

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

It is the policy of the Louisville 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 PEACE OFFICER AUTHORITY

Certified members shall be considered peace officers pursuant to CRS § 16-2.5-101 through CRS § 16-2.5-148 and CRS § 24-7.5-103.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE LOUISVILLE POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Louisville Police Department includes (CRS § 16-3-102):

- a. In compliance with an arrest warrant.
- b. When any crime is being, or has been, committed in a peace officer's presence.
- c. When there is probable cause to believe that an offense was committed by the person to be arrested.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LOUISVILLE POLICE DEPARTMENT

The arrest authority of officers outside the jurisdiction of the Louisville Police Department includes:

1. When a felony or misdemeanor is committed in the officer's presence in another jurisdiction in the state of Colorado, the local law enforcement agency is notified of the arrest and the arrestee is transferred to that agency (CRS § 16-3-110).
2. When the officer is in fresh pursuit from within the jurisdiction of the Louisville Police Department and any of the following conditions exist (CRS § 16-3-106):
 1. An arrest warrant has been issued for the person or the officer knows that such warrant has been issued for the person.

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2. An offense was committed in the officer's presence.
3. The officer has probable cause to believe that the person committed an offense.
3. When officers are accompanied by law enforcement officers who have the authority to make an arrest in that jurisdiction, are present at the scene of the arrest and participate in the arrest process (CRS § 16-3-202).
4. When another agency has requested temporary assistance during a state of emergency (CRS § 29-5-104).

An officer making an arrest under this subsection shall, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made (CRS § 16-3-110).

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states:

- a. As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state (CRS § 24-60-101; CRS § 29-1-206).
- b. When an officer enters Arizona, Nebraska, New Mexico, Oklahoma or Utah in fresh pursuit of a felony subject (ARS § 13-3832; Neb. Rev. Stat. § 29-416; NMSA § 31-2-1 (New Mexico); 22 O.S. § 221; Utah Code 77-9-1).
- c. When an officer enters Kansas in fresh pursuit of a subject who committed any offense (K.S.A. § 22-2404).
- d. When an interstate compact exists with the state of Wyoming that permits an officer to pursue and arrest an offender who has fled Colorado (Wyo. Stat. § 7-3-103).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate in the county where the arrest occurred as soon as practicable (ARS § 13-3833; K.S.A. § 22-2404; Neb. Rev. Stat. § 29-417; NMSA § 31-2-2 (New Mexico); 22 O.S. § 222; Utah Code 77-9-2).

100.5 CONSTITUTIONAL REQUIREMENTS

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