

# WOLFEBORO POLICE DEPARTMENT

## SOP 4.7

**Date Issued:** 12/27/2019

**Review:** 03/05/2021

[Note: This written directive is for the internal governance of the Wolfeboro Police Department and, as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.]

**By Order of:**  
**Dean J Rondeau, Chief of Police**

## ARRESTS

### Policy

- The power to arrest is one of the most serious responsibilities of an officer and whenever possible should be made with a valid arrest warrant.
- All constitutional and statutory rights will be afforded arrested subjects.
- Refer to Attorney General's Manual.

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### Purpose

The purpose of this directive is to cover:

- |                    |                          |
|--------------------|--------------------------|
| - Arrests          | - With warrants          |
| - Without warrants | - Violations             |
| - Misdemeanors     | - Felonies               |
| - Off duty arrests | - Alternatives to arrest |
| - Reports          | - Fugitive from Justice  |

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### Arrests Powers

Only sworn Officers have the power and authority to arrest and serve warrants:

- In any part of the geographical boundary of Wolfeboro.
- Fresh pursuit as stated in RSA 594.
- In any town with mutual aid agreements with Wolfeboro.

### Arrests on Warrants

Arrests on warrants can be made if the warrant has been issued and has been confirmed. A copy does not have to be in the officers' possession.

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Service of Arrest Warrants

Time	Service should be made as promptly as possible Arrests can be made at anytime Discretion can be used on Misdemeanors for late night service taking into account all circumstances.
Residences	<b>Subject's House</b> - Do not need a search warrant to enter, if probable cause exists that he is there.  <b>Third Party Home</b> – Cannot enter unless: - Resident gives consent - A search warrant for the premises has been obtained - Exigent circumstances exist that preclude obtaining a search warrant

For non-jailable offenses (i.e.: DWI) entry should not be made into a subject's residence without consent, arrest or search warrant.

<b>Position</b>	<b>Responsibilities</b>
Officer	Confirm that a warrant is still active Notify dispatch the location of service & individual information Have a back up unit assist Knock, identify & demand entry for service on residences-except emergency situations Complete paperwork after arrest, includes signing the warrant return of service if it is available
Dispatcher	Check computer for active warrant Confirm, if possible, with originating jurisdiction

**Arrests without warrants**

Violations and Misdemeanors.

<b>Crime committed</b>	<b>A lawful arrest may be made if an officer</b>
<b>In an officer's presence.</b>	Has probable cause to believe a person has committed these crimes. It is sufficient that they detect the crime by any of the five senses
<b>Not committed in their presence</b>	If under the circumstances, the officer has probable cause to believe the person has committed the offense and if not immediately apprehended they will:

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	<ul style="list-style-type: none"><li>• Not be apprehended</li><li>• Destroy or conceal evidence of the offense</li><li>• Cause further personal injury or damage to property</li></ul>
<b>If probable cause has been established by another police officer</b>	Has been passed on that probable cause by radio or other form of communications
<b>Accident on a way</b>	Has probable cause to believe the operator was driving under the influence of alcohol or drugs
<b>Domestic violence</b>	Has probable cause to believe that the offense was committed within the past twelve hours
<b>Temporary or permanent protective order</b>	Has probable cause to believe, within twelve hours, the person violated the order by committing a criminal act

**Felonies**

- Whenever an officer has probable cause to believe that a person has committed a felony, the officer may arrest the individual without a warrant.
- Officers may not enter a private dwelling to make an arrest without a warrant unless “exigent circumstances” exist or they receive consent from an authorized individual.

**Probable cause, exigent circumstances and all other circumstances must be clearly articulated by the officer in all arrests made.**

**Off Duty Arrests**

- Officers maintain their powers to arrest when off duty in Wolfeboro.
- However, only in serious situations should this be done.
- They should identify themselves as a police officer except in emergency situations.
- While not required, officers should carry their badge and ID at all times.

**Fugitive from Justice**

- If a warrant originates outside the state, an arrest will be made only if it is a felony.
- Knowledge of warrants and subjects wanted according to NCIC must be confirmed by a member of this department or dispatch.
- The subject may be detained for a reasonable amount of time pending confirmation.

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- A computer/teletype verification should be requested, and a hard copy retained.

**Summons**

- A summons can be issued as an alternative to an arrest for violations and misdemeanors.
- The complaint form must include all required information.
- A report shall be completed of the circumstances of the actions taken.
- All persons released on a summons shall be advised that failing to appear will result in a warrant for their arrest and that failing to appear is a misdemeanor.

**Warnings**

- An officer may use discretion by releasing subjects that have committed a violation by issuing them a warning.
- All warnings will be documented.
- Officers are not required to make an arrest, if the circumstances are questionable. A warning can be given, and the matter reviewed if legal action is necessary.
- A report shall be completed with the appropriate circumstances.

**No warnings: Arrests are required for: DWI, reckless operation, alcohol violations (under 21), driving under revocation or suspension or any offense required by the RSA**

**Responsibilities**

<b>Position</b>	<b>Shall...</b>
Officer	Complete all reports Follow guidelines of all other orders dealing with prisoners and processing them
Patrol Sgt	Review all arrest reports, summonses issued and warning tickets for violations
Dept Prosecutor	Court and County Attorney liaison

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**Reports**

Arrests	All arrest face sheet shall be completed by end of tour, or unless a supervisor approves otherwise
Summons	Summons need to be completed and turned in at end of tour or as soon as reasonably possible
Warnings	Warnings will be entered into IMC/Tritech at end of the stop or as soon as reasonably possible