Legislation Details (With Text)

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Type:	Resolution	**Status:**	Passed Finally
File created:	12/10/2021	**In control:**	Committee on Public Safety Services
On agenda:	12/14/2021	**Final action:**	12/20/2021
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Effective date:	12/27/2021		

Title: Resolution authorizing the Council of the City of Pittsburgh to promulgate guidelines to be followed by City police officers when making a warrantless arrest pursuant to 42 Pa. C.S. §8902 ("Arrest without warrant"), as required by thereunder and as required by the Pennsylvania Chiefs of Police Association, Pennsylvania Law Enforcement Accreditation Program.

Sponsors:

Indexes: MISCELLANEOUS

Code sections:

Attachments: 1. 2021-2334 Cover Letter-Warrantless Arrest Guildlines letter, 2. Summary 2021-2334

Date	Ver.	Action By	Action	Result
12/27/2021	1	Mayor	Signed by the Mayor	
12/20/2021	1	City Council	Passed Finally	Pass
12/15/2021	1	Standing Committees	Affirmatively Recommended	Pass
12/14/2021	1	City Council	Read and referred	
12/14/2021	1	City Council	Waived under Rule 8	Pass

Resolution authorizing the Council of the City of Pittsburgh to promulgate guidelines to be followed by City police officers when making a warrantless arrest pursuant to 42 Pa. C.S. §8902 ("Arrest without warrant"), as required by thereunder and as required by the Pennsylvania Chiefs of Police Association, Pennsylvania Law Enforcement Accreditation Program.

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. Resolution authorizing the Council of the City of Pittsburgh to promulgate guidelines as required by 42 Pa. C.S. §8902 ("Arrest without warrant"), on behalf of the City of Pittsburgh, Department of Public Safety, in order to legally permit City police officers to conduct warrantless arrests upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property for any of the following offenses as referenced in 42 Pa. C.S. §8902:

(1) Under Title 18 (relating to crimes and offenses) when such offense constitutes a summary offense:
18 Pa.C.S. §5503 (relating to disorderly conduct)
18 Pa.C.S. §5505 (relating to public drunkenness)
18 Pa.C.S. §5507 (relating to obstructing highways and other public passages)
18 Pa.C.S. §6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages)
(2) Violation of an ordinance of a city of the second class (i.e. any City of Pittsburgh ordinance)

Section 2. The Council of the City of Pittsburgh hereby promulgates the following guidelines to be followed by the City's police officers when making a warrantless arrest under §8902 of Title 42 of the Pennsylvania Consolidated Statutes:
Prior to making a warrantless arrest under §8902 of Title 42 of the Pennsylvania Consolidated Statutes (42 Pa. C.S. §8902), the officer shall ensure that the following requirements are satisfied:

(1) The officer has probable cause to believe that conduct constituting one of the four listed offenses under §8902 of Title 42 of the Pennsylvania Consolidated Statutes is involved, particularly identified as: 18 Pa. C.S. §5503 (relating to disorderly conduct); 18 Pa. C.S. §5505 (relating to public drunkenness); 18 Pa. C.S. §5507 (relating to obstructing highways and other public passages); and 18 Pa. C.S. §6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages); and
(2) The conduct is ongoing; and
(3) The conduct constituting the offense is within the officer's view; and
(4) The conduct imperils the personal security of any person or endangers public or private property.
After making a warrantless arrest pursuant to 42 Pa. C.S. §8902, the officer shall follow the Pennsylvania Rules of Criminal Procedure regarding citations and other related proceedings.

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