



GOODYEAR POLICE DEPARTMENT

Policy and Procedure Manual

POLICY 3.11 ARREST PROCEDURES

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Approved:


1. PURPOSE AND SCOPE

1. It is the policy of the Goodyear Police Department to ensure that its officers carry out their duties regarding arrest procedures in a manner that is consistent with the laws of the State of Arizona, U.S. Constitutional guarantees, and Ordinances of the City of Goodyear. It is also the procedure of the Goodyear Police Department to report all arrests, regardless of type, on an original Departmental Report (DR) or on a supplement to the original DR.
2. When making an arrest or detention of a person, employees shall strictly observe the laws of arrest as set forth in the Arizona Revised Statutes (ARS), applicable court decisions, federal laws and local ordinance. It is the employee's responsibility to be aware of and comply with any changes in the law or requirement of new court decisions.

2. DEFINITIONS

1. Definitions related to this policy include:
 - A. RELEASE QUESTIONNAIRE (FORM 4)
 1. This is a County form which indicates information regarding the offense. This form is for the prisoner's file and accompanies him/her to court.
 - B. FORM 4A
 1. A single-sided County form to be filled out for fugitive arrests. This form is for the prisoner's file and accompanies him/her to court.
 - C. INMATE PROPERTY INVENTORY
 1. A two-part County form used to record the subject's property. One part of this form is retained in the prisoner's file the other copy is given to the prisoner.

3. ESSENTIAL ELEMENTS OF ARREST

1. Intent on the part of the person making the arrest.
2. Lawful authority on the part of the person making the arrest.
3. Seizure or detention of the arrestee.
4. Understanding on the part of arrestee that they have been arrested.

4. ARREST PROCEDURES

1. Employees may use only the restraint necessary to assure the safety of employees, citizens and the arrested subject.
2. All circumstances of the use of restraints shall be documented in a department report. For a standard arrest, this may just be a sentence stating the individual was arrested and handcuffed.
3. When handcuffs are applied, Goodyear Police Department policy on handcuffing will be followed.
4. Advise the arrested subject of the reason for the arrest as soon as practical.
5. Conduct a search of the subject for weapons and/or contraband as soon as reasonable after the arrest and always prior to being transported.
6. In all cases, a Department Report shall be completed detailing the circumstances of the arrest or the justification for the application of handcuffs/restraints if the person is released and not charged.

5. TYPES OF ARREST

1. There are two basic types of arrest: (1) arrest with a warrant and (2) arrest based on probable cause without a warrant.

A. ARREST BY WARRANT

1. Under Arizona Revised Statutes, an officer may arrest any person based upon a valid misdemeanor or felony warrant. It is the responsibility of the officer executing the warrant to determine that:
 1. The suspect is the one for whom the warrant was issued confirmed by the Date of Birth (DOB), social security number (SSN), physical description, fingerprint, photograph, or other means of positive identification.
 2. Only sworn officers shall affect a physical arrest during the execution of an arrest warrant.
 3. The requisites for a valid warrant are:
 - a. It is issued in the name of the "State of Arizona."
 - b. It must specify the name of the person whose arrest is ordered, if it be known. If unknown, then some reasonably definite description must be given of the person.
 - c. It must state that the person is accused of some offense against the laws of the State of Arizona, naming the offense.
 - d. It must be signed by a magistrate or judge, and his office must be named in the body of the warrant, or in connection with his signature.
 4. No arrest shall be made on a warrant until the warrant has been confirmed.
 - a. On warrants from the Goodyear Municipal Court, the officer shall confirm with Communications that the warrant is still valid. Communications shall check the warrant files.
 1. The warrant files contain the physical hard copies of active warrants. Communications must have the actual warrant in hand to confirm it.
 - b. If the subject is arrested and booked by another agency on a misdemeanor warrant issued out of the Goodyear Municipal Court:
 1. Communications will annotate the arrest/booking information on the warrant jacket and within the department computerized warrant file.
 2. The original warrant will be forwarded directly to the Goodyear Municipal Court for processing purposes.
 - c. Warrants from other agencies shall be considered valid upon confirmation from Communications.
 1. It is the responsibility of the agency originating the warrant to ensure that their warrant is removed from the Arizona Crime Information Center (ACIC)/National Crime Information Center (NCIC) when an arrest on their warrant is made by one of our officers.
 2. Communications will contact the originating agency (by teletype when possible) and advise them that an arrest has been made on their warrant by the Goodyear Police Department.
 3. During each warrant service execution, Communications personnel will recall the computerized warrant record and annotate the following information within the narrative of the record:
 - 1) Date and time service was executed/ attempted.
 - 2) Name of officer(s) executing / attempting service.
 - 3) Name of person on whom the warrant was served.
 - 4) Method of service/reason for non-service.
 - 5) Address of service attempt.

4. All subsequent service attempts will be annotated in the narrative of the applicable record.
 5. If it is necessary to establish identity before a person is booked into jail on a warrant, a fingerprint check will be made using the Goodyear Police Department's Automated Fingerprint Identification System (AFIS) workstation. A check for a photograph will be made using the Goodyear Police Department's Mug Photo Interface (MPI) system.
 6. Officers will not enter a private residence in pursuit of individuals with misdemeanor warrants.
 7. Arrest by Juvenile Warrant - Communications personnel will verify juvenile warrants by contacting the Maricopa County Juvenile Probation Department.
 - a. Juvenile warrants are only valid until the age of 18 years.
 - b. A juvenile arrested on a felony warrant will be detained at Durango unless a Remand Order has been issued.
 - c. If a Remand Order has been issued, the juvenile will be booked into the Maricopa County Jail as an adult.
- B. ARREST WITHOUT A WARRANT**
1. Officers may arrest without a warrant under the following conditions:
 1. A peace officer may, without a warrant, arrest a person if he has probable cause to believe that:
 - a. A felony has been committed and probable cause to believe the person to be arrested has committed the felony.
 - b. A misdemeanor has been committed in his presence and there is probable cause to believe the person to be arrested has committed the offense.
 - c. The person to be arrested has been involved in a traffic accident and violated any criminal section of Title 28 of the Arizona Revised Statutes, and that such violation occurred prior to or immediately following the traffic accident.
 - d. A misdemeanor has been committed and there is probable cause to believe the person to be arrested has committed the offense. If a person is arrested under these circumstances, they are eligible for release by issuing a written notice to appear and complaint (citation in lieu of detention). Domestic violence is the only misdemeanor offense that is exempt from these provisions.
 - e. Physical arrests will not be made for petty offenses.
 2. A peace officer may stop and detain a person to investigate an actual or suspected violation of any traffic law committed in the officer's presence and may serve a copy of the traffic complaint for any alleged civil or criminal traffic violation. A peace officer who serves a copy of the traffic complaint shall do so within a reasonable time after the alleged criminal or civil traffic violation.
 3. If justified, or identity has not been met in accordance with ARS, or the arresting/citing officer has reasonable suspicion to believe that the true identity has not been established, the issuing officer shall establish the true identity through the use of the Goodyear Police Department's AFIS workstation and/or the MPI system.
 4. Officers shall not forcibly enter private residences in pursuit of misdemeanor suspects when no warrant exists.

6. OTHER ARREST

A. FUGITIVE OF JUSTICE

1. A fugitive is any person wanted by any law enforcement agency outside the State of Arizona on a verified felony warrant. A felony warrant for the arrest of a wanted subject by any law enforcement agency outside the State of Arizona will be honored if received

from a law enforcement agency, correction agency, or other public authority with powers of prosecution and extradition.

1. Confirmation of the warrant shall include verification that extradition has been authorized prior to conducting a physical arrest.
2. Warrants should contain the following information, regardless of how they are received:
 - a. Warrant number, date of warrant, judge, and issuing agency.
 - b. Charges.
 - c. Subject's full name.
 - d. Subject's date of birth.
 - e. Physical description.
 - f. Date, time, and name of officer authorizing the hold.
 - g. Bond amount, if any, and Court address.
 - h. Statement that the demanding agency will extradite.
 - i. County and State where the warrant was issued.
3. Letters requesting arrests from other agencies will be honored if accompanied by copies of the complaint and warrant, a statement that extradition has been authorized, and that the warrant has been entered into NCIC. Warrants by telephone usually will not be honored except in unusual or emergency cases. The issuing agency will be asked to FAX the required warrant and extradition information immediately following the telephone call and give an explanation as to why this warrant could not have been entered into NCIC. Under these circumstances, a sworn supervisor must authorize the arrest before it can be made.
4. The arresting officer will determine that the person about to be arrested is the person named on the demanding agency's warrant and will advise the defendant of the charge, the agency that has requested the arrest, the fact that a warrant has been issued, and the amount of any bail.
5. The suspect will be booked as a "Fugitive from Justice", per ARS. A Fugitive from Justice Booking Release Form 4A required by the Maricopa County Sheriff's Office (MCSO) will be completed by the arresting officer.
6. Desertion warrants will be handled in the same manner as a Fugitive from Justice.

B. NCIC ARRESTS

1. When a fugitive suspect is detained based on information received through ACIC/NCIC, the following procedure will be used:
 1. The arresting officer will advise Communications to confirm the warrant and if extradition is authorized.
 2. Communications will send a Hit Confirmation Request through the CJIS system to verify validity of the warrant, extradition and other qualifying items on the warrant. If the responsible agency does not reply, and second Hit Confirmation Request will be sent, and Communications personnel will call the responsible agency directly.
 3. If the warrant is no longer valid, the suspect will be released if there are no other charges.
 4. If the warrant is valid, but extradition is denied, the suspect will be released if there are no other charges. The officer will enter comments in his call for service notes or incident report that extradition has been denied.
2. If the warrant is valid, but the issuing agency is unable to immediately confirm extradition (County Attorney not available, Records Unit closed, etc.) the suspect will not be booked. However, photographs and fingerprints will be obtained and the person's address and place of employment confirmed. Communications personnel will send a teletype via

NLETS to the responsible agency with information regarding the release of the subject, and any information obtained on the subject.

C. FOREIGN FUGITIVES

1. Information on subjects wanted by foreign countries is available in NCIC. Special inquiries into this file are not required, as all wanted person file inquiries will be searched against the Foreign Fugitive File. If a positive response is received, the following procedure will be used:
 1. The subject will be taken to the Goodyear Police Department for follow up investigation and a supervisor notified.
 2. INTERPOL will be contacted and advised of the situation. INTERPOL will confirm or deny the warrant and attempt to estimate how long it will take to verify extradition.
 3. If INTERPOL confirms the warrant and there are no other charges, the subject will be booked into MCSO with a "hold" for INTERPOL.
 4. If INTERPOL cannot confirm the warrant, the subject will be released unless there are other charges, and an Incident Report will be prepared for entry by the officer into the Records Management System.
 5. If the subject is not a United States citizen, the Immigration and Naturalization Service (INS) will also be contacted to determine if an immigration violation exists.
 6. If so, the subject will be booked into MCSO with a "hold" for Immigration.
 7. If no immigration violation exists, the subject will be released unless there are other charges, and an Incident Report will be prepared for entry into the Records Management System.
 8. Holds may be placed for both INTERPOL and INS. Immediately after contacting the issuing agency; Telecommunications will be contacted and informed of the disposition of the wanted person so a teletype can be sent to the responsible agency via NLETS.

D. IMMUNITY FROM ARREST

1. Certain privileges from arrest for witness/s under subpoena are provided for in ARS. Immunity and certain privileges from arrest for Legislators are archived in the Arizona Constitution.
 1. Witness privilege from arrest: A witness under subpoena shall be privileged from arrest, except for treason, felony and breach of the peace, during his traveling to and from court to his residence.
 2. Arizona Constitution Article 7 section 4 provides the following accommodation privilege regarding arrest: Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at any election or in session while going to and from their residence.
 - a. Legislators are immune from arrest and are not subject to any civil process, including civil traffic citations, while the Legislature is in session, for 15 days prior to the start of the session, and while traveling from their residences to attend a session or returning home from a session.
 - b. Officers will make arrests for misdemeanors only in cases of an offense by violence, an immediate disturbance of the public order (i.e., assault), or for driving a motor vehicle while under the influence of an intoxicating liquor.
 - c. Both immunities note they do not apply in crimes of treason, felonies, or misdemeanors amounting to a breach of the peace. The interpretation of a breach of peace and the decision to arrest will be referred to a supervisor in all cases.

E. CONSTITUTIONAL REQUIREMENTS – ADULT AND JUVENILE INTERVIEWS AND INTERROGATIONS

1. Under no circumstances will any types of threats, promises, or agreements be used to obtain a confession or admission from an individual relative to any criminal activity.
 1. If the suspect is in custody, or not free to leave, or the suspect believes that they are not free to leave, they will be read their Miranda Rights directly from the Juvenile Miranda Form (for juveniles) or the Miranda Form (for adults).
 2. The defendant shall acknowledge their understanding of their constitutional rights prior to any interview/interrogation.
 3. The officer shall make every attempt to explain the Miranda Rights to the defendant if the defendant is unsure of their rights. If a defendant refuses to answer any questions or states that they do not comprehend their Miranda Rights, even after an officer's explanation, no further questions shall be asked of the defendant. This shall be so noted in the officer's report.
 2. Access to Counsel. All defendants have the constitutional right to legal counsel prior to and during questioning.
 1. If legal counsel is requested by the defendant, every reasonable effort shall be made to allow the defendant to make such contact, or no questioning shall be conducted. It is the responsibility of the defendant to contact legal counsel. (GPD will provide the means: access to a telephone and a telephone book. For further information regarding procedures on access to legal counsel regarding temporary holding facilities see the GPD policy on Temporary Holding Facilities.)
 2. If the suspect refuses to answer questions without an attorney present, no further questions shall be asked, and this shall be so noted in the officer's report. If the suspect initiates a conversation with the interviewer about the crime, the officer will clarify the suspect's desire to talk without an attorney present, and if the suspect waives this right, the interview shall continue.
 1. Arraignments. All defendants shall be arraigned in a timely manner without undue delay.
 1. Any unreasonable delays shall be noted in the report.
 2. Pre-trial publicity that might prejudice a fair trial shall be kept to a minimum.
- F. CLASS 6 FELONIES DESIGNATED AS MISDEMEANORS
1. In any case in which a person is arrested for a Class 6 Felony that the Maricopa County Attorney's Office does not retain jurisdiction pursuant to current charging guidelines (See the Maricopa County Attorney's Office Prosecution Policies and Procedures available in PowerDMS) the officer shall complete a citation, and include the DR.
- G. ARRESTS IN OUTSIDE JURISDICTIONS
1. Goodyear Police Officers must have their immediate supervisor's permission before leaving Goodyear City limits to make a probable cause or warrant arrest. For arrests involving potentially violent subjects, officers must also notify the jurisdiction in which the arrest is to be made and request a local uniformed officer be present, unless exigent circumstances exist.

7. PAPERWORK TO BE PROCESSED FOR AN ARREST

1. All persons shall be booked at the Jail in which they will be held. All documents and/or original citations need to go with the written report to the Records Unit. The following forms shall be completed in the arrest process:
 - A. FELONY (IN CUSTODY AND LONG FORM)
 1. MCAO submittal form
 2. Law Enforcement Statement of Investigations Status (LESIS)
 3. Release Questionnaire (Form 4)
 4. Victim Rights Form

5. DV Related Intimate Relationships Only – Form 4(c): Intimate Partner Risk Assessment
6. Any additional supporting documents
- B. MISDEMEANOR
 1. A citation should be issued if the subject is contacted and released
 2. If the subject is booked into jail, write “In Custody” in the signature line and do not issue a court date (This is if they are booked on the citation charges only. Do not write “In Custody” if they are booked on unrelated charges e.g. warrant.)
 3. DV Related Intimate Relationships Only – Form 4(c): Intimate Partner Risk Assessment
 4. City Submittal Form if long form charges are requested
 5. Victim Rights Form
 6. Any additional supporting documents
- C. JUVENILE
 1. Citations may be issued for a juvenile for the appropriate charges (e.g. misdemeanors and title 4 offenses)
 2. All felony and title 13 offenses (except tobacco) shall be submitted on a paper referral consisting of the following:
 1. Juvenile Referral
 2. Juvenile Affidavit - Notarized
 3. All felonies need a Release Questionnaire (Form 4)
 4. Victim Rights Form
 5. DV Related Intimate Relationships Only – Form 4(c): Intimate Partner Risk Assessment
 6. Any additional supporting documents
- D. ARREST/BOOKING RECORD
 1. Officers who are assigned to process persons that have been arrested and brought to the police facility on charges from this agency or Goodyear City warrants shall:
 1. Complete the MCSO Booking Procedures.
 2. Utilize the AFIS and the MPI System. If the AFIS Scanner is out of service, three ten-print cards and a disposition form will be taken of the arrested individual.

8. MANDATORY FINGERPRINT REQUIREMENTS

1. A.R.S prohibits a person arrested for any felony, sex offense, any domestic violence or DUI offense from being released, including citing and releasing, until that person provides a right index fingerprint to the arresting agency or a complete ten-print fingerprint.
2. When sending an arrest or long form submittal to court/prosecutor, the records division will forward a copy of the disposition obtained by the officer/detective during the arrest. In a case where the arrestee cannot be fingerprinted (combative, hospitalized, etc...), the arresting officer must complete the Mandatory Fingerprint Compliance Form (MDCF). This is a four (4) part form that will be handled in the following manner:
 - A. Officer will complete the top portion of the MDCF form, inking the right index finger on the WHITE, YELLOW and PINK copies if possible.
 - B. WHITE and YELLOW copies go to the MDCF “inbox” physically located in the temporary holding facility above the fingerprint station. PINK gets turned in with case report in case envelope. GOLD goes to defendant at time of arrest.
 - C. Officer explains to defendant at time of arrest that he/she needs to return to the Goodyear Police Department prior to court appearance and that failure to do so may result in the defendant being taken into custody at court appearance until he/she is fingerprinted.

- D. Prior to court appearance the defendant will come to the Goodyear Police Department Monday-Friday between 0900-1500 hours. The dispatched officer will then find the associated WHITE and YELLOW copies for that defendant (after identity is confirmed) which will still be in the MDCF "inbox" located in the temporary holding facility above the fingerprint station.
- E. The officer will then fingerprint and photograph the defendant on Livescan (01) and MPI. If the Livescan is down, then officer will produce three (3) quantity 10-print cards and disposition sheet.
- F. The officer will then complete the bottom portion of the WHITE and YELLOW copies of the MDCF indicating that fingerprints are now on file.
- G. The completed YELLOW copy then goes to the defendant as proof that he/she can provide to the court.
- H. The WHITE copy and associated disposition from Livescan are then put in a case envelope to be forwarded to the Records Unit.