

	Number: BPD - 100	Pages: 2
	Effective Date: 2/12/13	Amends/Rescinds:
	Review: Annually	
	Approving Authority: Chief	
WASPC Standard(s): 2.2	Subject: LAW ENFORCEMENT AUTHORITY	

100.1. PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2. PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by RCW 9A.04.110(13) and RCW 9A.04.110(15). The authority of any such peace officer to make an arrest without a warrant is enumerated in RCW 10.31.100, and includes:

- (a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in RCW 10.31.100, subsections (1) through (10).

100.3. OTHER AUTHORITY

Sworn members of this department have Oregon peace officer authority whenever the officer enters Oregon in order to provide or attempt to provide specific law enforcement assistance and such assistance occurs no more than 50 miles from the Washington border.

Pursuant to Oregon law, such authority shall only apply when the officer has entered Oregon:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency

BOTHELL POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL	NUMBER: BPD - 100	PAGE 2 of 2
SUBJECT: LAW ENFORCEMENT AUTHORITY		EFFECTIVE DATE: 2/12/13

assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, an Oregon law enforcement official is present at the scene of the incident.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

Officers who enter Oregon to assist in such situations have no authority to enforce Oregon traffic or motor vehicle laws.

100.4. CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Washington Constitutions.