

RESOLUTION 2022-7

A RESOLUTION OF THE BOARD OF SUPERVISORS OF LEHIGH TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, AUTHORIZING THE POLICE OFFICERS OF THE TOWNSHIP OF LEHIGH TO ARREST WITHOUT A WARRANT PURSUANT TO 42 PA C.S., SECTION 8902 AND ADOPTING GUIDELINES TO BE FOLLOWED BY SUCH OFFICERS WHEN MAKING SUCH ARRESTS.

WHEREAS, 42 PA C.S. Section 8902 provides a police officer has the right to arrest without a warrant upon probable cause for certain enumerated offenses under certain circumstances; and

WHEREAS, such right of warrantless arrest is conditioned upon the promulgation by the governing body of the Township of guidelines to be followed by such officer when making warrantless arrests under Section 8902.

NOW THEREFORE, be it RESOLVED by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, that pursuant to 42 PA C.S. Section 8902, police officers employed by the Township shall, upon the police officer's personal view, have the right of arrest without a warrant upon probable cause when there is an ongoing conduct that imperils the personal security of any person or endangers public or private property, for any of the following offenses under Title 18 when such offense constitutes a summary offense: 18 PA C.S. Section 5503 (relating to disorderly conduct); 18 PA C.S. Section 5505 (relating to public drunkenness); 18 C.S. Section 5507 (relating to obstructing highways and other public passages); or 18 PA C.S. Section 6308 (relating to purchase, consumption, possession or transportation of a liquor or malt or brewed beverages); and

FURTHER RESOLVED, that the Police Code of Conduct provisions promulgated by Order of the Chief of Police set forth in the Police Operations Policy 1-002, (VI),(F), regarding Physical Arrest Procedures, Limits of Police Authority, and attached hereto as Exhibit "A" are hereby adopted and promulgated by the Board of Supervisors of Lehigh Township, Northampton County, Pennsylvania, as the applicable guidelines to be followed by police officers when making warrantless arrests pursuant to 42 PA C.S. Section 8902.

REPEALER. Any Resolution or part thereof inconsistent herewith is hereby and the same repealed.

EFFECTIVE DATE. The provisions of this Resolution shall become effective upon adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted on the 8th Day of February, 2022.

LEHIGH TOWNSHIP BOARD OF SUPERVISORS

ATTEST:



Michael Jones, Chairman



Alice A. Rehrig, Secretary



**LEHIGH TOWNSHIP
POLICE DEPARTMENT**

1043 Municipal Road
Walnutport, PA 18088
PH (610) 760-8800

Chief Scott M. Fogel

SUBJECT:

LEGAL AUTHORITY

ORDER #: 1-002

ISSUE DATE:	EFFECTIVE DATE:	BIENNIAL REVIEW DATE:	RESCINDS PREVIOUS ORDER #:	PLEAC #
January 1, 2018	January 15, 2018	January 15	N/A	1.2.1, 1.2.2, 1.2.3, 1.2.4

I. POLICY:

It shall be the policy of the Lehigh Township Police Department to provide for and promote the delivery of police services corresponding to the provisions of this general order.

II. PURPOSE:

The purpose of this general order is to provide for the recognition of police authority and the associated limitations of that authority. Policing is an extraordinarily dynamic and complex endeavor.

This policy is established to define an officer’s authority through governmental legitimacy by defining that authority in terms of constitutional requirements, statute, case law, and the rules of criminal procedure. This policy further discusses the application of discretion to arrest alternatives.

III. LEGALLY MANDATED AUTHORITY

The Township of Lehigh was established in accordance with the Act of May 1, 1933 (P.L. 103, No. 69) Reenacted and amended November 9, 1995 (P.L. 350, No. 60)

- A. This is to define and establish an officer’s authority through governmental legitimacy by defining that authority in terms of constitutional requirements, statute, case law, and the rules of criminal procedure.
- B. The Township Code in Article XV, Corporate Powers, Section 1506, General Powers, The board of supervisors may make and adopt any ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the township and its finances and the maintenance of peace, good government, health and welfare of the township and its citizens, trade, commerce and manufacturers. (53 P.S. §66506)

1. Article XIX Township Police, Section 1902, Appointment of Police, provides specifically for Township Police; including Appointment of Police (Section 1902), Powers (Section 1905).
- C. The Lehigh Township Police Department is a legally constituted police department of a government entity by the Township of Lehigh under provisions of the Township Code.
1. As employees of a municipal police department, Lehigh Township Police Officers are certified as “Municipal Police Officers” under L. 1974, Act 120, eff. 6/18/74, establishing the “Municipal Police Officers’ Education and Training Commission” (MPOETC).
 - a. Under the Act, a “Police Officer” is any full 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).
 - b. Police officers who are not certified by the MPOETC are not eligible to make arrests or otherwise enforce the laws of the Commonwealth of Pennsylvania or their respective municipalities.
- D. This legal authority granted to “Police Officers” of the Township of Lehigh, any and all authority to enforce the laws of the Commonwealth of PA, Township Ordinance or the Township of Lehigh to include and not limited to, title 75 (vehicle code), title 18 (crimes code), title 42 (Judiciary and Judicial Procedures), etc., and to be governed by the U.S. Constitution, Commonwealth of PA Constitution, PA Rules of Criminal Procedures, PA Juvenile Act and any local rules enacted by the County of Northampton, Court of Common Pleas and to abide by court decisions that from time to time may change.
- That the Township of Lehigh desires to have formal written authority and procedures pertaining to arrests without warrants for certain offenses enumerated in title 42 (Judiciary and Judicial Procedure) of the PA Consolidated Statutes; these offenses under title 18 (PA Crimes Code), when the conduct constitutes a summary offense are:
 - 18 Pa. C.S. 5503 (relating to disorderly conduct)
 - 18 Pa. C.S. 5505 (relating to public drunkenness)
 - 18 Pa. C.S. 5507 (related 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);
 - That Title 42 of the Pennsylvania Consolidated Statutes requires the governmental body employing police officers authorized to make said warrantless arrests to promulgate guidelines to be followed by police officers as a prerequisite to their authority to effect such a warrantless arrest.

- That police officers of the Township of Lehigh are hereby authorized to effect warrantless arrests when conduct constitutes a summary offense and such conduct imperils the personal security of any person or endangers public or private property; and that any such arrest shall proceed in accordance with the Pennsylvania Rules of Criminal Procedure, Part IV: “Procedures in Summary Cases When Defendant is Arrested Without a Warrant”

IV. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS

A. Interviews

1. Defined – A non-accusatory conversation in which, through questions and answers, the police interviewer tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim, or witness.
2. Procedures
 - a. Interviews may occur in a variety of circumstances and locations.
 - b. Officers conducting interviews shall be aware of the nature of questions, their location, the interviewed persons’ location, and the conditions present when conducting interviews so that the subject does not have any reason to believe that he/she is in custody.

B. Interrogations

(PLEAC 1.2.2A)

1. Defined – An accusatory procedure designed to elicit from the subject a confession, or an acknowledgement that he/she did not tell the truth during an initial statement, whether that person is a suspect who originally denied involvement in an incident, or a victim who fabricated the nature of the alleged offense.
2. Procedures
 - a. Non-custodial interviews/interrogations
 - i. Miranda warnings are not required to be given to a subject by officers when the subject is being interviewed or interrogated, but is not in custody.
 - b. Custodial interrogations
 - i. The test for determining whether a person is being subjected to custodial interrogation, so as to require Miranda warnings, is whether he/she is physically deprived of his/her freedom in any significant way or is placed in a situation in which a person would reasonably believe that

his/her freedom of action or movement is restricted by such interrogation.

- ii. Officers shall provide, verbally and/or written, Miranda warning advisements whenever a person is subjected to custodial interrogation.
 - iii. When providing written Miranda warnings during custodial interrogations, officers should use a Q&A format. Each page of the statement should be signed or initialed by the officer and person giving the statement
- c. All original rights forms and written statement(s) received shall be kept in the case folder for that case.

C. Access to Counsel

(PLEAC 1.2.2B)

1. Officers shall consider the following procedure when safeguarding a detainee's access to counsel during interrogation:
 - a. Right to counsel
 - i. When a subject has been placed under arrest by an officer, and the subject is being subjected to a custodial interrogation he/she shall be advised of the right to speak to counsel through the Miranda warning advisement. If they do not waive the right, the interrogation shall not proceed, unless the detainee waives the right at a later time.
 - ii. When a detainee requests to speak to an attorney before, or during a custodial interrogation, the officer shall cease questioning.
 - b. Waiver of right to counsel
 - i. Detainees may waive their right to counsel following the Miranda warnings, however officers shall document that the waiver was a knowing and intelligent waiver e.g., that the detainee knew of his/her right to consult with counsel before answering questions and he/she freely chose to proceed with the interrogation without exercising that right. A detainee's waiver of his/her right to counsel shall be documented.
 - ii. If the suspect waives his/her right to counsel after receiving the Miranda warnings, law enforcement officers are free to question him/her. But if a suspect requests counsel at any time during the interview, the officer shall not subject him/her to further questioning until a lawyer has been made available or the suspect freely reinitiates conversation. Caution should always be used when a suspect freely reinitiates conversation. A call may be made to an ADA to determine if the interview shall continue.
 - iii. The officer must ensure that the suspect clearly requests counsel. A suspect must articulate his/her desire to have counsel present sufficiently enough that a reasonable police officer in the

circumstances would understand the statement to be a request for an attorney. If the statement fails to meet the requisite level of clarity, the interrogating officer is not required to stop questioning the suspect.

- D. Search and Seizure (in-custody) – Officers should consider the following (PLEAC 1.2.2C) procedures when searching a person in custody and seizing property:
1. Search
 - a. All subjects taken into custody shall be searched by an officer. When possible, a search will be conducted on scene. In the case that a subject who was not searched is turned over to another officer, that officer shall be informed that the subject was not searched. If circumstances on scene do not allow for a search to be conducted, one will be completed as soon as reasonable.
 - b. All efforts shall be made for a same gender search, officer to subject in custody. When reasonable, officers from another department may be requested. Officer safety is always the primary consideration. If a same gender search is not possible; the search should be conducted in front of another officer/witness. When possible, the back of the hand should be used during the search, if it does not interfere with officer safety.
 2. Seizure
 - a. All property taken from a person in custody and subject to detainment shall be seized. The officer shall inventory the property on a property record form as outlined in General Order 3-006 Property and Evidence.
 - b. All contraband/evidence located on a subject searched shall be seized. The contraband/evidence shall be properly packaged and turned into the Evidence Custodian as outlined in General Order 3-006 Property and Evidence.

V. WARRANTLESS SEARCHES AND SEIZURES

(PLEAC 1.2.3)

- A. When an officer is in a situation where he believes that there may be (PLEAC 1.2.3A) evidence of a crime concealed from the officer's plain view the officer may request that the property owner or person in control of the property consent to a search of their property. If this request is made and the owner grants the request the investigating officer shall fill out and have the owner sign a "Consent to Search" form before making the search. The investigating officer shall fill out the form fully and answer any questions that the property owner may have.
- B. Crime Scene Exception (PLEAC 1.2.3C)
1. Immediate and warrantless search of the premises may be conducted for:
 - a. Victims who may be in need of medical help
 - b. Other victims who may be in danger
 - c. The perpetrator
 - d. Persons who may launch an attack against police

- e. Evidence in plain view would be seizable
 2. Further search may require a search warrant
- C. The United States Supreme Court, in Terry vs Ohio, has ruled that a (PLEAC 1.2.3B) police officer has the right to conduct a "pat down" search of an individual if the officer has reason to believe that the person may be armed and there may be criminal activity afoot. Based on this Supreme Court Ruling and others, officers of Lehigh Township Police Department may stop a person and conduct a "pat down" search of the person if they have an articulable reason to believe that the person is armed and that there may be criminal activity afoot. This search is to be done for the officer's safety. A "pat down" search is defined as running the officer's hands over the person's body on the outside of the persons clothing for the sole purpose of discovering any hidden weapons on the person's body. The officer may not go inside the person's pockets or clothing unless they can feel something that feels as though it may be used as a weapon. If something is found then the officer may go into that area of the persons clothing to determine what the article is and if it is a weapon or threat.
- D. Warrantless Vehicle Searches – Current Pennsylvania Supreme Court rulings have held that officers must obtain a search warrant for a suspect's vehicle unless;
1. Probable cause exists that the car contains evidence of criminal activity, **AND**
 2. Unless the police search or impound the vehicle, occupants of the vehicle are likely to drive away and the contents of the car may never again be located by the police, **AND**
 3. Exigent Circumstances exist.

Whenever a vehicle search is completed with the consent of the owner/operator the following documents shall be completed;

1. A Consent to Search Form
2. An Incident Report

Without a search warrant, exigent circumstances, or a consent search, vehicle searches shall be limited to plain view searches. A plain view search is, technically, not a search. To make a plain view seizure of property (contraband, fruits or instrumentalities of a crime) two requirements must be met:

1. The seizure must take place where the officer has legally observed the property; and
2. It must be immediately apparent to the officer that the items he/she observes may be evidence of a crime, contraband, or otherwise subject to seizure.

3. The officer may not move items, look inside or underneath or behind them to find any contraband. If such movement is necessary, officers shall obtain a search warrant or consent to search from the owner/operator.
- E. Officers are permitted to enter, with force if necessary, premises without (PLEAC 1.2.3D) a warrant under exigent circumstances in order to conduct protective searches when they have reasonable grounds to believe that a person within is in immediate need of assistance or a perpetrator is present. If in the course of such a search, evidence is discovered in plain view, it may be seized without a warrant or noted for later removal. Any searches beyond these require a search warrant.
- F. Where articulable exigent circumstances exist at a scene, officers (PLEAC 1.2.3D) may enter and search an area without a warrant if the officers believe that there is a danger to the public or a person.
- G. Any vehicle towed or impounded at the direction of a Lehigh Township Police Officer (PLEAC 1.2.3E) from public or private property, within or outside of the township is to be Inventory Searched for valuables. Whenever a vehicle is taken into custody for the purpose of storage or safekeeping until the owner is identified, located, or released from custody, it is to be searched. Custody of the vehicle must be lawful and necessary.

Items of personal property that are of greater than ordinary value and items of a potentially dangerous nature will be removed from the vehicle and secured pending transmittal to the property room for safekeeping and return to the owner.

A locked vehicle may be opened with the use of a door opening device provided that there is no apparent danger of damaging the lock or the vehicle in attempting to open the doors. Locked trunks are not to be forced open but may be Inventory Searched if a key is available. An exception to physically forcing a door or a trunk open may be when it is known or exigent circumstances exist to believe that valuables are being stored in these areas.

Articles of personal luggage which are closed but UNLOCKED must be Inventory Searched for valuables and removed from the vehicle and taken to Police Headquarters. They are to be turned over to the Lehigh Township Police Department Property/Evidence personnel for the purpose of safekeeping and storage.

Vehicles are not to be unnecessarily searched, that is to say, seats removed, headliners ripped open or the vehicle damaged to any extent unless it is known or exigent circumstances exist to believe valuables are being stored in these areas. Containers may be examined during an Inventory Search of the vehicle or its trunk. Containers that are sealed should not be opened unless it is known or exigent circumstances exist to believe that valuables are being stored in them. Items of contraband and/or potential evidentiary value are to be removed from the vehicle and secured if found while conducting the Inventory Search. They are to be taken to the Lehigh Township Police Department Property/Evidence custodian for safekeeping and storage.

The items taken from a motor vehicle are to be listed on Lehigh Township Police Department Property Record form. The items seized for safekeeping should be taken to Lehigh Township Police Department Property/Evidence personnel for safekeeping and storage.

Items found in the vehicle that are not contraband or needed as evidence shall be listed on the Auto Inventory and Tow Log. These items may be listed by the number of items, such as 5 CDs, 2 jackets, etc., as opposed to listing each individual item.

The Inventory Search Procedure should be conducted immediately before the vehicle is towed. If this is impractical, the search can be conducted at a latter time but as soon as possible. This should be noted in the Incident Report as to the reason for the delay if any. All items of known or suspected value are to be taken and placed in protective custody by the officer conducting the search. All seized items are to be inventoried and listed on the property record. All seized items are then to be taken to the Lehigh Township Police Department Property/Evidence room and turned over to the proper personnel. Once received by the Property/Evidence personnel a copy shall be made of the property record and placed inside of the vehicle searched.

- H. Other situations in which warrantless searches and seizures of (PLEAC 1.2.3F) persons and/or property may be justified include, but are not limited to:
1. Plain view
 2. Abandonment
 3. Open Fields
 4. Articulate exigent circumstances

VI. ARRESTS MADE WITH OR WITHOUT A WARRANT (PLEAC 1.2.4)

- A. Officers shall arrest persons by warrant in accordance with the following procedures.
1. Title 234, the Pennsylvania Rules of Criminal Procedure.
 - a. 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.
 2. Chapter 4, Part D (1), Rule 430, Issuance of Arrest Warrant.
 - a. Court case arrest warrant issuance.
 - b. Summary warrant issuance.
 3. Chapter 5, Part B (1), Rule 509, Use of Summons or Warrant of Arrest in Court cases provides that the issuing authority shall issue a warrant of arrest when:

- a. The offense charged is punishable by a sentence to imprisonment of more than five years or the defendant is charged with more than one offense and one of such offenses is punishable by a sentence to imprisonment of more than five years.
- B. Where the arrested person is taken into physical custody and detained at the police station, for however slight a period of time, an Arrest Report with all the information requested shall be completed and filed.
- C. All persons arrested for a felony, misdemeanor, or summary offense that becomes a misdemeanor after a first conviction, such as Retail Theft, shall be fingerprinted and photographed. If the person is to be arraigned at this time they shall be taken before a Magisterial District Justice either in person or by video conference. Persons arrested by summons or who are to be fingerprinted by court order because of a conviction from a private complaint may be directed to the Lehigh Township, Northampton County Central Booking Center to be fingerprinted and photographed.
- D. The arrested person, having completed the booking process and when immediate arraignment is not possible, will be lodged in an available cell pending arraignment.
- E. Following the arrest and detention, however slight, the arrested person shall, as soon as possible based on all factors such as condition of the arrested person, availability of the Magisterial District Judge, etc., be given an arraignment before the Magisterial District Judge on call. It should be remembered the United States Supreme Court has ruled in certain cases that an arraignment must take place within six (6) hours of arrest, and this criteria must be met since failure will result in the suppression of any and all statements taken prior to arraignment.
- F. For any of the following offenses, a police officer shall, upon view, have the right of arrest without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property:
 - 1. Under Title 18 (relating to crimes and offenses) when such offense constitutes a summary offense:
 - a. 18 Pa.C.S. § 5503 (relating to disorderly conduct).
 - b. 18 Pa.C.S. § 5505 (relating to public drunkenness).
 - c. 18 Pa.C.S. § 5507 (relating to obstructing highways and other public passages).
 - d. 18 Pa.C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).
- G. A non-traffic citation will be issued by the arresting officer for summary offenses under the Pennsylvania Crimes Code and/or Lehigh Township

Ordinances, in the following instances and manner, as prescribed by the Pennsylvania Rules of Criminal Procedure:

1. Where the arresting officer observed violations of a summary nature; such as disorderly conduct, open burning, solicitors, or public drunkenness, a Non-Traffic Citation should be issued on the scene and the person released with these exceptions;
 - a. Where the arrested person is obviously too intoxicated to take care of himself, or is a hazard to himself or others due to his condition.
 - b. Where the arrested person is extremely disorderly or combative.
 - c. Where the arrested person continues to harass or threaten other members of the public.
 - d. Where the arresting officers reasonably feels that any of the above criteria are met, the arrested person should be taken into physical custody and if charged with a misdemeanor or felony offense, then undergo the booking process as outlined in Sections B, C, and D of this order.
 - e. If the arrested person is charged with only Public Drunkenness under Section 5505 of the Pennsylvania Crimes Code then the arrested person may be lodged in a cell until such time as he is sober enough to take care of himself at which time he may be released or he may be released to a responsible party.

- H. If a person is arrested for a misdemeanor or felony the person shall be advised of their Miranda Warnings only if questioning will occur as outlined in Section IV of this General Order.

- I. Warrantless Arrests - Officers may make an arrest without a warrant if the offense is a felony, a misdemeanor committed in the officers presence, a violation of Chapter 39 of the Pennsylvania Crimes Code relating to Theft, or any other misdemeanor offense where non-view warrantless arrest has been statutorily authorized such as a violation of Section 3802 of the Pennsylvania Vehicle Code relating to Driving Under the Influence. Refer to Rule 502 of the Pennsylvania Rules of Criminal Procedure for further information and direction.

VII. ALTERNATIVES TO ARREST, PREARRAIGNMENT CONFINEMENT, AND/OR PRETRIAL RELEASE

- A. The power of arrest granted to police officers is one of the alternatives available to them under circumstances that require some form of police action. Additional alternatives that are effective and still allow an officer an alternative to arrest and/or pre-arraignment confinement are summary citations and minor misdemeanor cases:
 1. Procedures in Summary Cases - Chapter 4 of the Pennsylvania Rules of Criminal Procedure, Title 234, outlines the procedures to be used in summary cases. Rule 441, Procedure Following Arrest Without Warrant states:

- a. When a defendant has been arrested without a warrant, the defendant shall be either released from custody pursuant to paragraph (b) or taken before the proper issuing authority under paragraph (c).
- b. When a defendant has been arrested without a warrant, the arresting officer may, when the officer deems it appropriate, promptly release the defendant from custody when the following conditions have been met:
 - i. The defendant poses no threat of immediate physical harm to any other person or to himself or herself.
 - ii. The arresting officer has reasonable grounds to believe that the defendant will appear as required.
 - iii. A citation shall be issued to the defendant at the time of release and therefore the case shall proceed in accordance with Rules 405-409 as if the proceedings had been instituted by issuing a citation to the defendant.
- c. When the defendant has not been released from custody under paragraph (b),
 - i. the defendant shall be taken without unnecessary delay before the issuing authority when available pursuant to Rule 117 where a citation shall be filed against the defendant and;
 - ii. The defendant shall enter a plea.
 - iii. If the defendant pleads guilty, the issuing authority shall impose sentence. If the defendant pleads not guilty, the defendant shall be given an immediate trial unless:
 - (1) the Commonwealth is not ready to proceed, or the defendant requests a postponement or is not capable of proceeding, and in any of these circumstances, the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial; or
 - (2) the defendant's criminal record must be ascertained before trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on a new date and hour fixed for trial, which shall be after the issuing authority's receipt of the required information.
 - (3) if the defendant is under 18 years of age and cannot be given an immediate trial, the issuing authority promptly shall notify the defendant and the defendant's parents, guardian, or other custodian of the date set for the summary trial, and shall release the defendant on his or her own recognizance.

B. Minor Misdemeanor Cases - Chapter 5 of the Pennsylvania Rules of Criminal Procedure, Title 234, governs Procedures in Court Cases. Rule 519, Procedures in

Court Cases Initiated by Arrest Without Warrant states, beginning with subsection (B) RELEASE:

1. The arresting officer shall promptly release from custody a defendant who has been arrested without a warrant, rather than taking the defendant before the issuing authority, when the following conditions have been met:
 - a. the most serious offense charged is a misdemeanor of the second degree or misdemeanor of the first degree in cases arising under 75Pa. C.S. 3802,
 - b. the defendant poses no threat of immediate physical harm to any other person or to himself or herself; and
 - c. the arresting officer has reasonable grounds to believe that the defendant will appear as required
 2. When the defendant is released pursuant to paragraph (B),(1), a complaint shall be filed against the defendant within 5 days of the defendant's release. Thereafter, the issuing authority shall issue a summons, not a warrant of arrest, and shall proceed as provided in Rule 510.
- C. Informal Resolution - Officers should keep themselves aware of alternative solutions to problems that they may confront on the job. There are many agencies available to help people with various problems. Many of these agencies are listed on the back of the Victim's Rights form that is given to the victim's of certain crimes. Officers can also get further information about what types of services are available to settle problems without arrest by contacting the Northampton County Department of Emergency Communications and advising them of the type of problem.
- D. Written Warnings - Officers may decide to issue a written warning in the case of a summary violation. If the written warning is issued the officer should fill the warning in with all pertinent information and issue it to the violator. If it is a warning that requires some action be taken by the violator then the violator should be advised as to exactly what is expected of him. If the warning does not require that the violator do anything, as in a warning for speeding or a red light, then the violator should be advised of this and cautioned about the violation. Written warnings should be marked on his Daily Log for the day to show some of the Officer's activities. The issuance of written warnings is a discretionary decision to be made by the issuing officer.

VIII. USE OF DISCRETION

- A. Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias, or corruption.
- B. Therefore, it is imperative that officers take into consideration when exercising discretionary power the goals and objectives of the department, the best interests of the public we serve, any mitigating circumstances, and the volatility of the situation at hand.

C. Discretionary actions shall never in any way be based upon or influenced by race, color, religion, ethnic or national origin, sex, sexual orientation, pregnancy, child care needs, age or disability of any person.

IV. DISTRIBUTION

All police officers.

V. RESPONSIBILITY

It is the responsibility of all police personnel to become familiar with this policy and to adhere to its procedures.


VI. REVIEW

This policy shall be reviewed periodically and amended as needed.

VII. AMENDED

VIII. EFFECTIVE DATE

This Order effective January 15, 2018.

BY ORDER OF _____  _____
Chief of Police