



CRYSTAL POLICE DEPARTMENT

TITLE: ARRESTS

APPROVED:

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POLICY

In order to constitute an arrest, there must be an intent to arrest, accompanied by a seizure or a detention of the person and an understanding on the part of the person that he/she is to be arrested. It is not always necessary that actual contact or force be used. It is sufficient if the person to be arrested submits to arrest.

Police officers shall be guided by well-established precedent in the laws of arrest and by the limits of the authority given them by statute. No person can be lawfully arrested or detained by any Police Officer except under authority of the law. An arrest is authorized either by:

- A. the issuance of a warrant by competent authority, or
- B. without the issuance of a warrant, when:
 - 1) the offense was committed in the Police Officers presence, or
 - 2) the Police Officer has reasonable grounds to believe that:
 - a) a felony, or
 - b) a gross misdemeanor or misdemeanor defined in state statute as giving Police Officers the authority to arrest based on probable cause has been committed and reasonable cause to believe that the person committed the offense, or
 - 3) the Police Officer has received positive information by written, teletype, telephonic, radio or other authoritative source that a Police Officer holds a warrant for the person's arrest, or
 - 4) when the assistance of the Police Officer has been requested by another Law Enforcement Agency.

An arrest warrant issued by a Judicial Officer having jurisdiction over the subject matter, affords full justification of all acts done by a Police Officer in its lawful execution. A

Police Officer is bound to obey the formally-given command to arrest under an arrest warrant issued by a Judicial Officer having jurisdiction without inquiring whether the action of the Judicial Officer is justified or not.

An arrest warrant shall be executed by the arrest of the person named therein. The Police Officer need not have the warrant in possession at the time of arrest, but upon request shall show the warrant to the person charged as soon as possible - but only when and where it can be done without danger of the person escaping. However, the Police Officer shall inform the defendant upon arrest that a warrant has been issued and the offense charged.

Police Officers in civilian clothes shall identify themselves when making an arrest by showing their badge or Police identification card and announcing that they are Police Officers.

A Police Officer making an arrest shall not subject the person arrested to any more restraint than is necessary for the arrest and detention. A Police Officer may use all reasonable, necessary and lawful means as authorized in this manual, to make an arrest if the person arrested flees or forcibly resists, but may not use deadly force unless authorized to do so under policy 7.2 of this manual.

A Police Officer authorized by law to make an arrest, may break open an outer or inner door of a dwelling house if, after notice of office and purpose, the Police Officer is refused admittance. An arrest based on probable cause alone does not permit forced entry to a dwelling.

Upon lawful arrest, the prisoner shall be searched where the arrest is made in order to find and seize things connected with the crime - its fruits, the means by which it was committed, weapons or other things that may be used to effect an escape from custody or place the arresting Police Officer in jeopardy.

Suspects of the opposite sex shall only be touched as necessary in taking them into custody and determining that weapons are not being concealed. A more thorough search will be conducted by a Police Officer or Community Service Officer of the same sex.

After a prisoner has been searched, he/she shall be handcuffed and then placed in the secure, back seat area of the squad.

- When used, handcuffs will be:
 - 1) placed on the hands in the back of the person (unless physical build, handicap, or injury prevents such placement);
 - 2) secured only tight enough to prevent escape; and
 - 3) double-locked, using the key provided with the handcuffs.

- When transporting a handcuffed prisoner, it is the Police Officer's responsibility to assure the person is seat belted in.

TRANSPORTING

Generally, individuals under arrest should be placed in the rear of the police vehicle and should be removed from the scene as soon as possible.

The Police Officer doing the transporting shall notify the Dispatcher of the transport detail giving the following information: number of prisoners, sex, adult or juvenile (if known), starting mileage, point of origin, and intended destination.

Upon arrival, the Police Officer shall advise Dispatcher and give ending mileage.

During the transportation detail, should an emergency arise (i.e., prisoner becomes ill and/or requires immediate medical attention) or, should the intended destination change (i.e., decision to transport to County Jail in lieu of booking at CPD), the Police Officer shall notify Dispatcher of change and give location and mileage.

The most expedient route from point of arrest to intended destination shall be used.

Following the transportation detail, and prior to the police vehicle being returned to service, it shall be the responsibility of the arresting Police Officer, or the Police Officer next using the vehicle, to check its rear compartment for weapons, evidence or contraband articles.

A Police Officer taking a juvenile into custody shall follow the procedures under policy 6.4 of this manual.