

	Policy and Procedures		Chapter (1-1)
	Subject: <div style="text-align: center;">Arrest Policy</div>		
	Issuing Authority: Robert Bongiorno <div style="text-align: center;">Chief of Police</div>		Effective Date: <div style="text-align: center;">April 28, 2020</div>
	Signature: <div style="text-align: center;">On File</div>		

Arrest Policy¹

Policy

It shall be the policy of the Bedford Police Department to comply with all the provisions of the laws, ordinances and court decisions consistent with arrest and accepted police procedures. Officer safety and public safety will be paramount during all decisions during an arrest.

Definition

An arrest is the power and authority of a police officer to apprehend and deprive persons of their liberty, as provided by law, in order that such persons may be brought before the court to answer to criminal charges.

¹ 1.2.5 Entire Policy

Arrest with a Warrant

Arrest with a Warrant

A police officer may make a lawful warrant arrest if;

- They possess a valid arrest warrant; or,
 - They have actual knowledge that an issued warrant is in full force and effect. (WMS or Legacy with confirmation.)
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Night time Service at a Dwelling

In order for an arrest warrant to be served at a dwelling during night time, the warrant must specifically allow for night time service.

Night time for the purposes of warrant service is the time between 10:00 PM and 6:00 AM of the following day.

Dwelling

Knock and announce their authority and purpose

(unless there is a “No Knock” provision in warrant.)

Gain entrance, with reasonable force, after a reasonable period of time.

NOTE: If there is a reasonable belief that announcing their presence will endanger themselves or others, or will result in the escape of a wanted person, or the destruction of evidence they may;

- Use a ruse and have the suspect voluntarily open the door.

NOTE: Police officers may only enter the dwelling of a third-person not named in the warrant only if;

- A search warrant for the named person is obtained; or,
 - Lawful consent is given; or,
 - Exigent circumstances exist.
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Outside Jurisdiction

Warrant arrests may be made anywhere in Massachusetts.

Arrest without a Warrant

Arrest without a Warrant

A police officer may make a lawful arrest without a warrant if;

Felony:

If the officer has probable cause to believe the person to be arrested has committed or is committing a felony.

Misdemeanor:

1. For a misdemeanor committed in the officer's presence **and** causing or threatening to cause a breach of the peace which is continuing or only briefly interrupted; or,
 2. For a misdemeanor not amounting to a breach of the peace committed in the officer's presence when such arrest is authorized by statute; or,
 3. For certain misdemeanors for which arrest is allowed even though such misdemeanors were not committed in the officer's presence and based upon probable cause when authorized by statute.
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Dwelling

Police officers are authorized to make arrests in a dwelling without a warrant only when one of the following exceptions occur;

- The arrest began in public and the suspect is followed in fresh and continued pursuit into a dwelling, or
 - Lawful consent to enter is granted, or
 - Exigent circumstances exist.
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**Outside
Jurisdiction**

Warrantless arrests may be made only in the jurisdiction of Bedford with the following exceptions:

- “On fresh and continued pursuit” an officer may pursue and arrest an offender in any other city or town in Massachusetts if;
 1. The offense is such that a warrantless arrest is authorized; and,
 2. The offense was committed in the officer’s presence; and,
 3. The offense was committed in the officer’s jurisdiction.
 - When a Mutual Aid agreement is in effect with Bedford and the city or town the officer is assigned.
 - “On fresh and continued pursuit” for a felony committed in Massachusetts that continues into a bordering state.
 - An officer may effect a citizen’s arrest based only on probable cause that a felony has been committed.
 - In accordance with the Massachusetts Interagency Mutual Aid Agreement.
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Arrest Procedural Requirements

**Procedural
requirements of
any arrest**

- Identify yourself as a Police Officer.
 - Inform the suspect they are under arrest (as soon as possible).
 - Inform the suspect the reason for the arrest (as soon as possible).
 - Follow procedures for prisoner transport (see *Detainee Transportation Policy Chapter 70-3*).
 - Complete a departmental incident report.
 - Complete a *Use of Force (UOF-001)* report if required.
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Off-Duty Arrests

Policy Off-Duty arrests are permitted when the officer is within their jurisdiction and the following circumstances are met:

1. There is an immediate need for the prevention of a crime or apprehension of a suspect.
 2. The arresting officer is in possession of appropriate police identification.
 3. There is a likelihood that the delay posed by calling and arriving of on-duty personnel would:
 - a. Allow the suspect to escape or remain unknown; or,
 - b. Allow further criminal activity; or,
 - c. Escalate the situation to a more serious degree than if the arrest was made immediately.
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Procedure

- The off-duty officer should abide by all relevant departmental policies regarding arrests.
- The off-duty officer should file an incident report immediately.
- The off-duty officer shall notify the on-duty shift commander of the circumstances surrounding the arrest.

Exception Off-Duty officers should refrain from making arrests when they are personally involved in the situation that began as a non-criminal dispute with the suspect that escalates to a point where a crime is committed and an arrest may be made. This does not apply to those circumstances in which the officer is the victim.

Alternatives to Arrest²

Discretion

Although police officers must always be guided by the intent and purpose of the law, there are limited circumstances in the discretion of the officer involved when the public interest would be better served by not making an arrest, even though there is legal justification for such action.

Arrest alternatives include citations, summonses, informal resolutions, warnings, and referrals to other agencies to include Restorative Justice or Diversion Programs including the Jail Diversion Program for mental health issues.

Circumstances where alternatives to arrest may be appropriate include the following:

- When an arrest could aggravate community conflict or possibly precipitate a serious disorder.
 - When there is a greater priority to respond to a more serious crime or to an urgent public emergency.
 - In neighborhood quarrels, noisy parties, landlord-tenant problems and minor disturbances of the peace where no serious crime has been committed and the officer can successfully act as a mediator.
 - In other minor offenses where a summons can effectively accomplish the intended purpose.
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Motor Vehicle Offences

See *Traffic Enforcement Policy (Chapter 61-3)* for alternatives to arrest regarding motor vehicle violations.

Juveniles

See *Juvenile Policy (Chapter 44-1)* for alternatives to arrest for Juveniles.

² 1.2.06 + Juvenile Policy (44-1) and Traffic Enforcement Policy (61-3)

Opposite Gender Arrests

Procedure The following procedure shall be followed during the arrest of a person of the opposite gender:

Responsible Party	Action to be Taken
Arresting Officer	Notify the Officer in Charge that a person of the opposite gender has been taken into custody.
Officer in Charge	<ul style="list-style-type: none"> • Ensure an officer of the same gender is in the station during the booking of the prisoner. • If no same gender officer is working, follow “Opposite Gender Detainees” section in the <i>Detainee Monitoring Policy (Chapter 72-5)</i>.

Transgender or LGBT Arrests

Procedure The officers shall respect the individual’s gender identity and ensure safety in arrest processing and searching.

Searches conducted for the purpose of assigning gender identity are strictly prohibited.

The following procedure shall be followed during the arrest of a person who claims they are Lesbian, Gay, Bisexual or Transgender:

Responsible Party	Action to be Taken
Arresting Officer	Notify the Officer in Charge that a person has declared they are LGBT.
Officer in Charge	<ul style="list-style-type: none"> • Ensure an officer of the same gender as requested by the detainee is in the station during the booking of the prisoner. • If no such gender officer is working, follow “Transgender or LGBT Detainees” section in the <i>Detainee Monitoring Policy (Chapter 72-5)</i>.

Arrest Policy Information

History

April 28 , 2020 – Replaces existing Arrest Policy (Chapter 1-1) issued April 24, 2018.

April 24, 2018 – Replaces existing Arrest Policy (Chapter 1-1) issued August 11, 2015.

August 11, 2015 – Replaces existing Arrest Policy (Chapter 1-1) issued March 9, 2012

March 9, 2012 – Replaces existing Arrest Policy (Chapter 1-1) issued July 1, 2010.

July 1, 2010 – Replaces existing Arrest Policy and Procedure (Chapter 1-1) issued September 15, 2005.

October 1, 2005 – Replaces existing Arrest Policy and Procedure (PAT-001) issued September 18, 2000.

Review Date

This policy is scheduled for review every two years and updated as necessary.
