



Approved:
Chief Marcia Harnden

Subject:

100. Law Enforcement Authority

Effective:
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CALEA Standards: 1.2.1, 1.2.5, 1.2.7, 11.3.1,
12.1.3

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100.1: PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Albany Police Department to perform their functions based on established legal authority.

100.2: POLICY

It is the policy of the Albany Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority. Every employee within the department is afforded the commensurate authority to effectively make decisions and carry out their responsibilities.

Supervisors will assume responsibility for police matters on the basis of rank unless another officer has been specifically assigned the responsibility by a higher authority. In certain circumstances, an employee of lesser rank may be delegated authority for a situation based on expertise or knowledge. Each employee shall be accountable for the way in which they use or fail to use delegated authority.

100.3: PEACE OFFICER POWERS

Peace officers are granted authority by [Oregon Revised Statutes](#) to prevent and deter crime; arrest offenders; issue citations in lieu of custody; take custody of evidence of a crime, contraband or recovered stolen property; control the flow of traffic and preserve the peace and safety of the public.

Sworn members of this department are peace officers pursuant to [ORS 161.015](#). Peace officer authority extends to any place in the State of Oregon.

100.3.1: AUTHORITY TO ARREST

Pursuant to [ORS 133.235](#):

- a. A peace officer may arrest a person for a crime at any hour of any day or night.

- b. A peace officer may arrest a person for a crime, pursuant to [ORS 133.310\(1\)](#), whether or not such crime was committed within the geographical area of such peace officer's employment, and the peace officer may make such arrest within the state, regardless of the situs of the offense.
- c. The peace officer shall inform the person to be arrested of the peace officer's authority and reason for the arrest, and, if the arrest is under a warrant, shall show the warrant, unless the peace officer encounters physical resistance, flight or other factors rendering this procedure impractical, in which case the arresting peace officer shall inform the arrested person and show the warrant, if any, as soon as practical.
- d. In order to make an arrest, a peace officer may use physical force as justifiable under [ORS 161.235](#), [ORS 161.239](#) and [ORS 161.245](#).
- e. In order to make an arrest, a peace officer may enter premises in which the peace officer has probable cause to believe the person to be arrested to be present.
- f. If after giving notice of the peace officer's identity, authority and purpose, the peace officer is not admitted, the peace officer may enter the premises, and by a breaking, if necessary.
- g. A person may not be arrested for a violation except as provided by [ORS 153.039](#) and [ORS 810.410](#).

100.4: CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the [Constitution of the United States](#) and the [Constitution of the State of Oregon](#).

100.5: INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- a. As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- b. When an officer enters California, Idaho or Nevada in fresh pursuit of a person who the officer has probable cause to believe has committed a felony ([Penal Code § 852.2 \(California\)](#); [Idaho Code 19-701 \(Idaho\)](#); [NRS 171.158 \(Nevada\)](#)).
- c. When an officer enters Washington while in pursuit of a person the pursuing officer has probable cause to believe has committed a felony; or violation related to driving while intoxicated, driving while under the influence of drugs or alcohol, driving while impaired or reckless driving ([RCW 10.89.010](#)).
- d. Whenever an officer makes an arrest in California, Idaho, Nevada or Washington, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practical ([Penal Code § 852.3](#); [Idaho Code 19-702](#); NRS 171.158; [RCW 10.89.020](#)).