830.00 ARREST WITHOUT WARRANT

First Universal Review: 5/15/23 – 5/30/23

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Refer:

ORS 133.055 (2)(a) Mandatory Arrests for Domestic Violence
ORS 133.310 Authority of Officer to Arrest Without Warrant.
DIR 311.30 Off-Duty Responsibility of Officers
DIR 640.00 Identification Procedures
DIR 640.70 Fingerprinting and Photographing Juveniles
DIR 825.00 Domestic Violence, Arrests and Restraining Orders
DIR 840.00 Arrest, With Warrant
DIR 850.30 Juveniles, Custody
DIR 860.10 Traffic Citations and Arrests
DIR 860.30 Citation-in-Lieu-of-Custody
Victim/Complainant Information Form (Operations Branch)

PROCEDURE (830.00)

Arrest and Citations-in-Lieu-of-Custody Stemming from Criminal Actions

A sworn member may make a custody arrest of a person, without a warrant, if the officer has probable cause to believe that the person has committed any of the following:

a. Felony.
b. Misdemeanor.c. An unclassified offense for which the maximum penalty allowed by law is equal to or greater than the maximum penalty allowed for a Class C misdemeanor.d. Any other crime committed in the officer’s presence.e. A violation of Restraining Order or Domestic Violence.

A member may make an arrest inside a place of privacy (a residence) if the member enters, or has entered, in a legal manner (i.e., consent, execution of a warrant, etc.). A member may enter a place of privacy without a warrant to effect an arrest if it can be shown that there is objective evidence, and the member holds a good faith belief that the suspect and/or evidence will be lost or there is a real risk to some other person’s safety if the member were to take the time to obtain a search warrant. If these circumstances do not exist, the member must obtain a search and/or arrest warrant, as appropriate, to authorize the entry and arrest.

A peace officer may arrest a person without a warrant when the peace officer is notified by teletype, radio, or other mode of communication by another peace officer of any state that there exists a duly issued warrant for the arrest of a person within the other peace officer’s jurisdiction.

Peace officers may also arrest a person without a warrant when notified of the existence of duly issued federal warrants.

Z-Cites and C-Cites (830.00)

a. Z-Cites should be issued, whenever possible, if the offense is a Misdemeanor or a violation. Misdemeanors and violations charges require separate Z-Cites; they cannot be on the same one.
b. C-Cites will be used whenever possible for Class C Felonies.
Procedures for Attempted PCS I and PCS II Charges (830.00):
   a. All PCS I and PCS II charges that involve only residue quantities will be charged as Attempted
      PCS I or Attempted PCS II.
   b. A C-Cite will be issued for attempted PCS I charges and a Z-Cite will be issued for Attempted PCS
      II charges.
   c. Attempted PCS I charges will be cited to the Justice Center Courtroom #3, not more than 30
      days from the date of arrest.
   d. Attempted PCS II charges will be cited to the appropriate community court, not more than 30
      days from the date of arrest.

Identification Procedures for Persons to be Issued C-Cites (830.00)
If the member has a reasonable doubt as to the true identity of the person, the member will follow the
procedures outlined in DIR 860.30.

Escaped Prisoners – Authority and Means of Retaking (830.00)
If a lawfully arrested person escapes, the person pursuing may use any means and do any act necessary
and proper as in making the original arrest.

Arrest in Personal Quarrels (830.00)
Members will not make arrests or issue citations in their own quarrels, nor those of their families or
neighbors, except under grave circumstances (i.e., when the use of self-defense is justified). Members will
notify the agency responsible for the jurisdiction in which the event is occurring in order that officers may
be dispatched to investigate and take the necessary action.

Off-Duty Arrests (830.00)
If possible, off-duty sworn members should make an arrest when a crime is being committed in their
presence, if life or property is threatened, or if the situation is of an emergency nature that cannot wait for
the arrival of on-duty officers. Refer to DIR 311.30, Off Duty Responsibility of Officers.

Discretion should be used if the crime involves a dangerous situation (i.e., weapons and/or more than one
suspect). If the member is not armed, has no assistance, and it is obvious under the prevailing conditions
that the member will be incapable of handling the problem, the member should obtain as much information
as possible and summon assistance.

Arrest and Custody After a Citizen Makes the Arrest (830.00)
Members will make certain that the arresting citizen signs, in the correct space, on the Custody Report
(refer to DIR 860.30).

Members will take into custody and transport to the booking facility those arrested adults who are not
issued citations. Juveniles arrested for felonies and Class A misdemeanors will be processed per DIR
640.70 and taken home or to the appropriate juvenile facility as outlined in DIR 850.30. Juveniles arrested
for Class B and C Misdemeanors may be processed per DIR 640.70, taken home or to the appropriate
juvenile facility as outlined in DIR 850.30.

Members will abide by all arrest procedures in the handling of citizen-arrested persons.

When the suspect is issued a citation or taken into custody for a misdemeanor or violation members shall
advise the citizen (i.e., victim) that they must contact the District Attorney’s (DA’s) misdemeanor intake
office to request that prosecution be pursued. To facilitate this contact process, members shall complete
and issue a Portland Police Bureau Victim/Complainant Information Form, and explain it to the victim. If the suspect was lodged at the Multnomah County Detention Center (MCDC), the victim will be instructed on the form to contact the D.A.’s office by 1100 hours the next business day. If the suspect was issued a citation, the victim will be instructed on the form to contact the DA’s office no sooner than seven business days after the arrest. Complainants in domestic violence cases must contact the DA’s intake office before 1100 hours the next business day to review and obtain a complaint.

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