

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

It is the policy of the Danville Police Department to provide personnel with as many reference aids as possible to better perform their operations.

100.3 PROCEDURES

In addition to computer map images, a detailed map of the City of Danville and all operational areas shall be maintained in the offices of each Operations Division Section.

A detailed map of the operational areas of the Danville Police Department shall be provided to the Emergency Operations Center as needed.

100.4 LAW ENFORCEMENT OFFICER POWERS

Sworn members of this department are authorized to exercise law enforcement officer powers pursuant to applicable state law.

This includes authority for the prevention and detection of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and the enforcement of state and local laws, regulations and ordinances (Va. Code § 15.2-1700; Va. Code § 15.2-1704; Va. Code § 52-8).

100.4.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE CITY OF DANVILLE POLICE DEPARTMENT

The arrest authority of officers within the jurisdiction of the City of Danville Police Department includes (Va. Code § 19.2-81):

- (a) In compliance with an arrest warrant (Va. Code § 19.2-76).
- (b) When any crime has been committed in the officer's presence.
- (c) When there is probable cause to believe that the offender has committed a felony.
- (d) When there is probable cause to believe that the offender has committed:
 - 1. A violation pertaining to the operation of a motor vehicle, watercraft, or motorboat while intoxicated and the arrest occurs within three hours of the offense.

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2. A violation pertaining to the operation of a motor vehicle, watercraft, or motorboat while intoxicated and where an accident has occurred.
 3. Misdemeanor shoplifting.
 4. Misdemeanor carrying a weapon on school property.
 5. Misdemeanor brandishing a firearm.
 6. Misdemeanor destruction of a property located on premises used for business or commercial purposes.
 7. Misdemeanor assault and battery.
 8. A violation of a protective order.
 9. A crime in another state which is punishable by death or imprisonment for a term exceeding one year (Va. Code § 19.2-100).
- (e) When there is reasonable suspicion to believe that the individual has violated a criminal immigration law of the United States (Va. Code § 19.2-81.6).
- (f) Violations involving quarantine or isolation orders related to communicable diseases (Va. Code § 15.2-1704; Va. Code § 32.1-48.014).

100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CITY OF DANVILLE POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the City of Danville Police Department includes:

- (a) When there is probable cause to arrest a person who has escaped or who has fled to avoid arrest and the officer has been in continuous close pursuit from within the jurisdiction of the City of Danville Police Department (Va. Code § 19.2-77).
- (b) When another agency has requested temporary assistance during an emergency declared by the chief law enforcement officer of that agency (Va. Code § 15.2-1730).

Whenever an officer makes an arrest outside the department's jurisdiction, the officer should, as soon as practicable, either take the arrested person before a judicial officer in the locality where the arrest was made or transfer custody of the person to the proper law enforcement authority with jurisdiction in the locality (Va. Code § 19.2-76).

- (a) Special law enforcement authority includes, but is not limited to:
 1. Section 19.2-250 of the Code of Virginia grants authority to enforce criminal violations of Pittsylvania County and the Commonwealth up to one mile beyond the boundaries of the city. This authority is only to be used only in circumstances when immediate action is necessary and no Pittsylvania County deputies or Virginia State Police troopers are readily available to assist. Pittsylvania County courts have jurisdiction over all offenses charged under this authority. The one-mile boundary extension does not apply to North Carolina.
 2. Section 19.2-249 of the Code of Virginia grants authority to enforce criminal violations of the City of Danville and the Commonwealth within 300 yards of the

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city limits. The violation may be prosecuted in either the city or county courts. The 300-yard boundary extension does not apply to North Carolina.

3. Section 15.2-1725 of the Code of Virginia grants authority to enforce city and state laws on any city owned property located outside of its boundaries.

100.4.3 GRANTING AUTHORITY TO OTHERS

Officers may require the assistance of any person to arrest another for any breach of the peace or to capture another who has escaped from custody (Va. Code § 18.2-463).

100.4.4 ARREST OF LAW ENFORCEMENT OR JUDICIAL OFFICERS

If an officer arrests a law enforcement officer, judicial officer or any other official, the arresting officer shall notify the Shift Supervisor who shall notify the Major of Operations or Deputy Chief of Police and/or the Chief of Police.

The above shall apply when the above subjects are involved in traffic accidents resulting in injury to persons or damage to property.

100.5 INTERSTATE LAW ENFORCEMENT AUTHORITY

Law enforcement authority may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters the following states while in pursuit of a person who the officer has probable cause to believe has committed a felony:
 1. The District of Columbia (D.C. Code § 23-901)
 2. Maryland (Md. Code CP § 2-305)
 3. Tennessee (T.C.A. § 40-7-203)
 4. West Virginia (W.Va. Code § 62-11-1)
- (c) When an officer enters North Carolina while in pursuit of a person who the pursuing officer has probable cause to believe has committed a criminal offense (N.C.G.S § 15A-403).

Whenever an officer makes an arrest in the District of Columbia, Maryland, Tennessee, West Virginia or North Carolina the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (D.C. Code § 23-902; Md. Code CP § 2-306; T.C.A. § 40-7-204; W. Va. Code § 62-11-2; N.C.G.S § 15A-403).

100.6 CONSTITUTIONAL REQUIREMENTS

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