



# East Norriton Township Police Department

## GENERAL ORDER 1.2.4

### ARREST PROCEDURES, WITH OR WITHOUT WARRANT

**Subject:**

Limits of Authority

**Issued Date:**

March 23, 2011

**Effective Date:**

March 23, 2011

**Revised Date:**

April 27, 2016

**PLEAC STANDARD Reference**

1.2.4, 2.7.5

**Index Words**

Physical Arrests

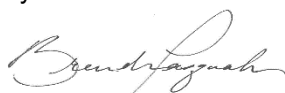
#### 1.2.4 Arrest Procedures, with or Without Warrant

- A. The power of arrest granted to Act 120 certified police officers is one of the alternatives available under circumstances that require some form of police action.
- B. Where an arrested person is taken into physical custody and detained at the police station, for however slight a period of time, an Incident Report, an Arrest Report, and if appropriate a Criminal Complaint with all information requested shall be completed and filed.
- C. All persons arrested for a felony, misdemeanor or a summary offense that becomes a misdemeanor after a first conviction, such as a Retail Theft, shall be fingerprinted and photographed on Live Scan, unless the situation dictates otherwise. When the situation dictates otherwise, arrangement shall be made to have the individual processed as soon as possible.
- D. Following arrest and processing, the defendant shall, without unnecessary delay, and based on factors such as condition of the defendant, the availability of a District Justice, etc., be given an arraignment before the on-call District Justice.
- E. If after processing, a timely arraignment is not possible, the defendant may be held for no more than 8 hours in an East Norriton Township cell. With prior approval, Whitpain Police Department, Norristown Police Department, Plymouth Police Department, or the Montgomery County Correctional facility may be used to house the defendant.
- F. Prompt release of the defendant following warrantless arrest, instead of preliminary arraignment, shall be considered by officers in the following circumstances:
  - 1. When a defendant has been arrested without a warrant for driving under the influence of alcohol or controlled substances
  - 2. When the most serious offense charged is a misdemeanor of the second degree.
  - 3. When the defendant is a resident of this Commonwealth.
  - 4. When the defendant poses no threat of immediate physical harm to any other person or to himself or herself.

5. When the arresting officer has reasonable grounds to believe that the defendant will appear as required if the charges are instituted by summons.
  6. When the defendant does not demand to be taken before an issuing authority.
- G. A non-traffic citation will be issued by the arresting officer for summary offenses under the Pennsylvania Crimes Code and/or East Norriton Township Ordinances, in the following instances and manner, as prescribed by the Pennsylvania Rules of Criminal Procedure
1. General Rule: Warrantless arrests, upon probable cause, shall only be authorized for the following summary offenses of Title 18 when there is ongoing conduct that imperils the personal security of any person or endangers public or private property:
    - a. Disorderly Conduct (18 Pa. C.S. Section 5503)
    - b. Public Drunkenness (18 Pa. C.S. Section 5505)
    - c. Obstructing Highway (18 Pa. C.S. Section 5507)
    - d. Underage Purchase/Possession of Liquor (18 Pa. C.S. Section 6308)
  2. Guidelines by governmental body: The right of arrest without warrant under this section shall be permitted only after the governmental body employing the police officer promulgates guidelines to be followed by a police officer when making a warrantless arrest.
    - a. The Township of East Norriton Board of Supervisors has authorized warrantless arrests for 18 Pa. C.S. Sections 5503, 5505, 5507, and 6308 by Resolution #1631, resolved May 8th, 1996.
    - b. When making such warrantless arrests police officers are to follow the Pennsylvania Rules of Criminal Procedure, Part IV: "Procedures in Summary Cases When Defendant is Arrested without a Warrant."
  3. The following are suggested guidelines in effecting an arrest for the above enumerated summary offenses:
    - a. Upon arrest, the defendant shall immediately be transported to the Township Police Department for processing and the issuance of a citation.
    - b. The defendant shall be processed without unnecessary delay and furnished a copy of the citation.
    - c. The defendant will then be released, provided he/she is no longer in a position of imperiled personal security.

**(Refer to General Order 1.2.6 for Juvenile Custody Procedures)**

By order of:



Brandon Pasquale  
Chief of Police