

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
IN THE MUNICIPAL COURT OF PHILADELPHIA**

**ADMINISTRATIVE ORDER No. 2010-01**

**In re: Procedures for Processing Non-traffic Summary Defendants  
Arrested Without a Warrant**

Effective 1 February 2010, amended Pennsylvania Rule of Criminal Procedure (Pa.R.Crim.P.) 1002 requires that the following practice be implemented when a non-traffic summary defendant is arrested without a warrant. The requirements of the amended rule, detailed herein and implemented by this Administrative Order, do not modify the current procedures for cases within the jurisdiction of Community Court, which continue to be governed by Pa.R.Crim.P. 1002, (B)(1)(e) and Philadelphia Municipal Court Rule of Criminal Procedure 102.

Pursuant to Rule 1002(B)(2)(a) et. seq., in cases where an arrest without a warrant in a non-traffic summary case is authorized by law, the following procedures shall apply:

- (1) The police officer shall take the defendant into custody and transport him/her to the appropriate police district where, without unnecessary delay, the police officer or a superior officer shall prepare and issue a citation to the defendant.
- (2) The police officer shall then promptly release the defendant on his/her own recognizance (ROR) when (a) the defendant poses no threat of immediate physical harm to any other person or him/herself; and (b) the arresting officer has reasonable grounds to believe the defendant will appear in court as required and a notice to appear on a date and at a time certain in a specified court room shall be given to the defendant.
- (3) If, under **exceptional circumstances**, the defendant is **not released**, he/she shall be brought before a judge without unnecessary delay.

**During Normal Business Hours**

When a defendant is to be brought before a judge during normal business hours, that is, between 8:00 a.m. to 2:00 p.m., the police shall transport the defendant to Community Court and the case shall proceed according to Pa.R.Crim.P. 441(C).

**During Non-traditional Business Hours**

The police shall notify Arraignment Court in the Criminal Justice Center whose staff will contact the Municipal Court Emergency Judge on duty. The Emergency Judge will then contact the police district where the defendant is being held to

determine whether the defendant, having been issued a citation, should be (a) released on ROR and issued a notice to appear on a date and at a time certain in a specified court room; or (b) held in custody until the court's business hours next commence, at which time the defendant shall be brought before the Community Court judge and the case shall proceed as provided in Pa.R.Crim.P. 441(C).

MARSHA H. NEIFIELD  
President Judge  
Philadelphia Municipal Court