


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "FUNCTION AND AUTHORITY OF THE PITTSBURGH BUREAU OF POLICE"		ORDER NUMBER: 12-1
		PLEAC STANDARD: 1.2.1, 1.2.4		PAGE 1 OF 4
REVIEW DATE: 2/02/2017	EFFECTIVE DATE: 2/18/2011	ANNUAL REVIEW DATE: FEBRUARY	RESCINDS: ALL PREVIOUS	AMENDS: ALL PREVIOUS

1.0 POLICY OR PURPOSE

1.1 To define the function and authority of the Pittsburgh Bureau of Police.

2.0 FUNCTION OF THE PITTSBURGH BUREAU OF POLICE

- 2.1 The function of the Pittsburgh Bureau of Police shall be safeguarding the community through the apprehension of criminals, the prevention and suppression of criminal activities, the preservation of the peace and protection of life and property in the City of Pittsburgh.
- 2.2 The Bureau of Police is responsible for the care, management, administration, and supervision of the police force and all officers. It is further responsible for the preservation of the peace, and all matters pertaining to police affairs.
- 2.3 It is under the control, direction and supervision of the Department of Public Safety, and shall consist of such persons at such compensation as is now, or may hereafter be fixed.
- 2.4 This Bureau shall at all times be subject to such rules and regulations as may be prescribed by the Mayor and the Director of the Department of Public Safety.
- 2.5 The Director of the Department of Public Safety has delegated to the Chief of Police the power and authority to prescribe orders, rules and regulations pertaining to policies and procedures which are to be followed by members of the Bureau of Police.

3.0 STATUTORY AUTHORITY

- 3.1 The Pittsburgh Bureau of Police is a legally constituted police bureau of a government entity, having been organized in 1857 by the City of Pittsburgh.
- 3.2 The legally mandated authority of the sworn members of the Pittsburgh Bureau of Police is derived pursuant to the laws of the Commonwealth of Pennsylvania in 53 Pa C.S.A. Section 23119, Cities of the Second Class. All sworn members of the department shall enforce all laws, statutes and ordinances of the Commonwealth of Pennsylvania and the City of Pittsburgh. Furthermore, all sworn officers shall assist any federal, state, or local agency in enforcing or carrying out their duties and responsibilities and/or their oath of office as long as the assistance is in compliance with all federal, state, and municipal laws, and conforms to the Municipal Police Jurisdiction Act and Rules of Criminal Procedure.
- 3.3 Title 18 Pa C.S. Section 508 - Use of force in law enforcement.
- 3.4 Title 42 Pa. C.S. Section 8953 - Statewide municipal police jurisdiction.
- 3.5 As employees of a municipal police department, all sworn Pittsburgh Bureau of Police officers are certified as "Municipal Police Officers" under L.1974, Act 120, eff. 6/18/1974, establishing the Municipal Police Officers Education and Training Commission" (MPOETC).
 - 3.5.1 Under the Act, a "Police Officer" is any sworn full time or part time employee of a city ,borough, town, township, or county police department assigned to criminal and/or traffic law enforcement duties (Section 2, Definitions).

3.5.2 Police Officers who are certified by MPOETC are eligible to carry and use weapons in the performance of their duties, make arrest or otherwise enforce the laws of the Commonwealth of Pennsylvania or their perspective municipalities.

3.6 Physical Arrest with a Warrant - Legal Requirements and Procedures

3.6.1 Officers shall arrest persons by warrant in accordance with Title 234, the Pennsylvania Rules of Criminal Procedure.

3.6.1.1 Title 234 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.

3.6.1.2 Summary warrant issuance. - Title 234 Rule 430, Issuance of Arrest Warrant.

3.6.1.3 Court case arrest warrant issuance. - Title 234 Rule 509, Use of Summons or Warrant of Arrest in Court cases provides that the issuing authority shall issue a warrant of arrest when:

3.6.1.3.1 One or more of the offenses charged is a felony or murder.

3.6.1.3.2 The issuing authority has reasonable grounds to believe that the defendant will not obey a summons.

3.6.1.3.3 The summons has been returned undelivered.

3.6.1.3.4 A summons has been served and disobeyed by a defendant.

3.6.1.3.5 The identity of the defendant is unknown.

3.6.1.4 Title 234 Rule 513, Requirements for Issuance.

3.6.1.4.1 No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority.

3.6.1.4.2 Officers shall submit an Affidavit of Probable Cause, under the provisions of Title 234, with all Criminal Complaints where an arrest warrant is required or being requested.

3.7 Physical Arrest without a Warrant - Legal Requirements and Procedures

3.7.1 Officers shall arrest persons by warrant in accordance with Title 234, the Pennsylvania Rules of Criminal Procedure.

3.7.1.1 Title 234 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.

3.7.1.2 Summary arrest procedures. – Title 234 Rule 431, Procedures in Summary Cases When Defendant is Arrested with Warrant and Rule 440, Procedure Following Arrest Without Warrant.

3.7.1.3 Court case arrest procedures. -- Title 234 Rule 502, Means of Instituting Proceedings in Court Cases.

3.7.1.3.1 Warrantless arrest is authorized when the offense is a felony or misdemeanor committed in the presence of the officer making the arrest.

3.7.1.3.2 Warrantless arrest is authorized based upon probable cause when the offense is a felony.

3.7.1.3.3 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.

3.7.1.4 Rule 519, Procedure in Court cases Initiated by Arrest Without Warrant.

3.7.1.4.1 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. Pittsburgh Police CRRU (Warrant Office) will schedule or arrange for the defendant's preliminary arraignment under this Rule.

3.7.1.4.2 When the arresting officer deems it appropriate, they shall promptly release the defendant instead of taking them for a preliminary arraignment when the following conditions have been met:

3.7.1.4.2.1 When the defendant is a resident of the Commonwealth.

3.7.1.4.2.2 When the most serious offense charged is a misdemeanor of the second degree.

3.7.1.4.2.3 When the defendant poses no threat of immediate physical harm to any other person or to himself or herself.

3.7.1.4.2.4 When the arresting officer has reasonable grounds to believe that the defendant will appear as required if the charges are instituted by summons.

3.7.1.4.2.5 Where the defendant does not demand to be taken before the issuing authority.

3.7.1.4.3 In cases where the defendant is released pursuant to Rule 519, officers shall file a complaint against the defendant within five (5) 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 Rule 510.

3.7.1.4.4 Affidavits of Probable Cause will be completed for all arrests to include cases where the defendant is released pursuant to Rule 519.

3.7.2 Warrantless arrests authorized by statute.

3.7.2.1 Title 18, Crimes Code of Pennsylvania, Chapter 27, Domestic Violence, Section 2711. (Refer to General Order # 40-12 "Police Response to Domestic Violence Incidents")

3.7.2.1.1 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 sections 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).

3.7.2.2 Title 18, Crimes Code of Pennsylvania, Chapter 39, Theft, Section 3904. (Refer to Policy # 44-10 "Retail Theft Arrests")

3.7.2.2.1 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.

3.7.2.3 Title 75, Vehicle Code of Pennsylvania, Chapter 63, Enforcement, Section 6304, Authority to Arrest Without a Warrant. (Refer to General Order # 44-12 "Arrests of Nonresident Vehicle Code Violators" and General Order # 44-07 "DUI Arrests and Rule 130")

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

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

3.7.2.4.1 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.

3.7.2.4.1.1 Disorderly Conduct (18 Pa. C.S. Section 5503)

3.7.2.4.1.2 Public Drunkenness (18 Pa. C.S. Section 5505)(**Exception: PBP does not make physical arrests for public drunkenness.**)

3.7.2.4.1.3 Obstructing Highway (18 Pa. C.S. Section 5507)

3.7.2.4.1.4 Underage Purchase/Possession of Liquor (18 Pa. C.S. Section 6308) (*Refer to PBP policy 44-09 "Summary Citations/Arrest" prior to making a physical arrest for a summary offense*).

3.7.2.4.2 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 by Resolution to be followed by a police officer when making a warrantless arrest. When making such warrantless arrests police officers are to follow the Pennsylvania Rules of Criminal Procedure, Part IV: "Procedures in Summary Cases when Defendant is arrested Without a Warrant."

Approved By:



Scott Schubert
Chief of Police