

## **2.7.5. Execution of Criminal Process**

### **I. POLICY**

It is the policy of the Johnstown Police Department that all personnel comply with the provisions of this general order.

### **II. PURPOSE**

This general order is to establish guidelines for police officers executing the criminal process in accordance with the Pennsylvania Rules of Criminal Procedure.

### **III. PROCEDURE**

- A. In accordance with Rule 131 of the Pennsylvania Rules of Criminal Procedure as it relates to the location of proceedings before issuing authority, officers shall initiate traffic and criminal cases in the proper magisterial district. The jurisdiction of the Johnstown Police Department is divided between three magisterial districts. When issuing a citation or filing a criminal complaint officer shall make note of the appropriate magisterial district number on the document.
- B. In accordance with Rule 400 of the Pennsylvania Rules of Criminal Procedure as it relates to the means of instituting proceedings in summary cases, the following three means shall apply:
  - 1. Issuing or filing a citation.
  - 2. Filing a complaint.
  - 3. Arresting without a warrant when authorized by law.
- C. In accordance with Rule 457 of the Pennsylvania Rules of Criminal Procedure as it relates to withdrawal of charges in summary cases, the following applies:
  - 1. In any summary case pending before an issuing authority, at any time before the completion of the summary trial or acceptance of a guilty plea, the affiant or officer may be permitted by the district justice to withdraw one or more charges.
- D. In accordance with Rule 502 of the Pennsylvania Rules of Criminal Procedure as it relates to instituting proceedings in criminal cases, the following apply:
  - 1. Filing a written criminal complaint requesting summons or warrant of arrest.
  - 2. Warrantless arrest is authorized when:

**2.7.5 continued**

- a. The offense is a felony or misdemeanor committed in the presence of the officer making the arrest.
- b. Based upon probable cause when the offense is a felony.
- c. Based upon probable cause the offense is a misdemeanor not committed in the presence of the officer making the arrest, but such arrest without a warrant is specifically authorized by statute.

Effective Date:

Date: March 17, 2007

By Order Of:

Craig Foust  
Chief Of Police