
 University of Pittsburgh Police Department Rules & Regulations Manual	Reference Number: 5 - 2 (Chapter / Section) PLEAC 1.2.4
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	Rescinds: All Previous
	Amends: N/A
Title: Physical Arrest	 By Order of James K. Loftus, Chief of Police

1.0 Policy

It shall be the policy of the University of Pittsburgh Police Department to follow all current legal arrest procedures in use in the Commonwealth of Pennsylvania. These procedures are derived from current constitutional requirements, statute, case law and the rules of criminal procedure.

2.0 Purpose

The purpose of this directive is to define the authority of officers to arrest and the mechanism for making arrests with and without a warrant. Arrests can be made with or without a warrant. This directive will assist the officer in determining when a warrant is needed or when an arrest can be made without a warrant.

3.0 Procedures.

Arrest With/Without Warrant. (PLEAC 1.2.4)

- 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. Officers shall arrest persons by warrant in accordance with the following procedures:
 - 1. Title 234, Pa.Code, the Pennsylvania Rules of Criminal Procedure.
 - a. Governs criminal proceedings in all courts, including courts not of record. All actions involving arrests by warrant for the penal laws of the Commonwealth of Pennsylvania must follow these rules.
 - b. Summary warrant issuance.
 - i. Chapter 4, Part D(1), Rule 430, Issuance of Arrest Warrant.

- c. Court case arrest warrant issuance.
 - i. Chapter 5, Part B(3)(a), Rule 509, Use of Summons or Warrant of Arrest in Court Cases, provides that the issuing authority shall issue a warrant of arrest when:
 - aa. The offense charged is punishable by a sentence to imprisonment of more than five years or the defendant is charged with more than one offense and one of such offenses is punishable by a sentence to imprisonment of more than five years.
 - bb. The issuing authority has reasonable grounds to believe that the defendant will not obey a summons.
 - cc. The summons has been returned undelivered.
 - dd. A summons has been served and disobeyed by a defendant.
 - ee. The identity of the defendant is unknown.
 - d. Chapter 5, Part B(3)(a), Arrest Warrants, Rule 513, Requirements for Issuance.
 - i. No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority.
 - ii. Officers shall submit an Affidavit of Probable Cause, under the provisions of the Pa.R.Crim.P., with all criminal complaints where an arrest warrant is required or being requested.
- C. Officers shall arrest persons without a warrant in accordance with the following procedures.
- 1. Title 234, Pa.Code, the Pennsylvania Rules of Criminal Procedure.
 - a. Governs criminal proceedings in all courts, including courts not of record. All actions involving warrantless arrests for violations of the Penal Laws of the Commonwealth of Pennsylvania must follow these rules.
 - b. Summary arrest procedures.
 - i. Chapter 4, Part D(2), Rule 440, Arrest Without Warrant.
 - ii. Chapter 4, Part D(2), Rule 441, Procedure Following Arrest Without Warrant.
 - 2. Court case arrest procedures.
 - a. Chapter 5, Part B, Rule 502, Instituting Proceedings in Court Cases.
 - i. Warrantless arrest is authorized when the offense is a felony or misdemeanor committed in the presence of the officer making the

- arrest.
- ii. Warrantless arrest is authorized based upon probable cause when the offense is a felony.
 - iii. Warrantless arrest is authorized upon probable cause when the offense is a misdemeanor not committed in the presence of the officer making the arrest when such arrest without a warrant is specifically authorized by statute.
- b. Chapter 5, Part B(3)(b), Arrest Without Warrant, Rule 519, Procedure in Court Cases Initiated by Arrest Without Warrant.
- i. When an officer has arrested a defendant without a warrant in a court case, the officer shall file a complaint against the defendant and he/she shall be afforded a preliminary arraignment before the proper issuing authority without unnecessary delay.
 - aa. The arresting officer, or his/her designee, will contact the District Magistrate for the jurisdiction of arrest, or the on-call magistrate, and schedule or arrange for the defendant's preliminary arraignment under this Rule.
 - ii. The arresting officer shall promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when all of the following conditions have been met:
 - aa. When a defendant has been arrested without a warrant for driving under the influence of alcohol or controlled substances.
 - bb. When the most serious offense charged is a misdemeanor of the second degree.
 - cc. When the defendant poses no threat of immediate physical harm to any other person or to himself or herself.
 - dd. When the arresting officer has reasonable grounds to believe that the defendant will appear as required if the charges are instituted by summons.
 - iii. In cases where the defendant is released pursuant to Rule 519, officers shall file a complaint against the defendant within five days of the defendant's release. Thereafter, a summons, not a warrant of arrest, shall be issued and the case shall proceed as provided for in Pa.R.Crim.P. Rule 510.
 - iv. Affidavits of probable cause.
 - aa. Not required with the complaint when the case is to proceed pursuant to Rule 510 as outlined above.

- bb. Required when the defendant is to be taken before an issuing authority for formal contact with the criminal justice system through preliminary arraignment.

D. Warrantless arrests authorized by statute.

A. Title 18, Crimes Code of Pennsylvania, Chapter 27, Assaults, §2711.

- 1. Officers shall have the same right of arrest without a warrant as in a felony whenever s/he has probable cause to believe the defendant has violated Crimes Code §§2701 (related to simple assault), 2702(a)(3), (4) and (5) (related to aggravated assault, or 2705 (related to recklessly endangering another person) against his spouse or other person with whom he resides or has formerly resided although the offense did not take place in the presence of the police officer if the officer first observed recent physical injury to the victim or other corroborative evidence of the offense(s).

B. Title 18, Crimes Code of Pennsylvania, Chapter 39, Theft, Subchapter B, §3904.

- 1. Officers shall have the same right of arrest without a warrant for any grade of theft as exists or may hereafter exist in the case of the commission of a felony.

C. Title 75, Vehicle Code of Pennsylvania, Chapter 63, Enforcement, Subchapter A, §6304, Authority to Arrest Without a Warrant.

- 1. Officers may arrest any non-resident who violates any provision of this title in the presence of the officer making the arrest.
- 2. Upon arrest of a non-resident under this Section, the officer shall proceed in accordance with the provisions of §6305 of the Vehicle Code.

D. Title 42, Pa.C.S. §8902 authorizes arrests without a warrant under Title 18, Crimes Code of Pennsylvania, when a police officer has probable cause from viewing ongoing conduct which imperils the personal security of any person or endangers public or private property when such conduct constitutes certain summary offense(s).

- 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:
 - i. Disorderly conduct (18 Pa.C.S. §5503).
 - ii. Public drunkenness (18 Pa.C.S. §5505).
 - iii. Obstructing highway (18 Pa.C.S. §5507).
 - iv. Underage purchase/possession of liquor (18 Pa.C.S. §6308).
 - v. Violations of a City of Pittsburgh ordinance.
- 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.

E. Assignment of University of Pittsburgh Police Department Arrest Numbers.

1. Any person arrested for any reason, including warrantless arrests, summary non traffic citations and arrests with a warrant shall be assigned an arrest number from the Arrest Log maintained in the work room. This includes warrants from other jurisdictions and District Court warrants if the person was physically arrested.
2. If a person is brought back to the station and housed in a cell for a 302 warrant, no arrest number will be assigned.
3. If an arrest number is assigned, a University of Pittsburgh incident report will be completed.

4.0 **References**

Also review: Procedures for On View Arrests,
Criminal Complaints,
Arrest and Search Warrants