



Approved:
Chief Marcia Harnden

Subject:

264. Private Persons Arrests

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CALEA Standards:

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264.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to [ORS 133.220\(5\)](#).

264.2: POLICY

It is the policy of the Albany Police Department to handle private persons' arrests within best practices and the law.

264.3: ADVISING PRIVATE PERSONS OF ARREST PROCESS

Officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

- a. When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest **described in section 264.4**.
- b. Private individuals should be discouraged from using force to affect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

264.4: ARRESTS BY PRIVATE PERSONS

A private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer ([ORS 133.225](#)).

- a. In making an arrest, a private person may use the amount of force they reasonable believe is necessary to make the arrest or to prevent the arrested person's escape.

264.5: OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is probable cause to believe that such an arrest would be lawful.

- a. Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 - 1) Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2) Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- b. Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 - 1) Take the individual into custody;
 - 2) Release the individual following the issuance of a citation to appear in the appropriate court.

264.6: REPORTING REQUIREMENTS

Officers shall complete a narrative report regarding the circumstances and disposition of the incident.