

JACKSONVILLE POLICE DEPARTMENT

Policy: 1-5
Effective: 03-01-12
Revised: 04-19-19

LIMITS OF AUTHORITY

PURPOSE: The purpose of this policy is to define and elaborate upon the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances, and arrests.

POLICY: Integrity and professionalism is valued by the Jacksonville Police Department and requires that employees be accountable for the exercise of their authority. Department policies, state statutes, and the United States Constitution serve to establish boundaries in which authority may be responsibly used. Laws and policies cannot be written to anticipate every circumstance in which authority may be exercised appropriately.

PROCEDURES:

I. LIMITS OF AUTHORITY (1.06)

- A. Jacksonville Police officers are state certified peace officers possessing the power to detain, arrest, search, seize, pursue, and serve other legal process and the authority to carry and use weapons.
- B. Jacksonville Police officers shall at all times enforce the laws and ordinances of the City of Jacksonville and the laws of the State of Arkansas within the City and take appropriate enforcement action.
- C. Police officers have authority to enforce ordinances and statutes upon lands operated by and managed under authority of any city department located within or outside the corporate City Limits of Jacksonville, including but not limited to the Little Rock Air Force Base.
- D. Police officers shall have authority to respond to incidents, enforce ordinances and statutes upon any lands annexed under authority of Jacksonville City Council upon the effective date of such annexation.

II. CONSTITUTIONAL REQUIREMENTS (2.17)

Officers will, at all times, treat individuals being interviewed or interrogated fairly and with respect. No statements or confessions will be taken in a manner that is in violation of their constitutional rights.

III. PROTECTION OF CITIZEN RIGHTS (7.06)

- A. Whenever a citizen is arrested, or becomes a suspect in a criminal investigation and would reasonably believe that they are no longer free to leave, Miranda warnings shall be given prior to any questioning designed to elicit a self-incriminating response. The warnings may be given at the time of custody, but must be given prior to interrogation.
- B. In a field situation, Miranda warnings may be given verbally. When given at headquarters, they should be in writing. In either case, the warnings must be positively acknowledged by the suspect as being understood, and those rights clearly waived prior to interrogation. In the event that a suspect waives his rights but refuses to sign a waiver form, the officer will document an explanation of the waiver and may then interrogate the suspect. In the event that the suspect invokes his rights at any point, all interrogation must cease. Interrogation may not be reinitiated except in accordance with case law in effect at the time.

- C. There are occasions when the officer believes that a suspect to be interrogated may not understand his rights due to the level of intoxication or other impairment. In these situations the officer shall confirm that the suspect understands his rights through interactive questioning, prior to any interrogation.
- D. Officers should make note of any unsolicited statements made by a suspect in custody and are under no obligation to provide him with any advice to stop, or to stop him for the purpose of advising him of his rights.
- E. Jacksonville Police shall not cause any unnecessary delay in arraignment nor shall they deprive any person counsel or contribute to pretrial publicity that would reasonably prejudice a fair trial.

ALEAP: 1.06; 2.17; 7.06



John C. Franklin
Chief of Police