

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject:

REQUIREMENTS AND GUIDELINES WHEN AFFECTING ARRESTS PURSUANT TO 844 PC

INTRODUCTION

The purpose of this procedure is to delineate guidelines and requirements for officers making arrests pursuant to Section 844 of the Penal Code (Knock and Notice and where forced entry is required).

ELEMENTS OF 844 P.C.

1. To make an arrest.
2. If offense is a felony, in the case of private persons.
3. In all cases for a peace officer.
4. May break open the door or window of the house where the arrestee is located.
5. If he has reasonable grounds for believing the arrestee is inside.
6. After having demanded admittance and explaining the purpose for which admittance is desired.

PROCEDURE TO BE TAKEN PRIOR TO ATTEMPTING AN ARREST WHEREIN FORCED ENTRY IS LIKELY

1. Obtain prior approval from Watch Commander, if possible.
2. Check cross-index of phone listings to verify the identity of the occupant.
3. Place a phone call through Dispatch, if appropriate, in order to gain a valid consent to enter.
4. A minimum of two (2) officers shall be present at the location prior to and/or during the arrest process.

COMPLIANCE WITH 844 P.C.

The primary arresting officer shall comply with 844 P.C. by:

1. Knocking on the door loudly or ringing doorbell.
2. Announcing his name, rank, and agency.

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3. Explaining the purpose for which admittance is required.
4. Demanding admittance.

The notice shall be given in a plainly audible voice and never simultaneously with the forced entry, allowing the occupant sufficient time to respond to the door or to deny entry. The notice need not be given if, acting on reasonable and good faith, the officer feels compliance would increase his peril, frustrate an arrest, or permit the destruction of evidence. The fact that the arrest is for a narcotics violation will not, in itself, excuse a failure to make an announcement.

GAINING ENTRY

If admittance is denied and the above requirements have been met, the officer will first check to see if the door or window is unlocked and, if not, may use reasonable force sufficient to gain entry, while at the same time recognizing the responsibility to minimize damage to property.

In the event forced entry is required, the officer in charge shall not indicate to the arrestee who is responsible for repair of the damage but will advise the owner of the property to file a claim with the City of Barstow.

Unless extenuating circumstances justify to the contrary, an officer shall not resort to forcing entry into a residence in order to serve a misdemeanor traffic warrant on the occupant.

SUPERVISOR'S RESPONSE

In all cases, the Watch Commander will respond to the scene and take pertinent photographs and/or other evidence as required.

RESPONSIBILITY OF PRIMARY ARRESTING OFFICER PRIOR TO LEAVING THE SCENE

The primary arresting officer shall either secure the residence or make reasonable attempts at having a responsible party respond to the location in order to take custody of the premises.

NOTIFICATION OF DAMAGE

As soon as possible after the incident, the on-duty Watch Commander shall direct a memorandum to the Division Commander advising him of the damage, in detail.

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