
Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Peace officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall be certified peace officers (AAC § R13-4-103; ARS § 1-215(27); ARS § 13-105(29); ARS § 41-1823).

The authority of a certified peace officer extends to any place in the State of Arizona (ARS § 13-3871, et seq.) as follows:

Where he/she has the prior consent of the Chief of Police, Marshal, Sheriff, other department or agency head or a duly authorized representative having responsibility for law enforcement within the jurisdiction or territory.

- Where he/she has probable cause to believe (ARS § 13-3883):
 - A felony has been committed and probable cause to believe the person to be arrested has committed the felony.
 - A misdemeanor has been committed in his/her presence and there is probable cause to believe the person committed the offense.
 - A person was involved in a traffic accident and committed a criminal traffic violation pursuant to ARS § 28-121 immediately prior to or following the traffic accident.
 - A misdemeanor or a petty offense has been committed and probable cause to believe the person to be arrested has committed the offense.
- A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any traffic law committed in the officer's presence and may serve a copy of the traffic complaint for any alleged civil or criminal traffic violation.
- An Indian law enforcement officer appointed by the Bureau of Indian Affairs or the governing body of an Indian tribe who meets the qualifications and training standards of the Arizona Peace Officer Standards and Training Board (AZPOST) possesses peace officer powers while engaged in the conduct of his/her employment in this state (ARS § 13-3874).
- A federal peace officer who has been cross certified pursuant to ARS § 13-3875 is authorized to enforce Arizona criminal laws in counties in which the Sheriff has adopted a policy allowing cross certification.

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state, including the interstate compact for jurisdiction on the Colorado River (ARS § 37-620.11, California Penal Code § 853.1 and § 853.2 and Nevada Revised Statutes § 171.079, et seq.). Peace officer powers may also be extended when an officer enters another state in

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fresh pursuit of a felony subject (ARS § 13-3831, et seq., California Penal Code § 852, et seq., New Mexico Code § 31-2-1, et seq., Nevada Revised Statutes § 171.154, et seq. and Utah Code § 77-9-1, et seq.).

100.4 FEDERAL RESERVATIONS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152 except in the following circumstances:

- A crime was committed by an Indian against the person or property of another Indian.
- An Indian who committed an offense has been punished by the local law of the tribe.
- An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

An officer of the Peoria Police Department has exclusive jurisdiction over a crime committed on Indian reservations by an non-Indian against another non-Indian absent treaty provisions to the contrary.

100.5 CONSTITUTIONAL REQUIREMENTS

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