



that his safety or that of others is endangered, he may make a reasonable search for weapons of the person believed by him to be armed and dangerous regardless of whether he has probable cause to arrest that individual for crime or the absolute certainty that the individual is armed.”

(An officer is justified in conducting a carefully limited search of persons whom he reasonably suspects to be dangerous in order to discover any weapons which might be used to assault him or other nearby, even in the absence of probable cause for arrest and any weapons seized may be introduced in evidence.)

### Section 29-29-103 Cooperation with Federal Officials regarding immigration status

The Craig Police Department hereby notifies all sworn officers of the duty to cooperate with State and Federal officials with regards to enforcement of State and Federal laws regarding immigration, and complies with paragraph (a) of this subsection.

(2) (a) (I) A peace officer who has probable cause that an arrestee for a criminal offense is not legally present in the United States shall report such arrestee to the United States Immigration and Customs Enforcement Office if the arrestee is not held at a detention facility and the county sheriff reasonably believes that the arrestee is not legally present in the United States, the sheriff shall report such arrestee to the Federal Immigration and Customs Enforcement Office.

Officers may determine probable cause for ascertaining alien status by asking the following;

1. Their name
2. What country they were born in
3. Their papers, i.e. alien card, passport etc.

If the officer has probable cause to believe that an arrestee is in the country illegally, the jail staff will be notified.

### **III. PROCEDURE**

A. A custodial arrest will be made and the accused booked into jail in all adult felony cases, cases of Crimes of Violence and charges involving Domestic Violence. In all felonies officers must complete a warrantless affidavit prior to the end of their shift.

B. Any officer referring an accused to City or County Court for a misdemeanor, traffic offense or petty offense will issue a citation to the accused even if the accused is held in jail.

C. For specific bond requirements. See Policy 8.15-Court; Bail; Bonds & Waivers.

D. Affidavits for Warrantless Arrests

1. Affidavits for Warrantless Arrests must be completed, prior to the end of the arresting officer's shift, on all suspects arrested on charges other than warrants, who are booked into jail and are unable to immediately post bond.

2. Pursuant to state statute, Affidavits for Warrantless Arrests must be completed and signed by a Judge within 48 hours of the time the suspect is booked into jail. If the Affidavit is not completed within the 48 hours, the suspect must be released on a Personal Recognizance Bond.

E. Alternative to Arrest

Alternatives to arrest, such as mediation or referral to the appropriate social service agency, or other support service, should be considered in adult and juvenile cases whenever the employment of an alternative would facilitate a Departmental objective or community need and would not conflict with the law or Department policy.

F. Civilian Complaints

Occasionally a civilian requests to pursue charges involving an alleged violation of the law in which the civilian witnessed the occurrence. When this occurs, the department has certain responsibilities. Our primary responsibility is to determine whether or not a crime may have been committed. The primary determining factor here is whether or not the elements of the offense alleged are present.

If the elements of the offense are not present, a crime has not been committed. If this occurs, the officer is to advise the civilian complainant that what he or she is alleging is not a violation of the law due to missing elements, and will not be pursued by this department.

In some cases, the elements appear to be present, but there are other facts present that lead the officer to believe it will be a difficult case to prove in court. This should be explained to the complainant. In these cases, the officer should consult with a supervisor. If the supervisor cannot make a determination, the case will be written up and submitted to either the District Attorney or the City Attorney for determination of charges, if any. The defendant will not be issued a citation until the appropriate attorney has rendered an opinion on the charges.

Once it is determined that a violation of the law may have occurred, the officer will have the civilian complainant sign the summons in the appropriate space.

The officer will inform the civilian that he or she will need to testify in court to prove the case. Once the civilian complainant has signed the citation, the officer will serve the defendant with the citation.

The officer will be responsible for conducting any follow-up, including interviewing witnesses, gathering statements, evidence, etc.

**Authorized By:**



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**Chief of Police**