

Chapter 42

ARRESTS, WARRANTLESS

§ 42.1. Purpose.

§ 42.2. General Rule.

§ 42.3. Procedure Following Arrests Without Warrant.

§ 42.4. Additional Guidelines.

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 9-3-96 as Ord. No. 1722. Amendments noted where applicable].

GENERAL REFERENCES

**Definitions and rules of interpretation – See Ch. 3
Departments of Government, Article I – See Ch. 21**

§ 42.1. Purpose. The purpose is to permit a police officer to arrest, without a warrant, for specific summary offenses.

§ 42.2. General Rule. For any of the following offenses, a police officer shall, upon view, have the right to arrest without a warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property:

42.2.1. Under Title 18 when such offense constitutes a summary Offense:

- 42.2.1.1. 18 PA C.S. Section 5503 (Relating to disorderly conduct)
- 42.2.1.2. 18 PA C.S. Section 5505 (Relating to public drunkenness)
- 42.2.1.3. 18 PA C.S. Section 5507 (Relating to obstructing highways and other public passages)
- 42.2.1.4. 18 PA C.S. Section 6308 (Relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages)

§ 42.3. Procedure Following Arrest Without Warrant. When a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to Section 42.3.1. and 42.3.2. or taken before the prior issuing authority under Section 42.3.3.

42.3.1. 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:

42.3.1.1. The defendant poses no threat of immediate physical harm to any other person or to himself or herself;

42.3.1.2. The arresting officer has reasonable grounds to believe that the defendant will appear as required; and

42.3.1.3. The defendant does not demand to be taken before an issuing authority.

42.3.2. A citation shall be issued to the defendant at the time of release and thereafter the case shall proceed as if the proceedings had been instituted by issuing a citation to the defendant.

42.3.3. When the defendant has not been released from custody under Section 42.3.1., 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:

42.3.3.1. 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

42.3.3.2. The defendant's criminal record must be ascertained before trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, which shall be after the issuing authority's receipt of the required information.

§ 42.4. Additional Guidelines. Prior to making an arrest, the officer should ensure that the following requires are satisfied:

42.4.1. The officer has probable cause.

42.4.2. The violation is one of the four listed crimes.

42.4.3. The defendant's conduct is ongoing.

42.4.4. The conduct constituting the crime was within the officer's view.

42.4.5. The conduct exposes to harm or injury the personal security of any person including the defendant or endangers public or private property.