Gress, James

From:	Fruhwirth, Frances <Frances.Fruhwirth@allentownpa.gov>
Sent:	Tuesday, November 29, 2016 11:31 AM
To:	Gress, James
Subject:	Compliance with Accreditation Standard 1.2.4 (Warrantless Arrests for Summary Offenses)

Good morning, Jim.

The Judicial Code, 42 Pa.C.S.A Â§ 8902, authorizes the police to arrest without a warrant upon probable cause persons engaged in the offenses of disorderly conduct, public drunkenness, obstruction of highways and public passages and purchasing/consumption/possession or transportation of liquor or malt/brewed beverages, but guidelines for this right of arrest must first be established by the governing body.

Section 8902 (b) states:

Â Â Â Â Â Â Â Â Â Â Â Â Â Â (b) Guidelines by governmental body.- The right of arrest without a 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 under this section.

Part Seven (General Offenses Code), Article 730 (Disturbing the Peace) of the Codified Ordinances does not contain any authorization for warrantless arrests. I checked with the City Clerk's Office to see if there had been any amendments to these sections. Tawanna Whitehead investigated and found none.
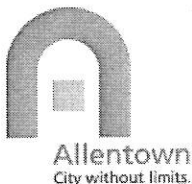
There is currently no City Ordinance to offer the Pennsylvania Chiefs of Police Association as proof that the City is in compliance with Accreditation Standard 1.2.4.

Do you want to draft such an Ordinance or would you prefer we draft one? If you would like us to do it, please send us Section 730 of the Codified Ordinances as a Word document, if available. We will need to see if this amendment interacts with the current provisions with regard to the Penalty section.

Thank you.

Fran

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