 Kinston Police Department	<u>POLICY: Law Enforcement Agency Role and Authority</u>						<u>POLICY #:</u> 100-2
	<u>NCLEA Standards: 1.04; 6.01;</u>						
	<u>CALEA Standards: 1.21; 1.23; 1.25</u>						
	<u>NCLM Standards:</u>						
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	01/06/25				Effective Date: 07-01-2019
Approval: Chief of Police							

I. PURPOSE AND SCOPE

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

II. POLICY

Kinston Police Department is responsible for the protection of life and property, the prevention of criminal activity, the apprehension of criminal offenders, the preliminary investigation of calls for police service, and continuous twenty-four (24) hour directed patrol by uniformed police officers in marked and unmarked vehicles. **(NCLEA 6.01)**

An officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct.

Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and department in such a manner as to inspire confidence and respect for the position of public trust they hold.

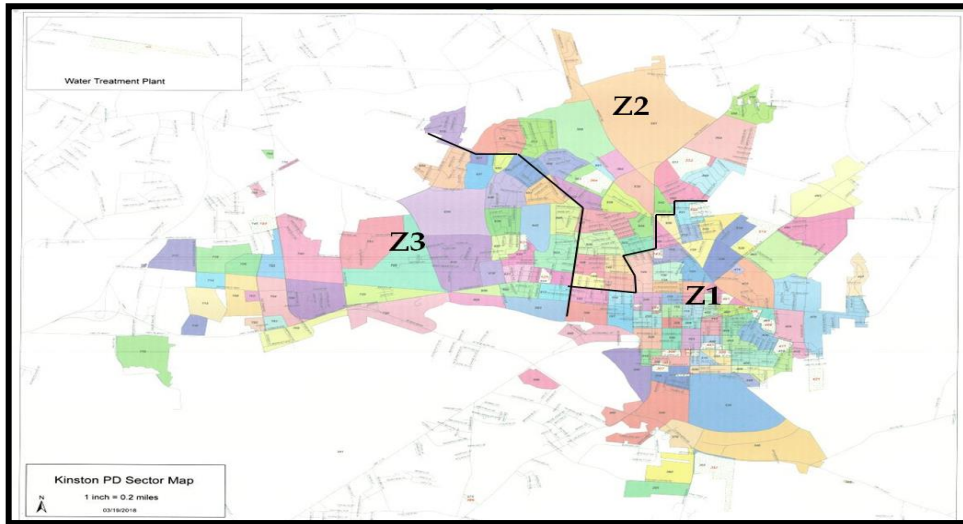
III. LEGAL AUTHORITY

A Law Enforcement Officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by North Carolina State Statutes Chapter 15A, 160-A-285, 160A-286, and City of Kinston Code of Ordinances Sec. 18-2, 18-4, 18-5, and 18-6. **(NCLEA 1.04) (CALEA 1.2.1)**

While the department recognizes the power of officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law.

IV. JURISDICTION

The legally authorized geographical area of the Kinston Police Department is the city limits of Kinston, North Carolina, and the areas within one mile of the primary corporate limits, property that has been placed in a satellite status of the corporate limits, and the property owned by the City outside the City limits. The enforcement of North Carolina state statutes and the City of Kinston ordinances is authorized in the City of Kinston, unless specifically prohibited elsewhere by law.



V. ARREST AUTHORITY (CALEA 1.2.5)

ARREST AUTHORITY WITHIN THE JURISDICTION OF THE CITY OF KINSTON

Under the authority of N.C.G.S. 15A Sub-chapter IV Article 20, police officer may arrest a person pursuant to the existence of a valid arrest warrant. Under the cited authority, an officer having a warrant in his possession may arrest the person named on or described in the warrant at any time and any place within the jurisdiction.

1. Under the cited authority, an officer who has knowledge that a warrant for arrest has been issued and has not been executed, but who does have the warrant in his possession, may arrest the person named in the warrant any time. The officer must inform the person arrested that the warrant has been issued and serve the warrant on the person as soon as possible. This applies even though the arrest process has been returned to the Office of the Clerk of Court.
2. Officers may arrest, without a warrant, any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.
3. An officer may arrest, without a warrant, any person who the officer has probable cause to believe has committed a felony, or has committed a misdemeanor and will not be apprehended unless immediately arrested or may cause physical injury to himself or others, or damage to property unless immediately arrested.
4. Probable cause has been interpreted as actions and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.
5. An officer may also arrest, without a warrant, any person who the officer has probable cause to believe has committed a misdemeanor under North Carolina Statutes 14-72.1 (larceny of property), and 14-134.3 (Domestic Criminal Trespass)

ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CITY OF KINSTON

The arrest authority of officers outside the jurisdiction of the Kinston Police Department but within the state includes (N.C.G.S. § 15A-402;):

1. When a person has committed a criminal offense within the Officers jurisdiction and the arrest is made during the person's immediate and continuous flight.
2. When the arrest is made on any property or rights-of-way owned by the City of Kinston.
3. Officers may arrest persons at any point which is one mile or less from the nearest point in the boundary of such city. Law enforcement officers of cities may transport a person in custody to or from any place within the State for the purpose of that person attending criminal court proceedings. While engaged in the transportation of persons for the purpose of attending criminal court proceedings, law enforcement officers of cities may arrest persons at any place within the State for offenses occurring in connection with and incident to the transportation of persons in custody.

VI. CONSTITUTIONAL REQUIREMENTS

All Kinston Police Department personnel shall observe and comply with every person's clearly established rights under the United States and North Carolina constitutions. **(CALEA 1.2.3)**. Procedures for compliance involving interviews, Field interviews, interrogations, and access to counsel can be found in Policy 600-8 Interview and Interrogation.