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|  | POLICY & PROCEDURE | SERIES # 634 | PAGE 1 OF 2 |
| | SUBJECT | | EFFECTIVE DATE |
| | WARRANTLESS ARRESTS | | 5/12/2000 |
| | | | OVERSIGHT Operations |
| DISTRIBUTION ALL MANUALS | AMENDS/SUPERSEDES/CANCELS P&P # 634 dated 3/15/89 | | |

I. PURPOSE:

The purpose of this policy is to establish guidelines whereby an officer may make a warrantless arrest.

II. POLICY:

It is the policy of the Hampton Police Division that officers, while in uniform or displaying a badge of office, may make warrantless arrests in accordance with State Law and this policy.

III. PROCEDURE:

A. When charges originate with the officer, the following circumstances will permit an arrest to be made without a warrant:

1. When the crime is committed in the presence of the officer.
2. When the officers has reasonable grounds or probable cause to suspect that the person has committed a felony not in the officer's presence.
3. At the scene of any motor vehicle accident or in the apprehension of any person charged with the theft of any motor vehicle, when upon personal investigation and probable cause the officer has reasonable grounds to believe that a crime has been committed by any person present.

B. If charges originate from other sources, officers may make an arrest without a warrant when:

1. The Division receives from another jurisdiction, a photocopy of a warrant, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, giving the name, description, and crime alleged.
2. Officers may also arrest without a warrant for alleged misdemeanors not committed in their presence when they receive a radio message that

APPROVED:
CHIEF OF POLICE



a warrant for such an offense is on file. These guidelines should prevail During field contacts. It is important that the officer establish an unchallengeable legal justification for entering a residence to make an arrest. In these cases, the officer should obtain the appropriate warrant prior to responding to the residence.

3. Officers may arrest without a warrant for an alleged misdemeanor not committed in their presence involving shoplifting, carrying a weapon on school property, assault and battery, brandishing a firearm, or destruction of property when such property is located on premises used for business or commercial purposes, when such an arrest is based upon probable cause and reasonable complain of the person(s) who observed the alleged offense.
 4. State Code also allows for warrantless arrest in cases of assault and battery against a family or household member and for violations of protective orders for family abuse and for stalking. Such arrests must be based on probable cause or upon personal observation or the reasonable complaint of a person who observed the alleged offense, or upon personal investigation. The handling of cases in this section is governed by [Policy and Procedure 503](#), Police Involvement in Domestic Disputes.
- C. The Code of Virginia requires that a person arrested without a warrant shall be brought forthwith before a magistrate or other issuing authority having jurisdiction who shall proceed to examine the officer making the arrest under oath. If the magistrate or other issuing authority having jurisdiction has lawful probable cause upon which to believe that a criminal offense has been committed, and that the person arrested has committed such offense, he shall issue either a warrant OR a summons as appropriate. If such warrant or summons is not issued, the person so arrested shall be released. Should an officer make an arrest without a warrant and learn prior to presenting the prisoner to the magistrate that the original justification and probable cause for the arrest has vanished, the officer shall immediately cease arrest procedure, courteously release the subject, and notify a supervisor. A detailed written report describing the incident will be completed and forwarded to the Chief of Police through the chain of command prior to the end of the officer's shift.
- D. As in any arrest procedure, use of force and guidelines for conducting searches shall be accomplished in accordance with existing policy and procedure.

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