

Private Person's Arrest

330.1 PURPOSE AND SCOPE

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

330.2 POLICY

It is the policy of the Elkton Police Department to accept a private person's arrest only when legal and appropriate.

330.3 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.

330.4 OFFICER RESPONSIBILITIES

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

330.5 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 officer 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. [See attachment: EPD Citizens Arrest Form.pdf](#)

Attachments

EPD Citizens Arrest Form.pdf

ELKTON POLICE DEPARTMENT

Citizen's Arrest Form

ARRESTING CITIZEN _____ DOB _____
LAST FIRST MI
RESIDENCE _____ CITY _____ STATE _____ ZIP _____
NUMBER STREET
BUSINESS _____ CITY _____ STATE _____ ZIP _____
NUMBER STREET
PHONE _____ BUSINESS PHONE _____

I DO HEREBY PLACE THE PERSON SO ARRESTED IN THE CUSTODY OF THE POLICE OFFICER OF THE ELKTON POLICE DEPARTMENT. I DO HEREBY AGREE THAT I WILL APPEAR AT THE CECIL COUNTY DISTRICT ATTORNEY'S OFFICE, 129 E. MAIN STREET, ELKTON, MD WITHOUT UNNECESSARY DELAY, FOR THE PURPOSE OF SWEARING TO A COMPLAINT AGAINST THE SAID PERSON SO ARRESTED FOR THE CRIME ABOVE REERRED TO, AND THAT I WILL THEREAFTER APPEAR IN SAID COURT AT ANY AND ALL TIMES THAT I MAY BE REQUIRED TO DO SO FOR THE PURPOSE OF GIVING TESTIMONY AND OTHERWISE PROSECUTE SAID DEFENDANT FOR THE SAID OFFENSE.

ARRESTING CITIZEN _____

ARRESTING CITIZEN'S SIGNATURE

ITEM(S) TAKEN _____

TOTAL VALUE _____

INJURY / DAMAGE DESCRIPTION _____

CITIZEN'S STATEMENT _____

CITIZEN'S SIGNATURE _____

ELKTON POLICE DEPARTMENT

CITIZEN ARREST (PAGE 2)

DATE: _____ TIME: _____ A.M. / P.M.

LOCATION: _____

I, the undersigned, certify that I have arrested _____

ARRESTEE'S NAME

On a charge of : _____

and pursuant to such arrest, I agree to appear in court as many times as necessary for the final disposition of this arrest.

ARRESTING CITIZEN: _____ SIGNATURE: _____

PRINTED NAME OF COMPLAINANT

ADDRESS: _____ PHONE: _____

ACCEPTING OFFICER: _____ BADGE #: _____