

506.00 ARRESTS ON PRIVATE PROPERTY

- When an officer has the legal authority to arrest he must still decide whether he may enter private property to effect the arrest.
- If an area is open to the public but privately owned, the officer may effect the arrest without meeting further legal requirement.
- To enter property that is not open to the public to effect an arrest, the officer will first obtain consent to enter, or have an arrest warrant, except in those situation delineated under exigent circumstances or when in hot pursuit. If probable cause exists to believe that evidence of the crime is on the private property, or the arrest will take place where the suspect or others have a reasonable expectation of privacy such as a dwelling, or the search involves the property of a third party, the officer will obtain a search warrant, as well.
- Hot Pursuit occurs when there is a continuous chase of a suspect who enters private property immediately ahead of the police. The officer engaged in such a chase may pursue onto the private property and effect the arrest. The key characteristics of hot pursuit are:
 - no unnecessary delay in initiating the pursuit,
 - continuous and uninterrupted pursuit, and
 - a short lapse of time between the suspect's entry and the officer's entry.
- Exigent Circumstances: The officer may also enter private property in emergency situations. The following factors tend to establish exigent circumstances:
 - Probable cause for the arrest exists,
 - The officer has strong reason to believe the suspect is inside,
 - The crime with which the suspect is charged was one of violence or the suspect is armed,
 - There is a likelihood the suspect will escape,
 - The officer identifies himself and requests entry prior to forcible entry, and/or

- There is a likelihood that evidence will be destroyed.
- Consent to enter: the elements of a legal consent are:
 - the consent was given voluntarily, and
 - the person had the authority to consent to the entry.