

GUIDELINES FOR BOROUGH POLICE OFFICERS MAKING WARRANTLESS ARREST UNDER SECTION 8902 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES.

WHEREAS, the Borough as the governmental body employing Borough Police Officers is responsible for promulgating guidelines to be followed by the Borough Police Officers when making an arrest under Section 8902 of Title 42 of the Pennsylvania Consolidated Statutes,

NOW, THEREFORE, the Borough promulgates the following guidelines to be followed by Borough Police Officers when making a warrantless arrest under Section 8902 of Title 42 of the Pennsylvania Consolidated Statutes:

Prior to making a warrantless arrest under Section 8902 of Title 42 of the Pennsylvania Consolidated Statutes, the officer shall ensure that the following requirements contained in the statute are satisfied: the officer had probable cause to believe that one of the four listed offenses is involved; that the defendant's conduct is ongoing; that the conduct constituting the offense is upon the officer's view; and the conduct imperils the personal security of any person or endangers public or private property.

After making a warrantless arrest pursuant to Section 8902 of Title 42 of the Pennsylvania Consolidated Statutes, the officer shall follow Rule 71 procedures for Arrest Without Warrant as set forth in the Pennsylvania Rules of Criminal Procedure.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.