

**GX 5**

ALTOONA POLICE DEPARTMENT  
PROBATIONARY OFFICER TRAINING TASK  
**CUSTODIAL ARREST PROCEDURES - SUMMARY, MISDEMEANOR, AND FELONY OFFENSES**

**I. REFERENCE MATERIALS**

- A. Authority to arrest without warrant (VC-6304)
- B. Procedure following arrest of nonresident (VC-6305) (VC-6304)
- C. Certain arrests authorized (VC-3811)
- D. Arrest without warrant (CC-3904)
- E. Mandatory fingerprinting (CC-9112)
- F. Means of Instituting Proceedings in Summary Cases (234 Rule 400)
- G. Procedure When Defendant Arrested With Warrant (234 Rule 431)
- H. Arrest without Warrant (234 Rule 440)
- I. Procedure Following Arrest Without Warrant (234 Rule 441)
- J. Means of Instituting Proceedings in Court Cases (234 Rule 502)
- K. Use of Summons or Warrant of Arrest in court cases (234 Rule 509)
- L. Requirement for issuance of warrant (234 Rule 513)
- M. Procedure in court cases initiated by arrest without warrant (234 Rule 519)
- N. Arrest Without Warrant (42 Section 8902)
- O. Physical Arrest With or Without a Warrant Legal Requirements and Procedures; General Order 1.2.4
- P. Prisoner Transportation; General Order 2.5, 2.5.1, 2.5.2
- Q. Fingerprinting; General Order 4.4

**II. OPERATIONAL PROCEDURES**

- A. Summary Offenses
  - 1. In officer presence
    - a. In custody arrest (only when authorized by statute) Issue NTC.
    - b. In custody arrests-enumerated offenses-summary (42 Sec. 8902 and VC 6304) when in officers view and ongoing conduct that imperils the personal security of any person or endangers public or private
      - (1) Disorderly Conduct (CC-5503)
      - (2) Public Drunkenness (CC-5505)

- (3) Obstructing Highways/Public Passages (CC-5507)
- (4) Purchase/Consumption/Possession or Transportation of liquor, malt or brewed beverages (CC-6308)

c. Any Grade Theft (CC-3904) (May also apply if not in officers presence but probable cause exists)

d. If summary traffic non-resident arrest, Officers may follow procedures in VC 6305.

2. Not in officer presence

a. File NTC

#### B. Misdemeanor Offenses

1. In officer presence

a. In custody arrest- Release and file criminal complaint (if highest grade of offense is M2) or may arraign if M1.

2. Not in officer presence

a. In custody arrest (only when authorized by statute), file a criminal complaint, or obtain an arrest warrant.

b. In custody arrest-authorized by statute

- (1) Probable cause to arrest in Domestic Violence Cases (CC-2711)
- (2) Arrest without warrant - any grade of theft (CC-3904)
- (3) D.U.I. and other related offenses (VC-3811)
- (4) Scattering rubbish (CC-6501 (c))
- (5) Failure to comply with registration of sexual offenders requirements (CC-4915)

#### C. Felony Offenses

1. In officer presence

a. In custody arrest

2. Not in officer presence

a. If probable cause exists that the Felony had recently occurred-In custody arrest.

b. If the Felony is old or no suspect can be located- compile Affidavit of Probable Cause and obtain an Arrest Warrant.

#### D. In Custody Arrests

1. Advise subject they are under arrest and for what violation.

2. Handcuff the prisoner behind their back.

3. Search the prisoner subsequent to a lawful arrest.

4. Place prisoner in back seat of police vehicle and transport them to Police Station.
5. If prisoner is female or juvenile, advise the Communications Center of mileage at beginning and end of transport.
6. All prisoners should enter station and be released from custody through rear (alley) door.
7. All prisoners will be searched and their property inventoried with all information entered on a Altoona Police Department Prisoner log.
8. Place inventoried property into a secure locker.
9. Place prisoner into a secure cell after clearing it for weapons and contraband.
10. Fingerprint and photograph all persons arrested for felony, misdemeanor, or summary offenses which become a misdemeanor on a second offense after conviction of the first. If transported to the Blair County Prison for arraignment, prison staff will fingerprint and photograph.

#### E. Disposition of Prisoner

1. Arraignment- A criminal complaint will be compiled for an arrest without a warrant and an attached witness worksheet.
    - a. If charged with a felony.
    - b. If charged with a misdemeanor of the 1<sup>st</sup> degree, unless arising from VC 3802 relating to DUI.
    - c. If charged with an offense under CC2711 Domestic Violence
    - d. If charged with any misdemeanor related to failure to comply with registration of sexual offenders.
    - e. If arrested on a warrant.
  2. Release - a prisoner may be released if charged with a Misdemeanor or the 2<sup>nd</sup> degree or lower
    - a. If they possess no threat to themselves or others.
    - b. If the officer reasonably believes the defendant will appear as required for court.
- (1) If released from custody a criminal complaint must be filed within 5 days of release to the issuing authority.
  - (2) Issue NTC
  - (3) Return all property and have them sign the Altoona Police Prisoner log as receipt of the property.

#### F. Reporting

1. Enter all arrests brought to station in the City Docket.
2. Complete a criminal complaint or NTC, witness worksheet, and an arrest report.
3. Complete an arrest card.