

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 7 - 2017

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FEBRUARY 1, 2017

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AN ORDINANCE

An ordinance of the City Council of the City of Allentown, Pennsylvania, amending Part Seven (General Offenses Code), Article 730 of the Codified Ordinances by adding section 730.99.1 to establish guidelines for police officers to follow when effectuating warrantless arrests when the conduct constitutes a summary offense pursuant to Title 42 (Judiciary and Judicial procedure), Part viii (Criminal Proceedings), Chapter 89 (commencement of proceedings), Subchapter a (general provisions) of the Pennsylvania consolidated statutes.

WHEREAS, Pursuant to Title 42, Chapter 89, Subchapter A (Judiciary and Judicial Procedure), of the Pennsylvania Consolidated Statutes, 42 Pa.C.S.A § 8902(a), for any of the following offenses, 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 under Title 18 (relating to crimes and offenses) when each offense constitutes a summary offense:

18 Pa. C.S.A § 5503 (relating to disorderly conduct)

18 Pa. C.S.A. § 5505 (relating to public drunkenness)

18 Pa. C.S.A. § 5507 (relating to obstructing highways and other public passages)

18 Pa. C.S.A. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

WHEREAS, The City Council desires to formalize written guidelines for police officers to follow when making a warrantless arrest under 42 Pa.C.S.A § 8902(b).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLENTOWN AS FOLLOWS:

Section 1. Section 730 of the Codified Ordinances is hereby amended to add Section 730.99.1 as follows:

Section 730.99.1. Guidelines for Police Officers in Making Certain Warrantless Arrests

A. A police officer is authorized to make an arrest without a warrant when the officer observes conduct constituting a summary offense as set forth herein and in 42 Pa.C.S.A § 8902(a), as may be

amended, and such conduct imperils the personal security of any person or endangers public or private property.

B. Arrests authorized under this Section 730.99.1 shall proceed in accordance with Pennsylvania Rules of Criminal Procedure 440 and 441, as may be amended.

C. This Section 730.99.1 shall not modify, restrict or otherwise prohibit a police officer from making any other warrantless arrests or arrests for summary offenses where such arrests have otherwise expressly been authorized by any other statute.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

Section 3. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance, which provisions shall remain in full force and effect.

Section 4. This Ordinance shall be effective in ten (10) days from the date of adoption.

ENACTED AND ORDAINED into law by the City of Allentown, Pennsylvania this \_\_ day of \_\_\_\_\_, 2017.

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Police Department

- **Summary and Facts of the Bill**

The ordinance allows for the police department to establish guidelines for police officers to follow when effectuating warrantless arrests when the conduct constitutes a summary offense pursuant to title 42 (Judiciary and Judicial Procedure) part VIII (Criminal Proceedings) Chapter 89 (Commencement of proceedings) Subchapter A, (General Provisions) of the Pennsylvania Consolidated Statutes.

- **Purpose – Please include the following in your explanation:**
  - **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
  - **What are the Benefits of doing this/Down-side of doing this**
  - **How does this Bill related to the City’s Vision/Mission/Priorities**

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- **Financial Impact – Please include the following in your explanation:**
  - **Cost (Initial and ongoing)**
  - **Benefits (initial and ongoing)**

There are no costs associated with the ordinance.

Benefits of the ordinance allows for conforming to the rules of criminal procedure reflected above, and to conform to the Pennsylvania Law Enforcement Accreditation program standard 1.2.4. This ordinance is now required to conform to this standard.

- **Funding Sources – Please include the following in your explanation:**
  - If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.

No funding is needed for the ordinance.

- **Priority status/Deadlines, if any**

Prior to our accreditation on site assessment which will be in July of 2017. This ordinance is now required under standard 1.2.4 of the Pennsylvania Law Enforcement Accreditation Program.

- **Why should Council unanimously support this bill?**

To conform to the rules of Criminal Procedure and to allow for a compliant review of this standard during our accreditation assessment.

- **Committee Action**

- **Public Comments**

- **Body/Text of the Bill**

- **Exhibits**

- **Vote**