

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	C. Criminal Procedure
<u>Module Title:</u>	3. LAWS OF ARREST
<u>Hours:</u>	Not less than 4 hours

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Include instruction as it relates to using force in medical emergencies (Estate of Corey Hill v. Christopher Miracle)

Effective April 1, 2021, Public Act 393 Arrest and Custody-Misdemeanors amended MCL 764.9c and 764.9f allowing the issuance of appearance tickets in lieu of arrest for misdemeanors with certain exceptions.

- MCL 764.9c
 - Amendment eliminated the prohibition of issuing an appearance ticket for misdemeanors with a maximum penalty exceeding 93 days.
 - Provides that appearance tickets and release from custody for misdemeanors of ordinance violations not exceeding 1-year jail.
- MCL 764.9c(3)(a)-(e), (4)
 - Exceptions for certain crimes, such as but not limited to domestic violence, firearms offenses, and offenses involving minors.

Module Objectives:

I.C.3.1. Arrest Persons in a Lawful Manner.

- a. Demonstrates a working knowledge of the terms and issues involved in making lawful arrests, including:
 - (1) an arrest and its elements as defined by People v. Gonzales, 356 Mich. 247 (1959);
 - (2) a felony and a misdemeanor as defined in the Code of Criminal Procedure;
 - (3) "probable cause;"
 - (4) an officer's authority to arrest with an arrest warrant;
 - (5) the circumstances in which an officer may arrest without a warrant;

I.C.3.1. Arrest Persons in a Lawful Manner (continued).

- (6) the circumstances in which an officer may accept interim bond (MCL 755.581);
- (7) arrest aids which, when used, may be considered to be deadly force (Attorney General Opinion 5068 (1976));
- (8) when deadly force may be used (Tennessee v. Garner, 471U.S. 1 (1985));
- (9) the standards for non-deadly force (Graham v. Connor, 490 U. S. 386 (1989));
- (10) the law regarding body cavity searches;
- (11) the rights of arrested persons; and
- (12) the possible criminal and civil consequences of an unlawful arrest.

Module History

Revised	4/12
Revised	9/21