
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.

100.1.1 DEPARTMENT AUTHORITY

The Vancouver Police Department is responsible for law enforcement services in the City of Vancouver.

Chief of Police

The Vancouver Chief of Police is appointed following the City of Vancouver Municipal Code. The Chief is empowered to assign officers to exercise law enforcement powers and enforce state laws and city ordinances. The Chief also defines the rank and duties of officers, makes promotional appointments, and may take disciplinary action up to and including removing employees for cause.

Accountability and Responsibility

The City of Vancouver is ultimately responsible for the performance of the Department. However, authority is empowered to each employee through, or by the virtue of, their commission, position, and/or rank. Employees are responsible for the use of this authority given to them by the laws of the State of Washington and ordinances of the City of Vancouver.

Authority and responsibility may be delegated. However, the ultimate responsibility remains with the delegating authority. Any employee who delegates responsibility will assure that commensurate authority will accompany the responsibility. Responsibility becomes shared due to delegation yet employees are held accountable for their individual actions.

All employees who have had authority delegated to them will be held answerable for the use of authority and likewise be held accountable for the failure to use it. This will be measured through the performance evaluation process.

Supervisors will be held accountable for the performance of the employees under their immediate supervision. Although supervisors may delegate the actual performance of a given task, supervisors cannot rid themselves of the responsibility or accountability for the accomplishment of assigned tasks.

100.2 PEACE OFFICER POWERS

Sworn members of this Department shall be considered peace officers as defined by RCW 9A.04.110(13) and RCW 9A.04.110(15). The authority of any such peace officer to make an arrest without a warrant is enumerated in RCW 10.31.100, and includes:

- (a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.

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- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100, subsections (1) through (11).

100.2.1 OTHER AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles of the Washington-Oregon border under the following circumstances (ORS 133.405):

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, an Oregon law enforcement official is present at the scene of the incident.

Vancouver Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.2.2 DEPARTMENT JURISDICTION

The Vancouver Police Department is the agency with primary territorial jurisdiction (RCW 10.93.020) within the Vancouver city limits and has the primary responsibility to conduct all police activity within its borders as defined by federal, state, and local law.

Concurrent Jurisdiction

The City of Vancouver is a city of crossroads. It has interstate highways and state and county roads that cross city boundaries. Direct enforcement actions may be taken by Vancouver Police, Clark County Sheriff, the Washington State Patrol, and federal law enforcement agencies.

A limited number of other agencies are given authority by the Chief of Police to act in a full or limited law enforcement capacity within the City. Chiefs and Sheriffs from other jurisdictions have also given consent to Vancouver Officers to exercise law enforcement authority in their jurisdictions. A list of these agencies receiving consent from Vancouver and giving consent to Vancouver is maintained by the Police Legal Advisor. Original documents of consent are maintained in the office of the Police Legal Advisor.

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Collisions on roads and streets within the corporate limits are investigated by the Vancouver Police Department unless it is an on-view situation by another agency. The exception to this applies to collisions on limited access highways including freeway on and off ramps to and from the stop bars. Collisions occurring within these areas are investigated by the Washington State Patrol.

Questions Regarding Jurisdiction

In any situation where a question arises concerning jurisdiction with another agency, the involved officer will make every effort to resolve the matter in the most professional manner possible. In situations where no agreeable solution is reached, a supervisor will review the situation for resolution. If the officer has any doubt as whether to take a report or not, in the interest of service to the public, the officer should take the report.

100.3 CONSTITUTIONAL REQUIREMENTS

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