

WOONSOCKET POLICE DEPARTMENT

THOMAS F. OATES, III
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	100.01	9/16/2024	9/16/2024
SUBJECT		PREVIOUSLY ISSUED DATES	
Limits of Authority		11/1/2013, 11/21/2014, 7/17/2019	
ACCREDITATION		RE-EVALUATION DATE	
RIPAC: 2.3, 2.4, 2.5, 2.6 CALEA: 1.2.1, 1.2.3, 1.2.4, 1.2.5, 1.2.6, 74.3.1, 74.3.2		6/7/2021, 7/8/2024	
INDEX		DISTRIBUTION	
Administration		Sworn Personnel	

LIMITS OF AUTHORITY

(Arrest, Search, Warrants, Mutual Aid, Vehicles)

I. PURPOSE

The purpose of this policy is to establish procedures for ensuring compliance with constitutional requirements during all criminal investigations.

II. POLICY

The Woonsocket Police Department expects officers to observe constitutional safeguards thoroughly and proficiently. The department further expects that officers understand the limits and prerogatives of their authority to act. Respect for the civil liberties of citizens shall be the paramount concern in all enforcement matters.

III. PROCEDURE

A. Probable Cause and Reasonable Suspicion

1. **Probable cause** - Searches (with the few important exceptions outlined in this order) and all arrests are based on the police officer's perception of probable cause. According to the U.S. Supreme Court, "Probable cause exists where the facts and circumstances within their (the arresting officers') knowledge and of which they had reasonable trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed."

- a. An officer must have probable cause to undertake a search or make an arrest.
- b. When an officer has appropriate probable cause, they may undertake a complete body search (not including a strip or body-cavity search--see [General Order 370.01 Strip & Body Cavity Searches](#)); record the suspect's fingerprints, take the suspect's photograph, and confine him. The object of probable cause is to make a formal charge.

2. **Elements of probable cause**

- a. Probable cause may be established through anonymous sources provided the information is corroborated by investigation.
- b. Unnamed informants may be used in an affidavit for a search warrant if the informant has first-hand knowledge of the investigation and information is included about why the informant is credible and reliable. See [General Order 340.02 Criminal Intelligence](#) for further information on informants.

3. **Reasonable suspicion**- Reasonable suspicion involves a standard less than probable cause, generally defined by the courts as a circumstance or collection of circumstances that would lead a trained, experienced officer to believe that criminal activity may be afoot.

- a. An officer must have reasonable suspicion to temporarily detain a citizen.
- b. When an officer has reasonable suspicion, they may undertake a pat-down of a suspect's outer clothing for weapons and record the circumstances of the encounter. The object of reasonable suspicion is to resolve an ambiguous situation.

B. **INTERVIEWS AND INTERROGATIONS** [RI 2.4 \(a\)\(b\)](#)

1. **Definitions**

- a. An **interview**, as opposed to an interrogation, may be construed as any conversation with a suspect, witness, victim, or citizen.
- b. An **interrogation**, to paraphrase the Supreme Court, includes direct questioning (or its functional equivalent) about a crime or suspected crime, as well as any words or conduct on behalf of the police that may elicit an incriminating response from the suspect.
 - a) Officers are reminded that an interrogation does not rely solely or exclusively on words; conduct can be the "functional equivalent" of asking questions.
- c. A person is in custody when an officer tells him or her that they are under arrest. The functional equivalent of being in custody occurs when a reasonable person in the suspect's place would feel their freedom of action has been restricted to the same degree as a formal arrest.

2. Rights admonition

- a. To achieve uniformity in administering Miranda warnings, police officers shall be issued cards with the Miranda warnings and waivers on them. Before custodial interrogation, officers shall advise suspects of their rights by reading aloud from the card.
- b. After the warning, to secure a waiver, the officer shall ask and receive affirmative replies to the following questions:
 - 1) "Do you understand each of these rights I have explained to you?"
 - 2) "Having these rights in mind, do you wish to talk to us now?"
- c. After the rights have been read and understood, and the person wishes to waive them, the officer will have the suspect sign the waiver of rights form. Officers shall interrogate suspects only when they have waived their rights. Officers shall cease questioning whenever the suspect invokes the right to silence or requests the presence of counsel.
 - 1) If a suspect, once in custody, requests counsel after being advised of Miranda rights, they cannot be interrogated again about the crime for which they were charged, other crimes, or by any other officers unless (1) the counsel is present during the interrogation or (2) the suspect initiates the interrogation. Officers therefore cannot obtain a waiver under these circumstances unless the suspect initiates communication. If a suspect refers to counsel but his or her intentions are unclear, officers may question the suspect further to clarify his or her intentions. [RI 2.4 \(c\)](#)
 - 2) If the suspect is deaf or unable to speak English, the interrogating officer shall notify the on-duty supervisor and arrange to obtain an interpreter.
- d. If a suspect has invoked their right to silence, officers may interrogate the suspect if, after a passage of time, the suspect initiates communication with officers. Before questioning, however, officers shall again administer Miranda warnings and shall obtain a written waiver.

3. Voluntariness of confessions

The courts have provided officers with much latitude in interrogating suspects. If a suspect claims that they were coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances. If interrogation methods appear to overcome the suspect's will, then the courts will find any resulting confession to be involuntary.

4. Exemptions or special cases

- a. Miranda warnings do not apply to the following situations that are non-custodial. This list is not all-inclusive:
 - 1) Brief on-scene questioning.
 - 2) Identification procedures such as fingerprinting, conducting a lineup, and sobriety tests. (Questioning during booking may require Miranda warnings.)
 - 3) Volunteered spontaneous statements. (Once the officer has heard the suspect express spontaneous incriminating statements, the officer shall then advise the suspect of Miranda rights and obtain a waiver before asking additional questions.)
 - 4) Brief investigative detention or stop/frisk.
 - 5) Roadside questioning during routine traffic stops, including DUI stops until custodial interrogation begins.
 - 6) Routine booking questions attendant to arrest.
 - 7) Questioning by private persons.
 - 8) Phone conversations.
- b. Public safety exception: When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving Miranda warnings until the officers have received information enough to dispel the emergency. Officers are advised that a genuine, life-threatening emergency must exist.

5. Documentation requirements

- a. Officers shall document the circumstances surrounding the conduct of interrogations and the recording of confessions. Required information includes, but is not limited to, the following:
 - 1) Location, date, time, and duration of the interrogation.
 - 2) Identities of all persons present.
 - 3) Miranda warnings that were given, the suspect's responses, and any waivers provided.
 - 4) The nature and duration of any breaks or lapses during the interrogation and the reasons for them.
- b. Video or audio tape recordings shall be treated as evidence and handled accordingly. Before the tapes are stored as evidence, a duplicate shall be made and likewise treated as evidence, the fact of it being a duplicate should be noted on all paperwork.

C. SEARCH AND SEIZURE

1. Definition

A search occurs where (1) there is a "prying into hidden places by the police officer" and (2) the person whose premises or person is being searched has a reasonable expectation of privacy.

2. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons, and things. The Supreme Court is continuously interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be the cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits and criminal prosecution.

3. Exceptions to Search Warrant Rule Exceptions to the parameters of the search warrant rule occur when it is impractical to secure a warrant or when there is explicit or implied consent to the search. Also, warrants may not be required when facts and circumstances preclude any reasonable expectation of privacy. Exceptions to the warrant rule include but are not limited to: searches incident to a lawful arrest or required to ensure safety, such as "stop and frisk" procedures; inspections by customs, border, and airport officials; searches made with the suspect's consent; searches made in compliance with lawful government actions, such as health inspections; searches of items in plain view; and searches of student belongings. (See categories below) it should be noted the same probable cause standard applies to all searches, under warrant or not. [RI 2.5](#)

- a. Consent searches [RI 2.5\(a\)](#)
- b. Searches incident to an arrest and executing arrest warrants [RI 2.5\(b\)](#)
- c. Pat-downs of suspicious persons (Terry Pat-downs) searches [RI 2.5\(c\)](#)
- d. Plain view and "plain feel" seizures [RI 2.5\(d\)](#)
- e. Exigent circumstances [RI 2.5\(e\)](#)
- f. Vehicle Searches, including moving exceptions [RI 2.5\(f\)](#)
- g. Inventory of contents searches of vehicles [RI 2.5\(g\)](#)
- h. Abandoned property [RI 2.5\(h\)](#)
- i. Public places [RI 2.5\(i\)](#)
- j. Open fields [RI 2.5\(j\)](#)

Generally, no arrest warrant or search warrant is required for an arrest in a public place, if probable cause exists.

4. Consent [RI 2.5\(a\)](#)

- a. A search warrant is not necessary where a person who has authority or control over the thing or place searched consents to the search. Officers must have

reasonable articulable suspicion or probable cause to make a consent search: They may ask for permission from someone with control over the premises or vehicle. If that person grants permission, the search may take place. The sole justification for a consent search is the existence of knowing, intelligent, and voluntary consent. Consent searches must observe the following rules:

- 1) Generally, the person granting consent must use, access, or control the property. Persons having exclusive possession of some part of jointly owned property can only give consent for a search of that part.
 - 2) If two people have joint ownership of property, either may give consent. If possible, have the consenting party sign a written consent-to-search form.
 - 3) A landlord, including a hotel or motel manager, cannot consent to a search of a tenant's premises unless the tenant has been evicted or has abandoned the property.
 - 4) A husband or wife, or one member of a cohabiting unmarried couple, may consent to a search of areas in common ownership or use.
 - 5) A parent may consent to a search of the premises occupied by a dependent child if the parent also has access to the premises.
 - 6) An employee cannot give valid consent to a search of their employer's premises unless they have been left in custody of the premises.
 - 7) An employer may generally consent to a search of premises used by employees, except premises used solely by an employee (e.g., a locker).
- b. Consent must be given voluntarily. If an officer requests consent from a citizen under circumstances that a reasonable person would consider coercive, then officers must seek a warrant. The officer may have the burden of demonstrating voluntariness.
 - c. A person who initially gives consent may withdraw it at any time. Officers shall then secure the premises and seek a warrant if probable cause exists.
 - d. Refusal to give consent cannot justify further law-enforcement action.
 - e. The scope of a consent search is limited to the area for which consent has been given, and within this area officers may search only into areas where the objects sought could reasonably be hidden.

5. Emergency searches [RI 2.5\(e\)](#)

- a. A search warrant is not necessary in an emergency. An emergency is sometimes termed "exigent circumstances."
- b. Eleven considerations determine whether an emergency exists:
 - 1) The degree of urgency involved, and the time required to get a warrant.
 - 2) Officer's reasonable belief that contraband is about to be removed or destroyed. (Note that not all crimes are serious enough to create exigent circumstances.)

- 3) The possibility of danger to others, including officers left to guard the site.
 - 4) Information that the possessors of contraband are aware that police are on their trail.
 - 5) Whether the offense is serious or involves violence.
 - 6) Whether officers reasonably believe the suspects are armed.
 - 7) Whether the officers have probable cause at the time of entry.
 - 8) Whether the officers have strong reason to believe the suspects are present on the premises.
 - 9) The likelihood that the suspects will escape.
 - 10) The suspects' entry onto the premises after a hot pursuit. To justify warrantless entry following hot pursuit, the arrest process must have begun away from the premises, the offender knows that they are under arrest, and the offender tries to avoid arrest.
 - 11) A reasonable belief that someone on the premises is in distress and needs emergency assistance.
- c. If officers enter premises with probable cause to believe that critical evidence may be destroyed or removed unless immediate action is taken, they may enter without a warrant, secure premises, and obtain a search warrant before proceeding further unless they have obtained consent to search, or some new circumstances arise necessitating another warrantless search.

6. Plain view [RI 2.5\(d\)](#)

- a. A plain-view seizure is, technically, not a search. To make a plain-view seizure of property (contraband, fruits, or instrumentalities of the crime), two requirements must be met:
 - 1) From a lawful vantage point, the officer must observe contraband left in open view; and
 - 2) It must be immediately apparent to the officer that the items they observe may be evidence of a crime, contraband, or otherwise subject to seizure.
- b. During a lawful frisk (stemming from a lawful stop) if an officer detects an object that is or might reasonably be an item that is contraband or other criminal evidence, the object may be seized. Threatening items such as weapons may always be removed during frisks. Non-threatening items may be removed only if their contraband or evidentiary nature is immediately apparent (the so-called "plain feel" rule).

7. Abandoned property and open fields [RI 2.5\(h\)](#)

- a. A search warrant is not required for property that has been abandoned.
- b. To constitute abandoned property, two conditions must apply:

- 1) The property was voluntarily abandoned.
 - 2) Property was discarded outside the area in which someone has a reasonable expectation of privacy.
- c. Open fields are not protected by the Fourth Amendment, but officers must distinguish them from curtilage, searches of which require a warrant. Curtilage is the area of a dwelling, which is necessary, convenient, and habitually used by the family for domestic purposes. The extent of the curtilage of a private residence is determined by whether the area is enclosed; the nature and use of the area; the proximity of the area to the home; and any measures taken by the owner to protect the area from observation. [RI 2.5\(j\)](#)

8. Inventories of vehicles [RI 2.5\(g\)](#)

- a. The department requires officers to inventory any lawfully impounded vehicle, or a vehicle removed from the street and placed in police custody. Any evidence or contraband found during the inventory may be used to formulate probable cause for a subsequent search or arrest. Vehicles shall be inventoried per departmental procedure, which requires an inventory of the entire contents, including closed containers (provided they can be opened without breakage). The purpose of an inventory is to ensure the safekeeping of private property and to protect the department from liability.

9. Search incident to an arrest [RI 2.5\(b\)](#)

- a. A search incident to an arrest is an exception to the warrant requirement.
- b. The arrest must be lawful, and the search can be made only of the immediate area within the control of the person being arrested.
- c. The search must be made contemporaneous to arrest.
- d. A search incident to a lawful arrest is permitted to:
 - 1) Protect the arresting officer and others.
 - 2) Prevent escape or suicide.
 - 3) Seize contraband or the fruits, instrumental, or evidence of a crime.
 - 4) Prevent the destruction of evidence.
 - 5) Provide an inventory of those items on the person or in their possession at the time of arrest.

10. The scope of the search [RI 2.6\(d\)](#)

- a. As a rule, an officer may search the arrested person, everything in their possession, and everything which, during the arrest, is within their immediate control.
- b. Anything in the actual possession of the person arrested may be searched, (i.e., a carton, suitcase, or purse being carried by the arrestee.)

- c. Items within the reach of the person or their immediate physical control can be searched.
- d. If the person arrested is in a motor vehicle, it is permissible to search the passenger compartment of the vehicle. During this search, open and closed containers may be inspected. A locked car trunk may not be searched solely on the arrest.
- e. During the arrest, if the officer observes a suitcase or other closed container in open view but not in the arrested person's actual possession or immediate control, the item may be seized as a protective measure. The suitcase or container may be searched only if probable cause exists to do so, and a warrant has been obtained.

11. Search warrants

- a. Signing warrants
 - 1) All officers with the rank of Detective, Sergeant, or higher rank.
 - 2) Search Warrants may be issued to search for and seize any of the following four (4) types of items:
 - a) Fruits of a Crime: Material objects acquired by means or in consequence of the commission of the crime.
 - b) Contraband: Items kept, concealed, or possessed in violation of the law or items kept to violate the law.
 - c) Instruments of a Crime: Items, which will aid or have been used in the commission of a crime, such as weapons and burglary tools.
 - d) Other Evidence: Items that will aid in the apprehension or conviction of a criminal, such as bloody or ripped clothing, or business records. This evidence may be seized providing the warrant clearly states its connection to the crime.

12. What areas may be searched with a warrant

- a. The scope of a search is determined by the language in the warrant.
- b. Officers executing a search warrant may search areas where the items named in the search warrant may be concealed. For example, if the warrant states television sets, officers may not look in small containers or drawers. However, if the warrant is for narcotics, a search into drawers and containers would be permitted.
- c. The following are exceptions to the warrant requirement:
 - 1) A search incident to an arrest.
 - 2) A search of a public area.
 - 3) A seizure of evidence in plain view.

- 4) Consent searches.
- 5) A search of a vehicle only when probable cause exists to believe that the vehicle contains evidence of a crime.
- 6) A search of abandoned property.
- 7) A search under emergency conditions where public safety is endangered.
- 8) An inventory search of vehicles being seized. A physical evidence inventory sheet is to be utilized.
- 9) Seizure of weapons after a stop-and-frisk situation where the officer has reasonable and articulable reasons to fear for their safety.
- 10) In all searches authorized by state and federal constitutions and/or statutes.

13. Executing a Search Warrant

- a. The affiant officer requesting the Search Warrant will be present during the execution of the warrant.
- b. If the affiant officer is not a Captain or above, then they must notify the Chief, or Captain before executing the warrant.
- c. The Patrol Division Officer-in-Charge (OIC) may designate another officer to be present during the execution of the warrant.
- d. This designee will be directly responsible to the Patrol/Detective Division OIC.
- e. A minimum of two (2) uniformed officers will be present during the execution of the Search Warrant.
- f. Whenever possible, if the suspect(s) is a female, a female officer should be present during the search.
- g. While executing a Search Warrant, all department policies on the use of force will be adhered to.
- h. No Search Warrant will be executed after sunset unless specifically authorized by the magistrates upon satisfactory cause.
- i. A “No Knock” entry may be made only when the officers have reasonable suspicion that knocking and announcing their presence, under the circumstances, would be dangerous or futile, or that it would inhibit the effective investigation of a crime by, for example, allowing destruction of evidence. The “No Knock” entry must be approved by the authorizing magistrate and noted on the warrant application.
- j. A “high risk” Search Warrant is defined as a search where there is reliable intelligence that the persons present are armed or have threatened to use force to counteract police intervention.
- k. Before execution of the Search Warrant, a Warrant Threat Assessment Form will be completed by the warrant applicant.
- l. Depending upon the threat score determined by the Warrant Threat Assessment form, the **Special Response Team (SRT)** will be used to effect entry and secure the scene.
- m. It is the responsibility of the affiant officer to brief the SRT team leader.

- n. Once the SRT has gained entry and secured the scene, department members shall be responsible for searching the scene.
- o. If the property owner is to be arrested based on the search or other outstanding warrants, they may be removed and returned to headquarters immediately.
- p. If the property owner is not under arrest, they should remain until the search is completed.
- q. If the property owner is combative, interfering, or poses a possible obstruction in the furtherance of ongoing investigation(s)/Search Warrant(s), they may be removed from the property until the search, or searches are complete.
- r. The complaining officer will leave the property owner a detailed return of service.

D. ARREST

1. Title 12, Chapter 7, of the Rhode Island General Laws, gives law enforcement officers the authority to enforce criminal laws of the state and ordinances and regulations of the jurisdiction to which they are appointed. In addition, certain provisions of the city charter and ordinances permit a police officer to exercise their lawful authority within the City of Woonsocket. [RI 2.3](#)
 - a. The State of Rhode Island has no statutory law, granting a police officer of a city or town the general authority to act as a police officer throughout the state.
 - b. There is no statute in Rhode Island relating to Citizen's Arrest, but the courts have held that the common law rule allowing such felony arrests would be followed.
 - c. Although there is no Rhode Island statute authorizing police officers in non-pursuit situations outside their jurisdictions, there are certain situations where such arrests are permitted. A police officer has no official authority outside their jurisdiction, but they do have the same authority as any private citizen to arrest without a warrant.
 - d. On-duty officers may exercise their authority as police officers and arrest outside the city in limited circumstances.
 - e. Under the common-law doctrine of hot pursuit, an officer may pursue a felon or suspected felon, with or without a warrant, into another jurisdiction and arrest them there. Additionally, by statute, officers in hot pursuit for violations of the Motor Vehicle Code within the State of Rhode Island may arrest suspects outside the city but within the State of Rhode Island.
- 1) Under RIGL (12-7-19): Arrest after a close pursuit by officers from cities or towns—any member of duly organized municipal peace unit of another city or town of the state who enters any city or town in close pursuit, and continues within any city or town in such close pursuit of a person to arrest

them because they have violated the motor vehicle code in the other city or town shall have the same authority to arrest and hold in custody the person as members of a duly organized municipal peace unit of any city or town have to arrest and hold in custody a person on the ground that they have violated the motor vehicle code in any city or town.

- 2) Officers responding to a request for emergency police assistance (mutual aid) from another police department within the state, shall be subject to the authority of the requesting Chief and have the same authority, powers, duties, privileges, and immunities as a duly appointed police officer of the city or town making the request until the requesting Chief of Police discharges and releases the assisting police officers to their own departments. (Per RIGL 45-42-1).
 - a) Whenever officers of the Woonsocket Police Department are requested to assist an outside department, the patrol OIC will determine how many officers are sent based on the type of assistance requested.
 - b) If an outside department other than a bordering town or city is requesting assistance, the OIC must contact the Captain or the Chief of Police to obtain approval before sending any officers. The OIC will then complete a report to the Chief of Police about the assistance.

The following exception to this policy will apply:

- i. When the Woonsocket Police Department is requested to assist an outside department for traffic duties only and the number of officers needed does not exceed two.
 - ii. Police officers assigned to the State Warrant Squad or any duly authorized agent of the state or federal government law enforcement agency, temporarily, may arrest outside the City of Woonsocket consistent with the grant authority afforded to the agent of the state or federal government by statute.
- f. Sworn members of the department are expected to use good judgment, discretion, and common sense in considering individual circumstances when dealing with citizens; actions are to be professional, objective, and non-prejudicial.
- g. Arrest – Sworn members will use good judgment, discretion, and common sense in considering individual circumstances when deciding what, if any, enforcement action to take for violators of the law. Only sworn officers of the department may affect an arrest. [RI 2.3](#)

- 1) An arrest is the deprivation of a person's liberty with the intent to make him/her answer to a charge(s). When an arrest is made, the justification must be enough to support the charge.
- 2) It is preferable to obtain a warrant before making an arrest if time and circumstances permit. However, under Title 12 of the Rhode Island General Laws, an arrest without a warrant may be made for any felony or certain misdemeanors under the following conditions:
 - a) **Misdemeanor:** A peace officer may without a warrant arrest if the officer has reasonable cause to believe that the person is committing or has committed a misdemeanor or a petty misdemeanor, and the officer has reasonable ground to believe that person cannot be arrested later or may cause injury to themselves or others or loss or damage to property unless immediately arrested (per RIGL 12-7-3).
 - b) **Felony:** a peace officer may without a warrant arrest a person for a felony whenever:
 - i. The officer has reasonable grounds to believe that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
 - ii. The person to be arrested has committed or is committing a felony and, in that case, it shall be immaterial that the officer did not believe them guilty or on unreasonable grounds entertained belief in his or her guilt (per [RIGL 12-7-4](#)).
- 3) If an arrest warrant is issued, the arrest will be made by a sworn police officer. To affect such an arrest within a private residence, entry will be made only under exigent circumstances, with a search warrant, or with permission of an occupant or the owner.
- 4) A police officer may have numerous alternatives to detention in any given situation, while in other situations, arrest is the only alternative.
- 5) A police officer is authorized to execute an arrest warrant anywhere within the State of Rhode Island, and when situations permit, must do so with the authorization of the Officer-in-Charge (per [RIGL 12-6-7.1](#)).
- 6) When making an arrest, the officer must announce that they are a police officer. When arresting on a warrant, the officer must show the warrant to the suspect and/or inform the suspect of the charges.
- 7) In addition to arrest, based upon their discretionary judgment of the situation, an officer may use available alternatives.
 - a) District Court or RITT Summons.
 - b) Community Court Summons.
 - c) Written warning.
 - d) Verbal warning.

- e) Motor vehicle equipment tag.
 - f) Commitment to an approved public treatment facility.
 - g) Referral to a social service agency.
- 8) All arrests shall be documented in an arrest report entered into the department records management system (RMS). [RI 2.6\(a\)](#)
- 9) All arrestees shall be processed and booked into the RMS to include fingerprints and photographs at the time of booking. [RI 2.6\(b\)](#)
- 10) PRISONER RIGHTS [RI 2.6\(e\)](#)
- a) The Prosecution Officer (during court business hours) and supervisors (during non-court business hours) shall ensure that prisoner rights are protected and that the following procedures related to prisoner rights are followed:
 - i. Prisoner arraignments are not unnecessarily delayed.
 - ii. Prisoner opportunities to make bail are not impeded.
 - iii. Prisoners are provided with confidential access to attorneys.
 - iv. Prisoners are provided with three (3) meals every twenty-four (24) hours, regardless of their ability to pay. All meals provided shall be documented in the department's computerized dispatch log.
 - b) The Rhode Island Supreme Court has mandated that, at a minimum, a prisoner (suspect) is entitled to a telephone call *free of charge* on an *unrecorded line*, provided that the call is for securing an attorney or arranging for bail. To ensure compliance with this mandate, the department shall require that *all* such prisoner telephone communications be conducted on one of the Department's unrecorded telephone lines or the prisoner's personally owned cell phone at the OIC's discretion.
 - c) Arresting officers shall advise prisoners of their right to make a confidential, free-of-charge telephone call. If a prisoner agrees to such a call, the officer shall escort the prisoner to the telephone.

Supervisors may authorize attorneys to enter cellblocks for confidential consultations with prisoners.

2. FOREIGN DIPLOMATS / CONSULAR OFFICIALS [RI 2.6\(c\)](#)

Diplomatic Immunity is broadly defined as the freedom from local jurisdiction according to duly accredited Diplomatic Officers, their families, and servants.

- a. Diplomatic officers should not be detained, except for the commission of a serious crime. The U.S. Attorney's Office is the point of contact. To contact, and notify the State Department regarding incidents involving foreign diplomats/consular officials, and/or foreign nationals.
- b. Ambassadors, Ministers, Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché along with their families, are protected by unlimited immunity from arrest, detention, or prosecution for any civil or criminal offense.
- c. Consular Officials are titled as Consuls-General, Deputy Consuls-General, Consuls, and Vice Consuls. Such an official is immune from criminal jurisdiction only in acts performed in the exercise of consular functions, subject to court determination.
- d. **Moving** violations – When a consular official is stopped for a moving traffic violation, the officer on the scene, upon being advised by the driver that they are a Consular Official and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation and either verbally warn the violator or proceed with the issuance of the appropriate citation. The issuance of a traffic citation/summons does not constitute arrest or detention.

3. ARREST OF ACTIVE DUTY, RESERVE or NATIONAL GUARD MEMBERS

- a. The United States Air Force has requested that the Security Forces Investigative Section be notified of the arrest of any active duty, reserve, or National Guard military members.
- b. The Rhode Island Air National Guard, 143d Security Forces Squadron, Base Defense Operations Center (BDOC) will be notified by contacting (401) 267-3530 (24/7).
- c. The Security Forces Investigation Section will follow up with the department and request a copy of the arrest report to be entered into a national military database for accountability purposes.

4. ARREST IN A FOREIGN JURISDICTION

- a. The officer(s) will provide all necessary documentation to assist the Department of Attorney General.
- b. When an officer receives information that a wanted person is residing in another state, and the State of Rhode Island represented by the Department of Attorney General authorizes extradition, the following procedure will be followed.
 - 1) The investigating officer will contact the law enforcement agency that has jurisdiction over the location of the arrest.

- 2) A message will be sent, via the National Law Enforcement Telecommunications System (NLETS) stating the crime(s) for which the subject is wanted and confirming extradition.
 - 3) Once located, the fugitive will be brought before the proper court in the jurisdiction where the arrest was made.
- c. If extradition is waived by the fugitive, the officer(s) will take the subject into custody and return them to Rhode Island immediately.
 - d. Should the subject choose to contest extradition, the officer(s) will notify the Rhode Island Department of Attorney General's Extradition Department, which will be responsible for initiating extradition proceedings and preparing a Governor's Warrant.

5. WARRANT ARREST PROCEDURE

a. Bench Warrants

Regardless of the origin of the original case, it is the responsibility of the arresting agency to process arrestees before transporting them to court or the ACI. Exceptions would be when the arresting department has new charges and will not release the suspect or if other extenuating circumstances exist.

b. Arrest Warrants

- 1) All suspects arrested on an arrest warrant will be brought back to headquarters to be processed and arraigned. Exception: Suspects may be arraigned at another agency when that agency also has charges; however, if the suspect is released, they should be brought back to Woonsocket to be processed.
- 2) The prosecution officer must be notified of the arrest warrant if the suspect is held and remanded to the ACI. An arrest report will be completed on all suspects arrested on an arrest warrant. If another department arrests a suspect on a Woonsocket warrant and the suspect is held or remanded to the ACI, the prosecution officer shall be notified and a supplement to the original warrant number must be done and placed in the suspect's case folder.

6. OFF-DUTY ARREST (WITHIN THE CITY OF WOONSOCKET)

Off-duty officers may make off-duty arrests within the City of Woonsocket. Under this policy, officers have the authority to enforce criminal laws of the state and ordinances and regulations of the jurisdiction to which they are appointed.

a. Definition:

Personally involved: Where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer, themselves, is the victim of a crime.

b. Commentary:

Liability protection: The police officers of this police department have liability protection for on and off-duty performance of their official duties. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or should have known, conflicted with the established policies or customs of the department.

1) Permitted off-duty arrests: When off-duty and within the legal jurisdiction of the Woonsocket Police Department, a police officer may make an arrest only when:

- a) The arresting officer is themselves the victim of a crime.
- b) There is an immediate need for the prevention of a crime or the apprehension of a suspect.
- c) The crime would be charged as an offense requiring a full custodial arrest.
- d) The arresting officer has appropriate police identification.

2) Off-duty responsibilities:

- a) While off duty within this jurisdiction, it is the responsibility of the police officer to immediately report any suspected or observed criminal activities to on-duty personnel.
- b) Except as allowed by this policy, off-duty officers should avoid, when possible, enforcing offenses or minor violations such as harassment, disorderly conduct, or other quality-of-life offenses.
- c) On-duty personnel shall be contacted, in a timely manner, to respond to the situation where an off-duty officer becomes aware of such violations.
- d) When an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.
- e) When an arrest is necessary, the off-duty arresting officer shall identify themselves as a Woonsocket police officer, and when practical, present appropriate police identification.
- f) Whenever possible, an officer should avoid making an off-duty arrest when they are personally involved in the incident underlying the arrest.

3) **Prohibited off-duty arrests:** Police officers of this department may **not** make an arrest off-duty:

- a) When engaged in off-duty employment of a non-police nature, and the officer's actions are only in furtherance of the interests of themselves or the private employer.
- b) When the arrest is made solely as enforcement of a minor traffic regulation.

7. OFF-DUTY ARREST (OUTSIDE WOONSOCKET)

- a. The State of Rhode Island has no statutory law that grants a police officer of a city or town the general authority to act as a police officer throughout the state.
- b. There is no statute in Rhode Island relating to citizen's arrest, but the courts have held that the common law rule allowing such felony arrests would be followed.
- c. Off-duty officers, therefore, may not exercise their authority as police officers to arrest outside the City of Woonsocket.
- d. Off-duty officers of the Woonsocket Police Department have no lawful authority other than that of a private citizen in the neighboring States.

E. EYEWITNESSES

- 1. Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by officers. Eyewitness identifications may take the following form.
 - a. On-scene identification- One-on-one identifications have been held constitutional so long as the time between the offense and the identification is brief. One to three hours would be a reasonable amount of time.
 - b. Lineups- Lineups should be conducted using a minimum of six persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the lineup and the lineup may not take place until the attorney is present. The attorney may not offer any suggestions concerning the conduct of the lineup, but may merely observe. Officers shall document the date, time, place, name of participants and witnesses, and the location of suspects/participants in the lineup.
 - c. Photo lineups- In conducting photo lineups, the photos shall depict persons displaying similar physical characteristics as the suspect. Simply showing an eyewitness a single photo of the suspect has been ruled unconstitutional. Generally, a photo lineup containing 6-8 photos is reasonable. Photographs

shown to witnesses shall not contain any identifying information. Photo lineups will be documented as under (2) above.

2. Hearsay

- a. Officers shall understand the rules by which hearsay can be considered evidence and therefore of use in an investigation.
 - 1) According to the Virginia Supreme Court, hearsay is "evidence not proceeding from the personal knowledge of the witness but from the mere repetition of that he has heard others say."
- b. Some hearsay is useful as evidence. Some exceptions to the Hearsay Rule, and therefore admissible include:
 - 1) A dying declaration or a statement, oral or written, made by a mortally wounded person who knows that he is about to die and has abandoned hope of recovery.
 - 2) Spontaneous declarations, or exclamations of a participant or bystander concerning an incident, made without time for reflection.
 - 3) Public records, or reports prepared by public officials under a duty imposed by law or regulation.

F. VEHICLES

In recent years, the U.S. Supreme Court has modified and expanded the conditions under which officers may search vehicles. Preferably, officers shall search vehicles under the authority of a warrant whenever enough time exists to obtain one. Nevertheless, warrantless searches of vehicles may take place under many conditions and circumstances. Officers must understand the different types of vehicle searches and their limitations.

1. Definitions

- a. For the purposes of this section, a motor vehicle is any vehicle operating or capable of being operated on public streets or highways, from trucks to automobiles to mobile homes. A vehicle that has been immobilized in one location for use as a storage facility or home is not a motor vehicle for Fourth Amendment purposes.
- b. For this section, a search is an examination of a motor vehicle with an investigative motive, that is, to discover evidence or to examine the vehicle identification number (VIN) to ascertain ownership.

2. When warrantless vehicle searches may be performed

As noted earlier, warrants shall be obtained to search vehicles, if feasible, unless an emergency exists. Any vehicle that has been disabled with little chance of being driven away shall be searched with a warrant. In all other cases, vehicles may be searched without a warrant under the following circumstances:

- a. When probable cause exists;
- b. With the driver's consent;
- c. Incident to the arrest of the occupants;
- d. To frisk for weapons;
- e. When necessary to examine the VIN or to otherwise ascertain ownership;
- f. Under emergency or exigent circumstances; or
- g. Inventories.

3. Searches may be conducted within the following limitations:

- a. With a warrant, a search may extend anywhere within the vehicle, unless limited by the warrant itself.
- b. When probable cause exists, a search may extend anywhere within the vehicle, unless the probable cause is limited to a specific part of the vehicle.
- c. When consent has been obtained from the driver, officers may search the vehicle subject to any limitations specified by the consenting person. Consent shall be obtained in writing, if feasible.
- d. Searches incident to the arrest of an occupant shall be limited to any area within reach of the arrestee. The area within reach is deemed to be the passenger compartment. The trunk, engine compartment, and any locked compartments shall not be searched unless immediately accessible to the suspect.
- e. Frisks for weapons shall be confined to the passenger area. Any place not immediately accessible to the occupants such as a locked glove compartment, shall not be frisked. If the contents of a container are immediately accessible to the subject, a closed container may be searched for weapons.
 - 1) Note that an officer can order the suspect from the vehicle and frisk both the suspect and the vehicle.
- f. Entry into the vehicle to examine the VIN or otherwise determine ownership is limited to these purposes.
- g. An emergency search of the vehicle may be conducted but the extent of the search must not exceed whatever is necessary to respond to the emergency.

Note: If the initial search under the above conditions gives rise to probable cause that evidence, contraband, fruits, or instruments of the crime might be found

elsewhere in the vehicle, officers may search those areas that might reasonably contain such items.

4. Containers within the vehicle- As a rule, no container within a vehicle shall be searched unless it might contain the item(s) sought.

a. Procedures for unlocked containers

- 1) In a probable cause search, containers may be opened wherever found in the vehicle.
- 2) When the passenger area is searched incident to an arrest, containers within the passenger area may be opened.
- 3) During a consent search, containers may be opened provided that the terms of the consent either so permit or reasonably imply permission.
- 4) Containers found in or discarded from a vehicle under circumstances not amounting to probable cause or in connection with a search incident to an arrest shall not be searched but shall be secured until a warrant is obtained.

b. Locked containers shall be opened under a warrant, under most conditions, unless one of the following circumstances has been met:

- 1) Consent has been given;
- 2) Probable cause exists to search the vehicle and the object of the search might be found in the container; (Even in this circumstance, a warrant is preferred.)
or
- 3) Inventory

5. Conduct of the vehicle search

- a. When possible, searches of vehicles shall be conducted contemporaneously with the stopping or discovery of the vehicle. Generally, vehicle searches shall be conducted as soon as reasonably possible.
- b. When possible, officers shall avoid damaging a vehicle or its contents and shall minimize the intrusiveness of the search and any inconvenience suffered by the passengers or owner as much as possible.
- c. As vehicles may contain sharp or pointed objects, and perhaps even syringes or other materials with body fluids on them, officers shall take precautions to minimize exposure to communicable diseases.

G. CONSTITUTIONAL REQUIREMENTS: GENERAL

Compliance with constitutional requirements during criminal investigations

All officers when conducting criminal investigations shall take all precautions necessary to ensure that all persons involved are afforded their constitutional protections. Officers shall ensure that:

1. All statements or confessions are voluntary and non-coercive.
2. All persons are advised of their rights following this General Order.
3. All arrested persons are taken promptly before a magistrate for formal charging.
4. All persons accused or suspected of a criminal violation for which they are being interrogated are allowed to consult with an attorney. [RI 2.4 \(c\)](#)

Per order,

Thomas F. Dates, III

Chief of Police

Written directives published within PowerDMS are in full force and effect on the referenced dates and have been approved by the Chief of Police.