

GENERAL ORDER

Metro Transit Police

Subject: Arrest Policy	Number: 601
	Effective: 06/01/01

I. Purpose

This Order outlines the Department's policy concerning custodial arrests and the issuance of summonses or citations.

II. Policy

Members will exercise their lawful powers of arrest in a manner best calculated to discharge the functions of the Metro Transit Police in accordance with the law. Members will arrest persons suspected of criminal acts only when lawful authority permits and never because of personal vindictiveness towards a suspect or because of provocation falling short of a criminal violation. It is incumbent upon members making criminal arrests to objectively assess the facts in each situation eliminating any personal feelings with respect to suspects.

III. Definition

Arrest - It is taking custody of a person, under real or assumed authority, for the purpose of holding or detaining them to answer a criminal charge or civil demand. It may also consist of notification of the purpose to restrain an individual and their submission thereto.

IV. Procedures

A. Discretion

1. Members are vested with a broad range of discretion when deciding whether or not to make an arrest. This Order is not intended to deprive any member of this discretion, provided it is exercised in accordance with Departmental rules and regulations and in the furtherance of the police mission.

2. The proper exercise of discretion does not relieve the investigating member of his or her responsibility to conduct a thorough preliminary investigation of facts surrounding the event.
3. Members will issue a summons or citation for certain enumerated offenses as an alternative to arrest. When issuing a summons or citation, a search is generally not warranted because it is a non-custodial arrest situation. This procedure does not limit a member's authority to frisk a subject reasonably believed to be armed.
4. A warning is an alternative which may be considered for minor violations which are not repeated or willful.

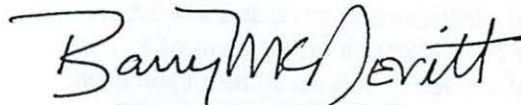
B. Arrest on Accusation by Citizen

Members investigating criminal complaints will:

1. conduct a thorough investigation of the alleged offense and determine if it meets the parameters for an arrest,
2. locate and obtain names and addresses of all witnesses and, if possible, obtain statements,
3. attempt to obtain a reliable identification of the suspect,
4. explain the limitations upon a law enforcement officer's power of arrest, if applicable (e.g., a misdemeanor not committed in the officer's presence),
5. determine if the parties will voluntarily respond to the appropriate judicial authority for warrant application. However, neither party may be compelled to respond in non-

- custodial arrest situations.
6. supply the information to the victim and/or witness and advise of warrant procedures, if applicable, and
 7. effect the arrest for felonies provided sufficient probable cause exists.
- C. Release Without Prosecution
- The prosecution of an individual does not have to follow merely because an arrest has been initiated. Members may, in the exercise of their discretion, decide not to place charges, particularly when information is received which changes the character of a criminal violation. Principles of civil law compel the release of an individual when information is received that exonerates him or her of a crime. Members will, without delay, confer with their supervisor before deferring prosecution and the incident will be documented according to Departmental and jurisdictional guidelines.
- D. Processing Arrested Persons
1. Members will, as soon as practical, appraise the suspect of the particular violation for which he or she is being arrested.
 2. Members will secure all service weapons prior to processing.
 3. Restraining devices will only be removed at the direction of the receiving facility or when the member ensures that the prisoner is properly controlled.
 4. Documentation will be submitted to the booking authority and the member will ensure that proper signatures are obtained on paperwork to complete the booking procedures.
 5. Members will advise the booking/detention personnel of any prisoner medical or security hazards and, when applicable, document those conditions on the appropriate processing forms.
 6. Members are responsible for the personal safety of their prisoner

- throughout the booking process.
7. Members are responsible for safeguarding prisoner's personal property and physical evidence until it is relinquished at the booking authority or placed into the custody of the MTPD.
 8. Prisoners will be processed without unnecessary delay and afforded an opportunity to make a local telephone call from the detention facility.
 9. Members will advise arrested prisoners of their constitutional rights (Miranda Warning) prior to custodial interrogation.
 10. Members will not promise immunity, prosecution of a lesser degree or offer any inducement to a suspect for any purpose.
 11. Members will not suggest, recommend, advise or otherwise counsel anyone concerning the retention of an attorney or bondsman resulting from a Metro Transit Police action, except when advising under Miranda.



Barry J. McDevitt
Chief