

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This Department does not tolerate abuse of law enforcement authority.

100.2 PEACE OFFICER POWERS

Sworn Members of this Department shall be considered peace officers pursuant to Penal Code § 830.1(Deputy Sheriff), 830.35(Deputy Coroner) and 830.6(Reserve Deputy).

The authority of any such peace officer extends to any place in the State of California, as follows:

1. As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
2. Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
3. As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense (Penal Code § 830.1).

The authority of any deputy coroner extends to any place in the State of California for the purpose of performing their primary duty or when making an arrest pursuant to Penal Code § 836 as to any public offense with respect to which there is immediate danger to person or property, or the escape of the perpetrator of that offense (Penal Code § 830.35.).

The authority of reserve deputies is governed by Penal Code § 830.6 and 832.6.

100.2.1 SHERIFF'S SPECIAL OFFICER POWERS

A Sheriff's Special Officer is a public officer, employed by the Sheriff-Coroner of Orange County. His/Her primary duty is the security of locations or facilities as directed by the Sheriff-Coroner (Penal Code § 831.4.).

1. A Sheriff's Special Officer is authorized to write citations for infractions.
2. A Sheriff's Special Officer may arrest a person without a warrant whenever the Sheriff's Special Officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the Sheriff's Special Officer that is a violation of a statute or ordinance that the Sheriff Special Officer has the duty to enforce (Penal Code § 836.5(a); Orange County Codified Ordinance 1-2-127(a)). The statutes and ordinances that a Sheriff's Special Officer has the duty to enforce are the State of California codes, the Codified Ordinances of the County of Orange and the municipal codes of the cities in which county buildings or facilities are located where the Sheriff's Special Officer provides security. (Orange County Codified Ordinance 1-2-127(b)). In making an arrest, the Sheriff's Special Officer will prepare a citation and release the arrestee for the misdemeanor in accordance with Penal Code section 853.6. If the

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arrestee demands to be taken before a magistrate or the arrestee does not qualify for citation and release under Penal Code § 853.6, the Sheriff's Special Officer will request a peace officer to take the person into custody for transport to jail. (Orange County Codified Ordinance 1-2-127(c)).

100.3 CONSTITUTIONAL REQUIREMENTS

All Members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.