



# City of Pittsburgh

510 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

## Text File

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**Bill No:** 2013-1091, **Version:** 4

**Committee:** Committee on Public Safety  
Services

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Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article Three, Organization, Chapter 116, Department of Public Safety by adding new language and making formatting changes.

**Be it therefore resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code of Ordinances, Title One, Administrative, Article Three, Organization, Chapter 116, Department of Public Safety is hereby amended and supplemented as follows:

**§ 116.02 - POWERS AND DUTIES OF BUREAU CHIEFS AND DIRECTOR OF PUBLIC SAFETY.**

**I. BUREAU CHIEFS:** The Chiefs of the respective bureaus of the Department of Public Safety shall have the following powers and duties:

- (a) The care, management, administration and supervision of police, fire, emergency medical forces and the City's emergency communication system;
- (b) The enforcement of the building, fire prevention and business licensing laws;

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(c) The providing of educational programs concerning police, fire and emergency medical matters to the general public; and

(d) The oversight of the Police Force accreditation process, the supervision of the accreditation manager and related staff or committee, and the assurance of attainment of police accreditation and continued reaccreditation.

**II. DIRECTOR OF PUBLIC SAFETY:** The Director of Public Safety shall have the following powers and duties:

(a) Directing liaison activity with other City departments and public safety agencies;

(b) Holding internal disciplinary hearings and/or making employee disciplinary decisions as set forth in the various bureau union contracts and/or applicable law;

(c) Coordinating the public safety bureaus during emergencies, which shall include but not be limited to the authority to make decisions regarding evacuations and/or quarantines subject to applicable law;

(d) Enforcing the City's nuisance property laws;

(e) Signing contracts on behalf of the Department; and

(f) Performing such other related tasks and duties that are assigned by the Mayor as required.

**III. DOMESTIC ABUSE POLICY FOR THE BUREAU OF POLICE:**

**(A) RESPONSIBILITIES OF THE DEPARTMENT OF PUBLIC SAFETY, AND THE BUREAU OF POLICE.**

The Director of Public Safety and the Chief of Police shall take proactive steps to ensure that police officers and employees within the Bureau of Police (Bureau) are familiar with the provisions of this Chapter.

Instruction concerning protection from abuse shall be made a part of the training curriculum for all trainee officers and continue throughout the employment of all police officers of any rank.

**~~In accordance with best law enforcement practices and with advice from the Domestic Violence Advisory Panel and oversight from the Director of Public Safety, the Chief of the Bureau shall maintain a policy about officer response to call(s) when domestic violence is suspected or discovered with at minimum: the~~**

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~~expectation to make victim safety and protection a priority; and tactics for initial approach and response when calls for service are interrupted.~~

~~For the first 24 months after the effective date, the Bureau of Police shall implement and maintain the Domestic Violence Lethality Assessment Program – Maryland Model ("LAP") which will include Zone Based Advocates. During the initial pilot period, the Public Safety Director and Chief of Police shall have the responsibility of ensuring that all Bureau personnel are trained to perform the protocols of the LAP. Thereafter, assessment of lethality of domestic violence incidence calls shall be in accordance with best law enforcement practices and with advice from the Domestic Violence Advisory Panel.~~

With oversight from the Director of Public Safety, the Chief of the Bureau shall maintain a domestic violence policy with at minimum, the baselines set forth in this Chapter as it applies to police officers and vigorously enforce its provisions.

**(B) PURPOSE.** Recognizing that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners and other family members, the Bureau shall implement prevention strategies and establish and follow procedures for handling acts of domestic violence committed by police officers.

The Bureau policy shall provide police executives, officers, and all Bureau employees guidance in addressing incidents where one (1) (or more) party(ies) to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the Bureau.

**(C) POLICY STATEMENT.**

- a. The Bureau policy shall offer a comprehensive, pro-active approach to domestic violence by Bureau employees with an emphasis on victim safety.
- b. The Bureau policy shall delineate a position of zero tolerance by the Bureau. It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated.
- c. In the process of implementing this policy, the Bureau shall review the records of all employees to determine whether convictions for qualifying Misdemeanor Crimes of Domestic Violence (MCDV) or valid protection orders exist.

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d. If an employee is found to have a MCDV or is the subject of a qualifying protection order, the Director of Public Safety, the Chief of Police, City Solicitor and Director of Personnel shall be consulted immediately regarding continued employment or duty assignment.

e. Federal law prohibits anyone convicted of qualifying misdemeanor domestic violence crimes from possessing firearms or ammunition pursuant to 18 U.S.C. § 922(g).

f. Officers found guilty of a "qualifying domestic violence crime" as defined in (g) through criminal proceedings shall be terminated.

g. A "qualifying" misdemeanor crime of domestic violence must include:

1. A state or federal misdemeanor crime that has as an element of use or attempted use of physical force or threatened use of a deadly weapon; and.
2. Right to counsel or knowing and intelligent waiver; and.
3. Applies to convictions occurring prior to and after September 30, 1996; and.
4. Excludes convictions that have been expunged, set aside, or person has been pardoned or has had his/her civil rights restored.

## **(D) DEFINITIONS.**

(a) General Rule-The following words and phrases when used in this Chapter shall have the meanings given to them in this section unless otherwise noted.

"ABUSE" The occurrence of one (1) or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (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. Such unwanted physical acts such as grabbing, pinching, shoving, slapping, hitting, hair pulling, biting and or denying medical care or forcing alcohol and/or drug use are considered to be types of physical abuse.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children including such terms as defined in Chapter 63 (relating

to Child Protective Services).

- (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.
- (6) Economic Abuse by making or attempting to make a person financially dependent, e.g., maintaining unwanted control against his/her wishes over financial resources, withholding access to money, forbidding attendance at school or employment

**"DOMESTIC VIOLENCE" As used herein, domestic violence is intended to be consistent with the definition of "ABUSE", above, and as defined by The Protection From Abuse Act, as amended, 23 PA.C.S. § 6101 et seq.**

"FAMILY or HOUSEHOLD MEMBERS" Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"INTIMATE PARTNER" of a police officer is any person who meets one (1) or more of the following criteria:

Is or was legally married to the police officer

Has a child in common with the police officer

Has or had a dating relationship with the police officer

Is specified as an intimate partner by state law

Is cohabitating or has cohabitated romantically with the police officer

**"INTIMATE PARTNERS" any two people who meet one (1) or more of the following criteria:**

**Are or were legally married**

**Have a child in common**

**Have or had a dating relationship**

**Are specified as intimate partners by state law**

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**Are cohabitating or have cohabitated romantically**

"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 that 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 crime).

"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.

"Domestic violence counselor/advocate" An advocacy organization that is engaged in a domestic violence prevention and treatment program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone forty (40) hours or more of training.

"Domestic violence program" A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

"Protection order" refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing the following:

Violent or threatening acts against another person or family member

Stalking or harassment of another person or family member

Contact or communication with another person or family member

Physical proximity to another person or family member

(E) PROCEDURES. While prioritizing the safety of victims, the Bureau policy shall be designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers, and offer direction for conducting the subsequent administrative and/or criminal

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investigations.

Required components include: A) Prevention and Training B) Early Warning and Intervention C) Incident Response Protocols D) Victim Safety and Protection and, E) Post-Incident Administrative and Criminal Decisions.

(F) PREVENTION AND TRAINING. The Bureau will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations. With oversight from the Director of Public Safety, the Bureau will provide ongoing training to every officer on domestic violence as it applies to the population generally and within the ranks of the Bureau. The ongoing training will be required throughout all phases of the police officer's career.

1) Prevention Through Collaboration:

(a) Through ongoing partnerships with local victim advocacy organizations and/or domestic violence programs the Bureau shall develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.

(b) The Bureau shall provide local domestic violence victim advocacy organizations copies of all domestic violence training curricula, protocols and policies for review, comment and possible revision.

2) Training Topics: Upon implementation of the required policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

(a) Understanding Domestic Violence

(b) Departmental Domestic Violence Response Protocol

(c) Warning Signs of Domestic Violence by Officers

(d) Victim Safety

(e) Federal Domestic Violence Laws

3) Ongoing Training: The Bureau shall use a variety of training techniques including in-service, roll-call, Field Training Officers (FTO), ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.

4) Program Evaluation: To enhance the effectiveness of the training, the Bureau policy shall work with internal or external research resources, domestic violence programs and the Allegheny County District Attorney's office to evaluate the training and its impact.

(G) EARLY WARNING AND INTERVENTION.

1) Pre-Hire Screening and Investigation:

- (a) The Office of Municipal Investigation shall conduct thorough background investigations of all potential new employees.
- (b) All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.
- (c) Those candidates with an admitted or otherwise uncovered history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) shall be disqualified in accordance with the General Civil Service Act. (1907 May 32 P.L. as amended).
- (d) Candidates shall be clearly informed of the Bureau's position of zero tolerance concerning domestic violence by officers.

2) Post Conditional Offer of Employment:

- (a) The psychological screening of all viable candidates will focus on indicators of abusive tendencies in their background.
- (b) The Bureau shall consider a no-hire decision in the case of a candidate with tendencies indicative of abusive behavior

3) Post-Hire Intervention:

- (a) When new officers are hired, the Bureau shall directly communicate this policy and other relevant department policies as well as the role of the Citizens Police Review Board (CPRB), as defined in the Pittsburgh City Code Article VI "Citizen Police Review Board," to their intimate partners/family members.
- (b) The Bureau shall engage in consistent and ongoing communication to officers and their intimate partners/family member with information on this policy, the point of contact within the Bureau and referrals for local support services should the need arise.

4) Bureau of Police Responsibilities:

- (a) The Bureau shall develop a cross-jurisdictional Memorandum of Understanding, including but not



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limited to the Allegheny County District Attorney and the Commonwealth of Pennsylvania to ensure timely notification of an incident involving an officer.

(b) The Bureau shall, in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide confidential avenues of assistance in an attempt to prevent an act of domestic violence.

(c) The Bureau shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.

(d) A 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 (only by officer) and/or report of a crime and shall be investigated both administratively and criminally. There shall be no presumption of guilt upon receipt of a report alone from a third party (non-officer).

(e) The Bureau shall consult with Domestic Violence Counselor/Advocate organizations to develop policies and practices to ensure that domestic violence within the ranks of the Bureau is minimized to the extent possible and, that when it does occur, the appropriate actions are taken to prevent further domestic abuse by those responsible and that they are afforded counseling and other measures designed to assist in stopping inappropriate behaviors, with the well being of all parties in mind.

(f) The Bureau shall establish whether risk is inherent in a particular situation in an attempt to safeguard against future violence. Information gleaned from the assessment shall be incorporated into all aspects of safety planning.

#### 5) Supervisor Responsibilities:

(a) Supervisors shall be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including, but not limited to the following:

i. Aggressiveness:

- a. Excessive and/or increased use of force on the job.
- b. Stalking and inappropriate surveillance activities.
- c. Unusually high incidences of physical altercations and verbal disputes.
- d. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse.
- e. Inappropriate treatment of animals.

f. On-or off-duty officer injuries.

ii. Domestic violence-related issues:

- a. Monitoring and controlling any family member or intimate partner through such means as excessive phone calling.
- b. Stalking any intimate partner or family member.
- c. Discrediting and/or disparaging an intimate partner.

iii. Deteriorating work performance:

- a. Tardiness.
- b. Excessive absences.
- c. Alcohol and drug abuse.

(b) When the supervisor notes a pattern of abusive behavior, the supervisor shall:

- i. Meet with the officer to discuss the abusive behavior
- ii. Forward written reports describing the behaviors to the Chief through the chain of command in a timely manner to determine discipline as warranted.
- iii. Prepare and submit to the chief a written request for a psychological exam/counseling by a board certified psychologist/psychiatrist who is knowledgeable about domestic violence.
- iv. When warranted, request the chief order an officer to seek assistance from a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.

(c) Upon arrival on the scene of an officer involved domestic violence related call or incident regardless of the officer's jurisdiction, the first responding patrol unit shall follow the procedures outlined in police order 40-12.1 at § 4.0 et. seq.

#### 6) Police Officer Responsibilities:

(a) Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct

against an intimate partner.

(b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:

- i. Failure to report knowledge of abuse or violence involving a fellow officer
- ii. Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)
- iii. Interference with cases involving themselves or fellow officers
- iv. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)

(c) Officers who learn they are the subject of a criminal investigation or protection order, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe discipline up to and including dismissal.

**7) Director of Public Safety Responsibilities:**

(a) In addition and in accordance with the duties and responsibilities of the Director of Public Safety, the Director shall insure all appropriate reporting is provided pursuant to Pittsburgh City Code Article VI.

(b) The Director shall insure personnel records, including reports of domestic violence and abuse while off of the job, are maintained by the Bureau of Police and/or Department of Personnel for a period of at least ten (10) years post termination.

**(H) DOMESTIC VIOLENCE REVIEW BOARD.**

(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.

Director of Public Safety

Deputy Chief

Assistant Chief of Administration

Assistant Chief of Investigations

Assistant Chief of Operations

Commander-at-Large

Independent Advisor from the Women' Center and Shelter

City-contracted Psychologist

Director of Personnel and Civil Service

(2) Authority, Responsibilities and Duties of the Domestic Violence Review Board

The Domestic Violence Review Board shall be responsible for reviewing domestic violence incidents involving members of the Bureau of Police

- (a) The Board will meet after each officer involved domestic violence related incident.
- (b) The Board will also meet once a quarter to review all Bureau-wide domestic violence incidents and PFA orders.
- (c) 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.
- (d) The Domestic Violence Review Board will review all available information pertaining to officer involved domestic violence related incidents.
- (e) The Board shall serve in an advisory capacity by presenting findings and making recommendations to the Chief of Police.
- (f) The recommendations will include suggestions that may pertain to training, policy, discipline, safety or any other issues of importance that arise from the review.
- (g) While the Board may make recommendations, the final discretion as to these recommendations shall remain with the Chief of Police and Director of Public Safety.

[(I)] **IV. Adoption of Pittsburgh Bureau of Police Order Number 40-12.1.** Pittsburgh Bureau of Police Order Number 40-12.1 is hereby adopted by reference as a part of this Chapter. Order Number 40-12.1 is hereby attached hereto and incorporated herein as Exhibit A. Exhibit A may be amended from time to time as consistent with the Pittsburgh City Code Title One "Administration," Article III "Organization," Chapter 111 "Departments Generally," § 111.01(b)(1) and with Council approval.

[(J)] **V. Annual Police Service Report** The Chief of the Bureau of Police will publish an annual police

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service report to the public that includes:

1. A certification by the Chief of Police that all requirements as they pertain to the Department of Public Safety, Bureau of Police of the consent decree between the United States of America and the City of Pittsburgh (CIVIL NO. 97-0354) dated April 16, 1997 and the stipulated order signed by United States District Court Judge Robert J. Cindrich signed September 30, 2002 have been maintained. A summary of the requirements for the Bureau of Police within the consent decree will be published in the annual report for reporting year 2011 (January-December 2011 to be published in calendar year 2012) and annually thereafter.
2. Number of sworn police personnel authorized for the reporting period;
3. Number, by rank, race and gender, of officers on active duty during the reporting period;
4. Number of officers on workers' compensation during the reporting period;
5. Number of officers on disability leave during the reporting period;
6. Number of officers on military or other specified leave during the reporting period;
7. Number of officer retirements during the reporting period;
8. Recruitment and retention plan, including race, ethnicity and gender of applicants for police officer positions, those on the eligibility list(s) and those hired;
9. Number of officers placed on administrative leave with pay, pending a criminal or internal misconduct charge.
10. Number of officers disciplined, distinguished by type charge, source of charge (e.g. OMI complaint, internal review, etc...), and level of discipline, including termination;
11. A summary of the levels of discipline resulting from disciplinary actions taken to grievance or arbitration;
12. Number of officers losing state municipal police officer certification and reason for revocation;
13. Number of officers sued, with a statistical breakdown showing the types of claims, in which court or administrative body they were filed, and the result in terms of payment and/or equitable relief
14. The number of police related civil actions filed during the reporting period against the City of Pittsburgh and the Bureau of Police distinguished by the type of claim and the name of the court or

administrative body in which the claims were filed.

- a. The number of civil actions settled during the reporting period and the monetary amount of each settlement identified by the year of the claim, the parties' names and, if applicable, relevant docket number.
- b. The number of civil actions resolved during the reporting period by a court or jury or administrative body, the monetary amount distinguished by compensatory and punitive award(s) identified by the year of the original claim, the parties' names and relevant docket number.
- c. The number of civil actions pending at the beginning and at the end of the reporting period in a court or jury or administrative body, identified by the year of the claim, the parties' names and relevant docket number.

15. Number of officers arrested and number of officers criminally charged, with a listing of the charges filed, and the disposition of those criminal charges

16. Number of calls for service answered by police, calculated and reported by Zone.

17. Number of arrests by, race, age and gender distinguished by Zone;

18. Number of traffic stops, broken down by race, and gender of driver for each Zone;

19. Number of Field Contacts/Warrantless Search & Seizures (FCWSS) conducted specifying the following:

- a. Total FCWSS,
- b. The result of the FCWSS,
- c. Reason for FCWSS,
- d. Contacts by age, gender and race,
- e. Type contact made (pedestrian, driver, vehicle occupant).

f. If a strip search or body cavity search, provide the following information for each contact:

**Descriptors (for strip searches):**

Reason for Police Search

Resulting Police Action(s)

Person Searched

Gender

Age Range (to protect identity of person searched)

Race

Zone

Month

Time of Day

Gender of Officer Performing Strip Search

**Descriptors (for body cavity searches):**

Reason for Police Search

Resulting Police Action(s)

Person Searched

Gender

Age Range (to protect identity of person searched)

Race

Zone

Month

Time of Day

Specific Reason Body Cavity Search Conducted

Location Search Conducted (hospital, etc...)

Person Conducting Search by Occupation (doctor, etc...)

Result of Search

20. The number of pedestrian stops that result in a frisk of the individual(s). For purposes of this legislation, a frisk is defined as 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 a garment and seize the weapon. 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. A summary of the data will include:

- a. Total pedestrian stops that resulted in a frisk bureau wide and by zone,
- b. The result of the pedestrian stops that resulted in a frisk,
- c. Reason for pedestrian stops that resulted in a frisk,
- d. Pedestrian stops that resulted in a frisk by age, gender and race,

The City shall fund in the 2012 City Budget and thereafter to allow City Information Systems ("CIS") and the Bureau of Police to design, implement and maintain an electronic "Daily Activity Report" which will capture the above information. The electronic "Daily Activity Report" will be implemented in 2013.

The City shall fund in the 2012 City Budget and thereafter to allow CIS and the Bureau of Police to design, implement and maintain any upgrades needed for the Field Contact Search and Seizure Report required by the implementation of the "Daily Electronic Activity Report."

The funding shall be in addition to that funding which has already been allocated annually to City Information Systems (CIS) and the Bureau of Police (BPP) for Information Technology projects currently under development as well as on-going maintenance and licensing fees,



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hardware costs, software upgrades and management of applications of public safety systems currently in production.

21. Notify the public of the right to initiate a complaint against an officer, in person, electronically, by facsimile, letter or telephone and such notice will include the physical and electronic address, telephone number, and facsimile number of the Office of Municipal Investigations and the Citizen Police Review Board.

22. A summary of police pursuits initiated by Pittsburgh Police specifying:

- a. Reason pursuit initiated,
- b. Zone initiating pursuit,
- c. Outcome of pursuit (to include arrests, collisions and injuries)

Note: All information required in this legislation is contingent upon the controlling agency/department providing said information to the Pittsburgh Bureau of Police.

[(K)] **VI. Severability.** Severability is intended throughout and within the provision of this Section. If any provision, including, inter alia, any exception, paragraph, phrase or term, or the application, thereof to any person or circumstances is held invalid, the application to the persons or circumstances shall not be affected thereby and the validity of this Section in any and all other respects shall not be affected thereby. The City does not intend to violate the Constitution of the Commonwealth of Pennsylvania or the Constitution of the United States of America.

**Effective Date**

**These amendments shall be effective in 60 days.**