

Private Persons Arrests

364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ARS § 13-3884.

364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

When requested, officers shall advise citizens of the right to make a private person's arrest as allowed by state law (ARS § 13-3889). The advice shall include how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

- When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ARS § 13-3900).

364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (ARS § 13-3884):

- For a misdemeanor amounting to a breach of the peace, or a felony, committed in his/her presence.
- When a felony has been in fact committed and he/she has reasonable grounds to believe the person to be arrested has committed it.

364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

- Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
- Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

Peoria Police Department

Policy Manual

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Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

- Take the individual into physical custody for booking.
- Release the individual upon a misdemeanor citation or pending formal charges.