

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	C. Criminal Procedure
<u>Module Title:</u>	4. ARREST PROCEDURES
<u>Hours:</u>	Not less than 2 hours

Note to Instructor:

Review and understand MCL 764.1 (amended 4/1/21) to reflect summons process.

Module Objectives:

- I.C.4.1. Warn Offenders in Lieu of Arrest or Citation.
 - a. Explains to the offender:
 - (1) the nature of the offense he/she committed,
 - (2) possible penalties for the offense, and
 - (3) that he/she is being warned rather than arrested or cited for the offense.
 - b. Releases the warned offender.

- I.C.4.2. Plan Strategy for Making Arrests.
 - a. Evaluates circumstances of situation to determine strategy for arrest by considering:
 - (1) suspect's past behavior,
 - (2) type of charge,
 - (3) location,
 - (4) whether or not suspect is alone,
 - (5) possible weapons, and
 - (6) possible escape routes.
 - (7) seeks assistance from other police officers.
 - b. Coordinates arrest actions by communicating with assisting officers about details of situation (e.g., how to approach building, who will make arrest).

I.C.4.2. Plan Strategy for Making Arrests (continued).

- c. Requests assistance from bystander in order to effect an arrest.
 - (1) determines if assistance from citizen is needed (e.g., there is an immediate need for radio or telephone communication, physical assistance is needed); and
 - (2) requests bystander assistance by identifying himself/herself as a police officer and requesting bystanders to provide appropriate assistance.

I.C.4.3. Arrest Persons with a Warrant.

- a. Prepares to execute arrest by verifying:
 - (1) the existence of warrant (e.g., has possession of warrant or receives knowledge that warrant exists), and
 - (2) that the identity of the person matches the person on the warrant.
- b. Verifies that warrant held by another agency is still in effect.
- c. Serves the warrant on the named person.
- d. Effects the arrest.

I.C.4.4. Arrest Persons Without a Warrant.

- a. Establishes probable cause that the crime was committed, and the suspect committed the crime, as indicated by:
 - (1) physical evidence;
 - (2) witness or victim statements; and/or
 - (3) personal observations.
 - (4) arrests of persons in a residence (People v Oliver, 417 Mich 366 (1983); People v Parker, 417 Mich 556 (1983); Payton v New York, 445 US 573 (1980); Minnesota v Olson, 110 SCt 1684 (1990)).
- b. Determines whether it is appropriate to arrest without a warrant by considering:
 - (1) type of crime (i.e., misdemeanor, felony or domestic assault);
 - (2) jurisdictional authority; and
 - (3) location/privacy expectations of third parties (e.g., need for a search warrant when suspect is in a third party's home);

I.C.4.5. Take into Custody a Person Detained by Citizen.

- a. Determines whether or not detention by the citizen is legal (e.g., a felony has been committed and there is a reason to believe suspect committed the felony).
- b. Identifies complainant, suspect, and witnesses using driver's license and/or other reliable identification documents.
- c. Take suspect into custody for formal booking.

I.C.4.6. Transport Prisoners.

- a. Determines age of prisoner to ensure that juveniles and adults are not transported in the same vehicle.
- b. Determines extent of restraint necessary by considering the type of crime and the prisoner's behavior and history.
- c. Advises dispatcher by radio of the following:
 - (1) nature of the arrest;
 - (2) identification of the prisoner;
 - (3) destination and starting mileage; and
 - (4) dispatcher responds with time.
- d. Handcuffs and searches prisoner(s) before placement in patrol vehicles.
- e. Seats prisoner(s) and officer(s) in the patrol vehicle according to the following scheme:
 - (1) protective barrier/one or two officer(s):
 - (a) prisoner(s) is placed in rear seat;
 - (2) no protective barrier/one officer:
 - (a) one prisoner is placed in right front seat and secured with seat belt;
 - or
 - (b) two prisoners are transported individually as in (2)(a);
 - (3) no protective barrier/two officers:
 - (a) one prisoner is placed in right rear seat and the guard officer sits in the left rear seat, with gun shifted to the left side or given into custody of the driving officer.
 - (b) two prisoners are placed in the right rear seat with the guard officer sitting in the left rear seat and taking precautions as in (3)(a).

I.C.4.6. Transport Prisoners (continued).

- f. Takes prisoner(s) directly to proper detention facility.
- g. Advises dispatcher of ending mileage and arrival at destination; dispatcher responds with time.
- h. Removes prisoner from police vehicle in a safe manner (e.g., uses extent of restraint necessary based on type of crime and prisoner's behavior).
- i. Searches patrol vehicle for contraband after removing prisoner.
- j. Documents any injuries that the prisoner may have incurred during arrest or transportation.

Module History

Reviewed 10/21