Law Enforcement Authority for Police Officers

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Greece 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.

100.3 POLICE OFFICER POWERS

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

Members shall not use the powers of their office to render assistance in the pursuit of matters which are strictly civil in nature except in those matters where they are required by law to so exercise their powers or where a breach of the peace has occurred or is imminent.

100.3.1 ARREST AUTHORITY WITHIN THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE GREECE POLICE DEPARTMENT

Members serving as police officers have arrest authority within the geographical area of employment of the Greece Police Department when:

(a) In compliance with an arrest warrant pursuant to CPL § 120.60.

(b) Without a warrant, when there is reasonable cause to believe an offense has been committed in the presence of the member (CPL § 140.10). For a petty offense, the offense must have been committed within the member's geographical area of employment or within 100 yards of the police officer's geographical area of employment.

(c) Without a warrant, when there is reasonable cause to believe that the person committed a crime, whether or not in the member's presence (CPL § 140.10).

100.3.2 ARREST AUTHORITY OUTSIDE THE GEOGRAPHICAL AREA OF EMPLOYMENT OF THE GREECE POLICE DEPARTMENT

A member serving as a police officer may arrest a person outside the geographical area of employment of the Greece Police Department:

(a) Pursuant to a warrant; however, a warrant of arrest issued by a city court, a town court, or a village court may only be executed outside the county of issuance or any adjoining county if the warrant has the written endorsement of a local criminal court of the county in which the arrest is to be made (CPL § 120.70).

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(b) Without a warrant when there is reasonable cause to believe a crime has been committed anywhere in the state (CPL § 140.10).

(c) Without a warrant when there is reasonable cause to believe that an offense has been committed in the presence of the officer.

1. Arrests for petty offenses may be made when the petty offense occurred within the member's geographical area of employment or within 100 yards of the geographical area and (CPL § 140.10):

(a) The arrest is made in the county where the officer reasonably believes the offense was committed or in an adjoining county; or

(b) The arrest is made in the county where the individual is apprehended after continuous close pursuit as long as the pursuit began in the county where the officer reasonably believes the offense was committed or in an adjoining county.

100.4 INTERSTATE POLICE OFFICER POWERS

Police officer powers for officers of the Greece Police Department may be extended into 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 is in continuous close pursuit into Connecticut, Massachusetts, New Jersey or Pennsylvania to arrest a person for a felony committed within the state of New York (Connecticut, C.G.S. § 54-156; Massachusetts, G.L. c. 276, § 10A; New Jersey, N.J.S.A. 2A:155-4; Pennsylvania, 42 Pa.C.S. § 8922; Vermont, 13 V.S.A. § 5042).

(c) When an officer is in continuous close pursuit into Vermont to arrest a person for a felony or the offense of operating a motor vehicle while under the influence of intoxicating liquor committed within the state of New York (Vermont, 13 V.S.A. § 5042).

When an arrest is made in another state, the officer shall take the person arrested before a judge, justice or magistrate of the judicial district or county in which the arrest was made without unnecessary delay.

A law enforcement officer of another state who enters New York in close and continuous pursuit of a person for committing an act that would be a crime if committed in New York has the authority to make the arrest under CPL § 140.55.

100.5 CONSTITUTIONAL REQUIREMENTS

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

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