieve a weapon, when the person was arrested from a vehicle and the vehicle involved has not yet been fully secured.

9.2. Officers are not required to complete a PBP Form #5, “Field Contact/Search/Seizure Report” for searches incident to (or following) an arrest.

9.2.1. However, if an officer conducts any search of a subject prior to arrest (other than a pat-down search that does not result in the seizure of evidence), and the officer determines probable cause exists to arrest the subject, the officer must complete Sections A, B, and/or C of the PBP Form #5, “Field Contact/Search/Seizure Report” as well as all other required reports.

9.2.2. Additionally, as per Section 5.3 of this policy, if an officer conducts a pat-down search of a subject and, as a result of the pat-down search, the officer determines probable cause exists to arrest the subject and the pat-down search results in the seizure of property from the subject, the officer must complete Sections A, B, and C of the PBP Form #5, “Field Contact/Search/Seizure Report” as well as all other required reports.

10.0 BUILDING SEARCHES

10.1. Generally, a search warrant is required under Article 1, Section 8 of the Pennsylvania Constitution and the 4th Amendment of the U.S. Constitution to search a building or a residence.

10.2. A warrantless search may be conducted if:
   10.1.1 Exigent circumstances exist.
   10.1.2 Consent to search has been authorized.
   10.1.3 The building constitutes public property.
   10.1.2 You have an arrest warrant for an individual and probable cause to believe that individual is currently located inside that building.

10.3. Searches of buildings or residences shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to owners, occupants and other persons involved. Where possible, damage to property in the course of the search should be avoided. Where unavoidable, such damage should be confined to
that reasonably necessary to carry out a safe and thorough search.

10.4. Any warrantless search of a building or residence must be recorded by completing Section B of the “Field Contact/Search/Seizure Report” (PBP Form #5) with the following exceptions.

10.4.1. Officers are not required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are dispatched to a private/public or abandoned building or residence in response to the following types of call as long as no evidence or contraband is seized:

10.4.1.1. When responding to a 9-1-1 Emergency Call for Service (e.g. open doors, burglary in progress, etc.)
10.4.1.2. When responding to an alarm that has been activated
10.4.1.3. When conducting a search at the request of the owner or occupant of a building or residence or
10.4.1.4. When conducting a “routine check” (applies to public or abandoned property)

10.5. However, any time a warrantless search of a building or residence results in the seizure of evidence, contraband or property (even in those instances excepted in Sections 10.4.1.1 – 10.4.1.4) officers will be required to complete Sections B and C of the “Field Contact/Search/Seizure Report” (PBP Form #5).

11.0 CRIME SCENE SEARCHES

11.1. Officers shall consider the following procedures when initiating a search at the scene of a crime.

11.2. Officers may conduct a warrantless entry of residences under the following conditions:

11.2.1. Consent by tenant or owner.

11.2.1.1. If there are co-owner/co tenants and one owner/tenant refuses consent this supersedes any consent granted by the other owner/tenant.

11.2.2. Probable cause.

11.2.2.1. To believe someone in the premises is armed and dangerous.
11.2.2.2. To believe someone’s life or personal safety is in danger.
11.2.2.3. To believe a serious crime is being committed in your presence and the likelihood the offender would escape if time is taken to get a warrant or that evidence of crime could be destroyed.

11.2.3. Hot Pursuit.

11.2.3.1. To apprehend a fleeing suspect and to perform a protective sweep to that apprehension.
11.2.3.2. Officers shall secure a search warrant in all cases where circumstances do not provide for exceptions to the warrant rule.

11.3. There is no crime scene exception to the search warrant requirement.

12.0 EXIGENT CIRCUMSTANCES

12.1. Officers shall consider the following factors when initiating a search under exigent circumstances, particularly where public safety is believed to be endangered.

12.1.1. Potential harm to the community if the item to be searched for is not found immediately.

12.1.2. If the place to be searched is movable and there is a potential that it could be moved prior to officers obtaining a search warrant. Movability alone IS NOT grounds for exigent circumstances.

12.1.3. Likelihood of the evidence being destroyed if a search is delayed.
12.2. A warrant is not needed when an officer can articulate a reasonable belief that evidence is in imminent danger of being removed or destroyed. Exigent circumstances may also exist where there is a continuing danger, or where officers have a reasonable belief that people are in need of assistance.

13.0 **ALL OTHER SEARCHES**

13.1. Officers *are not* required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” in circumstances where a subject has been arrested for DUI and is directed to submit to a chemical test of breath or blood within the context of a Section 3802 Motor Vehicle Code violation. In these instances, it will suffice to complete the “Observer Impairment Form.”

13.2. Officers *are not* required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are ordered to conduct routine and consistent searches of personal property during special events (e.g. searching coolers for alcohol prior to entry into public parks, etc.).

13.3. Officers *are not* required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are searching abandoned containers, e.g. lost/abandoned articles or containers.

13.4. Officers *are not* required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” for “confidential informants” who are searched prior to and following drug buys.

13.5. Officers *are not* required to complete a PBP Form #5 “Field Contact/Search/Seizure Report” where they are dispatched to secure or search a crime scene for the purpose of collecting and processing evidence, regardless of whether a seizure results.

14.0 **SEIZURE OF EVIDENCE**

14.1. Any evidentiary items discovered in the course of any search shall be collected, handled, packaged, marked, transported and stored in accordance with Section 36-1 “Evidence Procedures” of the Pittsburgh Bureau of Police Manual of Procedural Orders.

14.2. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner of the property seized.

14.2.1. The rules of criminal procedure *require* that an inventory be prepared, when feasible, in front of the person from whom the property was taken, or at least in front of a witness.

14.3. Police officers will adhere to all Commonwealth and Federal statutory and case law provisions in the course of searches and seizures.

15.0 **REPORTING OF WARRANTLESS SEARCHES AND SEIZURES**

15.1. Following is a table that may be used as reference outlining when the PBP Form #5 “Field Contact/Search/Seizure Report” should be completed according to the provisions set forth in this policy.

<table>
<thead>
<tr>
<th>TYPE OF WARRANTLESS SEARCH</th>
<th>PROPERTY SEIZED?</th>
<th>COMPLETE PBP FORM #5?</th>
<th>POLICY REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest: Search Incident to <em>(Following)</em></td>
<td>Yes</td>
<td>No</td>
<td>Section 9.2</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Arrest: Search Prior to (excluding pat-down)</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 9.2</td>
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<tr>
<td></td>
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<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Arrest: Seizure of breath or blood for DUI</td>
<td>Yes</td>
<td>No</td>
<td>Section 13.1</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Buildings/Residences: Owner/Occupant Request</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 10.4.1.3</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Buildings/Residences: Burglar Alarms</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 10.4.1.2</td>
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</tbody>
</table>
## SUBJECT:
"WARRANTLESS SEARCHES AND SEIZURES"

### ORDER NUMBER:
45-2

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<table>
<thead>
<tr>
<th>Buildings/Residences: Emergency 9-1-1 Response</th>
<th>Yes</th>
<th>Yes</th>
<th>Section 10.4.1.1</th>
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<tr>
<td>Buildings/Residences: Routine Check for Abandoned</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 10.4.1.4</td>
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<tr>
<td>Buildings: Routine Check of Public Building</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 10.1.1</td>
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</table>

<table>
<thead>
<tr>
<th>TYPE OF WARRANTLESS SEARCH</th>
<th>PROPERTY SEIZED?</th>
<th>COMPLETE PBP FORM #5?</th>
<th>POLICY REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidential Informants</td>
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<td>Yes</td>
<td>Section 13.4</td>
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<td></td>
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<tr>
<td>Consent Searches</td>
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<td>Yes</td>
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<tr>
<td></td>
<td>No</td>
<td>No</td>
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<td>Containers: Lost or Abandoned</td>
<td>Yes</td>
<td>No</td>
<td>Section 13.3</td>
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<tr>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Containers: Routine/Consistent Searches at Special Events</td>
<td>Yes</td>
<td>No</td>
<td>Section 13.2</td>
</tr>
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<td></td>
<td>No</td>
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<td>Containers: Within Motor Vehicle</td>
<td>Yes</td>
<td>Yes</td>
<td>Section 6.4</td>
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<tr>
<td></td>
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<td>Crime Scene for Collecting Evidence</td>
<td>Yes</td>
<td>No</td>
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<td></td>
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<td>Pat Downs for Weapons</td>
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<td>Special Events: Routine/Consistent Searches of Personal Property</td>
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<td>No</td>
<td>Section 13.2</td>
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<td></td>
<td>No</td>
<td>No</td>
<td></td>
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<tr>
<td>Strip Searches</td>
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<td>Yes</td>
<td>General Order 45-1</td>
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<tr>
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<td>Vehicles: Abandoned or Stolen Vehicles</td>
<td>Yes</td>
<td>No</td>
<td>Section 8.1</td>
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<tr>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Vehicles: Searches of Motor Vehicles</td>
<td>Yes</td>
<td>No</td>
<td>Section 6.3</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Vehicles: Seizure of Invalid License Plate, Registration Card or Operator License</td>
<td>Yes</td>
<td>No</td>
<td>Section 8.2</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

15.2. The following circumstances do not require the completion of the “Field Contact/Search/Seizure Report” (PBP Form #5), however, appropriate sections of the report may be completed at the discretion of the officer:

15.2.1. Information obtained during a mere encounter.

15.2.2. Information obtained during an investigatory stop/detention or field contact interview where no probable cause exists to arrest the subject.

15.2.3. Information obtained during a pat-down search where no probable cause exists to arrest the subject and no property has been seized.

15.3. Officers shall complete one PBP Form #5 “Field Contact/Search/Seizure Report” per person, place or item searched per incident.

15.3.1. Example, if there are multiple subjects searched in the course of a single incident, a separate PBP Form #5 will be completed for each subject by the reporting officer.

15.4. The PBP Form #5 will be completed by the initial reporting officer, and shall list the names and assigned numbers of all officers who participated or assisted in the search in the appropriate section.
15.4.1. In instances where a canine alert prompts the search of a subject, the canine and his handler will be listed as participating in the search.

15.4.2. In instances where a canine has been directed to “sniff” a person by the handler (which is considered to be a “search”), the handler will also complete a Form #5.

15.5. It is acceptable for the reporting officer to document the narrative pertaining to the specifics of the Field/Contact/Search/Seizure incident only once on an accompanying Offense/Incident Report. The officer should make the notation “See related Offense/Incident Report for Narrative” in the narrative section (Section E) of the Form #5.

15.5.1. The officer must be certain that the narrative contained in the Offense/Incident Report is thorough and complete and lists all the necessary information related to any search or seizure that may have occurred related to the incident including the extent to which all assisting officers participated in the search.

16.0 REVIEW POLICY

16.1. The Commander shall be responsible for conducting at least an initial review of all Field Contact/Search/Seizure Reports within seven (7) days of the date of the report, and shall note the date of initial review in the space provided on the Form #5.

16.2. When a Commander approves a PBP Form #5 “Field Contact/Search/Seizure Report” and determines that the warrantless search/seizure conducted in the incident was appropriate, the original shall be forwarded to the Assistant Chief of the Officer of Professional Standards Branch.

16.3. When a Commander has reason to believe that an OMI Investigation should be conducted into the circumstances surrounding the warrantless search/seizure, the Commander shall check the appropriate block. The original report shall then be forwarded to the Assistant Chief of the Officer of Professional Standards, and copies of the Field Contact/Search/Seizure report will be forwarded to OMI and to the Legal Advisor.

16.4. When a Commander has reason to believe that some other action might be necessary or appropriate (such as training, re-training or counseling), he/she shall check the appropriate block and shall attach a PBP Form #54, “Special Report” to the Field Contact/Search/Seizure Report.

16.4.1. This Special Report shall explain exactly what the “Other Action Recommended” might be.

16.4.2. The Special Report, accompanied by the Form #5, shall be submitted through the chain of command, and courtesy copied (cc'd) to the Legal Advisor.

16.5. The Legal Advisor shall review all Field Contact/Search/Seizure reports that have been deemed questionable through command staff review, and shall attempt to detect abnormal trends that may indicate the need for more/better training and/or supervision.

Approved By:

____________________
Scott Schubert
A/Chief of Police
1.0 PURPOSE

1.1 The purpose of this policy is to provide general regulations regarding the handling of prisoners or suspects.

2.0 POLICY

2.1 It is the policy of the Pittsburgh Bureau of Police to provide proper custodial care for all prisoners. Officers shall take any reasonable and necessary actions to ensure prisoners are kept safe and secure, cannot and do not escape, cannot and do not inflict injury or harm on anyone, and are transported to a medical facility in a timely manner, if required.

3.0 GENERAL REGULATIONS

3.1 A member or employee shall not subject any prisoner or suspect in custody to any unnecessary application of force.

3.2 A member or employee shall not communicate any information that may enable any prisoner or suspect to escape custody or conviction; dispose of stolen goods or give information detrimental to the Pittsburgh Bureau of Police.

3.3 No member or employee shall loan or give money or anything of value to prisoners or suspects in custody.

3.4 No member or employee shall release any prisoner or suspect in his charge without proper authority.

3.5 No member or employee shall allow any prisoner or suspect to escape custody through carelessness or neglect.

3.6 No member or employee shall allow any prisoner or suspect to escape custody through design.

3.7 Members shall not engage in enforcement activities while transporting prisoners unless failure to act would risk death or serious bodily injury to another. In non-life threatening yet serious situations, members should call for backup assistance and may remain on scene until such assistance has arrived. They must continue to monitor their prisoner as per this policy.

4.0 PRISONER SEARCHES

4.1 When an individual is arrested, the arresting officer shall thoroughly search that prisoner/suspect, to include his/her personal possessions, for any weapons, offensive articles or contraband prior to entering any Pittsburgh Bureau of Police vehicle or facility.

4.2 If an officer other than the arresting officer must transport the prisoner or suspect, the transporting officer shall complete an independent thorough search of the prisoner/suspect, to include his/her personal possessions, prior to entering a Pittsburgh Bureau of Police vehicle or facility.

5.0 STRIP SEARCHES AND BODY CAVITY SEARCHES (Refer to G.O. # 45.1, “Strip and Body Cavity Searches.”)
6.0 VEHICLE INSPECTIONS

6.1 At the beginning and end of each tour of duty, all vehicles shall be searched thoroughly for weapons, contraband and implement of escape.

6.2 The officer will inspect his/her vehicle at the beginning and end of his/her tour to ensure the following safety devices are present and functioning properly:
   6.2.1 The safety screen shall be securely in place and undamaged.
   6.2.2 All windows shall be intact and outer door handles/latches in proper working order.
   6.2.3 Rear-seat interior door handles and window controls shall be deactivated.
   6.2.4 The interior shall be inspected to ensure that there are no remaining body fluids or other contaminants in the vehicle. If contaminants are present, the vehicle will be cleaned pursuant to policy. *(Refer to City of Pittsburgh Infections Disease Control Program-Exposure Control Manual, July 2010 Revision.)*
   6.2.5 Prior to placing a prisoner in the vehicle for transport, the transporting officer shall inspect the interior for weapons, contraband or implements of escape. The vehicle shall be searched again immediately after the prisoner has been delivered to the Allegheny County Jail or next receiving agency.
   6.2.6 If weapons, contraband or implements of escape are located, it shall be immediately seized. The officer(s) shall immediately report the situation verbally to their supervisor. This information must be included in the PBP Form #3.0, “Investigative Report” or a PBP Form #8.11, “Supplemental Report”, whichever is appropriate.
   6.2.7 If a non-PBP vehicle, e.g., ambulances, other law enforcement agency vehicles, etc., is being used to transport a prisoner in police custody, the vehicle shall be searched for weapons, contraband or evidence prior to, and immediately after the transport. The search shall be limited to those areas immediately accessible to the prisoner. The officer shall obtain permission from the individual in charge of the vehicle, when feasible.

6.3 The following information shall be documented in every PBP Form #3.0 Investigative Report when a prisoner is/prisoners are transported to the Allegheny County Jail or any other facility/institution.
   6.3.1 A thorough search was conducted of the transporting vehicle at the beginning of the shift.
   6.3.2 A thorough search was conducted of the transporting vehicle at the beginning of the shift, prisoner(s), and
   6.3.3 A thorough search was conducted after transporting the prisoner(s).

6.4 If the search is not negative for weapons, contraband, and/or implements of escape, officers shall document the occurrence in the PBP Form #3.0, Investigative Report, or a PBP Form #8.11, Supplemental Report, whichever is appropriate.
   6.4.1 Any such PBP Form #3.0, Investigative Report, shall not be approved by a Supervisor unless it contains the above noted information.

7.0 DETENTION OF PRISONERS AT ZONE STATION OR INVESTIGATIONS BRANCH OFFICES

7.1 Prisoners shall not be unnecessarily detained at any PBP duty location and shall be transported to the Allegheny County Jail or next receiving agency as soon as possible.

8.0 CONVEYING OR TRANSPORTING OF PRISONERS TO OTHER FACILITIES

8.1 The transporting officer(s) should be aware of and follow the procedure at the different facilities they are entering with a prisoner. The facilities shall include, but are not limited to, state institutions, hospitals, mental health facilities, and county jails.
   8.1.1 The transporting officer(s) will at no time enter a secure area of a prison or other areas of a governmental facility, which are marked to prohibit weapons, as permitted by law, with his/her firearm or other restricted weapons. The officer(s) will strictly adhere to the securing, storage and safekeeping of all weapons
identified in that particular facilities standard operating procedures. The transporting officer(s) shall follow the policy of the District Justice or Judge when a prisoner has been transported to court.

8.1.2 The restraints will only be removed from the prisoner upon the instructions of the receiving officer or official designee at the next receiving facility. In the case of court transports, the restraints shall not be removed until ordered to do so by the court officer, district justice or judge.

8.1.3 The transporting officer(s) will be responsible to make sure all the necessary documentation is properly exchanged with regard to the transfer of the prisoner and delivered to the receiving officer/person.

8.1.4 Documentation of a prisoner transfer will be attached to a copy of the investigation report and will be kept on file at the duty location. In the case where a prisoner transfer receipt is not possible, the prisoner transfer will be documented in the last paragraph of PBP Form #3.0, “Investigative Report”.

8.1.5 The transporting officer(s) shall advise the receiving officer/person of any potential medical or security concerns, or hazards posed by the prisoner.

8.1.6 The following information shall be documented in every PBP Form #3.0, Investigative Report, when a prisoner is/prisoners are transported to and lodged in the Allegheny County Jail (ACJ).

8.1.6.1 Location of secure storage of all firearms and less lethal weapons,
8.1.6.2 Removal of prisoner’s restraining device(s) (handcuffs, shackles, etc.) prior to turning the prisoner over to ACJ Corrections Officers,
8.1.6.3 Transfer of custody to ACJ Corrections Officer, and
8.1.6.4 Advising ACJ personnel of any potential medical and/or security concerns and/or hazards posed by prisoner.
8.1.6.5 Any such PBP Form #3.0, Investigative Report, shall not be approved by a Supervisor unless it contains the above noted information.

8.2 Generally, all transports of prisoners shall be made in a patrol vehicle equipped with a cage/safety screen or in a patrol wagon/van.

8.3 The use of seatbelts is required on all prisoners. If an officer is unable to secure a prisoner (size, being combative, etc.) then the transporting Officer shall notify communication with this information prior to transport. This information is also required to be documented in the officer’s report. If a transport unit was used then the officers providing the transport are required to notify the arresting officer to document the reason why a seatbelt was unable to be used.

8.4 ALL juveniles must be transported in a vehicle equipped with functioning seatbelts.

8.4.1 All children under the age of four (4) years old will be secured in a child passenger restraint system (Car Seat) during transport. Children must be transported in a car/suv.
8.4.2 All juveniles four (4) years old and older, but under eight (8) years of age, will be secured in a child booster seat during transport. Children must be transported in a car/suv.
8.4.3 All juveniles under the age of eighteen (18) and over the age of eight (8) will be secured in a properly adjusted and fastened safety seat belt system during transport. Juveniles may be transported in a PBP wagon if it is equipped with functioning seatbelts. Supervisors may use their discretion regarding the use of wagons to transport juveniles (i.e., age of juvenile, size of juvenile, level of combativeness, etc.).

*This order complies with the Pa Motor Vehicle Code: Section 45: Other Required Equipment § 4581. Restraint systems.*

8.5 Whenever it is necessary for a member to transport prisoners in a PBP police-vehicle not equipped with a cage/safety screen, there must be two officers present in the vehicle. One officer shall drive and one officer shall sit in the back directly behind the driver. The prisoner shall sit in the back to the right of the driver.

8.6 Whenever a person is placed in a Bureau of Police vehicle, the officer(s) assigned to that vehicle, or the officer(s) who placed the person in the vehicle, shall maintain a watch of the person.
8.6.1 It will be the responsibility of the officer(s) assigned to that vehicle, or the officer(s) who placed the person in that vehicle, to remove or transport the person from that location as soon as possible. If transport is not immediate, the officer who placed the person in the vehicle will ensure the person is visually monitored.

8.6.2 If there is a supervisor on the scene of any incident, the supervisor will ensure the person in the vehicle is monitored, transported, or removed from the vehicle as soon as possible.

8.6.3 Whenever a person is being transported, the transporting officer(s) will monitor the person at least every five minutes.

8.7 When a prisoner is to be transported to the Allegheny County Jail, the next receiving agency, or other destination, whether it be in a wagon, or patrol car, the transporting officers must notify the Emergency Operations Center (EOC) with the following information:

8.7.1 The starting location of the transport.
8.7.2 Number of persons being transported.
8.7.3 Whether person(s) transported is an adult or juvenile.
8.7.4 Sex of person(s) being transported.
8.7.5 The beginning and ending mileage of the transport.
8.7.6 The departure and arrival of the transport.
8.7.7 The destination of the transport.

9.0 TRANSPORTING SICK, INJURED OR DISABLED PRISONERS:

9.1 Whenever any prisoner is transported by a PBP member, the officer shall carefully observe the prisoner to determine whether or not he/she is suffering from any illness or injury. If an illness or injury is discovered or suspected, or the prisoner requests medical treatment, the transporting officer, or medic unit shall transport the prisoner to the closest hospital with an emergency room. Under no circumstances shall an unconscious prisoner be placed in or allowed to remain in a cell, locked room, detention bench or in a police vehicle.

9.2 Individuals under arrest, who are injured or sick, will not be transported to any prison or holding facility until he/she has been transported to and offered treatment at the nearest hospital with an emergency room. If the prisoner refuses treatment while at the medical facility, the officer will obtain a copy of the refusal form. (Refer to G.O. #12-9, “Pepper Aerosal Restraint Spray” and G.O. #12-13 Taser)

9.2.1 This refusal form will be given to the Allegheny County Jail Intake or next receiving facility upon entry with the prisoner. The officer must document the refusal of medical treatment in his/her PBP Form #3.0, “Investigative Report”.

9.2.2 When necessary, EMS shall be called to provide transport to a medical facility. If the prisoner refuses treatment or transport by the EMS, the officer will obtain a copy of the refusal or relevant identifying information from EMS to be submitted in the officer’s report. The officer will notify EOC the prisoner has refused medical treatment and has been cleared by EMS for police transport to the Allegheny County Jail or the next receiving facility.

9.2.3 Any officer(s) involved in the injury of a prisoner or suspect will immediately notify their supervisor of the incident without delay. As soon as possible, the officer(s) will submit a PBP Form #10.10, “Subject Resistance Report” and document the entire situation in the PBP Form #3.0, “Investigative Report”.

9.2.4 If the detention facility refuses to accept an arrestee, and requires a medical clearance for acceptance, the arrestee shall be transported to the nearest hospital with an emergency room. The transporting officers will guard the arrestee until medically cleared and then transport him/her back to the detention facility.

9.3 Transporting an injured or disabled prisoner:

9.3.1 The safety of the prisoner and the transporting officer(s) requires due care when transporting disabled or injured prisoners.

9.3.2 It should not be assumed that restraining devices are not required on disabled or injured prisoners. When transporting disabled and injured prisoners, the degree of physical restraints will be applied within reason, at the discretion of the transporting officer(s). A prisoner in a wheelchair or one who uses walking aids
may not require the use of restraining devices in all instances. However, every precaution should be taken to ensure the safety of the officer(s) and the disabled or injured prisoner.

9.3.3 When possible, the disabled prisoner will be handcuffed. A leather restraint transport belt (belly belt) may be utilized in lieu of handcuffing the disabled prisoner behind the back. If the disabled prisoner has shown a tendency toward violence, restraints shall be required.

9.3.4 Any wheelchairs, crutches, unattached prosthetic devices, and medication must be transported with, but not in the possession of, the prisoner.

9.3.5 If the prisoner is released and transported to a holding facility, the transporting officer(s) shall take a copy of the medical release and provide it to the next receiving agency.

9.3.6 Physically and mentally disabled prisoners present conditions for their transportation that dictate special care and attention. For example, the type of vehicle used would be a consideration when transporting non-ambulatory prisoners or those requiring wheelchairs, crutches, or prosthetic appliances.

9.4 Restraining Mentally Disturbed or Mentally Handicapped Prisoners:

9.4.1 The guidelines outlined previously are applicable to situations involving the transport of mentally handicapped or mentally disturbed prisoners.

9.4.2 If the mentally disturbed prisoner has a potential for violence, the transporting officer may request, or the supervisor may direct, another officer to assist the transporting officer by either following the transporting vehicle or riding with the officer.

9.4.3 Refer to PBP 40-15 “Responding to Incidents Involving People with Mental Illness” for further information (7/1/2010).

9.5 When a prisoner is transported to a medical facility for any reason, the following will apply:

9.5.1 The transporting officer(s) will notify dispatch of which medical facility they are transporting to and the nature of the injuries to the prisoner.

9.5.2 Extreme caution will be taken to ensure the prisoner is isolated from other patients and is not left unattended, or permitted to escape the immediate control of the transporting officer(s). If the officer(s) must leave the prisoner for any reason, another officer(s) shall be requested to remain with the prisoner.

9.5.3 If the prisoner is to be admitted to the medical facility, the officer(s) will notify his/her supervisor of the circumstances without delay.

9.5.4 The transporting officer(s) will not leave the medical facility until he/she is relieved by another officer or is instructed by the supervisor to do otherwise.

9.5.5 The transporting officer(s) will remove the restraints only when it is deemed necessary and he/she is requested to do so by the medical staff. The medical staff may be advised of the charge, if the offense is of a violent nature.

9.5.6 If the arrestee is admitted to the hospital, it shall be the responsibility of the shift Lieutenant or A/Lieutenant of the arresting zone to determine how to proceed with the arrest. The shift Lieutenant or A/Lieutenant shall determine if the incident should be handled by summons, warrant, or an actual physical arrest. Upon the admission of a prisoner into the hospital, the decision whether a patrol officer will guard the prisoner will initially be made by the shift supervisor. If the prisoner would have normally been released after processing, as provided by the Rules of Criminal Procedure, the decision to release the prisoner at the hospital may be appropriate. If the prisoner cannot care for him/herself, such as in an intoxicated state, the prisoner may be released if the hospital accepts responsibility for him/her. The final decision on any long term guarding of the prisoner rests with the Chief of Police or his/her designee.

9.5.7 When a prisoner must be guarded at a hospital, the totality of the circumstances will dictate the degree of security and action taken. A supervisor will develop a course of action dealing with the use of restraints, visitors, relief officer(s), etc.

9.5.8 If it is determined that the arrest will be physical, it shall be the responsibility of the arresting zone to guard the prisoner for the **first 24 hours**.
9.5.9 **After** the first 24 hours, the zone in which the hospital is located will be responsible to guard the prisoner.

9.6.0 The arresting zone Lieutenant or A/Lieutenant shall pass on all pertinent information, such as: charges, who will clear and or complete the arrest/warrant paperwork, CCR#, criminal history, room number and medical condition. They shall also notify the CRRU Supervisor and advise.

9.6.1 The shift Lieutenant in the zone where the hospital is located shall check on the prisoner and guarding officer every shift. This can be done by the Lieutenant or a designated Sergeant. In the event that there is only one Supervisor working on a given shift, the check can be done via telephone.

9.6.2 Once the admitted arrestee is medically cleared, the guarding Officer shall contact the zone desk where the hospital is located to arrange transport of the arrestee to the detention facility. All paperwork shall be cleared by the transporting unit.

9.5.8 Refer to *PBP 50-03 “Prisoners Admitted to Hospitals”* for additional direction on prisoner hospital admissions and security.

10.0 **PRISONER ESCAPE IN TRANSIT**

If a prisoner should escape while being transported, the following action will be taken, without delay, by the transporting officer(s):

10.1 Persons to be notified:

10.1.1 The officer shall, without delay, notify the Allegheny County Emergency Operations Center (EOC) immediately by radio. The transporting officer will provide a complete description of escapee, direction of flight, weapons, identify original crime and propensity for violence if known.

10.1.2 The officer shall notify, without delay, his/her immediate supervisor and report the escape situation and current circumstances. The supervisor will then notify his/her chain of command for police notification.

10.2 Reports to be prepared:

10.2.1 PBP Form #3.0, “Incident Report” and PBP Form #2.0, “Investigative Report”

10.2.2 Affidavit of Probably Cause.

10.2.3 Any other reports as determined by the supervisor.

10.3 Other actions to be taken:

10.3.1 Transporting officer(s) and supervisor will ensure that every effort is made to apprehend the escapee.

10.3.2 Notification to the police zone/agency in the jurisdiction of the last know address of the escapee.

10.3.3 Notification to surrounding police agencies.

10.3.4 Notification to the police agency where the victim resides and or works, if known.

10.3.5 NCIC/CLEAN entry as soon as possible.

11.0 **SECURITY HAZARDS**

11.1 When a prisoner is to be transported to any facility and is considered an unusual or high security risk, the transporting officer(s) will inform the EOC to notify the respective facility of such conditions and requests additional safeguards.

11.2 It is the responsibility of each officer to properly document all information received regarding an unusual or high security risk prisoner.

12.0 **RESTRAINING DEVICES**

12.1 The transportation of a prisoner shall be accomplished using the degree of restraint deemed reasonable and necessary by the officer(s) to safely complete the task.

12.2 Prior to transport, all arrested person(s) shall be handcuffed (double-locked), behind their back with their palms facing outward, unless extenuating circumstances exist. The extenuating circumstances may be, but not limited to:

12.2.1 Those persons who are physically disabled or otherwise incapacitated.
12.2.2 Single amputees will be restrained by utilizing one cuff on the wrist and attaching the other cuff to the prisoner’s belt.
12.2.3 Those person(s) who are in an obvious state of pregnancy
12.2.4 Those persons that have injuries that could be aggravated by standard handcuffing procedures.
12.3 All arrested persons being transported in a police vehicle shall be properly secured with a seatbelt.
12.4 The proper use of leg irons (shackles) and leather restraint transport belts (belly belts) when transporting a prisoner is permissible. Some factors to be considered when using leg irons and transport belts include:
  12.4.1 The nature of the charges against the prisoner.
  12.4.2 The escape potential of the prisoner.
  12.4.3 The risk of assault by the prisoner.
  12.4.4 The sentence the prisoner is currently serving.
  12.4.5 Number of officers on the transport.
12.5 Prisoners shall not be handcuffed to any part of the vehicle during transport.
12.6 Officers are prohibited from transporting prisoners who are restrained in a prone position.
12.7 Juveniles may be handcuffed when being transported to the duty location or other facility at the discretion of the transporting officer. Situations necessitating handcuffing of juveniles may include the following:
  12.7.1 When they pose a risk of escape.
  12.7.2 When they are charged with a crime involving violence.
  12.7.3 When they display violent behavior.
  12.7.4 Juveniles will not be handcuffed to adult prisoners.
12.8 Whenever handcuffs or ankle shackles are utilized during an arrest or prison transport they will be double-locked. The officer shall perform a finger sweep with the tip of the index finger between the cuff and the wrist and/or ankle in order to assure proper blood circulation. This may not be immediately possible if the prisoner is difficult, but should be eventually done as soon as possible.
12.9 In the event of a large scale civil disobedience, or riot, where multiple prisoners are taken into custody, alternate methods of restraint may be utilized, such as:
  12.9.1 Flex cuffs
  12.9.2 Other similar devices designed to be used and discarded.
13.0 PRISONERS OF THE OPPOSITE SEX
13.1 Whenever possible, an officer of the same sex as the prisoner should be utilized to transport a prisoner.
13.2 Male and female prisoners will not be handcuffed together.
13.3 Generally, male and female prisoners will be transported separately.
14.0 SHOW UP OF PRISONERS
14.1 Many courts have suppressed identification evidence based on the use of a show up because of inherent suggestiveness of the practice. Therefore, the use of a show up should be avoided whenever possible in preference for a photo array or lineup. When exigent circumstances require the use of a show up, the following guidelines should be followed:
  14.1.1 Single suspect show up shall not be used if there is probable cause to arrest the suspect.
  14.1.2 A complete description of the suspect should be obtained from the witness prior to conducting the show up.
  14.1.3 Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.
  14.1.4 A Show up should not be conducted when the suspect is in a cell, handcuffed or otherwise restrained, or dressed in jail clothing.
14.1.5 A Show up should not be conducted with more than one witness present at a time. If the show up is conducted separately for more than one witness, the witnesses should be separated and not be permitted to communicate before or after the show up.

14.1.6 The same suspect should not be presented to the same witness more than once.

14.1.7 Show up suspects should not be required to put clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform actions of the perpetrator.

14.1.8 Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.

15.0 RELEASED BY A PHYSICIAN FOR INCARCERATION

15.1 When a prisoner suffers an injury and has been examined and treated at a hospital and then released, the arresting or transporting officer(s) must obtain a physicians “release for incarceration” from the attending physician or his/her designee stating the individual has been treated for their injuries.

15.2 The arresting or transporting officer(s) must deliver the physicians “release for incarceration”, additional medical instructions and medications to the detention officer, intake nurse or next receiving facility designee at the time the prisoner is released to their custody.

15.3 The Allegheny County Jail or next receiving facility may refuse any prisoner if they are not accompanied with the appropriate release for incarceration paperwork.

15.4 In the event personnel at the Allegheny County Jail refuse to honor the above procedures, the watch commander, if available, or the zone commander of the zone station shall be contacted and he/she in turn shall contact a higher authority at the County Jail to gain admittance for the arrested person. If the commander cannot be located or is not available, then the Assistant Chief of Operations will be contacted.

16.0 ASSISTING WITH PRISONERS ARRESTED BY CAMPUS, VETERANS ADMINISTRATION AND HOSPITAL POLICE

16.1 In view of the fact that Campus Police, Veterans Administration and Hospital Police are recognized law enforcement agencies by the State of Pennsylvania, any person arrested by any of the above shall be treated in the same manner as an arrest by the Pittsburgh Bureau of Police.

16.2 When necessary, members of the Pittsburgh Bureau of Police shall transport such prisoners; however, they shall be only the assisting and transporting officers and shall not be the arresting officer(s).

16.3 Prisoners shall be searched and transported according to all applicable policies and procedures established by the Pittsburgh Bureau of Police.

Approved by:

[Signature]

Cameron McIay, Chief
Pittsburgh Bureau of Police
1.0 PURPOSE/POLICY

1.1 The purpose of this General Order is to establish procedures and guidelines for compliance with The Commonwealth of Pennsylvania Justice Network (JNET) Policy and Procedures, as they apply to PSP CLEAN Administrative Regulations, The Criminal History Records and Information Act (CHRIA) and Bureau policies regarding information technology and computer policies.

1.2 This policy will also govern the access of JNET and PSP CLEAN from the Premier MDC (MDT).

2.0 JNET SPONSORS

2.1 The Pittsburgh Bureau of Police will establish a JNET Sponsor who will verify the identity of users requesting JNET access, and that their job description requires them to have access to the requested user role. The JNET Sponsor will have the responsibility to approve and track JNET User requests.

2.2 The JNET Sponsor will have responsibilities as defined by JNET policy and will provide appropriate information to the JNET Registrar.

3.0 JNET REGISTRARS

3.1 The Pittsburgh Bureau of Police will establish JNET Registrars who will be responsible for registering JNET Users.

3.2 The Registrars will have the responsibilities defined in the JNET policy, including but not limited to:

3.2.1 Completing JNET Registrar Training.
3.2.2 Maintaining JNET Sponsor agreements.
3.2.3 Acting as Agency contact with respect to user registration issues.
3.2.4 Reporting violations of JNET Policy to the JTAC (Terminal Agency Coordinator) Officer.
3.2.5 Maintaining user records and other JNET user files as required.
3.2.6 Forwarding Criminal History Access requests to the JTAC Officer.
3.2.7 Updating user’s enrollment status to JNET office (for reasons of retirements, arrests, transfers, separations, etc.).

4.0 JTAC OFFICERS

4.1 The Pittsburgh Bureau of Police will establish a JTAC Officer who will be the contact concerning all criminal history information accessed by JNET users. The current list of approved JTAC Officer(s) will be maintained by the Computer Operations Division.

4.2 The JTAC Officer will have all of the responsibilities outlined in JNET Policy, including but not limited to:

4.2.1 Ensuring that employees requesting Criminal History (CH) access are either JNET/CLEAN or PSP CLEAN certified, and that the User’s certification is current.
4.2.2 Providing assistance to the Metropolitan Terminal Agency Coordinator (MTAC) for audits and misuse investigations.
4.2.3 Completing and signing CH access requests.
4.2.4 Enforce, disseminate, and interpret PSP CLEAN and JNET policies and procedures.
4.2.5 JTACs will conduct investigations if they have evidence of JNET Policies and Procedures Misuse potential misuse; or if they receive a request from the Agency Sponsor, or the JNET Security Administrator. In instances where the misuse report originates from the JNET Office, the JNET Security Administrator will forward the information to the Registrar or JTAC and request that they investigate the matter.

5.0 JNET TRAINERS

5.1 The Bureau of Police will establish JNET Trainers who will be responsible for training Criminal Justice Users on the JNET overview and JNET CLEAN policies as appropriate to their needs.

6.0 JNET USERS

6.1 Officers are required to obtain and maintain a current JNET/NCIC/PREMIER MDC (MDT) account and access to Criminal History checks throughout employment with the Pittsburgh Bureau of Police.

6.2 In order to obtain that account and access, officers are required to take and pass a JNET OVERVIEW EXAM, and the Initial NCIC Exam when completing their initial registration for a JNET account.

6.2.1 Officers will be required to take and pass a JNET/NCIC Recertification Exam every two years to maintain access to the PSP Clean Portal XL and PREMIER MDC (MDT).

6.2.2 Officers hired after 01/01/2014 are required to have a Live Scan Fingerprint examination, as required by State and Federal regulations, prior to being granted access to JNET Criminal History information.

6.3.3 Officers hired prior to 01/01/2014 whose fingerprints are not currently on file will have to have a Live Scan Fingerprint examination completed in order to maintain their CH access.

6.4 Officers assigned and authorized as JNET Criminal Justice Users and JNET Criminal History Users shall abide by all JNET policies relating to JNET security agreements, workstation security, password security and applicable departmental policies on information technology and computer security.

6.4.1 One Time Passcode (OTP) will be used in addition to your username and password.

6.4.2 Officers shall not divulge their passwords to anyone.

6.4.3 Officers shall use JNET for OFFICIAL CRIMINAL JUSTICE PURPOSES only.

6.4.4 Dissemination of CH information will be in strict compliance with JNET/CLEAN/PSP, Penn DOT Policy and CHRIA.

6.4.5 Criminal History Users will maintain all appropriate dissemination logs and they will be subject to review by the JTAC.

6.4.5.1 Each Criminal History User receiving a CHRI response shall record any secondary dissemination of that information to another criminal justice agency, or to anyone who is legally entitled to receive such information in compliance with the JNET Policy. Secondary dissemination logs are subject to random audit.

6.4.6 JNET Criminal History Users will maintain an individual dissemination log on PBP Form #542.10 – JNET Record Information Log. This log will keep a record of the viewing or printing of the following information:

6.4.6.1 Criminal History Information;

6.4.6.2 Penn DOT Driver’s History;

6.4.6.3 Photographs accessed through the WebCPIN application to develop a photo array. (Only the pictures used in the photo array must be logged.)

6.4.7 Every duty location shall have access to a manual containing the JNET/CLEAN training module, CLEAN Administrative Regulations, the CLEAN CCHR Manual, CLEAN Terminal Equipment Operator Manual and NCIC/POF & CLEAN PFA File.

7.0 PROCEDURE FOR REQUESTING INFORMATION FROM ANOTHER JNET USER
7.1 An officer requesting information from a Criminal History User shall have a legitimate criminal justice purpose for requesting the information.

7.2 The Officer requesting Criminal History information or Penn DOT certified records shall keep copies of the request and the hard copy of the documents in a secure location. The documents should be shredded when no longer needed.

7.3 In the event an Officer does not have access to JNET/NCIC/CLEAN/or Penn DOT information, he/she may call the Zone Desk Officer or CRRU to have Warrant Office Officers assist with accessing that information.

7.4 The JNET User accessing Criminal History or Penn DOT information for another officer will complete a PBP Form #542.10 JNET Record Information Log for the information accessed, and will note the name and badge number of the officer for whom the information was accessed and the reason for the request.

8.0 DISSEMINATION LOGS

8.1 Each officer shall keep his/her own dissemination log (PBP Form #542.10 “JNET Record Information”).

8.2 At the end of each calendar month, the original log will be turned in at the officer’s duty location.

8.3 A copy may be made and kept in the officer’s performance file at the duty location for one (1) year.

8.4 The original log shall then be forwarded to the Office of Professional Standards 15 days after the report period ends, where it shall be filed by year, month and officer. The original logs will be kept on file for 2 years in the event of an audit.

8.5 If an officer does not access JNET Criminal History or Penn DOT information in any given month, they will not be required to complete a PBP Form #542.10 JNET Record Information Log for that month.

8.6 Zone Supervisors will maintain the “Supervisor’s Monthly JNET Report” – PBP Form #52-1 that indicates whether or not each officer accessed JNET Criminal History or Penn DOT information for that month.

8.7 A copy of the Supervisor’s Monthly JNET Report will be made and maintained at the duty location for one year.

8.8 The original of the Supervisor’s Monthly JNET Report shall then be forwarded to the office of Office of Professional Standards 15 days after the report period ends, where it shall be filed by year, month and officer. The original logs will be kept on file for 2 years in the event of an audit.

9.0 SECURITY

9.1 JNET Users are responsible for reading the JNET User Security Agreement and agree to abide by the requirement set forth in the agreement. All JNET Users understand that any violation of the agreement may result in the loss of their individual JNET/Internet account and they further understand that disciplinary action up to, and including termination may be taken if they fail to abide by the requirements of the agreement.

9.2 While it is possible to access JNET/CLEAN/Penn DOT information from various mobile devices, Officers are reminded that EVERY instance where JNET/CLEAN/Penn DOT information is accessed needs to be logged on the Dissemination Log (PBP Form #542.10).

9.3 Pursuant to State and Federal regulations, any and all information accessed through JNET/CLEAN will be destroyed immediately after they have served their authorized criminal justice purpose to avoid any unintended access to that information.

9.4 If any Police Bureau member, vendor, contractor, or other personnel who have un-escorted access to Bureau of Police Buildings, are charged with an M-2 or higher, their access to JNET/CLEAN and physical access to any Bureau of Police Buildings where data from CLEAN is accessed or stored, will be suspended until a final disposition has been reached.
9.5 Access to JNET can only be on an agency issued or managed device that is CJIS compliant.

10.0 **MIS-USE SANCTIONS**: The following are sanctions that can be issued by CLEAN for mis-use of its systems. These sanctions are separate from Pittsburgh Bureau of Police Discipline. The sanctions listed in this regulation; do not need to follow a progressive order.

1. **“Warning”** means a letter of warning will be mailed to the agency administrator and the individual. The letter will state the administrative procedure/policy violated and the fact that further violations could result in suspension or revocation of an individual’s access to CLEAN.

2. **“Probation”** means that a person will be placed in a probationary status for a period running from the date of imposition. Further violations occurring during the probationary period may result in automatic suspension or revocation of a person access without further action. A copy of the probationary letter is provided to the person agency administrator and the individual.

3. **“Suspended”** means that the person will not be permitted to have access CLEAN/CJIS information for a fixed period of time. A copy of the suspension letter will be mailed to the person agency administrator and the individual.

4. **“Revocation”** means a permanent restriction on any access to the CLEAN and CJIS systems and information, whether directly; indirectly or through a third party.

10.1 Officers can be charged civilly, criminally and administratively for mis-use of the CLEAN systems.

10.2 A Sanction of Suspended or Revocation will affect physical access to any area where CLEAN data is stored or accessed.

Approved By:

[Signature]

Cameron McClay
Chief of Police

[Signature]

ACTING CHIEF
1.0 POLICY

1.1 It shall be the policy of the Pittsburgh Bureau of Police to proceed with criminal charges against an actor by either applying for a warrant or a summons when there is probable cause to do so.

1.2 It shall also be the policy of the Pittsburgh Bureau of Police that warrants, once issued, will be promptly served or attempted to be served if the defendant is not found.

2.0 PURPOSE

2.1 To explain the criteria when an officer must proceed by summons rather than making a physical arrest.

2.2 To explain the procedure of applying for a warrant.

2.3 To explain the procedure of applying for a summons when the defendant IS in custody.

2.4 To explain the procedure of applying for a summons when the defendant IS NOT in custody.

2.5 To inform officers and supervisors of their duties in serving and monitoring active warrants.

See also General Order #31-7 Protective Soft Body Armor

3.0 APPLYING FOR A WARRANT

3.1 Officers applying for a warrant shall complete the following paperwork:

3.1.1 Offense/Incident Report PBP Form 2.0
3.1.2 Investigative Report PBP Form 3.0
3.1.3 Affidavit of Probable Cause / Criminal Complaint
3.1.4 Supplemental Report PBP Form 8.11 (if needed)

3.2 The Offense/Incident Report PBP Form 2.0, Investigative Report PBP Form 3.0, and Supplemental Report PBP Form 8.11 (if needed) shall be submitted to the officer’s supervisor at the respective duty location for review and approval.

3.3 The Affidavit of Probable Cause / Criminal Complaint shall be submitted to the District Attorney’s for approval.

3.4 Officers shall use the Allegheny Standardized Arrest Program (ASAP) in Quick Arrest to complete their Affidavit of Probable Cause / Criminal Complaint when the system is available. Officers shall use Automated Police Reports (APR) to complete their reports when the system is available. The Quick Arrest and APR icons can be found on PBP computers in the Zones, marked vehicles, and HQ. If the Quick Arrest system, ASAP, or APR is unavailable, officers shall contact CRRU for guidance on how to proceed.

3.5 Officers shall check ASAP at the beginning of their tour of duty to determine the status of their Warrant application. The DA will return the Warrant as either Declined, Remanded, or Approved.

3.5.1 Declined applications - The officer shall confer with their supervisor and either:

3.5.1.1 Rewrite the Affidavit of Probable Cause / Criminal Complaint and resubmit after speaking with the DA as to what elements are missing or what changes need to be made.
3.5.1.2 Close the case by completing a Supplementary Report stating why the DA’s officer declined the warrant application.
3.5.2 **Remanded applications** - The officer shall make the necessary corrections as provided by the DA to the Affidavit of Probable Cause / Criminal Complaint and resubmit it to the DA.

3.5.3 **Approved applications** – The officer shall print off a copy of the Affidavit of Probable Cause / Criminal Complaint, the Offense/Incident Report PBP Form 2.0, the Investigative Report PBP Form 3.0, and the Supplemental Report PBP Form 8.11 (if needed). The officer shall take this paperwork to the Arraignment Court window where the Affidavit of Probable Cause / Criminal Complaint will be given to the court clerk. The clerk will give the officer the warrant to take before the judge for the judge’s signature. The officer shall swear to the facts in the affidavit and take the signed warrant back to the court clerk. The clerk will make copies of the warrant and give a set to the officer. The officer shall take a copy of the signed Warrant, the Offense/Incident Report PBP Form 2.0, the Investigative Report PBP Form 3.0, and Supplemental Report PBP Form 8.11 (if needed) to CRRU where they will also fill out one (1) CRRU “white card.”

**4.0 EXECUTING A WARRANT** (PLEAC Standard 2.7.5)

4.1 Officers shall serve their warrants in a timely manner from the date of issue.

4.2 Wherever possible, warrant service shall be planned in advance in consultation with a supervisor or other experienced officers.

4.3 Where advance planning and consultation are not possible, the arrest shall be made in accordance with the arresting officer’s departmental training in arrest procedures.

4.4 Warrants shall be served at a time and place and in a manner that will maximize the probability of a successful arrest and minimize the danger to officers and innocent bystanders.

4.5 Whenever possible, warrants shall be served in a location where the arrest will not pose a threat to the safety of the public (e.g., not in crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms).

4.6 Warrants shall only be executed by sworn members of the PBP. (PLEAC Standard 2.7.6)

4.7 The use of soft protective body armor is required by all personnel in the pre-planned execution of a Warrant.

**5.0 APPLYING FOR A SUMMONS - defendant not in custody**

5.1 A **summons** will be applied for rather than a warrant when the **following criteria** have been met:

- 5.1.1 The most serious charge is a Misdemeanor of the second degree (M2).
- 5.1.2 The charges are **not** related to domestic violence.
- 5.1.3 There are **no** existing outstanding **warrants** for the defendant.

5.1.3.1 If the defendant has a warrant, the arresting officer shall note the warrant number in the Investigative Report PBP Form 3.0 and the Affidavit of Probable Cause / Criminal Complaint.

5.2 Officers applying for a summons shall complete the following paperwork:

- 5.2.1 Offense/Incident Report PBP Form 2.0
- 5.2.2 Investigative Report PBP Form 3.0
- 5.2.3 Affidavit of Probable Cause / Criminal Complaint
- 5.2.4 Supplemental Report PBP Form 8.11 (if needed)
5.3 The Offense/Incident Report PBP Form 2.0, Investigative Report PBP Form 3.0, and Supplemental Report PBP Form 8.11 (if needed) shall be submitted to the officer’s supervisor at their zone for review and approval.

5.4 The Affidavit of Probable Cause / Criminal Complaint shall be submitted to the District Attorney’s office for approval.

5.5 Officers shall use the Allegheny Standardized Arrest Program (ASAP) in Quick Arrest to complete their Affidavit of Probable Cause / Criminal Complaint when the system is available. Officers shall use Automated Police Reports (APR) to complete their reports when the system is available. The Quick Arrest and APR icons can be found on PBP computers in the Zones, marked vehicles, and HQ. If the Quick Arrest system, ASAP, or APR is unavailable, officers shall contact CRRU for guidance on how to proceed.

5.6 Officers shall check ASAP at the beginning of their tour of duty to determine the status of their Summons application. The DA will return the Summons as either, Declined, Remanded, or Approved.

5.6.1 **Declined applications** - The officer shall confer with their supervisor and either;

   5.6.1.1 **Rewrite** the Affidavit of Probable Cause / Criminal Complaint and resubmit after speaking with the DA as to what elements are missing

   5.6.1.2 **Close the case** by completing a Supplementary Report stating why the DA’s officer declined the warrant application.

5.6.2 **Remanded applications** - The officer shall make the necessary corrections to the Affidavit of Probable Cause / Criminal Complaint and resubmit it to the DA.

5.6.3 **Approved applications** – The officer shall print off a copy of the Affidavit of Probable Cause / Criminal Complaint, the Offense/Incident Report PBP Form 2.0, the Investigative Report PBP Form 3.0, and Supplemental Report PBP Form 8.11 (if needed). The officer shall take this paperwork to CRRU along with the following:

   5.6.3.1 Offense/Incident Report PBP Form 2.0
   5.6.3.2 Arrest Report PBP Report Form 6.1
   5.6.3.3 Supplemental Report PBP Form 8.11 (if needed)

5.7 The second Offense/Incident Report PBP Form 2.0 (see Section 5.6.3), the Arrest Report PBP Form 6.1, and Supplemental Report PBP Form 8.11 (if needed) shall be submitted to CRRU personnel for approval.

5.8 CRRU personnel will assign a date for the Preliminary Hearing.

5.9 CRRU personnel will give a packet for the arresting officer to give to the clerk at Arraignment Court.

5.10 CRRU personnel will give 2 copies of all arrest paperwork to the arresting officer.

5.11 The arresting officer will turn in one copy of the arrest paperwork to the desk officer so that the arrest may be placed into the station log.

6.0 **APPLYING FOR A SUMMONS – defendant in custody**

6.1 Rule 519(13)(1) mandates that the arresting officer must promptly release a defendant when the following criteria are met:

   6.1.1 The most serious charge is a Misdemeanor of the second degree (M2) or a Misdemeanor of the first degree in cases involving DUI (M1).

   6.1.2 The defendant poses no threat of immediate physical harm to any other person or to himself or herself

   6.1.3 The arresting officer has reasonable grounds to believe that the defendant will appear as required.

6.2 The arresting officer MAY NOT release a defendant when the offense charged is:
6.2.1 a violation of Megan’s Law
6.2.2 domestic violence
6.2.3 a violation of a Protection From Abuse (PFA) order

6.3 Officers applying for a Summons shall complete the following paperwork:

6.3.1 Offense/Incident Report PBP Form 2.0
6.3.2 Investigative Report PBP Form 3.0
6.3.3 Arrest Report PBP Report Form 6.1
6.3.4 Supplemental Report PBP Form 8.11 (if needed)
6.3.5 Affidavit of Probable Cause / Criminal Complaint

6.4 All Summons (defendant in custody) paperwork will be approved and signed off by the CRRU.

6.5 Officers shall use the Allegheny Standardized Arrest Program (ASAP) in Quick Arrest to complete their Affidavit of Probable Cause / Criminal Complaint when the system is available. Officers shall use Automated Police Reports (APR) to complete their reports when the system is available. The Quick Arrest and APR icons can be found on PBP computers in the Zones, marked vehicles, and HQ. If the Quick Arrest system, ASAP, or APR is unavailable, officers shall contact CRRU for guidance on how to proceed.

6.6 CRRU personnel will assign a date for the Preliminary Hearing.

6.7 After all paperwork is approved by CRRU; the arresting officer will take the Summons paperwork to Arraignment Court to be sworn to and signed by a judge. A signed copy of the Summons shall be turned in to CRRU.

6.8 CRRU personnel will give 2 copies of all arrest paperwork to the arresting officer.

6.9 The arresting officer will turn in one copy of the arrest paperwork to the desk officer so that the arrest may be placed into the station log.

7.0 MONITORING WARRANTS

7.1 Police Officers will monitor and be held accountable for all outstanding warrants they have had issued, including Summons Undeliverable and Failure to Appear 543 warrants.

7.2 In any criminal case, in which a misdemeanor or felony is charged, Rule 600 and the Rules of Criminal Procedure require the case to be heard within 365 days of filing of the complaint. Failure to bring the defendant to trial within this time period may result in the dismissal of the case.

7.3 Rule 600 can only cease/be suspended during a time period where the police conduct a “due and diligent” search to locate the defendant. If such a search does not occur, then the clock continues to run and the case will be dismissed after 365 days. Therefore, it is essential that regular and periodic due and diligent searches are conducted. These searches shall be documented in a supplement by the police officer every other month. (Exception- actor located and incarcerated. One supplement documenting date, location and projected availability shall serve until release)

7.3.2 Supervisors will print off a Warrant List from their shift at the beginning of each month. Commanders are responsible for ensuring all of their personnel properly address the current warrants. (Withdraw of warrant, due diligence supplement report and serving the warrant). Commanders must ensure that a Supplemental Report PBP Form 8.11 is completed every other month, showing that a continued search for the defendant has been conducted.

7.3.3 Officers must document the efforts that they made to ascertain the defendant’s whereabouts up to and including the time of arrest on Supplemental Reports. (Note: When the defendant is finally arrested, the defense attorney may raise a Rule 600 objection and the officer will have to testify about the search that he/she conducted.)
7.3.3.1 In an instance the defendant is found to be deceased, the officer should document the defendant’s death in a supplement report and notify the paralegal assigned to research death certificates at the District Attorney’s office at 412-350-4624.

7.3.3.2 In an instance the defendant is located and said defendant is found to be incarcerated in a county jail, state prison in another state, the officer should properly document the defendant’s location of incarceration and date of projected availability in a supplement report. The officer should notify the Extradition Unit of the District Attorney’s office of the defendant’s location and out-of-state incarceration at 412-350-4416.

7.3.3.3 In an instance where a defendant is located, and said defendant is found to be incarcerated in a federal prison within Pennsylvania, the officer should properly document the defendant’s location of incarceration and date of projected availability. The officer should notify the Extradition Unit of the District Attorney’s office of the defendant’s location and incarceration at 412-350-4416.

7.3.4 A cursory check as to the defendant’s whereabouts will not constitute a due and diligent search. It is important to exhaust all the conventional methods of locating the suspect such as looking for him at work, home, talking to relatives, neighbors, co-workers, friends, probation officers, etc.

7.3.5 A number of web-based applications can be of great assistance. The following web-based applications may assist you:

- ASAP
- JNET/Penn DOT
- JNET/Department of Public Welfare
- UJS Portal: [http://uijsporal.pacourts.us](http://uijsporal.pacourts.us)
- White pages: [http://www.whitepages.com](http://www.whitepages.com)
- County Real Estate Website: [http://www2.county.allegheny.pa.us/RealEstate/Default.aspx](http://www2.county.allegheny.pa.us/RealEstate/Default.aspx)
- Zabasearch: [http://www.zabasearch.com](http://www.zabasearch.com)
- Allegheny County Jail
- State Inmate Locator: [http://inmatelocator.cor.state.pa.us/inmatelocatorweb](http://inmatelocator.cor.state.pa.us/inmatelocatorweb)
- Federal Inmate Locator: [http://bop.gov/iloc2/LocateInmate.jsp](http://bop.gov/iloc2/LocateInmate.jsp)
- Facebook (or any other social networking website)
- Social Security Death index: [http://ssdi.rootweb.ancestry.com](http://ssdi.rootweb.ancestry.com)

7.3.6 In addition to documenting instances where the officer has searched for the defendant within that month, the following information should be included in each Supplemental Report: (PLEAC Standards 2.7.1 and 2.7.2)

- Date the warrant was issued/received;
- Type of Legal process (Criminal or Civil);
- Nature of the document (PFA, Warrant, or Other);
- Source of the document (City of Pittsburgh Municipal Court, Allegheny County Criminal Court);
- Name of the plaintiff/complainant and/or name of the defendant/respondent;
- Officer(s) assigned for service (Constable or officer conducting the search);
- Date of assignment;
- Court docket number, warrant number, or other identifying number (Use OTN #);
- Date service is due or date of service;
- Original CCR number;
- Date and time service was executed/attempted;
- Name(s) of officers executing/attempting service;
- Name of person on whom the legal process (warrant) was served/executed;
- Method of service/reason for non-service;
- Address of the service attempt
7.4 Officers are reminded that the Supplemental Report PBP Form 8.11 is an official document that will be sworn to in front of a magistrate/judge to verify the officer’s continued search for the defendant. Falsifying the contents of this Report may bring criminal or civil penalties on the officer making the false statements as well as disciplinary action by this department. See 18 PA CS §4903.

7.5 Support services will monitor the warrants, and regularly update OPS.

7.6 The Office of Professional Standards will be responsible for addressing failures to the chain of command within any work unit failing to comply.

Approved By:

_____________________
Chief McLay
Chief of Police
1.0 POLICY

1.1 This policy establishes guidelines and procedures for the utilization of Mobile Video/Audio Recording (MVR) equipment. Additionally, this policy establishes procedures for the retention, duplication, and storage of recordings from MVR equipment, and the procedures to be followed by MVR Custodial Officers for the retention, duplication, and storage of recordings.

2.0 PURPOSE

2.1 The use of the MVR equipment will allow the Pittsburgh Bureau of Police (PBP) to accomplish many goals including, but not limited to, the following:

2.1.1 Allow members to more accurately document events, actions, conditions, and statements made during incidents.
2.1.2 Enhance a member’s ability to prepare reports and present court testimony.
2.1.3 Improve the training capabilities of the PBP.
2.1.4 Assist the PBP with investigations of alleged misconduct.
2.1.5 Protect the PBP and its members from civil liability resulting from wrongful accusations of misconduct.

3.0 DEFINITIONS

3.1 Mobile Video/Audio Recording (MVR) Equipment – all cameras, accessories, docking stations, etc. related to the in-car cameras.

3.2 MVR Custodial Officers – Computer Crime Unit personnel

4.0 PRE-OPERATIONAL PROCEDURES

4.1 Members shall not use the MVR equipment until they have received the proper training.

4.1.1 The Training Academy will maintain a record of all trained personnel.
4.1.2 The Training Academy shall be responsible for providing training and remedial training for the MVR.

4.2 Operational problems with or damage to the MVR equipment shall be immediately reported to the member’s supervisor.

4.2.1 The member must also immediately send an e-mail message to PBP Fleet Operations, the Commander of Support Services, and the member’s supervisor explaining the problem with the MVR equipment.
4.2.2 The member must note any MVR operational problems or damage on their running sheet.
4.2.3 Damage to MVR equipment must also be reported to the member’s duty location Commander by means of a PBP Form #4.10 “Special Report”. 

...honor, integrity, courage, respect, and compassion.

SUBJECT: “MOBILE VIDEO/AUDIO RECORDING EQUIPMENT (MVR)”
ORDER NUMBER: 69-1
PLEAC STANDARD: 2.4.2
REVISE DATE: 6/21/2018
EFFECTIVE DATE: 4/15/2012
ANNUAL REVIEW DATE: NOVEMBER
RESCINDS: COP 10-005
COP 12-002
ACA 11-013
ACA 11-018
AMENDS: NONE
5.0 MOBILE VIDEO/AUDIO RECORDING OPERATIONS

5.1 Utilization: Members operating MVR-equipped vehicles will ensure the following types of incidents are recorded:

5.1.1 Traffic and criminal enforcement stops.
5.1.2 In-progress Vehicle and Crimes Code violations.
5.1.3 Police vehicle pursuits.
5.1.4 Patrol vehicle travel and movements when emergency lights or siren are activated.
5.1.5 Fatal crash or major crime scenes, as necessary, to document the scene.
5.1.6 Prisoner transports.
5.1.7 Any other incident the member deems appropriate while acting in the performance of his/her official duty.

5.1.8 When it is safe to do so, officers should record the following:

5.1.8.1 Pat downs
5.1.8.2 Obtaining consent to search
5.1.8.3 Search incident to arrest
5.1.8.4 Standardized Field Sobriety Test/DUI stops

5.1.9 Members assigned to a MVR equipped vehicle who are trained to use the MVR, shall log into the MVR system at the beginning of their tour of duty using their individually assigned key FOB and shall carry the audio transmitter throughout their tour of duty.

5.2 Legal Requirements: Member shall abide by the following legal requirements governing the use of MVR equipment.

5.2.1 Members shall not use MVR equipment unless acting in the performance of their official duties, whether on-duty or working authorized secondary employment details.

5.2.2 Members shall only use Bureau issued MVR equipment, which has been approved for use in accordance with the Pennsylvania Bulletin.

5.2.3 Members shall ensure that the visual or audible warning system of the vehicle is activated, or the member is otherwise clearly identifiable as a law enforcement officer. This requirement is satisfied if the member is in uniform and operating a marked patrol vehicle.

5.2.4 Only oral communications occurring in close proximity to the member may be recorded. This legal requirement is satisfied by the current range settings of the wireless microphone.

5.2.5 Member shall inform all individuals identifiably present as soon as reasonably practicable, that their oral/video communications will be or have been intercepted and recorded.

5.2.6 MVR equipment shall not be used to record oral communications inside the residence of any individual unless the member is in fresh pursuit of the individual and deactivation of the MVR equipment would create a risk to the safety of all involved.

5.3 Additional Requirements: Members shall abide by the following additional requirements governing the use of MVR equipment.

5.3.1 When more than one member is assigned to a MVR equipped vehicle, the operator of the vehicle shall carry the audio transmitter and log into the MVR system.

5.3.2 When the recording function has been activated to record an incident, it shall not be deactivated until the incident has been completed. Members are encouraged to narrate the video recording during a recorded incident, which will assist in establishing probable cause for enforcement action and assist in report writing.
5.3.3 Members shall not erase or alter MVR recordings.

5.3.4 Upon completion of an assigned shift, member shall ensure the audio transmitter is placed in the docking station.

5.4 Officers shall not respond to an emergency call for service with the emergency lights in Mode 1. Mode 1 shall only be used when the vehicle is stationary. Mode 2 or 3 shall be used when the vehicle is in motion.

5.5 Officers shall not physically reposition the cameras to face an actor being transported in the police vehicle.

5.6 Each officer that is trained to use the MVR will be issued a key FOB. Officers are responsible for their assigned FOB.

5.6.1 If the camera FOB is damaged, it will be sent to Computer Operations. The Computer Operations Liaison Unit will ensure that the FOB is replaced.

5.6.2 Lost, stolen, or damaged camera FOBs shall be reported on a Lost/Stolen/Damaged Uniform or Equipment Claim, PBP Form 81.1.

5.7 The use of the MVR shall be recorded in the appropriate section of PBP reports, and in the remarks section of citations.

6.0 DUPLICATION/RETENTION OF MOBILE AUDIO/VIDEO RECORDINGS

6.1 Any and all data and recordings provided by the MVR equipment will be considered investigative materials.

6.2 Any and all data and recordings created by the MVR equipment are the exclusive property of the PBP. Members will not duplicate, copy, or otherwise possess any such data or recordings for any personal reason.

6.3 Mandatory Duplication/Retention: The following types of incidents recorded on MVR equipment shall be duplicated, retained, and processed as evidence by the MVR Custodial Officer in accordance with this regulation as soon as practical. Duplication will be done automatically by the recording device.

6.3.1 Incidents which may result in the filing of misdemeanor or felony charges.

6.3.2 Incidents which are likely to become the subject of civil litigation against the PBP or its personnel, including, but not limited to, patrol vehicle crashes, pursuits, critical incidents, incidents involving use of force, and incidents involving verbal complaint(s) against the PBP or its personnel.

6.4 Requests for Duplication/Retention: Any member who believes that duplication and retention of a recording of a nature not specified by this regulation is required (e.g., for use in a summary proceeding involving a serious traffic violation or training), shall complete PBP Form #69.10, “Mobile Video/Audio Recording Request Form” located in the Police Officer’s Toolkit on the “I” drive. This completed form will be submitted to the member’s supervisor for review and approval, after which the member will forward the completed hard copy via interoffice mail to the Computer Crime Unit.

7.0 ZONE COMMANDER DUTIES AND RESPONSIBILITIES

7.1 Zone Commanders shall ensure that the assigned number of MVR recordings are reviewed each month to ensure that members under their command are following PBP policies and procedures.

7.2 Zone Commanders must document such reviews on PBP Form #69.20, “Commander’s Monthly Mobile Video/Audio Recording Review Report”, found in the Supervisor’s Toolkit on the I drive. This form is to be submitted by the 15th of each month with the other monthly reports.

8.0 ZONE LIEUTENANT AND SERGEANT DUTIES AND RESPONSIBILITIES

8.1 Zone lieutenants and sergeants shall have access to view all MVR recordings from their respective zone.
8.2 Each sergeant must review at least two (2) MVR recordings per month from every officer in their assigned PARS/OMS evaluation group for their respective shift. Supervisors must document such review on their monthly MVR report.

8.3 If zone sergeants operate a vehicle equipped with MVR equipment, zone lieutenants must review at least two (2) MVR recordings per month from their respective shift sergeants. Supervisors must document such review on their monthly MVR report.

8.4 Zone supervisors shall ensure that members have logged into the MVR system. If there are videos that are unassigned due to officers not signing into the MVR system, the supervisors shall go into the MVR system and assign the correct officer to those videos.

9.0 MVR CUSTODIAL OFFICER RESPONSIBILITIES

9.1 MVR Custodial Officers shall be responsible for the retention, duplication, and storage of MVR recordings.

10.0 MOBILE VIDEO/AUDIO RECORDINGS

10.1 Per contract, “L3” is responsible for ensuring the below-listed recordings on the media are duplicated and stored in accordance with this policy. Duplicated recordings shall be retained until the case is adjudicated or there is a court order, unless otherwise indicated below:

10.1.1 Recordings requested to be preserved by a member on the recording, a supervisor, or the Office of Municipal Investigations (OMI), where the recording may be necessary for use in any criminal or forfeiture proceeding.

10.1.2 Recordings requested to be preserved by a member on the recording or a supervisor, where the recording may be necessary for use in any summary proceeding involving a serious traffic violation.

10.1.3 Recordings requested to be preserved by a supervisor, the OMI, or the City Law Department, where the recording may be necessary for use in any civil, administrative, or disciplinary proceeding.

10.1.4 Recordings requested to be preserved by any individual who is a participant on the recording for use in any criminal proceeding. Such requests must be in writing to the Chief of Police, and should contain the date, time, and location of the recording and the names of the parties involved.

10.1.5 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding against the PBP or its personnel. Such requests must be in writing, and should contain the date, time, location of the recording, and the name of the officer logged into the MVR system. Notice of the request shall be immediately provided to the City Law Department.

10.1.6 Recordings requested to be preserved by any individual who is a participant on the recording for use in any civil proceeding that is not against the PBP or its personnel. Such requests must be in writing to the City of Pittsburgh Law Department, and should contain the date, time, location of the recording, and the names of the parties involved. The recordings shall be duplicated and retained for a period of two years or until a copy of the recording has been Provided to the requester when authorized under PBP policies, whichever comes first.

10.1.7 Recordings that are the subject of a subpoena, court order, or request for pretrial discovery or inspection. Copies of the recording shall be furnished to the requester in accordance with existing PBP policies.

10.1.7.1 In criminal cases, notice shall be provided to the prosecuting attorney.

10.1.7.2 In civil cases against the PBP or its personnel, notice shall be immediately provided to the City Law Department.

10.1.7.3 In civil cases not against the PBP or its personnel, the recordings shall be retained for a period of two years or until a copy of the recording has been provided to the requester when authorized under PBP policies, whichever comes first.
11.0 MOBILE VIDEO/AUDIO RECORDING STORAGE

11.1 The MVR Custodial Officers shall maintain a securable MVR locker/storage area for MVR media.

11.2 The MVR locker/storage area shall be considered a property storage area and shall remain locked, with access being restricted to MVR Custodial Officers.

12.0 Facial Recognition

12.1 The PBP does not use facial recognition software or programs.

13.0 Adherence to Policy

13.1 Failure to adhere to this policy may result in disciplinary action.

Approved By:

Scott Schubert
Chief of Police