

§ 935.122

32 CFR Ch. VII (7-1-99 Edition)

- (e) May confiscate property used in the commission of a crime;
- (f) May deputize any person to serve as a peace officer;
- (g) May investigate accidents and suspected crimes;
- (h) May direct vehicular or pedestrian traffic;
- (i) May remove and impound abandoned or unlawfully parked vehicles, boats or aircraft, or vehicles, boats or aircraft interfering with fire control apparatus or ambulances;
- (j) May take possession of property lost, abandoned, or of unknown ownership;
- (k) Enforce quarantines;
- (l) May impound and destroy food, fish, or beverages found unsanitary;
- (m) May be armed;
- (n) May exercise custody over persons in arrest or confinement;
- (o) May issue citations; and
- (p) May make arrests, as provided in § 935.122.

**§ 935.122 Arrests.**

- (a) Any person may make an arrest on Wake Island, without a warrant, for any crime (including a petty offense) that is committed in his presence.
- (b) Any peace officer may, without a warrant, arrest any person on Wake Island who violates any provision of this part or commits a crime that is not a violation of this part, in his presence, or that he reasonably believes that person to have committed.
- (c) In making an arrest, a peace officer must display a warrant, if he has one, or otherwise clearly advise the person arrested of the violation alleged, and thereafter require him to submit and be taken before the appropriate official on Wake Island.
- (d) In making an arrest, a peace officer may use only the degree of force needed to effect submission, and may remove any weapon in the possession of the person arrested.
- (e) A peace officer may, whenever necessary to enter any building, vehicle, or aircraft to execute a warrant of arrest, force an entry after verbal warning.
- (f) A peace officer may force an entry into any building, vehicle, or aircraft whenever—

- (1) It appears necessary to prevent serious injury to persons or damage to property and time does not permit the obtaining of a warrant;
- (2) To effect an arrest when in hot pursuit; or
- (3) To prevent the commission of a crime which he reasonably believes is being committed or is about to be committed.

**§ 935.124 Warrants.**

Any judge of the Wake Island Court may issue or direct the Clerk to issue a warrant for arrest if, upon complaint, it appears that there is probable cause to believe an offense has been committed and that the person named in the warrant has committed it. If a judge is not available, the warrant may be issued by the Clerk and executed, but any such warrant shall be thereafter approved or quashed by the first available judge. The issuing officer shall—

- (a) Place the name of the person charged with the offense in the warrant, or if his name is not known, any name or description by which he can be identified with reasonable certainty;
- (b) Sign the warrant;
- (c) Describe in the warrant the offense charged;
- (d) Issue the warrant to a peace officer for execution; and
- (e) Place in the warrant a command that the person charged with the offense be arrested and brought before the Court.

[37 FR 12384, June 23, 1972; 37 FR 13470, July 8, 1972]

**§ 935.126 Release from custody.**

The Chief Judge may authorize the Clerk to issue pro forma orders of the Court discharging any person from custody, with or without bail, pending trial, whenever further restraint is not required for protection of persons or property on Wake Island. Persons not so discharged shall be brought before a Judge or U.S. Magistrate as soon as a Judge or Magistrate is available. Judges may discharge defendants from custody, with or without bail or upon recognizance, or continue custody pending trial as the interests of justice, in their discretion, require.