

Chapter 340

WARRANTLESS ARRESTS

[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift 3-1-1999 by Ord. No. 2-1999. Amendments noted where applicable.]

§ 340-1. Right to warrantless arrest.

Pursuant to 42 Pa.C.S.A. § 8902, effective January 17, 1996, a police officer shall, upon review, have the right to arrest without a warrant for certain summary offenses upon probable cause, when there is ongoing conduct that imperils the personal security of any person, or endangers public or private property, providing such arrests are authorized by rules promulgated by the governmental body employing the police officer.

§ 340-2. Probable cause.

If a police officer has probable cause to believe that there is a violation of one or more of the four offenses listed below; that the defendant's conduct is ongoing; that the conduct constituting the crime is based upon the police officer's view of the conduct; and if the conduct imperils the personal security of any person, or endangers public or private property, the officer shall have the right to arrest a defendant without a warrant.

§ 340-3. Four offenses.

The four summary offenses, pursuant to Title 18 Pa.C.S.A., are as follows:

§ 5503 Disorderly Conduct

§ 5505 Public Drunkenness

§ 5507 Obstructing Highways and other Public Passages

§ 6308 Purchase, Consumption, Possession, or Transportation of Liquor, or Malt, or Brewed Beverages

§ 340-4. Procedure.

Any officer making an arrest under these guidelines shall also follow those procedures set forth in the Pennsylvania Rules of Criminal Procedure and, in particular, Rule 71, said Rule currently providing as follows:

- A. When a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to Subsection B or taken before the proper issuing authority under Subsection C.

B. Prompt release procedure.

- (1) When a defendant has been arrested without a warrant, the arresting officer may, when the officer deems it appropriate, promptly release the defendant from custody when the following conditions have been met:
 - (a) The defendant is a resident of the commonwealth;
 - (b) The defendant poses no threat of immediate physical harm to any other person, or to himself, or herself; and
 - (c) The defendant does not demand to be taken before an issuing authority.
- (2) A citation shall be issued to the defendant at the time of release, and, thereafter, the case shall proceed in accordance with Rule 55-59, as if the proceedings had been instituted by issuing a citation to the defendant.

C. When a defendant has not been released from custody under Subsection B, the defendant shall be taken without unnecessary delay before the issuing authority, where a citation shall be filed against the defendant. The defendant shall be given an immediate trial unless:

- (1) The commonwealth is not ready to proceed, or the defendant requests a postponement, and, in either event, the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial; or
- (2) The defendant's criminal record must be ascertained before trial, as specifically required by statute for purposes of grading the offenses charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for the trial which shall be after the issuing authority's receipt of the required information.

§ 340-5. Current rule amendments apply.

The Council recognizes that Rule 71 and 42 Pa.C.S.A. § 8902 may be amended from time to time. It is the intention of the Council that the police officers follow the terms of the rule or statute that is currently in effect, as of the date of the arrest, whether or not these guidelines have been formally amended to comply with any rule or statute changes.

§ 340-6. No intent to restrict police action.

It is not the intention of the Council to modify, restrict, or otherwise prohibit a police officer of the Borough of East Vandergrift from making other warrantless arrests for summary offenses where such arrests have been expressly authorized by any other rule or statute.