

## TRAINING TASK: LAWS OF ARREST

### TASK # 7

#### **Purpose**

The officer will learn the differences between probable cause vs. warrant arrests.  
Arrests without warrants.  
Search warrant/forcible entry procedures  
Summons in lieu of arrest

#### **Preceding Task:**

None

#### **I. Statute and City Ordinances**

- A. ORC 2935.03 Officer's Power to Arrest without a Warrant; Pursuit outside Jurisdiction
- B. ORC 2935.04 When Any Person May Arrest
- C. ORC 2935.07 Person Arrested without Warrant Shall be Informed of Cause of Arrest
- D. ORC 2935.12 Forcible Entry in Making Arrest or Executing Search Warrant
- E. ORC 2935.14 Rights of Person Arrested
- F. Criminal Rule 4 Issuance of Summons in Lieu of Arrest

#### **II. Policy and Procedure**

- A. G.O. 1.2.5 Arrests without a Warrant and Search and Seizure
- B. Training Bulletin: The Law #4 Posting Bond on Physical Arrest Charges
- C. Training Bulletin: The Law #18 The 48 Hour Rule

#### **III. Operational Procedure**

- A. Arrest and detention until a warrant can be obtained
  - 1. Officer may arrest without a warrant any person who officer has probable cause committed a felony
  - 2. Officer may arrest and detain any person found violating a law or ordinance within his/her jurisdiction
  - 3. Officer may arrest and detain a person violating the following offenses when there is probable cause the suspect committed the offense:

- a. Any Felony
  - b. Offense of Violence (See Patrol Operation Guide Page 9)
  - c. Criminal Child Enticement
  - d. Public Indecency
  - e. Domestic Violence
  - f. Theft offense
  - g. Felony Drug Abuse--any drug abuse offense that would constitute a felony **EXCEPT** 2925.11 Drug Abuse
4. Arrest without a warrant: Must inform person arrested of the authority and cause of the arrest
    - a. This is not necessary when person is found engaging in commission of criminal act
    - b. Person may not be held longer than 48 hours without a judicial determination of probable cause
      1. Statement of Facts--specifying facts and circumstances authorizing the arrest
      2. Clerk of Courts will issue arrest warrant
      3. Detective or Supervisor will serve it on arrested person
  5. Arrested subject charged with a felony has right to communicate with attorney or one relative or other person for purpose of arranging counsel
    - a. For misdemeanors above is in effect for the purpose of arranging bail
  6. Criminal arrests by Kettering Officers will be made in conformance with the specific judicial decisions governing the rights of the accused, arrest, search, and seizure
  7. Officer may pursue, arrest, and detain a person who commits an offense within the jurisdiction but who flees to another jurisdiction if **ALL** of the following apply:
    - a. Pursuit takes place without unreasonable delay after the offense is committed
    - b. Pursuit is initiated within the officer's jurisdiction
    - c. Offense is a felony, M-1, M-2, or any traffic offense for which points are chargeable
    - d. **(NOTE:** Pursuit must still meet the guideline set in Emergency Vehicle Operations Task.)
  8. Forcible entry in making arrest or executing search warrant
    - a. Officer may break down door or window of a dwelling or building, if, after giving notice of his/her attention to make arrest or execute search warrant or summons, he is refused admittance
    - b. Notify supervisor before making forcible entry
    - c. Officer executing Search Warrant may only enter house or building described in warrant

- d. Home entry to effect an arrest
  - 1. Peyton V. New York
  - 2. U.S. V. Spencer, evidence upon entry to a home
- e. 3<sup>rd</sup> Party Home
  - 1. Steagald V. U.S., Minnesota V. Dickerson. Arrest warrant not sufficient to search 3d party home, warrant needed to enter home.
- 9. Issuance of Summons in lieu of arrest
  - a. Misdemeanor cases where:
    - 1. Issuance of summons appears reasonably calculated to assure the defendant's appearance in court
  - b. Must also file complaint with summons
- 10. Arrest report procedures
  - a. Adult misdemeanors
    - 1. Incident report and supplemental
    - 2. Arrest Report
    - 3. Affidavit
    - 4. Witness statements

*I acknowledge that I received training in the skills and knowledge necessary to perform in the above Training/Task Topics, and I am able to perform at an acceptable level.*

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*Probationary Officer                      Date*

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*Supervisor                      Date*

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*FTO                      Date*