

I. Arrest, Search and Seizure Check List

- Establish probable cause to arrest.
- Take actions to effect an arrest.
- Make the arrest.
- Search the arrested person.
- Seize and process evidence.
- Submit the suspect to identification process.
- Interview the suspect.
- Lodge or refer the suspect.
- Complete follow-up.

A. Establish probable cause to arrest

1. A criminal offense has been committed by a person or persons.
 - a. It occurred in the presence of an officer.
 - b. Victim and witnesses' testimony and physical evidence establish probable cause.
2. An arrest warrant exists for a person.
3. An outside law enforcement agency requests detention and supplies probable cause for detention without an arrest warrant.
4. A person is intoxicated or a mentally ill dangerous person.

B. Take actions to effect an arrest

1. Analyze officer and citizen safety during the arrest situation.
2. Plan for back up, if needed, during the arrest.
3. Plan for probable seizure of evidence.
 - a. Location and seizure incidental to an arrest.
 - b. Location of plain view evidence and the necessity for search warrant.
4. Determine the need for an arrest warrant.
 - a. Is the arrest on view?
 - b. Is the officer on public property?
 - c. Is the officer on private property with a legal right to be there?
 - d. Would the officer be on private property without a legal right to be there? (An arrest warrant and/or search warrant is needed.)

C. Make an arrest

1. An arrest warrant exists for the suspect.
 - a. The arrest can be made on public property.
 - b. The arrest can be made on private property belonging to the suspect.
 - c. A search warrant may be necessary for the arrest to be legal on private property not belonging to the suspect.

2. An arrest warrant does not exist for the suspect.
 - a. The arrest can be made on public property.
 - b. The arrest can be made on private property if the officer has a legal right to be on the property.
 - c. The arrest on private property is illegal absent existent circumstance and a legal standing on private property.
3. Citations may be issued in lieu of a custodial arrest.
4. Juvenile arrest procedures apply to persons under eighteen years old.

D. Search the arrested person.

1. Review laws pertaining to search incidental to an arrest.
2. Court orders are necessary for body fluids, hair and so forth, absent consent and special DWI procedures.

E. Seize and Process Evidence.

F. Submit suspect to identification process.

1. Suspect Identification and Interrogation.
2. Attempt to obtain photograph of the suspect, where applicable to the investigation.

G. Interview the suspect.

H. Lodge or refer the suspect.

- a. Arrest/Citation In Lieu of Arrest.
- b. Juveniles Law Violations.

II. Complete follow-up

1. Gather suspect evidence by consent, search warrant or court orders.
2. Conduct physical and/or photo line-ups.
3. Follow-up on investigative leads