


Domestic Violence

311.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
Authorization:  Jason Haberman Chief of Police	

311.2 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of the Mt. Lebanon Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (23 Pa.C.S. § 6105).

311.2.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

311.3 POLICY

The Mt. Lebanon Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

311.4 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

Domestic Violence

311.5 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Mt. Lebanon Police Department in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence (18 Pa.C.S. § 2711; 23 Pa.C.S. § 6113).
 - 1. Any seized weapon relating to a violation of a protection order shall be kept in the custody of this department (23 Pa.C.S. § 6113).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - (a) Whether the suspect lives on the premises with the victim.
 - (b) Claims by the suspect that the victim provoked or perpetuated the violence.
 - (c) The potential financial or child custody consequences of arrest.

Mt. Lebanon Police Department

Policy Manual

Domestic Violence

- (d) The physical or emotional state of either party.
 - (e) Use of drugs or alcohol by either party.
 - (f) Denial that the violence occurred where evidence indicates otherwise.
 - (g) A request by the victim not to arrest the suspect.
 - (h) Location of the incident (public/private).
 - (i) Speculation that the complainant may not follow through with the prosecution.
 - (j) Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - (k) The social status, community status, or professional position of the victim or suspect.
- (k) The [Domestic Violence Lethality Screen](#) shall be used at the scene of a domestic violence incident to assist officers in identifying high risk situations and follow the established protocol. Officers conducting a Domestic Violence Lethality Screen will ask the victim the eleven questions included in the Domestic Violence Lethality Screen. When a victim is assessed as being in danger, the officer shall contact the Center for Victims and request that the victim speak with a counselor.
- (l) Absent exigent circumstances, the Watch Commander will decide whether further action needs to be taken if contact can't be made with all parties involved and there is reasonable belief that someone may be injured or in danger. This includes the need to forcibly gain entry to premises, with or without a search warrant. In making this decision, the totality of the circumstances shall be considered, including prior contacts and knowledge of a suspect's history and behavior.

[For procedure on Initiating a Lethality Assessment click here](#)

311.5.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers:

- (a) Should advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Should provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Should advise the victim whether any type of court order will be in effect when the suspect is released from jail.
- (d) Shall notify persons protected by the order within 24 hours of an arrest for a violation of the court order (23 Pa.C.S. § 6105).

311.5.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.

Domestic Violence

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).
- (b) Document the resolution in a report.

311.6 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

- (a) Victims shall be provided with the [domestic violence information handout](#) , even if the incident may not rise to the level of a crime (18 Pa.C.S. § 2711; 23 Pa.C.S. § 6105).
- (b) Victims shall also be alerted to any available victim advocates, shelters and community resources (18 Pa.C.S. § 2711; 23 Pa.C.S. § 6105).
- (c) The officer will notify the victim of the outcome of the preliminary arraignment and any bail conditions, if known. Victims will be referred to the proper court or correction agency to obtain the information.
- (d) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (e) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.
- (f) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

311.7 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that communications operators check whether any of the involved persons are subject to the terms of a court order.

311.8 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice

Mt. Lebanon Police Department

Policy Manual

Domestic Violence

and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order for domestic violence issues shall be enforced, regardless of whether the order has been properly registered with this state.

311.9 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.10 STANDARDS FOR ARRESTS

- (a) Officers who have probable cause to believe a person has committed one of the following domestic violence offenses against a family or household member (as defined by 23 Pa.C.S. § 6102) should make an arrest:
 - (a) Involuntary manslaughter (18 Pa.C.S. § 2504)
 - (b) Simple assault (18 Pa.C.S. § 2701)
 - (c) Aggravated assault (18 Pa.C.S. § 2702(a)(3); 18 Pa.C.S. § 2702(a)(4); 18 Pa.C.S. § 2702(a)(5))
 - (d) Reckless endangerment (18 Pa.C.S. § 2705)
 - (e) Terroristic threat (18 Pa.C.S. § 2706)
 - (f) Stalking (18 Pa.C.S. § 2709.1)
 - (g) Strangulation (18 Pa.C.S. § 2718)
- (b) Any decision not to arrest when there is probable cause to do so shall be made by the Watch Commander.
- (c) Officers who have probable cause to believe that a domestic violence offense was committed against a family or household member may make an arrest even if the offense was not committed in the officer's presence if (18 Pa.C.S. § 2711):

Mt. Lebanon Police Department

Policy Manual

Domestic Violence

1. The officer personally observes a recent, visibly physical injury to the victim.
 2. Other corroborative evidence indicates that an offense has occurred.
- (d) Officers shall make an arrest when there is probable cause to believe a violation of a protection order has occurred (other than for non-payment of court-ordered payments/support), regardless of whether the violation occurred within the presence of the officer (23 Pa.C.S. § 6113).

[For info on Arrest For Violation of Order procedure click here](#)

311.11 REPORTS AND RECORDS

The Records Clerk shall ensure the following actions are completed for all domestic violence reports (23 Pa.C.S. § 6105):

- (a) The reports are on forms prescribed by Pennsylvania State Police (PSP).
- (b) Information related to crimes of domestic violence is transmitted to PSP as required.
- (c) The Department will prepare and forward reports to the Center for Victims.

311.12 SERVICE OF COURT ORDERS

The Records Department shall ensure that court orders are entered into the Commonwealth Law Enforcement Assistance Network (CLEAN) upon receipt by the Department. Reasonable efforts shall be made to maintain accurate information in CLEAN, including the removal of expired orders (23 Pa.C.S. § 6109).

311.13 COURT ORDERS TO RELINQUISH FIREARMS

The assigned investigator shall be notified immediately when a court order for relinquishment of firearms is received by the department. The investigating officer shall monitor whether the required relinquishment occurs within 24 hours or within the time frame specified in the order (18 Pa.C.S. § 6105; 18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108).

The assigned investigator shall provide immediate notice to the court and, as applicable, the victim, appropriate law enforcement authorities, and the prosecutor, if a person fails to either (18 Pa.C.S. § 6105; 18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108):

- (a) Relinquish the firearms listed by the court within 24 hours of issuance of an order or a conviction, as applicable, or within a different time frame provided for in the order.
- (b) Provide the department with an affidavit indicating that the listed firearms have been relinquished, transferred, or sold to a third party as permitted by law.
- (c) For persons relinquishing under protection from abuse orders, provide an affidavit listing the firearms and their current location, if they cannot reasonably be retrieved within the time frame.

Mt. Lebanon Police Department

Policy Manual

Domestic Violence

311.13.1 RELINQUISHMENT OF FIREARMS

Members shall accept a firearm from an individual who has been ordered by a court to relinquish a firearm pursuant to state law (18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108). Members shall log the firearm into property in accordance with this policy and the procedures set forth in the Evidence Room policy.

The receiving member shall also prepare a signed and dated receipt, which shall include a detailed description of the firearm (e.g., manufacturer, model, serial number) (18 Pa.C.S. § 6105.2; 23 Pa.C.S. § 6108).

311.14 TRAINING

All members shall receive training related to this policy and the Protection from Abuse (PFA) Act as required by 23 Pa.C.S. § 6105.

The Field Training Lieutenant shall ensure new officers receive training on this policy and the PFA Act as part of their field training.

Attachments

Form 223 - Domestic Violence Lethality Screen.pdf



Mt. Lebanon Police Department Domestic Violence Lethality Screen



Officer		Date		Incident #		
Victim	Contact Number(s)					
Offender						
<input type="checkbox"/> Check here if the victim did not answer any of the questions.						
A "YES" RESPONSE TO ANY OF THE QUESTIONS #1-3 AUTOMATICALLY TRIGGERS THE PROTOCOL REFERRAL.						
				YES	NO	NOT ANSWERED
1. Has he/she ever used a weapon against you or threatened you with a weapon?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Has he/she threatened to kill you or your children?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do you think he/she might try to kill you?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NEGATIVE RESPONSES TO QUESTIONS #1-3, BUT POSITIVE RESPONSED TO AT LEAST FOUR OF QUESTIONS #4-11, TRIGGER THE PROTOCOL REFERRAL.						
4. Does he/she have a gun, or can he/she get one easily?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Has he/she ever tried to choke you?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Have you left him/her or separated after living together or being married?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is he/she unemployed?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Has he/she ever tried to kill himself/herself?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Do you have a child that he/she knows is not his/hers?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Does he/she follow or spy on you or leave you threatening messages?				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AN OFFICER MAY TRIGGER THE PROTOCOL REFERRAL, IF NOT ALREADY TRIGGERED ABOVE, AS A RESULT OF THE VICTIM'S RESPONSES TO THE BELOW QUESTIONS, OR WHETHER THE OFFICER BELIEVES THE VICTIM IS IN A POTENTIALLY LETHAL SITUATION.						
Is there anything else that worries you about your safety? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT ANSWERED						
If yes, what worries you? 						
Results	<input type="checkbox"/> Victim Screened In According to Protocol <input type="checkbox"/> Victim Screened In Based Upon the Belief of the Officer			<input type="checkbox"/> Victim Did Not Screen In		
IF VICTIM SCREENED IN: AFTER ADVISING HIM/HER OF A HIGH DANGER ASSESSMENT, DID THE VICTIM SPEAK WITH A HOTLINE COUNSELOR? <input type="checkbox"/> YES <input type="checkbox"/> NO						
IF NO, WHY? <input type="checkbox"/> Victim Refused to Speak With Counselor <input type="checkbox"/> Victim Was Unable to Speak With Counselor						
Reason Victim Did Not Screen In					Center for Victims Hotline Number 1-866-644-2882	
Counselor Contacted						

Victims Rights and Services.pdf



RIGHTS AND SERVICES AVAILABLE TO VICTIMS OF CRIME IN PENNSYLVANIA

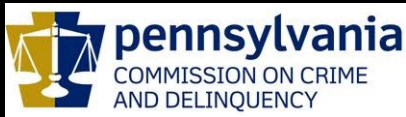
**Mt. Lebanon Police Department
555 Washington Road
Pittsburgh, PA 15228**

Officer/Detective

Telephone Number

Incident Number

**WHEN THIS PACKET IS PRESENTED TO A
VICTIM, COMPLETE AND RETAIN THE
LAST PAGE OF THIS PACKET.**



PENNSYLVANIA CRIME VICTIMS

Your Local Service Agencies and How They Can Help You

THE CENTER FOR VICTIMS OF VIOLENCE AND CRIME

24-Hour: 412-392-8582

24-Hour and Toll Free: 866-644-CVVC (2882)

Victim and witness information and assistance in the following types of cases: Adult and Child Sexual Assault, Aggravated and Simple Assault, Homicide, Child Abuse, Elder Abuse, Robbery, Burglary and Drunk Driving.

Services include the following: Crisis intervention, individual, family and group counseling, medical and legal advocacy and court accompaniment, information and referrals, Crime Victim Compensation Assistance, County Jail Release Notification and Mediation.

PITTSBURGH ACTION AGAINST RAPE

24-Hour and Toll Free: 866-END-RAPE (363-7273)

Victim and witness information and assistance in cases involving adult and child sexual assault.

Services include the following: Crisis intervention, counseling, medical and legal advocacy and accompaniment to court proceedings.

DOMESTIC VIOLENCE AGENCIES

WOMEN'S CENTER AND SHELTER OF GREATER PITTSBURGH

24-Hour: 412-687-8005

24-Hour and Toll Free: 877-338-8255

WOMANSPLACE, INC. (Mon Valley)

24-Hour: 412-678-4616

CRISIS CENTER NORTH (North Hills)

24-Hour: 412-364-5556

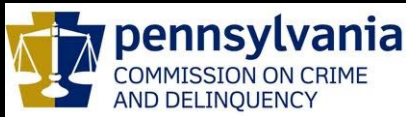
Toll Free: 866-782-0911

ALLE-KISKI HOPE CENTER (Alle-Kiski Valley)

24 Hour and Toll Free: 888-299-4673

Victim and information assistance for intimate partner violence.

Services include the following: Crisis intervention, safe housing, court accompaniment, legal options counseling, assistance with filing Protection From Abuse (PFA) orders, referral information, medical advocacy and supportive counseling services.



PENNSYLVANIA CRIME VICTIMS

Your Local Service Agencies and How They Can Help You

MERCY HOSPITAL OF PITTSBURGH

A CHILD'S PLACE AT MERCY

412-232-7200

A Child's Place provides comprehensive forensic evaluations (medical and psychosocial) for children and adolescents who may be victims of physical or sexual abuse or neglect.

CHILDREN'S HOSPITAL OF PITTSBURGH

412-692-8664

The center provides comprehensive forensic evaluations (medical and psychosocial) for children and adolescents who may be victims of physical or sexual abuse or neglect.

MOTHERS AGAINST DRUNK DRIVING

**24-Hour Recorded Messages: 866-828-1660 or
724-256-5600**

MADD provides victim and witness information and assistance for cases involving driving under the influence (DUI). Services include the following: Counseling, monitoring of court cases and referrals for victims and surviving significant others.

FAMILY RESOURCES

412-363-1702

Assistance for child physical and sexual abuse. Services include the following: Counseling, support groups for victims and their family members and adult survivors.

ALLEGHENY COUNTY DEPARTMENT OF HUMAN

SERVICES: OFFICE OF CHILDREN, YOUTH AND FAMILIES (CYF)

24-Hour: 412-473-2000

PA CHILDLINE / Toll Free: 800-932-0313

Provides child abuse and neglect services including the following: Protective services, assessment and investigation of child abuse reports, information and referrals.

ALLEGHENY COUNTY DEPARTMENT OF HUMAN

SERVICES: AREA AGENCY ON AGING

24-Hour: 412-350-4234, 350-6905 or 350-5460

Toll Free: 800-344-4319

Statewide Hotline: 800-490-8505

Provides services for elderly persons (age 60 and over) who are victims of abuse, exploitation, abandonment and neglect.

PA COMMISSION ON CRIME AND DELIQUENCY: VICTIMS COMPENSATION ASSISTANCE PROGRAM

800-233-2339

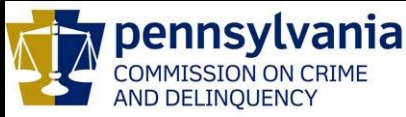


ALLEGHENY COUNTY

DISTRICT ATTORNEY'S OFFICE

412-350-4401

Ask for the Victim's Rights/Services Liaison



PENNSYLVANIA CRIME VICTIMS

Receipt of Information

*I acknowledge receiving my basic rights as a crime victim
and information on related services available to me.*

NAME

SIGNATURE

_____/_____/_____
DATE

TIME

INCIDENT NUMBER

OFFICER

ADDRESS

SAFE CONTACT NUMBER(S)

*(The completed and signed copy of this form
Shall be retained by Law Enforcement.)*