



Cranston Police Department

General Order 100.10

SECTION	EFFECTIVE DATE	PAGES
100 – Administration	December 5, 2016	6
SUBSECTION	SPECIAL INSTRUCTIONS	
00 – Authority	N/A	
TITLE	CALEA STANDARD	
100.10 – Limits of Authority	1.2.1, 1.2.3, 1.2.4, 1.2.6, 1.2.7, 74.1.1, 74.1.2, 74.1.3, 74.3.1, 74.3.2	

I. Purpose

- a. To define limits of law enforcement authority during the execution of criminal process.

II. Policy

- a. It is the duty of the Cranston Police Department and its employees to protect and defend the Constitution and to comply with all federal, state, and local laws striving to accomplish the department mission.

III. Authority

- a. The Constitution of the United States
- b. Constitution of the State of Rhode Island and Providence Plantations
- c. City Charter of Cranston, Rhode Island, Section 9.01
- d. City of Cranston Code, Title 2, Chapter 2.16
- e. The Chief of Police is vested by and subject to the provisions of the City Charter and the laws of the State of Rhode Island, with the authority to approve, issue, modify, or rescind all departmental general orders, special orders, personnel orders, and memoranda.

IV. Definitions

- a. Arrest – The deprivation of a person’s liberty through legal authority.
- b. Arrest Warrant – A written order, in the name of the people, signed by a magistrate or other judicial authority, pursuant to law, directing a peace officer to place into custody a specified person and bring them before a magistrate to answer to the charge or charges brought against him or her.
- c. Article I Section 6 (R.I. Constitution) - Search and seizure. -- The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched and the persons or things to be seized.
- d. Bench Warrant – A court issued order directing a peace officer to arrest a specified person and bring him or her before a magistrate to answer the charge or charges brought against him or her.

- e. Custodial Interrogation – Questioning initiated by a peace officer where an individual has been taken into custody or has been otherwise deprived of his or her liberty in any significant way.
- f. Fourth Amendment (U.S. Constitution) - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- g. Interview – a conversation controlled by an officer with a victim, witness, or anyone else who may have information about a crime.
- h. Probable Cause - Facts and circumstances that are sufficient to lead an reasonable officer to believe that a crime has been, is being, or is about to be committed.
- i. Reasonable Suspicion – There are specific and articulable facts that would lead a reasonable officer to believe that criminal activity is afoot.
- j. Search Warrant – A written order, in the name of the people, signed by a magistrate or other judicial authority, pursuant to law, directing a peace officer to search a specified area, property, or body for evidence related to a crime or the perpetrator of a crime.

V. Arrest

- a. Authority
 - i. All sworn members of the Cranston Police Department have the authority to make an arrest by virtue of R.I. General Law Chapter 12-7
- b. Circumstances that must exist to make an arrest
 - i. The commission, attempt to commit, conspiracy to commit, or warrant charging the commission of a felony or misdemeanor criminal offense.
 - ii. Probable cause to believe the individual to be arrested committed the offense.
- c. Arrest with a warrant
 - i. Warrants should be obtained prior to making an arrest, however, if time and circumstances do not allow, Rhode Island General Law Chapter 12-7 authorizes peace officers to make arrests without a warrant when certain conditions exist.
 - ii. Members of the Uniform Division must hold the rank of Sergeant or higher as the complainant on an arrest warrant.
 - iii. Any Detective or Inspector may serve or sign a warrant as an affiant and complainant.
 - iv. When attempting to execute a warrant at a private residence, entry will only be made under exigent circumstances, with a search warrant, or by consent of the owner or occupant.
 - v. Sworn members are authorized to execute warrants anywhere within the State of Rhode Island and Providence Plantations, with proper authorization from a supervisor.
 - 1. Prior to executing warrants in another jurisdiction, officers of this department are required to notify the local police department of jurisdiction or to the Rhode Island State Police, if there is no local law enforcement agency.
 - vi. Warrants may be served at any time, day or night.
 - vii. Upon making an arrest on a warrant, the officer, will identify himself or herself as a police officer and inform the arrestee that a warrant exists and the charge(s) on that warrant.
 - viii. When making an arrest, every reasonable effort will be made to mitigate the risk to those not involved in the arrest.
 - ix. All officers on scene should be briefed prior to executing the warrant.
 - x. When practical and reasonable, occupants of public buildings, like businesses, should be notified prior to the execution of a warrant on their property. If prior notification is not made, an effort will be made to explain the facts and circumstances behind the arrest, as soon as practicable.
- d. Arrest without a warrant.
 - i. When it is not practical or reasonable to obtain an arrest warrant, a sworn officer of this department may affect an arrest under the following conditions:

1. Felony arrest (RIGL 12-7-4), a warrantless arrest can be made if either of the following conditions exist.
 - a. Reasonable grounds exist to believe that a felony has been or is being committed and the person to be arrested has committed or is committing it.
 - b. When the person to be arrested has, in fact, committed or is committing a felony.
 - c. Misdemeanor arrest (RIGL 12-7-3) a warrantless arrest can be made if either of the following conditions exist.
 - d. Reasonable grounds exist to believe that the person cannot be arrested later, or may cause injury to himself or herself or others, or loss or damage to property unless immediately arrested.
 - e. Probable cause exists that the person committed a crime classified as domestic violence under RIGL Chapter 12-29 and it occurred within twenty-four (24) hours of the arrest.
- e. Arrest in a foreign jurisdiction.
 - i. Sworn members shall assist the State of Rhode Island Office of the Attorney General in arrests involving persons in foreign jurisdictions.
 - ii. When extradition/rendition is authorized by the Office of the Attorney General, the officer will:
 1. Contact the local law enforcement agency in the jurisdiction where the individual is located or being detained.
 2. Send a teletype message through the National Law Enforcement Telecommunications System (N.L.E.T.S) confirming extradition/rendition and the charges for which the individual is wanted.
 3. Once arrested, the fugitive will be brought before the appropriate court based upon the jurisdiction where arrested.
 4. The sworn personnel will respond to the jurisdiction to take custody of the fugitive under the following circumstances:
 - a. A Governor's Warrant exists.
 - b. A Rhode Island supervising Assistant Attorney General authorizes the action.
 5. If the fugitive challenges extradition/rendition, the Office of the Attorney General will be notified.
- f. Special immunities from arrest.
 - i. Diplomatic immunity.
 1. See General Order 100.05.
 - ii. Members of the Rhode Island General Assembly.
 1. While the General Assembly is in session, including 2 days prior to the start and two days after termination of the session, in accordance with R.I.G.L. 22-4-2.
- g. Alternatives to arrest.
 - i. Verbal warning.
 - ii. Emergency commitment to an approved public treatment facility.
 - iii. Referrals to social service agencies.
 - iv. Any use of an alternative to arrest must be documented in a written report.
- h. Alternatives to pre-arraignment confinement.
 - i. District court summons.
 - ii. Any use of an alternative to pre-arraignment confinement must be documented in a written report.
- i. Arrestee reporting and processing see General Order 370.01.

VI. Interviews and interrogations

- a. Interviews
 - i. Non-custodial conversations usually with a voluntary and cooperative person.

- ii. Involved participants and witnesses should be interviewed separately and isolated from each other prior to and after the interviews to avoid discussion.
- b. Interrogations
 - i. Review the situations where recorded interrogations are required General Order 350.06.
 - ii. A directed interview that involves an uncooperative person.
 - iii. A custodial interrogation involves the questioning of someone suspected of committing or attempting to commit a crime.
 - iv. For custodial interrogations, the Miranda Warnings are required.
 - 1. An individual is considered to be "in custody" when, based upon the existing circumstances, the person being questioned reasonably believes that he or she is no longer free to leave.
 - 2. R.I.G.L. 12-7-20 – requires the opportunity to make a phone call within one hour of detention to call an attorney.
 - 3. If the suspect invokes his or her constitutional rights at any time during the interrogation, questioning must stop.
 - 4. The suspect does have the right to voluntarily re-initiate the interrogation.
 - 5. All statements made during an interrogation must be elicited without force, coercion, or promises of leniency.

VII. Search warrants

- a. Refer to General Order 100.11 for department rules on strip and body cavity searches.
- b. Search warrants will be completed according to Rhode Island State Law, specifically R.I.G.L. 12-5-1, 12-5-2, and 12-5-3.
- c. Members of the Uniform Division must hold the rank of Sergeant or higher as the complainant on a search warrant.
- d. Any Detective or Inspector may serve or sign a warrant as an affiant and complainant.
- e. Search warrants shall be reviewed by a supervisor prior to being brought before a magistrate, when feasible.
- f. Search warrants that have been deemed to "high risk" shall require notification to the Chief of Police or designee to determine whether or not the Special Reaction Team will be deployed.
- g. The search will be conducted in the safest manner possible.
- h. The complaining officer will leave the property owner a copy of the search warrant along with an inventory list of the items seized.
- i. Within fourteen (14) days of issuance of the warrant, whether executed or not, shall be returned to the district court having jurisdiction over the place of search or, if unexecuted, returned to the court of issuance. A warrant that has been served shall be accompanied by any supporting affidavits and inventory.
- j. Exceptions to the search warrant requirement.
 - i. Consent to search the property by the person whose rights will be affected by the search.
 - 1. Must be voluntary and either written or verbal.
 - 2. A signed "Consent to Search" form is preferred.
 - 3. Consent searches during vehicle stops must be conducted in accordance with R.I.G.L. 31-21.2-1 and General Order 320.50.
 - ii. Stop and frisk
 - 1. Officers may frisk the outer clothing of a person for the purpose of locating a weapon when the officer has articulable reasons to detain the individual and has knowledge of facts or circumstances that would lead a reasonable officer to believe the person is armed or otherwise dangerous.

- a. While conducting a lawful frisk, an officer may seize contraband that he or she immediately identifies based upon touch, without manipulation of the object. "Plain touch" doctrine.
- iii. Movable vehicles
 1. When probable cause exists that the vehicle, capable of being moved, contains evidence of a crime.
 2. These searches may be conducted either at the location where the vehicle was encountered or at the police station.
 3. Probable cause searches of vehicles extend to all areas of the vehicle, unless probable cause limits the location.
- iv. Search incident to arrest.
 1. May be conducted in the area of immediate control of a person being arrested.
 2. The search must be contemporaneous to the arrest and will be conducted for the following reasons:
 - a. Protect arresting officers and others on scene.
 - b. Prevent escape or injury to the arrestee.
 - c. Seize evidence.
 - d. Prevent destruction of evidence.
 - e. Provide an inventory of items possessed by the arrestee at the time of arrest.
 - f. The scope of the search includes the arrestee's clothing, closed containers in his or her possession, and everything within his or her immediate control.
 - g. The search of a vehicle, incident to arrest, must be supported by an officer's ability to demonstrate an actual and continuing threat to public and officer safety posed by the arrestee, or a need to preserve evidence from tampering by the arrestee.
 - h. Closed containers not in the arrestee's immediate control, may be seized, but they may only be searched when probable cause exists to do so.
3. Plain view
 - a. The "Plain View" Doctrine allows police to seize items that are in plain view and the officer has probable cause to believe this item is either contraband or evidence when:
 - i. The officer is lawfully present in the location.
 - ii. Seizing the item would require no further intrusion.
4. Exigent circumstances.
 - a. A search may be conducted of anything when there is reason to believe the search is necessary to save a life, prevent injury, or serious property damage.
 - b. Searches conducted under exigent circumstances are limited to emergency situations.
 - c. This includes "Hot Pursuit" of a suspect where probable cause exists to believe that the suspect has committed a felonious crime. An officer may enter and search a building into which he or she has pursued a suspect.
5. Inventory search.
 - a. Will be conducted of any personal property, including containers, in the possession of a person under custodial arrest.
 - b. Officers will conduct inventory searches of seized vehicles consistent with department policy, General Order 330.41, if applicable.
6. Any search not listed in this policy, but is authorized by the United States Constitution and/or the Constitution of the State of Rhode Island and Providence Plantations.

VIII. Use of discretion

- a. The use of discretion may be exercised by sworn personnel in situations where alternatives to official law enforcement action will result in a better solution for affected individuals, society, the police department, and the offender.
 - i. Discretion may not be exercised in situations mandated by law.
 - ii. Use of discretion in situations involving a misdemeanor or felony crime requires notification to and approval from a supervisor.

IX. Service of court documents

- a. Communications will be notified of all attempts to serve court documents.
- b. When the service location is outside of the City of Cranston, the local law enforcement agency will be notified.
- c. The servicing officer will document the following:
 - i. Date and time of attempt.
 - ii. Officer's name.
 - iii. Name of person served.
 - iv. Location of attempt.
 - v. Method of service or reason for non-service.
 - vi. The service form will be completed for successful attempts.
 - vii. This information can be logged as a dispatch entry if no report is required.
- d. The Prosecution Unit will maintain a log with the following information for:
 - i. Date and time received.
 - ii. Date and time of attempt.
 - iii. Officer's name.
 - iv. Type of process.
 - v. Nature of document.
 - vi. Originating court.
 - vii. Name of individual being sought/served.
 - viii. Date of assignment.
 - ix. Date of service due.
 - x. Docket number.
- e. When assisting with Civil Court process, refer to General Order 320.80 – Civil Procedures/Keep the Peace.
 - i. Sworn officers of this agency are not authorized to serve civil process.

X. Responsibility

- a. It is the responsibility of all personnel to familiarize themselves and comply with this order.