

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2109

**AN ORDINANCE AUTHORIZING THE MUNICIPALITY OF
MONROEVILLE POLICE DEPARTMENT TO ESTABLISH
GUIDELINES TO EFFECTUATE WARRANTLESS ARRESTS
FOR CERTAIN SUMMARY OFFENSES UNDER THE
PENNSYLVANIA CRIMES CODE.**

WHEREAS, in 1995, the Commonwealth of Pa. State Legislature enacted 42 Pa. C.S.A. section 8902 which allows governmental bodies, employing police officers to promulgate guidelines to be followed by police officers when effectuating warrantless arrests for specifically enumerated summary offenses; and

WHEREAS, the purpose of 42 Pa. C.S.A. Section 8902 is to increase the authority that governmental bodies have in addressing summary offenses which imperil the personal security of any person or endangers public or private property and;

WHEREAS, the MUNICIPALITY OF MONROEVILLE has become increasingly aware of the growing concern regarding incidents involving individuals who are disorderly, who are manifestly under the influence of alcohol, who are obstructing highways and other public roadways or passageways and who are purchasing, consuming, possessing, or transporting liquor or malt or brewed beverages while under the age of twenty one (21) all of which impairs personal security or endangers public or private property; and

WHEREAS, currently the MUNICIPALITY OF MONROEVILLE police have the authority to issue summary offense citations pursuant to 18 Pa. C.S.A. 5503, 5505, 5507, and Section 6308; and

WHEREAS, 42 Pa. C.S.A. Section 8902 expands the authority of the MUNICIPALITY OF MONROEVILLE police to arrest for disorderly conduct, public drunkenness, obstructing highways and other public passages and purchasing, consuming, possessing and transporting liquor or malt or brewed beverages while under the age of twenty one (21) or the facts and circumstances apparent to the officer that leads the officer to believe that such persons are engaged in actions that endanger persons or public or private property; and

WHEREAS, the MUNICIPALITY OF MONROEVILLE police has promulgated the following guidelines to empower the MUNICIPALITY OF MONROEVILLE police to effectuate warrantless arrests for the above enumerated offenses; and

WHEREAS, by enabling the MUNICIPALITY OF MONROEVILLE police department to effectuate warrantless arrests for disorderly conduct, public drunkenness, obstructing highways and other public passages, and the purchase, consumption, possession, or transportation of liquor or malt or brewed beverages, the Borough is protecting the safety and general welfare of the public and citizens;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AND RESOLVED by the Council of the MUNICIPALITY OF MONROEVILLE as follows:

The MUNICIPALITY OF MONROEVILLE hereby adopts guidelines for effectuating warrantless arrests for disorderly conduct, public drunkenness, obstructing highways and other public passages, purchasing, consuming, possessing or transportation of liquor or malt beverages as follows:

WARRANTLESS ARREST GUIDELINES for the following four offenses pursuant to 18 Pa. C.S.A. as follows: 5503 Disorderly Conduct, 5505 Public Drunkenness, 5507 Obstructing Highways and other public passages, 6308 purchase, consumption, possession or transportation or liquor of malt or brewed beverages.

SECTION 1: Policy or Purpose. The purpose of this Section is to provide officers with guidelines for effectuating warrantless arrests relating to disorderly conduct, public drunkenness, obstructing highways and other passage ways, purchase, consumption, possession or transportation of liquor or malt or brewed beverages pursuant to 42 Pa. C.S.A. Section 8902. 42 Pa. C.S.A. Section 8902 increases the enforcement and authority by the MUNICIPALITY OF MONROEVILLE and other Municipalities who employ police officers by empowering Municipalities to not only issue Citations for disorderly conduct, public drunkenness, obstructing highways and other passage ways, the purchase, consumption, possession or transportation of liquor or malt or brewed beverages, but upon view by an officer to effectuate warrantless arrests for disorderly conduct, public drunkenness, obstructing highways or other passage ways, purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

SECTION 2: Scope. A police officer shall have the right to arrest without warrant when an officer views ongoing conduct, as it relates to disorderly conduct, public drunkenness, obstructing highways or other passage ways, the purchase, consumption, possession or transportation of liquor or malt or brewed beverages, in a public place when such conduct imperils the personal security of any person or endangers public or private property.

PROCEDURE FOR EFFECTUATING WARRANTLESS ARRESTS relating to disorderly conduct, public drunkenness, obstructing highways or other passage ways, purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

The within policy applies exclusively to 42 Pa. C.S.A. Section 8902. All officers are required to adhere to all other policies pertaining to 18 Pa. C.S.A. Section 5503 relating to Summary Offense Citations for Disorderly Conduct, 18 Pa. C.S. Section 5505 relating to Summary Offense Citations for Public Drunkenness, 18 Pa. C.S.A. relating to Summary Offense Citations for Obstructing Highways and other public passageways, 18 Pa. C.S.A. 6308 relating to Summary Offense Citations for purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

Warrantless arrests under 42 Pa. C.S.A. Section 8902 shall also follow those procedures set forth in Pa. Rules of Criminal Procedure in particular Rule 71.

With warrantless arrests under 42 Pa. C.S.A. Section 8902; a Citation shall be issued to the Defendant at the time of his release and thereafter the case shall proceed in accordance with Pa. Rules of Criminal Procedure, Rules 55, 56, 57, 58 and 59 as if the proceedings has been instituted by issuing a citation to the

Defendant.

This Council recognizes and understands that 42 Pa. C.S.A. Section 8902 and Pa. Rules of Criminal Procedure Rule 55, 56, 57 and 59 and 71 may be amended from time to time. It is the intention of this Council that the police officers follow the terms of said rules or statutes that are currently in effect as of the date of any arrests, whether or not these guidelines have been formally amended to comply with any Commonwealth of Pa. statute changes or Commonwealth of Pa. Rules of Criminal Procedure changes.

Further this Ordinance shall not modify, restrict, or otherwise prohibit a MUNICIPALITY OF MONROEVILLE police officer from making any other warrantless arrests or arrests for other summary offenses where such arrests have otherwise expressly been authorized by any other statute.

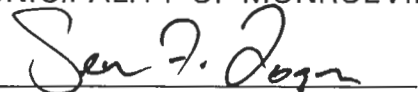
The effective date of this Ordinance will be upon declaration of the Chief of Police that appropriate officer training, guidelines and department protocol have been met.

ATTEST:



Marshall Bond,
Municipal Manager

MUNICIPALITY OF MONROEVILLE


Sean Logan, Mayor