

RESOLUTION NO. 97-109
A RESOLUTION OF THE TOWNSHIP OF HOPEWELL,
BEAVER COUNTY, PENNSYLVANIA, PROMULGATING
GUIDELINES TO BE FOLLOWED BY A POLICE OFFICER
WHEN MAKING A WARRANTLESS ARREST UNDER
18 PA. C.S. §8902

BE IT RESOLVED by the Board of Commissioners of the Township of Hopewell and it is hereby resolved by the authority of same:

1. Pursuant to 42 Pa. C.S. 8902, effective January 17, 1996, a police officer shall upon view, have the right of 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.

2. If a police officer of the Township of Hopewell has probable cause to believe that there is a violation of one 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.

3. These guidelines shall only apply to the following summary offenses, pursuant to Title 18 Pa C.S.:

- §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.

4. 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 paragraph (b) or taken before the proper issuing authority under paragraph (c).

(b) 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:

- (1) the defendant is a resident of the Commonwealth;
- (2) the defendant poses no threat of immediate physical harm to any other person or to himself or herself;
- (3) the arresting officer has reasonable grounds to believe that the defendant will appear as required; and
- (4) the defendant does not demand to be taken before an issuing authority.

A citation shall be issued to the defendant at the time of release and thereafter the case shall proceed in accordance with Rules 55-59 as if the proceedings had been instituted by issuing a citation to the defendant.

(c) When the defendant has not been released from custody under paragraph (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 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.

5. The commissioners recognized that Rule 71 and §8902 may be amended from time to time. It is the intention of the commissioners that the police officers follow the terms of the Rule or Statute that is 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.

RESOLVED this 18th day of FEBRUARY, 1997.

TOWNSHIP OF HOPEWELL

SEAL

BY: 
President

ATTEST:


Secretary