

DUNCANVILLE POLICE DEPARTMENT GENERAL ORDERS	
SUBJECT: Arrest and Detention	GO 1.05
EFFECTIVE DATE: December 31, 2013	APPROVED: Robert D. Brown, Jr. Chief of Police
AMENDS/SUPERSEDES: R80-005 ISSUED: January 1, 1980	

I. OBJECTIVES

To assure the continuance of professional, lawful, and necessary arrests and detention by employees associated with this department.

II. RULES

- A. No employee shall arrest any person under color of a warrant unless he reasonably believes that a valid warrant exists and that the person to be arrested is the person described in the warrant and, unless the information will imperil the arrest or the person flees or resists before the employee can convey his intention the employee shall inform the person of his intention to arrest and show the warrant to the arrested person as soon as is practicable.

- B. No employee shall arrest any person without a warrant when he knows or should know, as a reasonable police officer in possession of the information of which he is aware, that he is without reasonable cause to arrest such person; and, whenever it is reasonably possible, the employee shall first inform the person of his authority, his intention to arrest and the cause for the arrest.

- C. No employee shall stop and/or detain any person unless he has reasonable grounds for suspecting that the person has committed a crime, is committing a crime, or where unusual circumstances and unusual conduct are such as to lead a police officer reasonably to conclude in light of his experience that criminal activity may be afoot; and, unless the person is arrested, the person shall be released immediately when the officers investigation reveals that he has no reasonable cause to believe that the person had committed a crime, was committing a crime, or was attempting to commit a crime at the expiration of 20 minutes from the beginning of the detention.

- D. Every employee who stops and/or begins a detention of any person for a traffic offense shall, immediately after the contact is initiated and prior to requesting a drivers license or other identification, inform that person of the reason for the stop and/or detention. The employee's statement need not be lengthy or detailed, but it shall provide sufficient information so that the person is informed of the cause of the employee's action.

- E. A reasonable amount of additional information shall be provided to the violator after the initial contact statement if he so requests. A reasonable amount of time will be

allowed the violator to read the citation and the reverse side of the citation before signing. However, this is not to imply that the officer is required to submit himself to interrogation or be subjected to extensive or senseless arguments with the violator.

III. IMMIGRATION AND MILITARY OFFENSES

- A. Aliens - Texas Peace Officers have no authority to arrest individuals without a warrant for the federal misdemeanor of first offense illegal entry into the United States unless the officer observes the illegal entry.
- B. Federal Military - Peace officers have no authority to arrest individuals without a warrant for federal military AWOL even if listed on NCIC. Peace officers may arrest those listed on NCIC as federal military deserters.
- C. State Military - Peace officers may arrest state military deserters for whom an apprehension order or arrest warrant has been issued by proper state military authority. A sheriff or constable is the only authority permitted to arrest persons for state military AWOL or other non-desertion type offenses pursuant to an arrest warrant issued by proper state military authorities.