

PARKER POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL

3.4	EFFECTIVE: August 3, 2012	James Tsurapas, Chief of Police
	REVISED: February 15, 2021	
SUBJECT: ARRESTS AND WARRANTS		
CALEA: 1.2.5; 1.2.6; 1.2.7		PAGE: 1 of 5

3.4.1 PURPOSE

The purpose of this policy is to establish guidelines when a person is arrested and taken into custody.

3.4.2 POLICY

The Department recognizes its duty to follow standard procedures in the arrest process, designed to protect the rights of the arrestee while at the same time providing protection to the community and to the arresting commissioned officer. The commissioned officer's authority to make arrests can be one of the greatest areas of exposure to liability because of the power to take away a person's freedom. Proper records and procedures will be maintained to provide commissioned officers and the Records Section with timely information pertaining to persons arrested or taken into custody.

3.4.3 PROCEDURE

A. Arrest <1.2.5>

An arrest is a seizure of a person. An arrest warrant must be signed by the issuing judicial officer, set forth a time and place for making it, state the charge or offense and sufficiently name or identify the person to be arrested. Generally, according to Fourth Amendment cases, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt free to leave.

B. Probable Cause

Probable cause exists when the facts and circumstances within the arresting commissioned officer's knowledge and of which the commissioned officer had reasonable trustworthy information is sufficient that a reasonable officer would believe that an offense has been or is being committed and that the person to be arrested committed the offense.

1. Commissioned officers must have probable cause to make an arrest.
2. When a commissioned officer has probable cause, he/she may undertake a search incident to an arrest, record the suspect's fingerprints as the situation requires, take the suspect's photograph and jail him/her.

C. Discretion <1.2.7>

1. Commissioned officers must make discretionary choices when making arrests and employ alternatives to arrests, when appropriate, to effectively bring about an equitable solution to the situation encountered. Discretionary choices must be consistent with the law and appropriate as determined by the nature of the resolution itself.
2. Commissioned officers will always act in accordance with law and Department rules and regulations. When discretion is employed, it must be reasonable, defensible and always accomplish a police purpose.
3. Commissioned officers can use alternatives to arrest for petty or misdemeanor offenses such as: <1.2.6>
 - a. issuance of a summons; or
 - b. verbal warning.

D. Arrest Warrants <1.2.5>

1. An arrest warrant is a written order by a judicial officer commanding the police to arrest the person named in the warrant.
2. An arrest warrant must be signed by the issuing judicial officer, set forth the time and place for making it and the charge or offense. Arrest warrants will be executed by commissioned officers only.
3. When a warrant is in the hands of the commissioned officer, he/she is not bound to inquire into the particulars of the complaint. The commissioned officer has a duty to execute the warrant, unless otherwise directed within the parameters of said warrant or unless the warrant appears facially defective. Questions concerning sufficiency of a warrant or the probable cause supporting it should be raised with the commissioned officer's supervisor.

E. Warrantless Arrests <1.2.5>

1. Commissioned officers may arrest without a warrant any person who commits, or attempts to commit, any felony or misdemeanor in the presence of, or within the view of, such commissioned officer.
2. Commissioned officers who have probable cause to believe that a felony or misdemeanor is being committed or attempted in the commissioned officer's presence or within the commissioned officer's view, may arrest without a warrant any person whom the commissioned officer reasonably believes to have committed such offense.
3. Commissioned officers may arrest a person without a warrant if the commissioned officer has probable cause to believe a felony or misdemeanor has been committed or attempted and that such person has committed or attempted to commit a felony or misdemeanor whether or not in the commissioned officer's presence or view.

4. In the circumstances of Domestic Violence, commissioned officers shall arrest a person if probable cause exists that a crime of violence, coercion or intimidation occurred.

F. Arrest of Suspect Inside Dwelling

1. If a commissioned officer wishes to arrest a suspect inside a residence and appropriate consent to enter the residence is not obtained or exigent circumstances do not exist, the commissioned officer must first obtain an arrest warrant. If the residence belongs to the suspect, only an arrest warrant is required. The commissioned officer must have clear and articulable facts that the suspect is inside his or her residence. If the dwelling belongs to someone else, the commissioned officer must obtain a search warrant as well.
2. A search warrant is not required in the following exceptions:
 - a. appropriate consent;
 - b. hot pursuit;
 - c. the imminent destruction of evidence;
 - d. the need to prevent a suspect's escape;
 - e. a risk of danger to commissioned officers or others based on the gravity of the crime and the likelihood that the suspect is armed; and
 - f. emergency circumstances where the commissioned officer has probable cause to believe someone is in imminent need of assistance.
3. A commissioned supervisor should be notified prior to entry into the dwelling.

G. No-knock Warrants and Unannounced Entry into a Residence

Commissioned officers shall complete a report in the BlueTeam software detailing any unannounced entry into a residence to include;

1. The date, time, and location of entry;
2. the purpose of the entry;
3. the perceived or actual demographic information of the subject of the entry; and
4. whether the commissioned officer unholstered a weapon or discharged a firearm during the unannounced entry.

H. Juvenile Arrestees

1. A juvenile is anyone under the age of eighteen years of age.

2. When taking a juvenile into custody, commissioned officers should select the least restrictive course of action and adhere to policy and procedures set forth in the Juvenile Procedures section of the PD Manual.

I. Arrest Reports

1. Any time a commissioned officer effects an arrest, a crime/arrest report will be completed in the Records Management System (RMS) except in the following cases:
 - a. curfew violations;
 - b. shoplifting;
 - c. minor in possession (M.I.P.) unless there are multiple citations, then a report is required;
 - d. animal code penalty assessments;
 - e. possession of drug paraphernalia;
 - f. tobacco violations; and
 - g. warrant arrest taken to the Douglas County Sheriff's Department where a Warrant Arrest Form will suffice.
2. The report should include, but not be limited to the following:
 - a. arrestee's name, date of birth, addresses, and phone number if attainable. If not attainable; perceived demographic information to include race, ethnicity, sex and approximate age;
 - b. arrest number;
 - c. case report number;
 - d. location of offense and location of arrest;
 - e. type of criminal activity;
 - f. actions taken by the commissioned officer during the contact;
 - g. details, including basis, for any searches that occurred to include if consent was obtained;
 - h. seized property and evidence notations;
 - i. unholstered weapon or weapon discharges; and
 - j. any other pertinent case information if applicable.

3. Commissioned officers may bring the arrestee to the Parker Police Temporary Detention Facility (TDF) or appropriate detention facility. If the arrestee is brought to the TDF, the arrestee should be photographed and fingerprinted according to the policies and procedures set forth in policy on Temporary Detention Facility contained in the PD Manual.
4. Commissioned officers will be required to complete detailed reports as soon as practicable at the end of the incident.

J. Warrantless Arrest Affidavits

When warrantless arrests are made, arresting commissioned officers will complete the appropriate Determination of Probable Cause to Detain and Affidavit in Support of Warrantless Detention forms.

K. Booking Procedures

1. Commissioned officers who process prisoners at the TDF will adhere to policies and procedures set forth for in the policy on Temporary Detention Facility contained in the PD Manual.
2. Prisoners processed at the Douglas County Detention Center will be handled according to detention procedures. If prisoners are processed at the scene, provisions should be made for fingerprinting and photographing.
3. Prisoners who are being charged with misdemeanors and who can be positively identified may be released from either the scene or another place away from the incident, without further processing.