Law Enforcement Authority

100.1 PURPOSE AND SCOPE
The purpose of this policy is to affirm the authority of the members of the Pasadena Police Department to perform their functions based on established legal authority.

100.2 POLICY
It is the policy of the Pasadena 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 the abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS
Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

100.3.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PASADENA POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the Pasadena Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person committed a felony.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed with the City or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the City should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.
100.3.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE PASADENA POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Pasadena Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.3 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
   1. A misdemeanor committed in the presence of the officer.
   2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.3.4 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents
or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Pasadena Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.4 INTERSTATE PEACE OFFICER POWERS
Peace officer powers may be extended to 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 enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS
All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.

100.6 RANKS AND CHAIN OF COMMAND
The Department will utilize a chain of command for communication, command, and direction of employees of the department. Employees will follow the chain of command with regard to matters related to the operation of the Department. Each level of responsibility will be accompanied by commensurate authority to make necessary decisions and exercise discretion to effectively execute their duties. Each employee will be held fully accountable for the application of, or failure to apply, the authority delegated to him/her.

(a) In order of descending authority, the ranks of sworn police personnel will be:
   (a) Chief of Police
   (b) Deputy Chief
   (c) Division Commander
   (d) Lieutenant/Section Administrator
   (e) Sergeant/Unit Supervisor
   (f) Corporal
   (g) Police Officer
(b) Civilian personnel may be assigned to manage divisions, sections and/or to supervise one or more employees within the Department. They will exercise the same responsibility and authority as that exercised by sworn manager/supervisor within that same position. The authority and responsibility of Civilian Section Administrators and Unit Supervisors is limited to personnel and matters within their assignment. Only sworn personnel are authorized to issue orders related to law enforcement activities.

(c) The chain of command within the Department will be from the Chief of Police, to the Deputy Chief, to the Division Commanders, and down through the various levels of the organization as shown on the organizational chart (see Policy Manual section 200).

(d) The line of authority is based on the principle of unity of command.

   (a) Each organizational component is under the direct command of an identified administrator/supervisor.

   (b) Each employee is administratively accountable to only one supervisor at any given time.

(e) The line of authority (from subordinate to supervisor) will be preserved within each division/section/unit as indicated.

   (a) All employees will, at all times, obey any lawful order given by a supervisor or an employee of higher rank. Any failure or deliberate refusal of any employee (Sworn or Civilian) to obey a lawful order given by a supervisor or superior officer, shall constitute insubordination.

   (b) A command or supervisory employee shall not knowingly issue an order which is in violation of any law, ordinance, Department order, procedure, or policy.

   (c) Employees are not required to obey any order which is contrary to federal law, state law, or local ordinance. Responsibility for refusing to obey an order rests with the employee.

      (a) Employees who receive an order, which they believe to be contrary to Department rules, shall first obey the order and then proceed to appeal. However, if it is determined in good judgment, that by obeying the order, irreparable harm to individuals, organizations or the Police Department will result, then such employee may refuse to obey the order. Following the refusal, the employee shall document and be required to justify such refusal.

      (b) Employees who receive an order, which they believe to be unlawful or improper, shall report such in writing to the Chief of Police. The report shall contain the facts of the incident and why the employee believes the order to be unlawful or improper. Appeals for relief from such orders shall be made at the time of issue. The employee shall document and justify such refusal.

   (d) When an employee receives an order that conflicts with a previously issued order, the employee will inform the supervisor of the conflict. The supervisor will then resolve the conflict.
(f) Employees at every level of rank will keep their supervisors informed of any unusual activity, situations, or course of action that occurs during their daily assigned duties.

100.7 AUTHORITY AND RESPONSIBILITY OF SUPERVISORS
Supervisors will direct their efforts toward the efficient performance of the functions of the Police Department and will require their employees to do the same. Supervisors are responsible for the proper performance of their employees under a variety of conditions and circumstances.

(a) Supervisors will:

(a) Actively direct and supervise employees of lesser rank to ensure that they perform their assigned duties efficiently. All personnel in a supervisory position are accountable for the actions of subordinates under their command, whether they are in a permanent or temporary assignment.

(b) Monitor the situations in which subordinates are involved and ensure that proper actions are taken.

(c) Assume command of any situation coming to the supervisor's attention that requires his/her involvement.

(d) Respond to emergencies as necessary or directed. The first supervisor to arrive at the scene of an emergency will take charge and issue such commands and order as necessary to bring the situation under control or containment as quickly as possible until or unless relieved by the Field Operations supervisor, or a supervisor of higher rank. NOTE: For the purposes of this paragraph, an emergency will be defined as a crime in progress, a life threatening situation, a serious police equipment accident, or any other unusual occurrence normally requiring the control and coordination of a police supervisor.

(e) Ensure that subordinates make all required reports promptly, accurately and completely.

(f) Ensure proper maintenance and care of departmental property through periodic inspection and audit.

(g) Promptly obey orders of superiors and ensure that subordinates do the same.

(h) Inform an employee's immediate supervisor, as well as their own supervisor, of any neglect of duty or misconduct by an employee not under their supervision.

(i) Investigate reports of improper, immoral or illegal conduct of subordinates and report the findings, actions and recommendations to the next higher level within the chain of command.

(j) Without concern to the division, work unit of group, supervisors will maintain a written record of the performance of each of their employees. Sufficient entries will be made periodically in order to accurately document each employee's performance. Entries will reflect the employee's positive traits and accomplishments and any observed shortcomings. These notes should be of sufficient quality and frequency to facilitate the preparation of accurate, detailed performance ratings.
(b) Field Operations supervisors will:

(a) Be available, when practical, to immediately respond to and take control of emergencies occurring within the supervisor's primary area of responsibility.

(b) Respond to and take tactical control of emergencies occurring within another supervisor's primary area of responsibility when the primary supervisor is unavailable to do so.

(c) Ensure that their officers are fully informed of areas on their respective service areas in need of preventive patrol and will ensure that such locations are checked on a timely basis.

(d) Schedule the assignment of their officers to ensure proper rotation of assignments to facilitate a good working knowledge of the major aspects of the officers' work unit. Efforts will be made however, to assign officers to specific service areas/assignments for periods of time long enough so they may be held accountable for the events occurring in their specific beat areas.

(c) Supervisors may:

1. Temporarily suspend from duty (for the remainder of the employee's tour of duty on the day of suspension) any lower ranking member of the department who violates departmental orders. When such action is taken, the suspending supervisor will immediately report the facts, in writing, to the Chief of Police through channels.

2. Issue orders that deviate from written orders during an emergency. Such order will be temporary and will remain in effect only during the emergency. Such deviations will be reported to the next higher level supervisor as soon as practical.

3. Delegate authority to subordinates to perform various activities within the scope of their sections function.

100.8 SPAN AND CONTROL

The number of employees under the immediate control of a supervisor should not be excessive.

To ensure effective direction, coordination, and control of employees, the following guidelines are to be followed by all levels of supervision when establishing span and control:

(a) The complexity of the supervisor's duties and nature of other tasks.

(b) The complexity of the subordinate's duties.

(c) The number and effectiveness of control measures.

(d) The stability of operations.

(e) The capabilities of both the supervisors and their employees to discharge their duties.

The number of employees under the immediate control of a supervisor, including patrol supervisors, is ideally less than ten, except during temporary periods of adjustment or emergency. This section relates to personnel regularly assigned to a particular supervisor.
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