

# "Arrest"

Webster's defines this word as: *to stop; or to take or keep in custody by authority of law*. When used in Law Enforcement arrest is a police officers legal reason to hold a person to answer to a criminal charge. The police arrest people. The prosecutor is the person who files the charge. People may be arrested by the police with probable cause but may never be charged with the crime. Arrest is closely related to the words "custody" and "detain." But it is different. Let's look at those other terms.

Arrest is more than "custody." "Custody" means that there is physical control of a person. "Custody" does not necessarily include charges for a criminal offense. You can have "custody" without any charges, like taking custody of a juvenile runaway or a suicidal person. Police would take custody of those people, but those situations are not crimes, and therefore not arrests.

Arrest is not the same thing as "Detention" either. "Detaining" someone occurs when that person "feels" that they're not free to leave. Detention may or may not involve custody. Detention may or may not involve an arrest.

Now that we understand what the every-day meaning of arrest is, let's look at how the word "arrest" is used in police work. There are really three ways to "Arrest" a bad guy:

## **Physical Arrest (sometimes called a Custodial Arrest)**

- *Handcuffs, ride to jail, and booking.*
- *This "physical arrest" is what most people mean when they say the word "arrest" without any further clarification.*

## **Cite & Release**

- *An "arrest" is made in the field – including handcuffing, search incident to arrest, Miranda warnings, investigation, and everything – except that you release the suspect when you're done instead of taking him to jail. If the suspect signed your citation, an arrest has occurred.*
- *You complete a case report and all the paperwork, including the citation, and forward the case to the prosecutor for charging.*
- *The suspect will still answer for his crime and have a court date. But he doesn't end up in jail that night.*
- *If the crime is a misdemeanor it needs to have been committed in your presence unless it is listed as an exception in 10.31.100.*

## **Charges "Via Investigation"**

- *This is another way to "arrest" a suspect. This means that you have completed an investigation and believe that the suspect should be charged with a particular crime.*
- *So you write a case report and send it to the prosecutor recommending charges. If the prosecutor agrees with your recommendation, then the prosecutor will file charges and the suspect will receive a court date by mail or a warrant may be issued for their arrest.*
- *This works well for cases that take a real long time to investigate, or where you don't have the suspect in your clutches (like if the suspect fled the scene before police arrived).*