


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "ARRESTS – PHYSICAL, SUMMONS, OR WARRANT"		ORDER NUMBER: 44-1
		PLEAC STANDARD: 2.4.1 a		PAGE 1 OF 3
ISSUE DATE: 6/9/2017	EFFECTIVE DATE: 5/15/2011	ANNUAL REVIEW DATE: MAY	RESCINDS: ALL PREVIOUS	AMENDS: ALL PREVIOUS

1.0 POLICY

1.1 It is the policy of this department that all arrests made by departmental personnel shall be conducted professionally and in accordance with established laws, policies, and legal principles.

2.0 PURPOSE

2.1 In furtherance of this policy, all officers of this department are expected to be aware of, understand, and follow the laws governing arrest. This General Order will lay out the procedures by which officers will arrest, summons, or obtain a warrant for a defendant.

See also *General Order #36-1 Evidence Procedures*

See also *General Order #43-10 Juvenile Policy*

See also *General Order #44-4 Arrests – Special Situations*

See also *General Order #44-5 Arrests – Criminal/Civil Actions against Police Officers*

See also *General Order #44-5 Arrests – Discretionary Charges (G.O. Pending)*

See also *General Order #44-7 Arrests – DUI's and Rule 519(b)*

See also *General Order #44-13 Arrests – Off Duty Conduct*

See also *General Order #45-2 Searches*

See also *General Order #46-1 Interviews (G.O. pending)*

See also *General Order #50-1 Handling of Prisoners*

See also *General Order #52-1 Warrant/Summons Application*

3.0 DEFINITION:

3.1 Probable Cause- "facts available to the officers at the moment of the arrest which 'would warrant a man of reasonable caution in the belief' that the individual arrested has committed an offense," as well as there being contraband, or weapons, or evidence on a premises or in the possession of an individual.

4.0 PHYSICAL ARRESTS

4.1 Officers shall conduct arrests only when based upon either **probable cause** or an **arrest warrant**.

4.1.1 **Probable cause** for arrest may be established by one of the following:

4.1.1.1 Observations of the officer

4.1.1.2 Information or evidence obtained during an investigative detention (*Terry* stop) or during a consensual citizen contact

4.1.1.3 An identified citizen's specific complaint

4.1.1.4 Information provided by a police informant of proven reliability

4.1.1.5 Information provided by other law enforcement sources

4.1.2 Officers shall not make any arrest based solely upon the following:

4.1.2.1 Information received from an anonymous source

4.1.2.2 Mere suspicion, not amounting to probable cause

4.1.3 **Arrest warrants**

- 4.1.3.1 Except when a warrantless arrest is justified by the existence of probable cause, arrests shall be made under an arrest warrant.
- 4.1.3.2 Any officer to whom an arrest warrant is delivered shall examine it to ensure that it is in proper form, that all information required by law is provided, and that the warrant appears to be valid. The officer shall also take note of any restrictions placed upon the arrest by the language of the warrant.
- 4.1.3.3 Once received, an arrest warrant shall be executed without delay, except as otherwise may be required by the circumstances of the case.
- 4.1.3.4 No arrest shall be made in a manner or at a time or place contrary to any express limitations included in the warrant.
- 4.1.3.5 In addition, no arrest shall be made in a manner or at a time or place prohibited by any of the following:
 - 4.1.3.5.1 Departmental regulation
 - 4.1.3.5.2 State or local legislation
 - 4.1.3.5.3 Applicable court decisions
- 4.2 Wherever possible, arrests shall be planned in advance in consultation with a supervisor or other experienced officers.
- 4.3 Where advance planning and consultation are not possible, the arrest shall be made in accordance with the arresting officer’s departmental training in arrest procedures.
- 4.4 Arrests shall be made at a time and place and in a manner that will maximize the probability of a successful arrest and minimize the danger to officers and innocent bystanders.
- 4.5 Whenever possible, arrests shall be made in a location where the arrest will not pose a threat to the safety of the public (e.g., not in crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms).
- 4.6 No officer shall enter premises owned or occupied by a third person to make an arrest unless the officer has a separate legal basis for entering the premises. Such a basis may be provided by any of the following:
 - 4.6.1 Possession by the officer of a search warrant for those premises
 - 4.6.2 Consent of a person empowered by law to give such consent
 - 4.6.3 Exigent circumstances
- 4.7 Following the arrest, officers shall not permit arrestees to leave the immediate area of the arrest for personal purposes (e.g., to get a coat). In exceptional cases where it is deemed necessary to grant the arrestee’s request, the arrestee shall first be searched for weapons and then be accompanied and closely monitored by the arresting or other officers.
- 4.8 Protective sweeps of the premises or area where the arrest occurs shall be performed to ensure that no other persons or weapons are present that may represent a danger to the officers or the arrestee.
- 4.9 **Release after Arrest** (Defendant is not charged)
 - 4.9.1 If, after an arrest, it becomes apparent that there is no probable cause to hold the arrestee, the arrestee may be released, under the following conditions:
 - 4.9.1.1 The officer is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.
 - 4.9.1.2 The decision is made by a supervisor.
 - 4.9.2 If the person is released, police shall ensure that the person is released at a safe location and is not otherwise placed at risk as a result of the incident. If necessary, police should provide transportation for the released person to a safe location.

- 4.9.3 In any instance where a person is placed under arrest and then later released, the arresting officer shall complete a Offense/Incident Report PBP Form 2.0 and a Investigative Report PBP Form 3.0 describing the incident and making note of the officer’s probable cause(i.e. “*thought the offense was an, M1 but really an M2,*” or “*a DUI that registered under the legal limit and was not charged*”).
- 4.10 All paperwork related to the arrest shall be completed prior to the end of the arresting officer’s tour of duty. The arresting officer shall remain ‘on the clock’ until such time as the arrest paperwork has been filed and a copy of the completed paperwork is turned in to the desk officer. At a minimum this paperwork will include:
- 4.10.1 Offense/Incident Report PBP Form 2.0
 - 4.10.2 Investigative Report PBP Form 3.0
 - 4.10.3 Arrest Report PBP Form 6.1
 - 4.10.4 Affidavit of Probable Cause / Criminal Complaint
- 4.11 Refer to *PBP General Order #52-1 Warrant/Summons Application*, for the specific procedures on filing all arrest related paperwork.
- 4.12 Any personal property belonging to the defendant that is not accepted into ACJ will be taken to the officer’s zone and logged into the “30-day hold” area. Officers not working out of a zone will take the property to the property room for storage.
- 4.12.1 The defendant will be made aware of the location of their property by the transporting officer.
 - 4.12.2 The arresting officer will note the disposition of the defendant’s personal property in the Investigative Report PBP Form 3.0.
- 4.13 Seized firearms will be identified and safely packaged. All firearms will be sent to the Mobile Crime Unit, whose, responsibility will be to photograph the firearm (s) prior to submitting it for ballistic testing. Any specific testing should be requested utilizing the Mobile Crime Unit processing form 43-9.1.

Approved By:



Scott Schubert
Chief of Police