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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 558**      Session of  
1993

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INTRODUCED BY TRICH, KUKOVICH, VEON, LAUGHLIN, MELIO, PRESTON,  
FLICK, PESCI, McCALL, ULIANA, HERMAN, RAYMOND, STURLA,  
BELFANTI, FREEMAN, CORRIGAN, GERLACH, BATTISTO, DeLUCA,  
DALEY, BUNT, MUNDY, GIGLIOTTI, TRELLO, HALUSKA, HARLEY,  
CURRY, J. TAYLOR, PISTELLA, SAYLOR, KIRKLAND, WOZNIAK,  
ROONEY, JOSEPHS, HUGHES, STEELMAN AND MASLAND, MARCH 15, 1993

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 19, 1994

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AN ACT

1 Requiring police departments to adopt and follow a domestic  
2 violence response policy.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Domestic  
7 Violence Response Policy Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Domestic violence." The occurrence of one or more of the  
13 following acts between family or household members, sexual or  
14 intimate partners or persons who share biological parenthood:

15 (1) Attempting to cause or intentionally, knowingly or

1 recklessly causing bodily injury, serious bodily injury,  
2 rape, spousal sexual assault or involuntary deviate sexual  
3 intercourse with or without a deadly weapon.

4 (2) Placing by physical menace another in fear of  
5 imminent serious bodily injury.

6 (3) The infliction of false imprisonment pursuant to 18  
7 Pa.C.S. § 2903 (relating to false imprisonment).

8 (4) Physically or sexually abusing minor children, as  
9 defined in 23 Pa.C.S. Ch. 63 (relating to child protective  
10 services).

11 "Police department." Any public agency of a political  
12 subdivision having general police powers and charged with making  
13 arrests in connection with the enforcement of the criminal laws.

14 "Police officer." Any full-time or part-time employee of a  
15 city, borough, town, township or county police department  
16 assigned to criminal law enforcement duties. The term does not  
17 include persons employed to check parking meters or auxiliary or  
18 fire police.

19 Section 3. Domestic violence response policy required.

20 (a) Requirement imposed.--Each police department in this  
21 Commonwealth shall adopt a written policy establishing  
22 guidelines and policies to be followed by police officers and  
23 related personnel involved in the police response to domestic  
24 violence calls.

25 ~~(b) Model for policy. The policy adopted under subsection~~ <—  
26 ~~(a) shall be consistent with the Model Protocol For Police~~  
27 ~~Response (to) Domestic Violence developed by the Attorney~~  
28 ~~General's Family Violence Task Force and with 18 Pa.C.S. § 2711~~  
29 ~~(relating to probable cause arrests in domestic violence cases).~~

30 (B) FORM OF REPORT.--EACH LAW ENFORCEMENT AGENCY SHALL MAKE <—

1 AN INCIDENT REPORT, ON A FORM PRESCRIBED BY THE PENNSYLVANIA  
2 STATE POLICE, CONSISTENT WITH THE REPORT REQUIRED BY THE FEDERAL  
3 NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS). THE MANDATE  
4 FOR INCIDENT REPORT COMPLETION SHALL NOT BE OPERATIVE UNTIL THE  
5 PENNSYLVANIA STATE POLICE HAVE IMPLEMENTED NIBRS. THE INCIDENT  
6 REPORT MAY INCLUDE THE FOLLOWING:

7 (1) NAMES, ADDRESSES AND TELEPHONE NUMBERS OF THE  
8 VICTIM, THE ACCUSED, ANY WITNESSES AND THE CALLER.

9 (2) A SECOND PERMANENT ADDRESS AND TELEPHONE NUMBER FOR  
10 THE VICTIM, SUCH AS A CLOSE FAMILY MEMBER OR A FRIEND.

11 (3) A STATEMENT OF THE RELATIONSHIP BETWEEN THE VICTIM  
12 AND THE ACCUSED.

13 (4) A NARRATIVE OF THE INCIDENT, INCLUDING THE DATE,  
14 TIME AND WHETHER THE ACCUSED APPEARED INTOXICATED OR UNDER  
15 THE INFLUENCE OF A CONTROLLED SUBSTANCE.

16 (5) WHAT, IF ANY, WEAPONS WERE USED OR THREATENED TO BE  
17 USED.

18 (6) A DESCRIPTION OF ANY INJURIES OBSERVED BY THE  
19 OFFICER.

20 (7) A DESCRIPTION OF ANY INJURIES DESCRIBED BY THE  
21 VICTIM BUT NOT OBSERVED BY THE OFFICER AND AN INDICATION THAT  
22 THE INJURY WAS NOT OBSERVED.

23 (8) DOCUMENTATION OF ANY EVIDENCE THAT WOULD TEND TO  
24 ESTABLISH THAT A CRIME WAS COMMITTED.

25 (9) AN INDICATION OF WHETHER AN ARREST WAS MADE AND THE  
26 REASON FOR ELECTING NOT TO ARREST, WHETHER THERE WAS A  
27 WARRANTLESS ARREST, AN ARREST WITH A WARRANT OR NO ARREST.

28 (10) WHETHER THE ACCUSED ACTUALLY WAS ARRESTED OR  
29 WHETHER THERE IS AN OUTSTANDING ARREST WARRANT.

30 (11) THE CRIMES WITH WHICH THE ACCUSED WAS CHARGED.

1 (12) IF THE ACCUSED WAS ARRESTED AND ARRAIGNED, WHETHER  
2 BAIL WAS SET AND ANY CONDITIONS OF BAIL IMPOSED.

3 (13) IF THE OFFICER DID NOT ARREST OR SEEK AN ARREST  
4 WARRANT EVEN THOUGH ARREST WAS AUTHORIZED, A DETAILED  
5 EXPLANATION OF THE REASONS FOR THE OFFICER'S DECISION NOT TO  
6 ARREST.

7 (14) THE NAMES AND AGES OF ANY CHILDREN PRESENT IN THE  
8 HOUSEHOLD AND THEIR ADDRESS AND TELEPHONE NUMBER IF THE  
9 CHILDREN ARE RELOCATED.

10 (15) NOTATION OF PREVIOUS INCIDENTS OF WHICH THE OFFICER  
11 IS PERSONALLY AWARE.

12 (16) NOTATION OF PREVIOUS INCIDENTS REPORTED BY THE  
13 VICTIM OR WITNESSES.

14 (17) IF AN OFFICER WAS INJURED IN THE INCIDENT, THE  
15 NATURE AND CIRCUMSTANCES OF THE INJURY.

16 (C) DATA COLLECTION.--THE FOLLOWING SHALL APPLY TO REPORTS  
17 MADE UNDER SUBSECTION (B):

18 (1) ALL WRITTEN REPORTS ON THE SAME PERSON SHOULD BE  
19 KEPT TOGETHER OR CROSS-REFERENCED SO THAT REPEAT DOMESTIC  
20 VIOLENCE CAN BE MONITORED.

21 (2) THE WRITTEN REPORT, OR ANOTHER DOCUMENT, SUCH AS AN  
22 INDEX CARD, OR COMPUTER ENTRY GENERATED FROM THE WRITTEN  
23 REPORT, SHOULD BECOME A DOMESTIC VIOLENCE TRACKING REPORT.

24 (3) TO THE EXTENT POSSIBLE, THE DOMESTIC VIOLENCE  
25 TRACKING REPORT SHOULD BE ACCESSIBLE TO DISPATCHERS AND  
26 POLICE OFFICERS.

27 Section 4. Adherence to policy.

28 Police officers responding to domestic violence calls shall  
29 adhere to the policy adopted by their department under section

30 3.

1 ~~Section 5. Report required.~~ <—

2 ~~Police officers who respond to domestic violence calls shall~~  
3 ~~complete and submit written reports to their respective police~~  
4 ~~departments concerning the calls. The identity of any party~~  
5 ~~named in a report shall not be disclosed except for law~~  
6 ~~enforcement purposes.~~

7 SECTION 5. PROCEDURES. <—

8 PROCEDURES FOR DISPATCH, ARREST, PROVISION OF VICTIM NOTICE  
9 AND SERVICES, REPORT WRITING, INVESTIGATION, PROCESSING THE  
10 ACCUSED AND FOLLOW-UP WITH VICTIMS MUST BE EXPLICITLY SET FORTH  
11 IN WRITTEN POLICE DEPARTMENTAL PROCEDURES.

12 Section 6. Effective date.

13 This act shall take effect immediately.