

May 6, 1986, GENERAL ORDER # 16, Series of 1986 - Arrest and Detention

To: Commanding Officers

This General Order supersedes all previous General Orders relative to this topic, which have been issued by this department.

Effective immediately, the following shall be the procedure and policy of the Providence Police Department relative to the arrest and detention of individuals while.

- I. On duty in the City of Providence
- II. On duty outside of the City of Providence
- III. Detail Status in the City of Providence
- IV. Off duty in the City of Providence
- V. Off duty outside of the City of Providence
- VI. Police Officer who is victim whether in or out of City of Providence

I. ON DUTY IN THE CITY OF PROVIDENCE

A police officer is mandated by the General Laws of the State of Rhode Island to enforce all laws to apprehend individuals for a violation of such.

A. In Cases of Misdemeanor

Police Officers are permitted to issue a summons whenever he has reason to believe that a person has committed or is committing a misdemeanor. The Police Officer may arrest without warrant when in addition to the above, he has reasonable grounds to believe that harm may result to person or property if the person is not arrested, or if he has reasonable grounds to believe that the person will not be apprehended if not arrested, The intended result is that in misdemeanor cases the summons will normally be used, with the police officer having the power to arrest without a warrant in cases where such arrest is needed whether or not the misdemeanor is committed in the officers presence.

The requirement that the officer have reasonable grounds to believe that immediate arrest is necessary, to prevent non-apprehension or damage to person or property, is extended even to misdemeanors or petty misdemeanors not committed in the presence of the officer. Where this requirement is not met, issuance of a summons is proper pursuant to Section 12-17-11.

B. In Cases of a Felony

A Police officer may make a warrant-less arrest for a felony whenever he had reasonable grounds to believe that a felony has been or is being committed and that the person he is going to arrest has committed or is committing the felony.

In the case of a misdemeanor or a felony when an arrest is made, the police officer shall notify and fully apprise a supervisor of the arrest.

II. On Duty Outside Of The City of Providence

A. Hot Pursuit

While on-duty, a police officer may make an arrest out of his jurisdiction under the “Hot Pursuit” doctrine, however; once the arrest is effected, the local police in that particular jurisdiction must be notified and will take custody of the party/s apprehended. The officer will remain at the scene until the arrival of the local police and will turn over the subject/s to their control.

Immediately, the officer who was involved in the “Hot Pursuit” is to notify his/her supervisor and that supervisor is to respond to the scene.

III. Detail Status in the City of Providence

The exact same policy as making an arrest while on duty in the City of Providence relative to felonies and misdemeanor’s. The arresting officer, however, shall contact the Commanding Officer of the Patrol Bureau and apprise him of the circumstances of the arrest.

IV. Off Duty In The City Of Providence

The exact same policy as making an arrest while on duty in the City of Providence relative to felonies and misdemeanor’s.

If an individual is apprehended by a Providence Police Officer in the City of Providence while in an off-duty status, the police officer is to immediately notify a Commanding Officer of the situation and on-duty personnel shall take custody of the prisoner. The off-duty officer is to immediately leave a witness statement.

If a felony or misdemeanor occurs *not* in the presence of the off-duty Providence police officer in the City of Providence, the police officer is to immediately notify a Commanding Officer of the situation and on-duty personnel will then take control of the criminal investigation.

V. Off Duty Outside The City Of Providence

NOTE: Statutes and case law does not support out of town arrest power except in hot-pursuit situations (as described previously). If an officer is outside of his jurisdiction, and is not in hot-pursuit, the “Citizens Arrest” doctrine is the governing factor for making a criminal investigation.

A. Citizens arrest is authorized for a felony which has been committed, whether or not in the citizens presence; OR

B. For a “breach of the peace” misdemeanor which occurs in the presence of the citizen.

C. It should be understood that it is not always clear as to what constitutes a “breach of the peace” but, generally, it must involve an act or threat of violence. An example would be simple assault, while shoplifting and other minor thefts are not.

D. When affecting a citizen’s arrest the following guidelines are to be adhered to:

1. One may utilize the same force as if making an official arrest.
2. Once the subject/s is in under control, the local police authorities with jurisdiction must be notified.
3. The subject/s will be turned over to the law enforcement body with jurisdiction.
4. The officer will remain with the arrested subject until the arrival of police.
5. The appropriate Commanding Officer of the officer involved will be notified as soon as possible as to the activity of the arresting officer.

VI. Victim In Or Outside Of The City Of Providence

A. If a police officer is a victim of a crime in or outside of the City of Providence, he or she is to immediately report the incident to the Commanding Officer of Patrol Bureau.

Commanding Officers are to read this General Order at all roll-calls for a period of five (5) days and then post in a conspicuous location.

Commanding Officers are strictly accountable for the enforcement of the contents of this General Order.