

## GREELEY POLICE DEPARTMENT

General Order 506.00

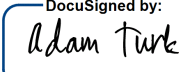
Reviewed: 12/23

**506.00 ARRESTS ON PRIVATE PROPERTY**

- If an area is open to the public but privately owned, the officer may effect the arrest without meeting further legal requirement.
- When an officer has the legal authority to arrest, he must consider the legality of entering private property to effect the arrest.
  - 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 situations 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.
  - The officer is required to wear and activate their Body-Worn-Camera.
  - Knock-and-announce the officer's presence at a volume loud enough for the officer to reasonably believe the occupants inside can hear and allow a reasonable amount of time before entering given the size of the dwelling for someone to get to the door,
    - except if the circumstances known to the officer at the time provide an objectively reasonable basis to believe that a no-knock entry or not waiting a reasonable amount of time is necessary because:
      - Of an emergency threatening the life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself; or
  - The officer is engaged in hot pursuit of a fleeing suspect.
- Fresh Pursuit occurs when there is a continuous chase of a suspect, whom officers have reason to believe has just committed a crime, 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

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- A short lapse of time between the suspect's entry and the officer's entry.
- Exigent Circumstances: The officer may also enter private property during emergency situations, The following factors tend to establish exigent circumstances:
  - Probable cause for the arrest exists,
  - Entry is necessary to prevent physical harm to the officers or other persons.
  - 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.
  - The person had the authority to consent to the entry.
  - The person may revoke consent at any time.

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<b>Authorized by Adam Turk, Police Chief</b>		
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