

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

### 100.2.1 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Fontana Police Officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

### 100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE FONTANA POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Fontana Police Department includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the officer has probable cause to believe the person committed a felony.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of

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the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the city, or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the city should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

#### 100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE FONTANA POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Fontana Police Department includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

#### 100.2.4 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
  - (a) A misdemeanor committed in the presence of the officers.
  - (b) Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

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### **100.3 INSTRUCTIONS TO POLICE OFFICERS**

The following list of instructions is given to you to assist you in performing your duty efficiently and correctly:

- (a) Be loyal to yourself, your fellow man, and to your superior officer. Adhere to the Law Enforcement Code of Ethics, and by doing this, you will gain the respect of your peers, superiors, and the public.
- (b) Your conduct has much to do with the general impression citizens have of our Police Department. Citizens very frequently gauge the whole department by the acts of one officer. Whether in uniform or off duty, you are a target for the eyes of the public
- (c) In the execution or transaction of an order, you should not, unless it has been specified in the order, say directly or by inference that a superior officer or any member of the city government told you to enforce the order.
- (d) Officers should make special effort to assist and direct persons who are inquiring for addresses or locations of buildings and give freely any other information that may assist them.
- (e) A patrol officer should get acquainted with all parts of an assigned beat and with the streets, thoroughfares, houses, and buildings in it.
- (f) While on duty, he/she shall note all street and sidewalk obstructions, traffic signs and like defects, which result in accidents. He/she shall note and report all street lamps out of repair, giving the street and post number. He/she shall note all buildings where any noisome, dangerous, or unwholesome trade is carried on; all nuisances; and, all matters affecting the safety and convenience of the public or the interest of the city; and, shall make reports without delay, in writing, on the proper form to his/her superior officer.

### **100.4 POLICY**

It is the policy of the Fontana 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 the abuse of law enforcement authority.

### **100.5 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers 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 officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

### **100.6 CONSTITUTIONAL REQUIREMENTS**

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