

MESA POLICE Department Policy Manual	Arrest Procedures - General	DPM 2.4.15 Effective 02/07/2013 Revised 04/14/2025
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1. PURPOSE

This policy provides Mesa Police Department (MPD) members with arrest guidelines and procedures.

2. DEFINITIONS [ALEAP 1.13]

Arrest: [ARS 13-4401.3](#) defines arrest as “*the actual custodial restraint of a person or the person’s submission to custody.*” An arrest must be supported by probable cause. Generally, according to Fourth Amendment case law, the test of whether an arrest has taken place is whether a reasonable person under the circumstances would have felt that they were free to leave at the time of their seizure. Thus, if the circumstances surrounding a seizure would be viewed by a reasonable person as indicating that he or she would not be free to leave for an indefinite or extended period of time, then that person has been placed under arrest.

Criminal Offense: Conduct that gives a peace officer or prosecutor probable cause to believe that a felony, misdemeanor, petty offense, or a violation of a local criminal ordinance has occurred.

Intake, Transfer, Release (ITR): The name for the intake/processing area at Maricopa County Sheriff’s Office (MCSO).

Probable Cause (PC): When known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a person of reasonable caution or prudence in the belief that the person to be arrested has committed, is committing, or is about to commit a crime. It must be emphasized, however, that probable cause must be based upon concrete facts. Mere suspicion, rumor, or anonymous information without supporting facts will not suffice to establish probable cause.

3. GENERAL [ALEAP 1.13A-B]

3.1 Arrest Protocols

- A. Observe laws of arrest in [Title 13](#).
- B. Have probable cause to arrest and/or an arrest warrant.
- C. May use objectively reasonable force to effect a lawful arrest. Refer to [DPM 2.1.1 Use of Force](#) for guidelines.
- D. Responsible for the safety and protection of the person arrested.
- E. In case of injury, apparent illness, or other medical condition, see that the arrested person receives medical attention. Reference [DPM 2.4.75 Prisoners – Sick or Injured](#)

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1. Advise immediate supervisor as soon as practical and document all circumstances in incident report.
- F. Confirm warrants as directed by MPD policy. See [DPM 2.4.25 Warrant Arrest](#).
 1. If a suspect denies being the subject of the warrant, include facts supporting identification in the incident report.
- G. Follow identification and age verification guidelines as outlined in [DPM 3.1.10 Suspect Identification](#).
- H. When an individual who has been arrested is conveyed from a scene directly to an MPD facility or MCSO, a review of the circumstances of the arrest (Form IV/Complaint) shall occur per the guidelines below with the reviewer attesting to the fact they have determined probable cause exists to make an arrest by approving the Form IV/Complaint.
 1. Felony charges shall be approved by a sworn sergeant or lieutenant.
 2. Misdemeanor charges shall be approved by a Field Training Officer (FTO) participating in the FTO Program, sergeant or lieutenant.
 3. If a supervisor effects an arrest (for felony or misdemeanor) the next higher rank shall be the approver.
 4. In the event it is determined probable cause is lacking for an arrest, the prisoner shall be released immediately.
- I. When a suspect is transported to the MPD Holding Facility or MCSO, ensure [DPM 2.4.60F4 Mesa Police Department Booking Checklist](#) is completed.
- J. See [DPM 2.4.20 Special Arrest Procedures](#) if any of the following persons are to be arrested:
 1. Diplomat;
 2. Foreign national;
 3. Member of the State legislature;
 4. Military personnel; or
 5. Those arrested as a result of a citizen's arrest, surety arrest, or fugitive warrant.

3.2 Discretion

- A. When applying the law, exercise judgement and discretion within the limits of statutory authority and Department policy.
 1. Whenever a question or doubt is raised regarding the exercise of discretion, contact a supervisor and resolve the matter.
- B. Members have the following options in most situations dealing with violators:
 1. No police action necessary/release.
 2. Warning at member's discretion.
 3. Referral to social agency.
 4. Citation.
 5. Long Form Complaint.
 6. Physical arrest.

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3.3 Arrest Without Warrant

- A. Authorized if a felony, misdemeanor, or petty offense has been committed and there is probable cause the person has committed the crime; or
- B. The person is involved in an accident and violated a criminal section of [Title 28](#) prior to or immediately following the accident.

3.4 Arrest/Charging Options

- A. Misdemeanor in-custody:
 1. Member has discretion to cite and release if person signs citation.
 - a. Exceptions:
 - See [DPM 2.4.10 Cite & Release Protocols](#) for exceptions to cite & release conditions.
 - Domestic Violence arrests. Refer to [DPM 3.1.35 Domestic Violence Protocols](#).
- B. Felony:
 1. Take into custody and book; or
 2. Long form complaint.

3.5 Multiple Counts/Charges

- A. In all instances involving citations and physical arrests, do not list multiple counts unless there are clear-cut violations.
- B. If multiple misdemeanor offenses exist, book on all charges.

3.6 MPD Felony & Misdemeanor Occurring in Same Incident

- A. Transport to the MPD Holding Facility for processing and book on misdemeanor and felony charges.
 1. File both misdemeanor and felony charges through the same court (do not issue citations for the misdemeanor charges).

3.7 Combative Prisoners

- A. Explain to the prisoner the choice of either remaining orderly/cooperative or being transported directly to the ITR facility.
 1. If the prisoner complies, book into the MPD Holding Facility under normal procedures.
 2. If the prisoner does not comply, transport the prisoner to the ITR by two sworn officers. See [DPM 2.4.80 Transporting Prisoners – Other than Holding Facility Van](#).

3.8 Criminal History Check

- A. A criminal history check will be completed on all suspects arrested either by physical arrest or cite and release.

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1. At minimum, a criminal history check will include an AHQH (NCIC iii Inquiry) check and an RMS check.
2. If additional follow-up is needed, it will be requested before the suspect finishes the booking/cite and release procedures.
- B. The following procedures shall apply:
 1. **Physical custody arrest:** Criminal history check shall be completed prior to requesting Form IV approval.
 2. **Cite and Release arrest:** Criminal history check shall be completed to ensure that the subject meets the criteria for cite a release pursuant to [DPM 2.4.10 Cite & Release Protocols](#).
 3. **Warrant arrest:** Criminal history check shall be completed as part of the booking process or turning over the suspect to another agency.
 4. **Juvenile referral:** Criminal history check shall be completed before the juvenile is released from custody.
- C. Document in the incident report that a criminal history check was completed.
 1. If the suspect has a criminal history, submit the copies as an attachment to the report.
- D. The only exception to this procedure is for minor traffic citations such as Suspended Driver License – Court Action Required, where a telephone is not available on the traffic stop.

4. MANDATORY FINGERPRINTING

[ARS 41-1750](#) mandates fingerprinting for all persons charged with misdemeanor offenses of [Title 28, Chapter 4 \(DUI\)](#), [Title 13, Chapter 14 \(Sex Offenses\)](#), and [Title 13, Chapter 36 \(DV\)](#). Members shall use the following procedures:

- A. If suspect is cited and released after obtaining photographs and a complete fingerprint set:
 1. Check "YES" for "Defendant Ten Printed?" on the citation.
 2. Do not complete [DPM 2.4.15F5 Mandatory Fingerprint Compliance](#) form.
- B. If suspect is cited and released without obtaining photographs and a complete fingerprint set at the MPD Holding Facility:
 1. Obtain the defendant's right index fingerprint on the "Law Enforcement" and "Court" copies of the citation.
 2. Complete [DPM 2.4.15F5 Mandatory Fingerprint Compliance](#) form.
 - a. Sign and date the form.
 - b. Request a signature from the defendant.
 - If the defendant refuses, write "refused" on the defendant's signature line.
 - c. Serve the defendant with the "Defendant's Copy" of the form.

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5. ADVISEMENT OF MIRANDA RIGHTS

5.1 Miranda Applicability

- A. Before Miranda will be found to apply, two requirements must be satisfied:
 - 1. The suspect must be in custody.
 - 2. The member must interrogate (or its functional equivalent) the suspect or make a statement designed to elicit a response.
- B. Whenever a member arrests, or otherwise takes custody of a person, and the member intends to question the person about incidents, actions, or conduct which is criminal in nature, the member shall advise the person arrested of their Miranda Warnings.
 - 1. If the member asks a question and the suspect is not in custody, Miranda is not applicable.
 - a. In deciding whether or not the suspect is in custody, the fact that the police investigation has, or has not, focused on that suspect is irrelevant. Whether a suspect is, or is not, in custody as of a particular moment is to be determined by whether a reasonable person in that position would have believed they were, or were not, free to leave at that moment. The ultimate inquiry is whether there is either a formal arrest or *“restraint on freedom of movement of the degree associated with a formal arrest”*.
- C. Miranda Warnings do not cover a “volunteered statement”. If a suspect, without being questioned, spontaneously makes an incriminating statement, that statement may be introduced against them, despite the absence of Miranda Warnings.
- D. A suspect may exercise their right to remain silent, or to have a lawyer present, at any time during questioning.
 - 1. Even if a suspect at first indicates that they will waive their rights to remain silent and right to have an attorney present, if they change their mind at anytime, the interrogation shall cease.
- E. See [DPM 3.1.20 Interrogation Protocols](#) for further information.

5.2 Advise ment of Rights

- A. If the suspect is an **adult**:
 - 1. Read verbatim from [DPM 3.1.5A1 Miranda Warning Card](#).
- B. If the suspect is a **juvenile**:
 - 1. Read verbatim from [DPM 3.5.5F2 Juvenile Miranda Warnings](#).
- C. General guidelines for information to include in the departmental report:
 - 1. That advisement of rights was given.
 - 2. The suspect understood the advisement.
 - 3. If the suspect waived rights and how the waiver was given (include the suspect’s **exact words**).

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4. If the suspect exercised their rights to remain silent and/or the assistance of an attorney.
5. Any witnesses to the advisement of rights.

5.3 Voluntary Request to Speak to an Officer

- A. If a suspect voluntarily requests to speak to a member, advise of Miranda rights and record the conversation on On-Officer Body Camera (OBC) or by other approved electronic method.
 1. If OBC is not available, complete and have the suspect sign [DPM 3.1.5F6 Statement of Facts](#).
 2. If the suspect then waives their rights, the interview/interrogation may continue.
 3. If during the questioning the suspect changes their mind, the interrogation shall cease.

6. MIRANDA WARNING EXCEPTIONS

6.1 Miranda Exceptions

- A. Miranda Warnings do not apply to the following non-custodial situations (the list is not all-inclusive):
 1. Brief questioning at the scene.
 2. Identification procedures such as fingerprinting or conducting a line-up.
 - a. Questioning during booking, other than routine booking questions, may require Miranda Warnings.
 3. Volunteered spontaneous statements.
 4. Brief investigative detention or stop and frisk.
 5. Roadside questioning during a routine traffic stop.
 6. Questioning by private persons (i.e., non-government agents).

6.2 Public Safety Exception

- A. When a member urgently needs information from a suspect because lives are in imminent danger, the member may delay giving Miranda Warnings until sufficient information is received to dispel the emergency.
 1. This applies in very limited circumstances.
 2. A genuine life-threatening emergency must exist.

7. DNA SAMPLES

7.1 Required DNA Collection

See [HFM 4.5 DNA Collection](#) for mandatory DNA collection requirements.

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7.2 Voluntary DNA Samples

- A. When performing a custodial arrest, if DNA collection is not required under [HFM 4.5 DNA Collection](#), members should consider requesting consent to search from the custodial prisoner to obtain a voluntary DNA sample.
 1. MPD Holding Facility personnel are authorized to collect a voluntary DNA sample from the prisoner at the request of the arresting/case officer.
 2. When obtaining the DNA, members should use a buccal swab.
 3. Complete [DPM 2.2.35F6 Consent to Search \(DNA\)](#) and attach to the report.
 4. DNA obtained from a prisoner through consent is authorized for entry into CODIS's local database tier.
 5. DNA consent can be revoked by the prisoner at any time, in which case the DNA will be removed from the local CODIS database.
 6. DNA samples collected through consent will be submitted into property as evidence as outlined in [DPM 3.2.50 Impounding Evidence and Property – Special Handling](#)
- B. If a prisoner refuses to give a voluntary sample, the member must have PC and a search warrant in order to obtain an involuntary sample.

8. PHYSICAL ARREST & BOOKING PROCEDURES

See [DPM 2.4.15A1 MPD Booking Procedures Quick Reference Guide](#).

9. ADDITIONAL CHARGES OR WARRANTS AGAINST MCSO JAIL PRISONERS

- A. Additional misdemeanor charge:
 1. Cite and release (prisoner signs citation at jail).
 2. List new charge on jail booking form (called a "Page Two" – see [DPM 2.4.85 In-Custody Protocols](#)).
 3. Long form complaint.

10. SPECIAL CIRCUMSTANCES REQUESTING SUSPECT BE HELD

See [DPM 2.4.85 In-Custody Protocols](#).

REFERENCES

- [ARS Title 13 – Criminal Code](#)
- [ARS 28 – Transportation](#)

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- [ARS 41-1750 Central state repository](#)
- [DPM 2.1.1 Use of Force](#)
- [DPM 2.2.35F6 Consent to Search \(DNA\)](#)
- [DPM 2.4.10 Cite & Release Protocols](#)
- [DPM 2.4.15A1 MPD Booking Procedures Quick Reference Guide](#)
- [DPM 2.4.15F5 Mandatory Fingerprint Compliance](#)
- [DPM 2.4.20 Special Arrest Procedures](#)
- [DPM 2.4.25 Warrant Arrest](#)
- [DPM 2.4.60F4 Mesa Police Department Booking Checklist](#)
- [DPM 2.4.75 Prisoners – Sick or Injured](#)
- [DPM 2.4.80 Transporting Prisoners – Other than Holding Facility Van](#)
- [DPM 2.4.85 In-Custody Protocols](#)
- [DPM 3.1.5A1 Miranda Warning Card](#)
- [DPM 3.1.5F6 Statement of Facts](#)
- [DPM 3.1.10 Suspect Identification](#)
- [DPM 3.1.20 Interrogation Protocols](#)
- [DPM 3.1.35 Domestic Violence Protocols](#)
- [DPM 3.2.50 Impounding Evidence & Property – Special Handling](#)
- [DPM 3.5.5F2 Juvenile Miranda Warnings](#)
- [HFM 4.5 DNA Collection](#)