

WestlawNext™

§ 132:381. When persons other than police may make warrantless arrest
 Standard Pennsylvania Practice Criminal Procedure (Approx. 4 pages)

26 Standard Pennsylvania Practice 2d § 132:381

Standard Pennsylvania Practice
 Database updated September 2014
 Chapter 132. Criminal Procedure

Tracy Bateman Farrell, J.D., Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc., Eleanor L. Grossman, J.D., of the staff of the National Legal Research Group, Inc., Anne E. Melley, J.D., LL.M., of the staff of the National Legal Research Group, Inc., Karl Oakes, J.D., and Kimberly C. Simmons, J.D.

VIII. Instituting Proceedings
 C. Means of Instituting Proceedings in Court Cases
 3. Arrest Without Warrant
 a. In General

Summary Correlation Table References

§ 132:381. When persons other than police may make warrantless arrest

West's Key Number Digest

West's Key Number Digest, Criminal Law § 205

A private person is privileged to arrest a person without a warrant where a felony has actually been committed and the private person has reasonable grounds to suspect that the person he or she arrests committed the felony.¹ In addition, a private person in fresh pursuit of one who has committed a felony may make an arrest without a warrant² and may make a citizen's arrest for a breach of the peace that is personally observed by the arrestor.³ However, a housing authority police officer, although outside his or her territorial jurisdiction, may not make a citizen's arrest.⁴

Illustration:

A housing authority police officer was acting in his official capacity, under color of state law, and not as a private citizen when he arrested a driver for Vehicle Code and drug-law violations at a public intersection outside the officer's territorial jurisdiction, and the officer's conduct therefore was not a permissible citizen's arrest, where the officer was on duty, in uniform, and in an official marked car and activated his siren when he approached the driver's vehicle.⁵

By statute, various individuals other than police officers are granted limited authority to arrest without a warrant. For instance, constables may arrest offenders against forest laws without a warrant.⁶ Also, an officer is declared to be a peace officer and has police powers and authority throughout this Commonwealth to arrest, with or without warrant, writ, rule, or process, any person on probation, intermediate punishment, or parole under the supervision of the court for failing to report as required by the terms of that person's probation, intermediate punishment, or parole, or for any other violation of that person's probation, intermediate punishment, or parole.⁷

Agents of the Federal Bureau of Investigation may make arrests without a warrant for any offense against the United States committed in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.⁸

Illustration:

An FBI agent lacked the authority to pull over a motorist for failing to stop at a stop sign, and then to arrest the driver for driving under the influence, as this was not a felony.⁹

Officers and investigators of the Bureau of Liquor Control Enforcement are permitted to make warrantless arrests for several enumerated offenses while in the performance of their duties; these offenses include causing or risking a catastrophe, criminal mischief,

SELECTED TOPICS

On Criminal Charges

Official Powers of Arrest of Municipal Police Officer

Secondary Sources

§ 6:22. Police jurisdiction to arrest

16 West's Pa. Prac., Criminal Practice § 6:22
 ...Pennsylvania Rule of Criminal Procedure 103 defines "political subdivision" as a "county, city, township, borough or incorporated town or village having legislative authority." Absent specific statutor...

§ 28:1. Illegally obtained evidence, in general

11 West's Pa. Prac., Trial Handbook § 28:1 (3d ed.)

...Much evidence that is otherwise material to the issues and relevant to prove some fact in issue is not admissible because it was obtained in an illegal manner. However, not all illegally obtained evidence...

§ 6:23. Arrest by persons other than police officers

16 West's Pa. Prac., Criminal Practice § 6:23
 ...Although a warrant of arrest may be executed only by a police officer, a private citizen is privileged to arrest without a warrant when a felony has been committed and the private citizen has reasonable...

See More Secondary Sources

Briefs

Reply Brief for the United States

2004 WL 577855
 UNITED STATES OF AMERICA, petitioner, v. Humberto ALVAREZ-MACHAIN, et al. Supreme Court of the United States. March 23, 2004

...Relying on the presumption that statutes do not have extraterritorial reach, the court of appeals held that respondent's arrest was not authorized by 21 U.S.C. 878, and was therefore tortious, because ...

Brief for the Petitioner

2004 WL 182582
 UNITED STATES OF AMERICA, Petitioner v. Humberto ALVAREZ-MACHAIN, et al. Supreme Court of the United States. January 23, 2004

...The opinion of the court of appeals sitting en banc (Pet. App. 1a-121a) is reported at 331 F.3d 604. The panel opinion of the court of appeals (Pet. App. 122a-156a) is reported at 266 F.3d 1045. The di...

Brief for the Respondent

2004 WL 425376
 UNITED STATES OF AMERICA, Petitioner, v. Humberto ALVAREZ-MACHAIN, et al. Supreme Court of the United States. February 27, 2004

...The opinion of the decision of the Court of Appeals sitting en banc (Pet. App. 1a-121a) is reported at 331 F. 3d 604. The panel decision of the court of appeals (Pet. App. 122a-156a) is reported at 266...

See More Briefs

Trial Court Documents

Com. of Pennsylvania v. Weaver

2012 WL 7820443
 Com. of Pennsylvania v. Weaver

forgery, disorderly conduct, public drunkenness, lottery offenses, gambling offenses, pool selling and bookmaking, misrepresentation of age to secure alcohol, purchase or possession of alcohol, representing that a minor is of age, selling or furnishing alcohol to minors, and carrying a false identification card.¹⁰ In addition, officers and investigators of the Bureau of Liquor Control Enforcement may make arrests for several enumerated offenses when the offenses are committed against the officer/investigator or any person accompanying and assisting the officer/investigator in performing his or her assigned duties; these offenses include simple assault, aggravated assault, reckless endangerment, terroristic threats, harassment and stalking, resisting arrest, and riot.¹¹

Because the Attorney General and his or her agents are only empowered to make arrests where authorized by statute, an agent of the Attorney General's Office does not have the authority to arrest for driving under the influence where such an offense is not specifically listed as applying to the agent's arrest powers.¹²

Westlaw. © 2014 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 Com. ex rel. Duncan v. Rundle, 424 Pa. 385, 227 A.2d 659 (1967); Com. v. Andrews, 285 Pa. Super. 100, 426 A.2d 1160 (1981).
- 2 Com. v. Chermansky, 430 Pa. 170, 242 A.2d 237, 32 A.L.R.3d 1072 (1968).
- 3 Com. v. Corley, 316 Pa. Super. 327, 462 A.2d 1374 (1983), order aff'd, 507 Pa. 540, 491 A.2d 829 (1985).
- 4 Com. v. Brandt, 456 Pa. Super. 717, 691 A.2d 934 (1997).
- 5 Com. v. Brandt, 456 Pa. Super. 717, 691 A.2d 934 (1997).
- 6 44 Pa.C.S. § 7155.
- 7 42 Pa.C.S. § 9913.
- 8 18 U.S.C.A. § 3052.
- 9 Com. v. Price, 406 Pa. Super. 166, 593 A.2d 1288 (1991), order aff'd, 543 Pa. 403, 672 A.2d 280 (1996).
- 10 47 P.S. § 2-211(a)(2).
- 11 47 P.S. § 2-211(a)(5).
- 12 Com. v. Galloway, 525 Pa. 12, 574 A.2d 1045 (1990).

End of Document

© 2014 Thomson Reuters. No claim to original U.S. Government Works.

Court of Common Pleas of Pennsylvania,
Chester County
February 08, 2012

...Julie Hess, Esquire, for the Commonwealth
Jamie W. Goncharoff, Esquire, for the
Defendant Defendant John C. Weaver was
arrested on July 15, 2011 and charged by
information dated October 12, 2011 with o...

Com. v. Palagonia

2002 WL 34401529
Com. v. Palagonia
Court of Common Pleas of Pennsylvania,
Lehigh County
January 01, 2002

...Presently before the court is the
Defendant's Omnibus Pre-trial Motion,
consisting of a Petition for a Writ of Habeas
Corpus and a Motion to Suppress
Identification. For the reasons set forth below,
th...

Steven OGBORNE, Ogborne Waste
Removal, Inc. and Ogborne Trash
Removal, Inc., v. Councilman William
R. BROWN III Barbara Bohannan-
Shepard, Thaddeus Kirkland, City of
Chester Police Dept., City of Chester,
James Clark and Wendell Butler.

2000 WL 35496732
Steven OGBORNE, Ogborne Waste
Removal, Inc. and Ogborne Trash Removal,
Inc., v. Councilman William R. BROWN III
Barbara Bohannan-Shepard, Thaddeus
Kirkland, City of Chester Police Dept., City of
Chester, James Clark and Wendell Butler.
Court of Common Pleas of Pennsylvania.
June 14, 2000

...This case arises from the arrest and
prosecution of Steven Ogborne for reckless
endangerment in the manner he allegedly
operated a truck when confronting protestors
at a trash conversion facility in Ch...

See More Trial Court Documents