

**TOWNSHIP OF TINICUM  
RESOLUTION NO. 2024-007**

**A RESOLUTION OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY,  
PENNSYLVANIA ESTABLISHING POLICE GUIDELINES AUTHORIZING AN ARREST  
WITHOUT A WARRANT IN ACCORDANCE WITH ACT 25 OF 1995**

**WHEREAS**, on November 17, 1996, the Governor of the Commonwealth of Pennsylvania signed an Act known as Act 25 of 1995; and

**WHEREAS**, Title 42 of Pennsylvania Consolidated Statutes was amended by adding Section 8902 authorizing an arrest without a warrant for certain specific summary offenses; and

**WHEREAS**, 42 Pa. C.S.A. Section 8902(8) provides that the governmental body shall promulgate guidelines to be followed by a police officer when making a warrantless arrest under 42 Pa. C.S.A. Section 8902.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Board of Commissioners of the Township of Tinicum, Delaware County, Pennsylvania as follows:

**Section 1.** Prior to making an arrest under 42 Pa. C.S.A. 8902, any police officer shall ensure that:

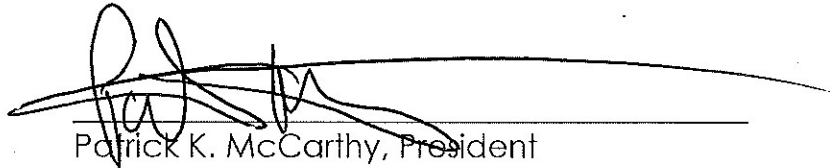
- A. He/she has probable cause to believe that at least one (1) of the following summary offenses is being committed:
  - (1) 18 P.S. 5502 (disorderly conduct);
  - (2) 18 P.S. 5505 (public drunkenness);
  - (3) 18 P.S. 5507 (obstructing highways and other public passages);
  - (4) 18 P.S. 6308 (purchase, consumption, possession or transportation of liquor or malt or brewed beverages); and
- B. The suspect's conduct is ongoing;
- C. The conduct constituting the offense is in the officer's view; and
- D. The conduct imperils the personal security of any person or endangers public or private property.

**Section 2.** Following an arrest pursuant to 42 Pa. C.S.A. 8902, the officer shall forthwith satisfy the Arrest Procedures set forth in the Tinicum Township Police Department Policies and Procedures Manual for making an arrest without a warrant.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners for the Township of Tinicum, Delaware County, Pennsylvania hereby adopts the aforementioned guidelines to be followed by police officers when making warrantless arrests under 42 Pa. C.S.A. Section 8902.


**BE IT RESOLVED**, this \_\_\_\_ day of June, 2024, by the Board of Commissioners in and for the Township of Tinicum, Delaware County, Pennsylvania.

**TOWNSHIP OF TINICUM**



Patrick K. McCarthy, President  
Board of Commissioners

**ATTEST:**



David D. Schreiber,  
Township Manager/Secretary