

Private Person's Arrest

329.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

329.2 POLICY

It is the policy of the Talbot County Sheriff's Office to accept a private person's arrest only when legal and appropriate.

329.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

- (a) An arrest without a warrant varies based on the nature of the crime.
- (b) If the crime is a felony, a private person can make an arrest if:
 - 1. A felony is being committed in the private person's presence.
 - 2. A felony has in fact been committed and the private person making the arrest has probable cause to believe the individual arrested has committed the felony, whether or not in the private person's presence.
- (c) If the crime is a misdemeanor, a private person can make an arrest if the misdemeanor amounts to a breach of the peace and is committed in the private person's presence or view.

329.4 DEPUTY RESPONSIBILITIES

A deputy confronted with a person claiming to have made a private person's arrest should determine whether or not such an arrest would be lawful.

If the deputy determines that the private person's arrest is unlawful, the deputy should:

- (a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.
- (b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.
- (c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever a deputy determines that a private person's arrest is justified, the deputy may take the individual into custody and proceed in the same manner as with any other arrest.

329.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a private person's arrest form. If the person fails or refuses to do so, the arrested individual should be released, unless the deputy has

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a lawful reason, independent of the private person's arrest, to take the individual into custody and determines an arrest is appropriate.