



PAWNEE COUNTY SHERIFF'S OFFICE  
SHERIFF DARRIN VARNELL

Policy #  <b>Law Enforcement Authority</b>	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable 22 O.S. § 196; 11 O.S. § 34-101; 22 O.S. § 188	

**PURPOSE AND SCOPE**

The purpose of this policy is to affirm the authority of the members of the PAWNEE COUNTY SHERIFF'S OFFICE to perform their functions based on established legal authority.

**POLICY**

It is the policy of the PAWNEE COUNTY SHERIFF'S OFFICE to limit its members to only exercise the authority granted to them by law.

While this office recognizes the power of peace officers to make arrests and take other enforcement action, deputies are encouraged to use sound discretion in the enforcement of the law. This office does not tolerate abuse of law enforcement authority.

**PEACE OFFICER POWERS**

Certified members of this office, or newly appointed members awaiting certification, are authorized to exercise peace officer powers pursuant to applicable state law.

**ARREST AUTHORITY WITHIN THE JURISDICTION OF THE PAWNEE COUNTY SHERIFF'S OFFICE**

The arrest authority within the jurisdiction of the PAWNEE COUNTY SHERIFF'S OFFICE includes (22 O.S. § 196; 11 O.S. § 34-101):

- (a) In compliance with an arrest warrant.

- (b) Without a warrant:
1. For a felony
  2. For a public offense committed or attempted in the deputy's presence
  3. When a deputy has probable cause to believe a person was under the influence of alcohol or drugs when driving or in physical control of a vehicle involved in an accident
  4. When the deputy, observing a recent injury, has probable cause to believe the person has, within the preceding 72 hours, committed an act of domestic abuse
  5. When the deputy is acting on a violation of a court protective order
  6. When the deputy has probable cause to believe the person has threatened another with serious injury or death
  7. When the deputy has probable cause to believe that the person has committed retail larceny (22 O.S. § 1342)
  8. When a traffic offense for which an arrest is permissible is observed or perceived with electronic equipment by the deputy or by another deputy who communicates the same to the deputy (47 O.S. § 16-114)

**ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE PAWNEE  
COUNTY SHERIFF'S OFFICE**

The arrest authority of deputies outside the jurisdiction of the PAWNEE  
COUNTY SHERIFF'S OFFICE includes:

- (c) Following the fresh pursuit of a person for an offense committed in their presence within the jurisdiction of the PAWNEE COUNTY SHERIFF'S OFFICE
- (d) For a felony (22 O.S. § 202)
- (e) On request of a deputy in another jurisdiction for an offense committed in the jurisdiction of the requesting deputy (19 O.S. § 516)
- (f) Under the following circumstances (21 O.S. § 99a):
  1. In response to an emergency involving an immediate threat to human life or property
  2. Upon the prior consent of the head of the law enforcement agency with jurisdiction
  3. Pursuant to a mutual law enforcement assistance agreement with another agency with jurisdiction
  4. In response to the request for assistance by a peace officer with jurisdiction
  5. While transporting a prisoner

**OTHER AUTHORITY**

With the appropriate approval, resolution or interlocal agreement of the governing body of the County, deputies of this office (11 O.S. § 34-103):

- (g) Have the same powers and duties as police officers of another municipality upon request by the mayor, chief of police or the authorized designee of the municipality requesting their assistance.
- (h) Have the same powers and duties as law enforcement officers for a sheriff's office upon request by a county sheriff or the authorized designee requesting their assistance.
- (i) Have the same powers and duties as law enforcement officers for the Oklahoma Highway Patrol upon request by a commissioned law enforcement officer of the Oklahoma Highway Patrol for their assistance.
- (j) May be deputized by the county sheriff.
- (k) May respond to requests from another jurisdiction for assistance in case of emergency.

#### **GRANTING AUTHORITY TO OTHERS**

When executing an arrest warrant, deputies may summon the aid of other persons to assist (22 O.S. § 188).

#### **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 a deputy enters another state in fresh pursuit:
  1. In Colorado and Kansas to arrest the person for a crime committed in Oklahoma (CRS § 16-3-104; K.S.A. § 22-2404).
  2. In New Mexico and Texas to arrest the person for a felony committed in Oklahoma (NMSA § 31-2-1; Tex. Code of Crim. Pro. art. 14.051).
  3. In Missouri to arrest a person for a felony or for driving while intoxicated in Oklahoma (§ 544.155, RSMo).
  4. In Arkansas to arrest a person for a felony committed in Oklahoma or for the offense of driving or operating a vehicle while intoxicated, impaired or under the influence (A.C.A. § 16-81-404).

When an arrest is made in another state, the deputy shall take appropriate action so that the person arrested is taken without unnecessary delay before the proper judicial official in the county where the arrest was made (A.C.A. § 16-81-405; CRS § 16-3-104; K.S.A. § 22-2404; § 544.155, RSMo; NMSA § 31-2-2; Tex. Code of Crim. Pro. art. 14.06).

#### **CONSTITUTIONAL REQUIREMENTS**

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