

	WICHITA POLICE DEPARTMENT POLICY MANUAL		Page 1 of 5
	POLICY 301 – PRINCIPALS OF ARREST		Reviewed: 10/28/2025
	Approved By: <u>Joseph Sullivan</u> Joseph Sullivan (Dec 23, 2025 13:24:05 CST)		Issue/Revised: R 12/23/2025 Supersedes: 12/21/2023

I. PURPOSE

This policy outlines guidelines and procedures for both warranted and warrantless arrests and searches.

II. POLICY

When deciding on enforcement actions, officers should consider the law's requirements and the community's best interest. Officers should maintain objectivity and professionalism and stay informed about legal changes affecting their duties.

III. PROCEDURES

A. General Arrest Principals

1. An arrest consists of three elements:
 - a. Restraint of liberty;
 - b. Intent to make an arrest; and
 - c. The detainee's understanding of their arrest status.
2. An arrest can be made through actual restraint or the individual's submission to custody, at any time and any day. Necessary and reasonable force can be used to enter a building or property to execute an authorized arrest.
3. Officers should remain mindful of Medical-Behavioral Emergencies (MBEs) when interacting with members of the public throughout the entirety of an encounter. They should assess the need for immediate restraint carefully and prioritize the use of de-escalation techniques whenever feasible.
4. Officers are not obliged to retreat from a lawful arrest due to resistance or threatened resistance. They should use only the force they reasonably believe necessary to perform the arrest or to defend themselves or others from harm during the arrest.
5. During a lawful arrest, officers may search the arrested individual and the immediate surrounding area to:
 - a. Protect the officer from attack.
 - b. Prevent the individual from escaping.
 - c. Discover evidence or tools related to the crime. [State v. Anderson, 259 Kan. 16]
6. Without making an arrest, officers may stop any individual in a public place whom they reasonably suspect is involved in a crime. They can request the individual's name, address, and an explanation of their actions. If safety requires, officers can pat down the individual for firearms or other dangerous weapons. Any found item that may be evidence of a crime can be kept until the completion of the questioning. The

- individual can be detained while the officer determines if a crime has been committed.
7. If the officer determines a crime has been committed, the individual can be arrested in accordance with applicable policies. If no crime has been committed, the individual must be released. Arrest solely for refusal to provide identification is not permitted.
 8. Before any custodial interrogation, officers should read the Miranda Warning and obtain a waiver. Refer to Policy 306 Miranda Warning and Waiver.
 9. Law enforcement officers employed by the City of Wichita can exercise their powers:
 - a. Anywhere within the City limits and on City-owned or controlled property outside the limits; and
 - b. Anywhere else when requested by law enforcement officers from that place or when in fresh pursuit of an individual.
 10. WPD personnel with commissions outside the City of Wichita can exercise police powers in those jurisdictions as prescribed by law.
 11. An officer making an arrest can request assistance from any person in the vicinity. A person requested to assist an officer has the same arrest authority as the officer who requests the assistance.

B. Guidelines for Arrests with a Warrant

1. Obtain a warrant prior to making an arrest whenever feasible. Upon receipt of a valid warrant, officers are duty-bound to execute it promptly.
2. An officer may execute a warrant by arresting an individual from within **their** dwelling or any public place if;
 - a. The officer holds an arrest warrant for any felony or misdemeanor crime issued by any magistrate within Kansas, or
 - b. The officer has probable cause to believe an arrest warrant for the individual has been issued either within Kansas or in another jurisdiction for a felony committed there, and
 - c. The officer has probable cause to believe the person is physically present in the residence at the time the officer is attempting to enter with a Kansas or another jurisdiction's warrant.
3. Officers **may not** enter a citizen's dwelling to search for a person named in an arrest warrant unless one of the following conditions is met;
 - a. A search warrant has been acquired,

- b. A Waiver to Search (WPD Form 322-106 available in English, Spanish, and Vietnamese) is signed by a person with authority over the property,
- c. Verbal consent for search is given by an authoritative person over the property. Such verbal waivers should be recorded using a Body-Worn Camera if possible. Written consent is always preferable, but verbal consent is acceptable under compelling circumstances, or
- d. Exigent circumstances exist, such as;
 - 1. The risk of the person evading capture, or evidence being irretrievably lost without immediate arrest.
 - 2. The potential for the person to cause harm to themselves or others, or damage property unless arrested immediately.
 - 3. The person has intentionally inflicted bodily harm to another within the dwelling.
 - 4. The officer is actively pursuing the suspect.
- e. Under no circumstances should the officer compel or coerce an authoritative person over the property to grant entry by threat of obtaining a search warrant.

C. Guidelines for Warrantless Arrests

- 1. An officer may arrest and book a person in any **public place** under the following circumstances:
 - a. The officer has probable cause to believe the person has committed or is committing a felony.
 - b. The person is witnessed committing any crime, except for traffic or tobacco infractions.
 - c. The officer has probable cause to believe the person has committed or is committing a misdemeanor, AND one or more of the following conditions are met;
 - 1. The officer is unable to satisfactorily identify the offender.
 - 2. The offender is not a resident of Kansas.
 - 3. The offender refuses to verbally promise to appear in court when served with a Notice to Appear.
 - 4. The offender is accused of theft and either has a previous theft conviction or pending theft charges.

2. Officers should try to resolve misdemeanors at the scene whenever possible to avoid transferring the case to a detective.
 - a. If an officer investigates a misdemeanor, the case may be charged if the complainant signs the UCC, and the complaint is corroborated by one of the following:
 1. Visible injury.
 2. A witness to the incident.
 3. A confession from the offender.
 - b. If the offender is present and the case meets charging standards, the officer may arrest for a misdemeanor offense following the principles listed in section III C of this policy.
 - c. If the offender is present and the case meets charging standards but does not warrant an arrest as per section III C, the officer may issue a Notice to Appear (NTA) for a misdemeanor crime (other than Domestic Violence or DUI).
 - d. If an offender is not present, but sufficient proof exists for charging as outlined above, the officer should complete the Uniform Citation and Complaint, have the complainant sign it, mark "NTA" at the top, and submit it with their paperwork.
 - e. In scenarios where the officer believes the offender poses a substantial risk to the complainant or the public, the officer should contact the City Prosecutor's Office during regular business hours or via email to request the NTA be converted to a warrant promptly.
 - f. If a civilian is a victim of a crime, the officer should provide them with the victim information card.

D. Guidelines for Warrantless Searches

Before entering a dwelling or other private premises without prior consent or a search warrant, exigent circumstances must exist that justify a law enforcement officer's entry [U.S. v Reed, 572 F. 2d 412(2nd Cir. 1978)]. **Probable cause alone is insufficient to justify a warrantless search or entry into a private residence** [State v. Platten, 225 Kan. 764 (1979), and State v. Schur, 217 Kan. 741 (1975)]. The following guidelines are provided for officers and supervisors for warrantless searches or entry into private dwellings or other private places:

1. Entry for Arrest: An officer may enter a dwelling or other private premises without a warrant or consent to effect an arrest only if there is **probable cause to arrest** the person sought **AND** there is **probable cause to believe the person is physically present** in the premises at the time of the officer's entry [see Payton v. New York, 455 U.S. 573 (1980)], and one of the following situations exist:
 - a. Immediate warrantless action is necessary to prevent someone from being killed or seriously injured, or

- b. Immediate warrantless action is necessary to prevent a dangerous criminal offender from escaping apprehension and/or prosecution [W.S. v. Santana, 427 U.S. 38 (1976)], or
 - c. An arrest has been set in motion, and the suspect flees into their dwelling or another private place to evade arrest. In such circumstances, an officer in "hot pursuit" may make a warrantless entry into the dwelling or other private place to effect the arrest.
- 2. Entry to Preserve Evidence: An officer may enter a dwelling or other private premises without a warrant or consent to secure the premises while awaiting a search warrant if:
 - a. There is probable cause to believe critical evidence of a serious and/or dangerous offense is located within the premises, and
 - b. The evidence is almost certain to be destroyed or removed unless immediate, warrantless action is taken.
 - c. Once the premises are secured, no further search shall be conducted unless:
 - 1. A search warrant has been obtained, or
 - 2. Consent to search has been given, or
 - 3. New or additional emergency circumstances arise necessitating additional warrantless search [U.S. v. Reed, 572 F. 2d 412 (2nd Cir. 1978)].
- 3. Entry as Condition of Probation, Parole, and Post Release Supervision: An officer may enter a dwelling or other private premises belonging to the defendant without a warrant or consent to search as a condition of the defendant's probation if:
 - a. There is reasonable suspicion that the defendant violated conditions of probation or engaged in criminal activity.
 - b. Any officer conducting a search under this condition must submit a written report to the appropriate court services officer or community correctional services officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search, and any findings resulting from such search.