


<b>PBP FORM 290</b>  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...honor, integrity, courage, respect, and compassion."</i>		<b>SUBJECT:</b> <b>"ARRESTS - SUMMARY CITATIONS"</b> <b>(NON-TRAFFIC)</b>		<b>ORDER NUMBER:</b> <b>44-2</b>
		<b>PLEAC STANDARD:</b> <b>NONE</b>		<b>PAGE 1 OF 3</b>
<b>RE-ISSUE DATE:</b> <b>6/9/2017</b>	<b>EFFECTIVE DATE:</b> <b>9/15/10</b>	<b>ANNUAL REVIEW DATE:</b> <b>MAY</b>	<b>RESCINDS:</b> <b>ALL PREVIOUS</b>	<b>AMENDS:</b> <b>ALL PREVIOUS</b>

## 1.0 POLICY

- 1.1 It shall be the policy of the Pittsburgh Bureau of Police, in instances where the most serious violation committed is a summary offense, to initiate criminal proceedings by issuing a non-traffic citation. The PBP shall adhere to all Pennsylvania State Laws and Rules of Criminal Procedure when issuing and/or filing a non-traffic citation.

## 2.0 PURPOSE

- 2.1 To provide members of the Pittsburgh Bureau of Police with the proper procedures for the warrantless arrest and processing of summary violators in accordance with the laws prescribed by the City of Pittsburgh and the Commonwealth of Pennsylvania.

## 3.0 PROCEDURE

- 3.1 **Generally**, summary arrests offenses will be initiated by issuing a non-traffic citation to the defendant at the time and in the place where the offense has occurred.

\* Rule 403 of the "Rules of Criminal Procedure" relating to the contents of a citation requires a law enforcement officer to give the defendant a paper copy of the citation containing all the information required by this rule. Nothing in this rule requires the defendant to sign the citation or for a copy of the citation to be given to the defendant at the time he is released, rather than a copy being mailed to the defendant. Rule 410 of the "Rules of Criminal Procedure" states that in a situation where it is not feasible for the officer to issue the citation to the defendant, the officer may file the citation at a later time.

- 3.2 In those instances when an actor has been arrested for a summary offense without a warrant, the arresting officer shall, when it is appropriate, promptly release the defendant from custody rather than take the defendant before the issuing authority when the following conditions have been met:

- 3.2.1 The defendant is a resident of this Commonwealth and,
- 3.2.2 The defendant poses no threat of immediate physical harm to any other person or to him/herself and,
- 3.2.3 The arresting officer has reasonable grounds to believe that the defendant will appear as required and,
- 3.2.4 The defendant does not demand to be taken before an issuing authority.

- 3.3 A citation shall be issued to the defendant at the time of his/her release when feasible.

- 3.3.1 If the defendant has demanded to be taken before an issuing authority and no issuing authority is available to hold an immediate hearing, the defendant shall be given a citation and released.
- 3.3.2 Central Reports and Records Unit (**CRRU**) personnel shall ascertain the availability of the issuing authority and provide that information to the arresting officer.

- 3.4 If the defendant is being charged with multiple violations and issued multiple citations, the officer will include in the narrative a reference to the other citations issued that includes the citation number and the charges.

- 3.5 If the defendant is being charged with a felony or misdemeanor, any summary charges shall be included with the greater charges and a citation shall not be issued.

- 3.6 If there are multiple defendants to be charged as a result of a single incident, all citations will have the same CCR # assigned and all citations shall be issued by the same officer. The officer will include in the narrative a reference to the other citations issued that includes the citation number and other defendant's name.

3.7 Officers shall have 30 days from the date of the offense to file the citation.

**4.0 COMPLETING THE CITATION**

4.1 Citations shall be completed **legibly** and in **full** by the arresting officer.

4.2 **Block 2** - The box marked "docket number" is to be left blank. This box is used by the courts for the tracking number.

4.3 **Blocks 7 thru 11** - Citations must include the defendant's Race, Sex, Date of Birth, full name and complete address, including zip code and phone number. Place the defendant's phone number in Block 56 with a note stating who the number belongs to.

4.4 **Blocks 14 thru 18** - If the citation is issued to a juvenile, the arresting officer **MUST** notify a parent or guardian prior to releasing the juvenile. The officer shall place the name of the parent/guardian notified along with the date and time on the citation.

4.4.1 The juvenile may be released at the scene with the approval of the parent/guardian, otherwise the juvenile must be taken to the station to await the parent/guardian or, at the discretion of the officer and the approval of a supervisor, the juvenile may be transported to the location of the parent/guardian.

4.5 **Block 22 - Title 18** is to be used for "**Crimes Code**" violations unless the citation is to be issued for a violation of a City Ordinance. In that case, the lower box will be checked and the Title number shall be written on the corresponding line (i.e. Title 4, Title 6, etc.).

4.6 **Blocks 23 and 24** - The offense section and subsection numbers/letters must be included.

4.7 **Block 25** (Fine) – Leave this block blank as the court will assess any fines at the defendant's hearing.

4.8 Rule 403 of the "Rules of Criminal Procedure" relating to the contents of a citation requires a law enforcement officer to give the defendant a paper copy of the citation containing all the information required by this rule. Nothing in this rule requires the defendant to sign the citation or for a copy of the citation to be given to the defendant at the time he is released, rather than a copy being mailed to the defendant. Rule 410 of the "Rules of Criminal Procedure" states that in a situation where it is not feasible for the officer to issue the citation to the defendant, the officer may file the citation at a later time.

4.8.1 Officers shall ask for the defendant's signature as an acknowledgement of **receipt** of the citation. If the defendant refuses, the officer shall write "**refused**" in the signature block.

4.8.2 If the arresting officer does not issue the citation to the defendant (hand them a copy), the officer shall write "SUMMONS" in **Block 39** (Defendant's Signature)

4.8.3 **Block 13** – If the defendant is issued a copy of the citation, check box (O) On-view arrest. If the defendant is NOT issued a copy of the citation, check box (S) Citation/Summons.

4.9 **Block 42** – The arresting officer shall sign their name and **legibly** print their name and badge number beside their signature.

4.10 **Block 56** (Remarks/Subpoena List) – Note any other facts or details that have not been included anywhere else on the citation. Also included in Block 56 shall be the following:

4.10.1 A "C-Number" (for "Citations") shall be obtained from **CRRU** and listed in this box.

4.10.2 A Census Tract number shall be obtained from the updated copy of the Census Tract Book located on all computer desktops and listed in this box.

4.11 **Block 57** – A supervisor shall review all citations and note their approval of the citation by placing their initials and badge number in this block.

4.12 City Ordinances

- 4.12.1 The Ordinance Title numbers are to be used for violations of City Ordinances.
- 4.12.2 The ordinance number always begins with the Title number, i.e., 601.08(a) relating to Alcohol/Liquor consumption on streets/sidewalks, as in Title 6.
- 4.12.3 With the exception of Title 5 (traffic) violations, all City ordinance violations shall be issued on a non-traffic citation.

4.13 Zone/Unit clerks shall scan the citation into police imaging before mailing the original citation and a photo copy to CRRU for further processing with the court.

**5.0 SUMMARY OFFENSE ARREST**

5.1 A warrantless arrest for a summary non-traffic violation is permissible if;

- 5.1.1 the actor poses a threat of immediate physical harm to any other person or to themselves **or**
- 5.1.2 the arresting officer has reasonable grounds to believe that the actor will not appear as required

5.2 An actor arrested for a summary violation must be taken without unnecessary delay before a City Court Magistrate.

5.3 An officer's authority to arrest for a summary violation and certain actions after making that arrest are guided by the Pennsylvania Rules of Criminal Procedure, Rule 440 and Rule 441, as well as case law from *Commonwealth v. Williams 568 Atlantic 2<sup>nd</sup> 1281*.

5.4 A physical arrest of a summary violation shall be a means of last resort and shall only be used when all other attempts to garner the actor's correct name and mailing address have failed.

5.5 The arresting officer shall ensure they have all of the actor's information necessary to complete an Offense / Incident Report PBP Form #2.0, Investigative Report PBP Form #3.0, and an Arrest Report PBP Form #6.1 if required by either the officer's supervisor or CRRU after the completion of the hearing.

Approved By:



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Scott Schubert  
Chief of Police