
Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the territorial and subject matter jurisdiction of the members of the Montgomery County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

100.3 LAW ENFORCEMENT OFFICER POWERS

A deputy of this office may exercise law enforcement officer power dependent upon territorial and subject matter jurisdiction. Deputies should make arrests as follows:

(a) Pursuant to a warrant:

1. A deputy with a warrant in his/her possession for the arrest of a person may arrest the person described in the warrant at any time and place within the deputy's territorial jurisdiction.
2. A deputy with knowledge that a warrant for arrest has been issued but not executed may arrest the person described in the warrant at any time without the warrant in his/her possession. The deputy shall inform the person that the warrant has been issued and serve the warrant as soon as possible.

(b) Without a warrant:

1. A deputy may arrest a person when he/she has probable cause to believe the person has committed a criminal offense or violated a pretrial release order while in the deputy's presence.
2. A deputy may arrest a person for a criminal offense committed outside of his/her presence if he/she has probable cause to believe the person:
 - (a) Has committed a felony.
 - (b) Has committed a misdemeanor and will not be apprehended unless immediately arrested, or may cause physical injury to him/herself or others or damage to property unless immediately arrested.
 - (c) Has committed a misdemeanor specified by law.
 - (d) Has committed a misdemeanor specified by law when the offense was committed by a person with whom the alleged victim has a personal relationship.

Montgomery County Sheriff's Office

Policy Manual

Law Enforcement Authority

- (e) Has violated a pretrial release order specified by law.
- (c) Pursuant to an investigation of an implied-consent offense or vehicle crash occurring within the deputy's territorial jurisdiction any place within the State.
- (d) Deputies may enter private premises or a vehicle to make an arrest when:
 - 1. The deputy has in his/her possession a warrant or order, or a copy of the warrant or order, provided that:
 - (a) A deputy can use a copy of a warrant or order only, if the original warrant or order is in the possession of a member of a law enforcement agency in the county, and
 - (b) The deputy verified the warrant is current and valid
 - (c) The deputy has reasonable cause to believe the person to be arrested is present, and
 - (d) The deputy has given, or made reasonable effort to give, notice of his/her authority and purpose to an occupant, unless there is reasonable cause to believe that the giving of such notice would present a clear danger to human life.

A deputy may use force to enter the premises or vehicle if he/she reasonably believes that admittance is being denied or unreasonably delayed, or if he/she has authority due to is a clear danger to human life to enter without giving notice of his/her authority and purpose.

Deputies may detain an individual arrested for violation of an order limiting the individual's freedom of movement or access following a suspected terrorist attack or quarantine order issued by the State Health Director or local health director. The person may be detained in such area until his/ her initial appearance before a judicial official.

100.3.3 TERRITORIAL AND SUBJECT MATTER JURISDICTION

Deputies have the following territorial and subject matter jurisdiction:

- (a) Territorial jurisdiction:
 - 1. On any property or right-of-way owned by the County of Montgomery
 - 2. While in immediate and continuous pursuit of a person who has committed a criminal offense within Montgomery County.
 - 3. At any place in North Carolina when the arrest is based upon a felony committed within the territorial jurisdiction of the Montgomery County Sheriff's Office
- (b) Subject matter jurisdiction:
 - 1. Deputies may arrest for any criminal offense have the authority to enforce laws and make arrests.

Montgomery County Sheriff's Office

Policy Manual

Law Enforcement Authority

100.4 CONSTITUTIONAL REQUIREMENTS

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