

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

LAW ENFORCEMENT AUTHORITY

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CALEA 6th Edition Standard: 1.2.1; 1.2.3; 1.2.5; 1.2.6; 1.2.7

100 LAW ENFORCEMENT AUTHORITY

100.1 PURPOSE AND SCOPE

This written directive defines the legally mandated authority and responsibilities vested in all sworn Columbia Police Department personnel.

100.2 POLICY

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

Sworn agency personnel, also referred to as a sworn officer, is a person who is granted those general peace officer powers prescribed by constitution, statute, or ordinance in the jurisdiction, including those persons who possess authority to make a full-custody arrest for limited or specific violations of law within the same jurisdiction.

While this department recognizes the power of peace officers to enforce the laws of the Nation, State, County and City through arrest and other enforcement action, officers are encouraged to use sound discretion, when allowed, in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 AUTHORITY TO ENFORCE LAWS/PEACE OFFICER POWERS

§ 71.200, RSMo. states, "All cities in this state shall have power to appoint both men and women as members of the police force and to prescribe their duties and provide for their compensation."

Officers commissioned by the City of Columbia shall be considered peace officers and possess a valid peace officer license pursuant to § 590.020.1, RSMo.

The authority of a peace officer and the scope of that authority extends to any place in the State of Missouri for which his/her license is valid and assigns the scope of his/her duty to preserving the peace within the jurisdiction in accordance with statutory limits and through all lawful means. A peace officer shall perform those duties necessary as part of the regular and permanent performance of the public power, trust or duty, including those functions that may involve the use of force and the arrest or detention of a person.

Chapter 21 section 21-20 of the Columbia, Missouri-Code of Ordinances states, "Duties of members, generally.

- a. Any police officer who has completed the basic police training program required by state statute shall have the authority to respond to an emergency situation outside the city limits.

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- b. It shall be the duty of each member of the police department to protect the life and property of all persons in the city and to obey punctually the orders of the chief thereof; and all the members thereof shall, to the best of their ability, preserve order, peace and quiet throughout the city.”

100.3.1 RESERVE OFFICERS

Reserve officers with the Columbia Police Department are classified as unpaid sworn volunteers, not employees. Unless otherwise stated in this policy or another written directive, Columbia Police Department reserve officers possess the same peace officer authority and jurisdiction as paid (employee) Columbia Police Department officers.

100.3.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE COLUMBIA POLICE DEPT.

Chapter 21 Section 21-26 of the Columbia, Missouri – Code of Ordinances. - Arrest with and without warrant.

- a. The chief of police and all members of the police department shall have the following powers to make or order arrests within the city:
 - 1. Upon a warrant issued by any judge or magistrate for violation of ordinances of the city or laws of the state.
 - 2. Upon probable cause to believe that a person is committing or has committed a felony.
 - 3. Upon probable cause to believe that a person is committing or has committed a misdemeanor in his presence.
- b. The power to arrest authorized by this section shall be in addition to all other powers conferred upon police officers and shall not be construed so as to limit or restrict any other powers of a police officer.

Additionally, § 544.216, RSMo. States, “Powers of arrest, arrest without warrant on suspicion persons violating any law of state including infractions, misdemeanors and ordinances, exception — power of municipal officer in unincorporated area. — Except as otherwise provided in section 544.157, any sheriff or deputy sheriff, any member of the Missouri state highway patrol, and any county or municipal law enforcement officer in this state, except those officers of a political subdivision or municipality having a population of less than two thousand persons or which does not have at least four full-time nonelected peace officers unless such subdivision or municipality has elected to come under and is operating pursuant to the provisions of sections 590.100 to 590.150*, may arrest on view, and without a warrant, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any ordinance or law of this state, including a misdemeanor or infraction, over which such officer has jurisdiction. Peace officers of a municipality shall have arrest powers, as described in this section, upon lands which are leased or owned by the municipality in an unincorporated area. Ordinances enacted by a municipality, owning or leasing lands outside its boundaries, may be enforced by peace officers of the municipality upon such owned or leased lands. The power of arrest authorized by this section is in addition to all other powers conferred upon law enforcement officers, and shall not be construed so as to limit or restrict any other power of a law enforcement officer.

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100.3.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE COLUMBIA POLICE DEPT.

a. Boone County, Missouri

A limited number of Columbia Police Officers receive a commission from the Boone County Sheriff based on operational needs. Appointment as a deputy with the Boone County Sheriff's Office grants peace officers jurisdiction throughout Boone County, Missouri.

b. State of Missouri

The authority of a peace officer extends to any place in the state of Missouri, as follows:

1. An officer of a county of the first classification is granted arrest authority pursuant to (§ 70.820.5, RSMo).
2. The officer is in fresh pursuit of a suspect pursuant to § 544.157, RSMo
3. The officer sees a person using or threatening physical force involving a risk of death or physical injury to another person or is committing a dangerous felony (§ 70.820.6, RSMo).
4. Outside the boundaries of the City of Columbia when (§ 70.820, RSMo):
 - I. Such authority has been authorized by the governing body of the City and by the governing body of the political subdivision in which an emergency situation is occurring and by the board of police from which the officer derives his/her authority.
 - II. The officer has a reasonable belief that an emergency situation involving a crime is about to be committed, is being committed or has been committed.
 - III. The emergency situation involves injury or threat of injury to any person, property or government interest.
 - IV. The officer's response is reasonably necessary to prevent, end or mitigate the emergency situation.

An officer making an arrest under this subsection should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.3.4 GRANTING AUTHORITY TO OTHERS

Officers may summon the aid of other persons when making an arrest or when attempting to secure an offender who has escaped from custody (§ 544.230, RSMo).

100.4 LIMITATIONS ON LAW ENFORCEMENT AUTHORITY

Limitations on law enforcement authority are derived from statutes, ordinances, federal, state, and local judicial interpretations of laws, opinions of the Attorney General and City and County Prosecutor's Office, department policies, rules and regulations, and City and County administrative decisions.

100.4.1 JURISDICTIONAL LIMITATIONS

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Columbia Police Officers exercising police powers outside of the jurisdiction of the City of Columbia, but within Boone County, should generally be limited to actions performed while on official duty as a Columbia Police Officer or under exigent circumstances as outlined in section 100.3.2.b.

100.4.2 JUDICIAL LIMITATIONS

Courts continuously interpret laws that place limitations on the authority of police officers. Some common examples of judicial limitations include Miranda rights/warnings, search and seizure, eyewitness identification and lineups.

100.4.3 LIMITATIONS ON AUTHORITY BY CITY OR COUNTY PROSECUTING ATTORNEY'S OFFICE

The City of Columbia and Boone County Prosecutor's Office may issue opinions to the department that may impose limitations on officers. These areas include, but are not limited to:

- Prosecution of certain cases.
- Jurisdiction of certain cases to be filed.
- Enforcement of certain statutes pending opinions from the attorney General's Office.

100.4.4 LIMITATIONS ON AUTHORITY BY THE CITY, COUNTY, OR CHIEF OF POLICE

Limitations on police enforcement actions may be imposed by the City of Columbia, Boone County or Chief of Police concerning:

- The enforcement of city ordinances and state statutes.
- Departmental policies, rules, and regulations concerning the use of force, and others.

100.4.5 LIMITATIONS BASED ON CHANGES IN LAW OR INTERPRETATIONS

Periodically, changes occur that may impose new limitations on police authority, or remove or alter existing limitations. Normally, the Attorney General's Office, City or County Prosecutor's Office or other means, which may require changes in departmental operations, will provide updates on such changes to the department.

100.5 CONSTITUTIONAL REQUIREMENTS

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

100.6 COMMISSIONS GRANTED TO UNIVERSITY OF MISSOURI POLICE OFFICERS

Chapter 21, Article II, Section 21-18.1 of the Columbia Missouri-Code of Ordinances states the following regarding City commissions for University of Missouri Police Officers (MUPD): "The chief of police may commission University of Missouri Police Officers who possess the legal requirements for police officers. Each commission shall be valid for as long as the officer is employed by the university police department or until the chief of police revokes the commission. The chief shall give notice of any such revocation to the city

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clerk and to the Police Chief of the University of Missouri Police Department. The city clerk shall issue to each University of Missouri Police Officer commissioned by the chief of police a commission which sets forth the date the commission was issued. University police officers commissioned by the chief of police shall have the same powers as regular police officers of the city.”