

Law Enforcement Authority for Police Officers

100.1 PURPOSE AND SCOPE

State NYSLEAP- 8.7 - 2.7

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

100.2 POLICY

State MODIFIED NY_CALEA6.13 - 1.2.7

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

While this department recognizes the power of police 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

State NY_CALEA6.13 - 1.2.1

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

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

State NY_CALEA6.13 - 1.2.5

Members serving as police officers have arrest authority within the geographical area of employment of the Syracuse 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 SYRACUSE POLICE DEPARTMENT

State NY_CALEA6.13 - 1.2.5

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

Syracuse Police Department

Policy Manual

Law Enforcement Authority for Police Officers

- (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).
- (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

State NY_CALEA6.13 - 1.2.5

Police officer powers for officers of the Syracuse 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.

Syracuse Police Department

Policy Manual

Law Enforcement Authority for Police Officers

100.5 CONSTITUTIONAL REQUIREMENTS

Federal MODIFIED NY_CALEA6.13 - 1.2.3 (a), 1.2.3 (b), 1.2.3 (c)

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

- (a) Interviews (including field interviews)
- (b) Interrogations
- (c) Access to counsel

100.6 SECTION TITLE

Agency Content

The Chief of Police shall determine what measures (policies and procedures) shall be enforced to influence officer discretion at the operative level of patrol. Officers are encouraged to be sensitive to cues as the probability of clearance, witness identification, victim prosecution and other factors when making arrests, issuing citations or other law enforcement activities. In the instances of lesser violations, the officer may weigh the seriousness of the offense and the surrounding circumstances and choose an alternative to arrest. The proper exercise of discretion does not relieve the officer of his responsibility to conduct a thorough investigation.

- (a) Alternatives to Arrest:
 - 1. Issuance of a citation or criminal summons (when the district judge determines the offense to be citable) which would allow the arrested person to appear in court on his/her own recognizance.
 - 2. Informal resolution; or
 - 3. Warnings.
- (b) At their discretion, an officer may assist, as an alternative to arrest and incarceration, an individual found intoxicated in a public place by taking the following actions:
 - 1. The officer may transport the individual under the influence of drugs and/or alcohol to their home;
 - 2. The officer may transport the individual under the influence of drugs and/or alcohol to the residence of another individual willing to accept him/her;
 - 3. The officer may transport the individual under the influence of drugs and/or alcohol to a public or private shelter facility of the individual is apparently in need of and unable to provide for themselves, food, clothing or shelter but not in need of medical care;
 - 4. The officer may transport the individual under the influence of drugs and/or alcohol to a medical facility if it is apparent the individual is in need of but unable to provide for himself immediate medical care.
- (c) Criminal justice and social services are available resources that should be considered and utilized when possible. Officers should carefully weigh the available options in

Syracuse Police Department

Policy Manual

Law Enforcement Authority for Police Officers

any given situation; supervisory consultation may be necessary. Diversion programs available may include, but are not limited to:

1. Juvenile offender diversions via the Juvenile Division of the Fifth Judicial Circuit Court
2. Fifth Judicial District Victim's Rights Advocate
3. The Vera House Rape Crisis Center
4. Salvation Army
5. Local churches and homeless shelters
6. Local mental health facilities