



CPL 140.25

Arrest Without a Warrant; by Peace Officer

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Topics:

1. Definition of Police
2. Our Special Duty
3. Arrest Authority during special duty
4. Arrest Authority Off-Duty
5. Outside of Saratoga County Authority
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Definition of Police

U.S. Code §10389. Definitions

In this subchapter-

(1) "career law enforcement officer" means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or **investigation of violations of criminal laws.**


Definition of Police (Continued)

New York State agency means any New York State department, board, bureau, division, commission, committee, public authority, public benefit corporation, council, office, or other governmental entity performing a governmental or proprietary function for the State of New York.

“Public agency” means the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Regulatory Commission), a State, or a political subdivision of a State; or any interstate governmental agency.

Our Special Duty

We are certified NYS Peace Officers given “full Police power” through the NYS Criminal Procedure Law and Agriculture and Markets Law. We are empowered to enforce all the laws of New York State and specifically those relating to animal cruelty. We are not animal control officers, and we receive training in accordance with the requirements as set forth by the NYS Division of Criminal Justice Services (DCJS).



Arrest Authority During Special Duty

1. A peace officer, acting pursuant to his special duties, may arrest a person for:

(a) Any offense when he has reasonable cause to believe that such person has committed such offense in his presence; and


(b) A crime when he has reasonable cause to believe that such person has committed such crime, whether in his presence or otherwise.

Arrest Authority During Special Duty (Continued)

2. A peace officer acts "pursuant to his special duties" in making an arrest only when the arrest is for:

(a) An offense defined by a statute which such peace officer, by reason of the specialized nature of his particular employment or by express provision of law, is required or authorized to enforce; or

(b) An offense committed or reasonably believed by him to have been committed in such manner or place as to render arrest of the offender by such peace officer under the particular circumstances an integral part of his specialized duties.



Arrest Authority Off-Duty

3. A peace officer, whether or not he is acting pursuant to his special duties, may arrest a person for an offense committed or believed by him to have been committed within the geographical area of such peace officer's employment, as follows:

(a) He may arrest such person for any offense when such person has in fact committed such offense in his presence; and

(b) He may arrest such person for a felony when he has reasonable cause to believe that such person has committed such felony, whether in his presence or otherwise.

Outside of Saratoga County Authority

4. A peace officer, when outside the geographical area of his employment, may, anywhere in the state, arrest a person for a felony when he has reasonable cause to believe that such person has there committed such felony in his presence, provided that such arrest is made during or immediately after the allegedly criminal conduct or during the alleged perpetrator's immediate flight therefrom.

Outside of Saratoga County Authority (Continued)

5. For the purposes of this section, the "geographical area of employment" of a peace officer is as follows:

(a) The "geographical area of employment" of any peace officer employed as such by any agency of the state consists of the entire state;

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Outside of Saratoga County Authority (Continued)

(b) The "geographical area of employment" of any peace officer employed as such by an agency of a county, city, town or village consists of (i) such county, city, town or village, as the case may be, and (ii) any other place where he is, at a particular time, acting in the course of his particular duties or employment;

(c) The "geographical area of employment" of any peace officer employed as such by any private organization consists of any place in the state where he is, at a particular time, acting in the course of his particular duties or employment.

SC-SPCA Law Enforcement Expectations

Be Professional.

Conduct ones self as a role model.

Do not compromise the Law Enforcement Ethics.

Read and follow all Policies and Procedures.

The community has a reasonable expectation of all Police and Peace Officers to have Integrity, Courage, and Compassion.

Conclusion

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