

**EXECUTIVE ORDER NO. 3-15**

**GUIDELINES FOR POLICE OFFICERS IN MAKING CERTAIN WARRANTLESS ARRESTS**

WHEREAS, pursuant to state law, police officers have the right of arrest without warrant, upon probable cause, for certain offenses committed under certain circumstances, as enumerated in Title 42, Chapter 89, Subchapter A (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes; and

WHEREAS, the relevant offenses are set forth in 42 Pa. C.S. § 8902(a), and are defined as certain offenses under Title 18 (relating to crimes and offenses), when the conduct constitutes a summary offense, as follows:

18 Pa. C.S. § 5503 (relating to disorderly conduct)  
18 Pa. C.S. § 5505 (relating to public drunkenness)  
18 Pa. C.S. § 5507 (relating to obstructing highways and other public passages)  
18 Pa. C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages); and

WHEREAS, the City desires to formalize written guidelines for police officers to follow when making a warrantless arrest under Section 8902 of Title 42; and

WHEREAS, the Philadelphia Home Rule Charter, enacted pursuant to the First Class City Home Rule Act (Act of April 21, 1949, P.L. 665, § 17), and duly adopted by the City Council and electorate of Philadelphia, allocates authority over the practices, procedures, policies, and operations of the Philadelphia Police Department, to the extent subject to local control, to the executive and administrative branch of City government, overseen by the Mayor; and

WHEREAS, Section 5-200 of the Charter provides that “[t]he Police Department shall have the power and its duty shall be to . . . preserve the public peace, prevent and detect crime, police the streets and highways and enforce traffic statutes, ordinances and regulations relating thereto”; and

WHEREAS, it is appropriate to issue guidelines for police conduct by means of an Executive Order, pursuant to the ultimate responsibility of the Mayor for oversight of the actions of the Police Department;

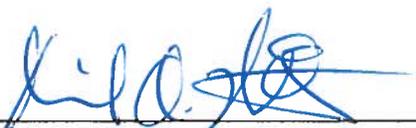
NOW, THEREFORE, by the power vested in me by the Philadelphia Home Rule Charter, it is hereby ORDERED as follows:

SECTION 1. A police officer is authorized to make an arrest without a warrant when the officer observes conduct constituting a summary offense as set forth herein and in 42 Pa. C.S. § 8902(a), and such conduct imperils the personal security of any person or endangers public or private property.

SECTION 2. Arrests authorized under Section 1 hereof shall proceed in accordance with Pennsylvania Rules of Criminal Procedure 1002 (Philadelphia Municipal Court Procedures) and 441 (Procedure in Summary Cases when Defendant is Arrested without a Warrant).

SECTION 3. This Order is effective immediately.

Date: 9/22/15

  
Michael A. Nutter, Mayor