I. PURPOSE
The purpose of this policy is to provide law enforcement officers with basic guidelines for conducting arrests.

II. POLICY
It is the policy of this agency that all arrests made by agency personnel shall be conducted professionally and in accordance with established legal principles. In furtherance of this policy, all officers of this agency are expected to be aware of, understand, and follow the laws governing arrest.

III. DEFINITIONS
- **Arrest**: Taking a person into custody.
- **Arrest Warrant**: A written order issued by a judge, magistrate, or other proper authority that commands a law enforcement officer to place a person under arrest.
- **Exigent Circumstances**: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.\(^1\)
- **Investigative Detention**: Temporary detention of a person for investigative purposes based upon reasonable suspicion that the person has committed, is committing, or is about to commit a crime, under circumstances that do not amount to probable cause for arrest.
- **Probable Cause**: When articulable facts and circumstances within an officer’s knowledge are sufficient to warrant a prudent person, or one of reasonable caution to believe that the suspect has committed, is committing, or is about to commit an offense.
- **Reasonable Suspicion**: A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity.\(^2\)

\(^1\) Based on the definition from *United States v. McConney*, 728 F.2d 1195, 1199 (9th Cir.), cert. denied, 469 U.S. 824 (1984).


IV. PROCEDURES
A. Basis for Arrest
Officers shall conduct arrests only when based upon probable cause or an arrest warrant.

1. **Probable Cause**
   a. Probable cause for arrest may be established by one of the following:
      1. Observations of the officer
      2. Information or evidence obtained during an investigative detention or during a voluntary contact
      3. An identified individual’s specific complaint
      4. Information provided by a law enforcement informant of proven reliability
      5. Information provided by other law enforcement sources
   b. Officers shall not make any arrest based solely upon the following:
      1. Information received from an anonymous source
      2. Mere suspicion, not amounting to probable cause

2. **Arrest Warrants**
   a. Except when a warrantless arrest is justified by the existence of probable cause, arrests shall be made under an arrest warrant.
   b. Arrest warrants shall be obtained from the legal authority empowered to issue such warrants in this jurisdiction.
c. Warrants shall be in the form prescribed by the law of this jurisdiction and shall adequately identify the person to be arrested. The warrant shall also provide such other information as is required by law.

d. Any officer to whom an arrest warrant is delivered shall examine it to ensure that it is in proper form, that all information required by law is provided, and that the warrant appears to be valid. The officer shall also take note of any restrictions placed upon the arrest by the language of the warrant.

3. Once received, an arrest warrant shall be executed without delay, except as otherwise may be required by the circumstances of the case.

B. Making the Arrest

1. No arrest shall be made at a time or in a manner contrary to any express limitations included in a warrant or in a manner or at a time or place prohibited by any of the following:
   a. Agency regulation
   b. State or local legislation
   c. Applicable court decisions or precedent

2. Wherever possible, arrests shall be planned in advance in consultation with a supervisor or other experienced officers.

3. Where advance planning and consultation are not possible, the arrest shall be made in accordance with the arresting officer’s agency training.

4. Arrests shall be made at a time and place and in a manner that will maximize the probability of a successful arrest and minimize the danger to officers and innocent bystanders.

5. The arresting officers shall identify themselves, inform the suspect of his or her arrest, and specify the charges for which the arrest is being made.

6. Officers not in uniform shall display their shields and credentials when making the arrest to ensure proper identification.3

7. No officer shall enter premises owned or occupied by a third person to make an arrest unless the officer has a separate legal basis for entering the premises. Such a basis may be provided by any of the following:
   a. Possession by the officer of a search warrant for those premises
   b. Consent of a person empowered by law to give such consent
   c. Exigent circumstances

8. Officers shall use only that level of force that they reasonably believe is necessary to make an arrest in accordance with this agency’s use-of-force policy.

9. Arrestees shall be advised of their Miranda or other rights pertaining to custodial interrogation before any questioning designed to elicit incriminating statements. Those rights should, whenever reasonably possible, be read verbatim from a standardized agency-approved form.4

C. Arrestee Requests

1. Following the arrest, officers should not permit arrestees to leave the immediate area of the arrest for personal purposes (e.g., to get a coat).

2. In exceptional cases where it is deemed necessary to grant the arrestee’s request to leave the immediate area, he or she shall first be searched for weapons and then be accompanied and closely monitored by the arresting or other officers.

D. Safety Precautions

1. Officers shall approach every arrest situation with the knowledge that any arrest, regardless of the offense involved, may present an element of danger. Therefore, officers making arrests shall take all reasonable precautions to ensure their own safety.

2. Restraint of the Arrestee
   a. Officers shall handcuff (double-locked) the arrestee with his or her hands behind his or her back and palms facing outward.
   b. Officers may handcuff the arrestee with his or her hands in front, or use other appropriate and approved restraining device(s) where the arrestee
      1) is in an obvious state of pregnancy,
      2) has a physical handicap,
      3) displays behaviors consistent with mental illness or an intellectual/developmental disability;5
      4) has injuries that could be aggravated by standard handcuffing procedures; or
      5) where other special circumstances exist.

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c. Additional approved restraint devices may be used to secure an individual who violently resists arrest or who acts in a manner that indicates he or she poses a threat to him- or herself or to the public. Officers should use only those restraints that appear necessary to control the situation and only for the period of time required.

d. When restraining individuals on the ground, officers should position the subject in a manner that will assist breathing, such as placement on his or her side, and avoid pressure to the chest, neck, or head.

3. Search Incident to Arrest
   a. Officers shall conduct a thorough search of the person arrested.
   b. Any criminal evidence discovered during the search of the arrestee’s person shall be seized and preserved in accordance with standing agency procedures.
   c. The search incident to arrest shall include not only the arrestee, but also those areas within the reach and control of the arrestee.
   d. Strip searches shall not be conducted in the field except under the most extreme circumstances and with prior approval from a supervisor. Every effort should be made to respect the individual’s privacy. Any officer conducting a strip search of an arrestee in the field shall be prepared to justify the reasons for such a search and to document those reasons in a subsequent written report.
   e. Body cavity searches shall not be conducted in the field.
   f. Whenever practical, searches incident to arrest shall be conducted by officers of the same gender as that of the person being searched.

4. Protective sweeps of the premises or area where the arrest occurs shall be performed to ensure that no other persons or weapons are present that may represent a danger to the officers or the arrestee.

5. Post-Arrest Protection
   a. Officers are responsible for the safety of the arrestee. In addition, officers shall take the steps reasonably necessary to protect
      (1) the officer from the arrestee,
      (2) victims and third persons from the arrestee, and
      (3) the arrestee from self-injury or injury by others.
   b. In particular, officers shall not allow victims into close proximity with the arrestee and shall prevent bystanders from approaching the arrestee.
   c. Officers shall not allow the arrestee out of their immediate presence for any reason until the arrestee is properly secured and transported.  

E. Arrest of Juveniles
   All officers shall be aware that the arrest, transportation, and booking of juveniles are subject to specific legal requirements. Officers shall be familiar with and observe these requirements at all times when arresting juveniles.

F. Arrest of Agency Members
   When arresting a member of their own agency, officers shall take all precautions and follow all procedures as provided by agency policy.

G. Citation in Lieu of Arrest
   Officers shall issue citations in lieu of arrest in all situations where citation is directed by law. In situations where citation is discretionary, officers shall consider whether
   1. the person is likely to disregard a citation;
   2. the person, if cited and released, is likely to cause harm to him- or herself or any other person; and/or
   3. there are other factors that should be considered and are permitted by law and agency policy.

H. Release after Arrest
   1. If it becomes apparent that there is no probable cause to support an arrest, the individual shall be released, and a supervisor shall be notified.
   2. If the person is released, officers shall ensure that he or she is released at a safe location and is not otherwise placed at risk as a result of the incident. If necessary, officers should provide transportation for the released person to a safe location.

I. Investigative Detentions
   1. Officers shall conduct an investigative detention based upon reasonable suspicion that the person detained has committed, is committing, or is about to commit a crime.


2. Officers shall not prolong an investigative detention beyond the period necessary to accomplish the purpose of the detention. Officers shall be aware that prolonging an investigative detention unnecessarily may cause a court to view the detention as an unlawful seizure if probable cause does not exist for an arrest.

3. Officers shall take precautionary measures for their own safety during an investigative detention, including displaying of firearms or handcuffing the detainee. Officers shall be aware that unnecessary or prolonged displaying of firearms and handcuffing during the investigative detention may cause a court to view the detention as an arrest.

4. Officers may conduct a frisk or pat-down search of a detainee’s clothes for weapons if the person under investigative detention is reasonably believed to have a weapon and poses a threat to the officer’s, the detainee’s, or the public’s safety. Officers shall not conduct any further search of an investigative detainee unless and until it appears that there is probable cause for arrest.

5. If during the investigative detention, it becomes apparent that there is probable cause to believe that the detainee has committed a criminal offense, the detainee shall then be placed under arrest, and the procedures for arrest set forth in this policy, including the procedures for a search incident to an arrest, shall then be followed.

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This document is not intended to be a national standard.

Every effort has been made to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes.

Law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered, and should therefore consult its legal advisor before implementing any policy.

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