

MESA POLICE Department Policy Manual	Special Arrest Procedures	DPM 2.4.20 Effective 04/06/2012 Revised 07/17/2024
Approved by: Chief of Police	Chapter: Arrests & Prisoners	Page: 1 of 7

1. PURPOSE

This policy provides Mesa Police Department (MPD) members with guidelines regarding special arrest procedures for out-of-state fugitives, demands, non-support/desertion, arrests by citizens, surety arrests, military personnel, members of the legislature, and foreign diplomats.

2. DEFINITIONS

Fugitive: Any person wanted by a verified warrant with provision to extradite by any law enforcement agency outside the state of Arizona.

3. FUGITIVE ARRESTS

This procedure will be used when any person has a verified warrant outside the state of Arizona and the agency will extradite back to their jurisdiction.

3.1 Officer

- A. Verify the following:
 1. Suspect is the person on the warrant.
 2. Warrant is outstanding.
 3. Agency will extradite.
- B. Tell the fugitive the charge, the agency holding the warrant, and show the warrant to the suspect upon request to see it.
- C. Book the suspect into the MPD Holding Facility on Fugitive of Justice (FOJ) charges ([ARS 13-3842](#)).
- D. Take confirmation teletype to the MPD Holding Facility.
- E. Complete the required information in the Maricopa County Sheriff's Office (MCSO) pre-booking computer.

3.2 Communications

- A. Verify warrant status in NCIC/ACIC upon request of an officer.

4. DEMANDS

4.1 Procedures

- A. Must be on file prior to arrest, unless serious offense or possibility of escape, then arrest may be made on telegraphic or teletype warrant.

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1. Honored if another agency will extradite. Confirm extradition is authorized.
2. Supervisor must authorize prior to arrest.
3. MPD must have certified copies of complaint and warrant.

4.2 Required Information for Demands

- A. Name of defendant as shown on warrant.
- B. Charge as shown on warrant.
- C. Warrant number.
- D. Date of issue of warrant.
- E. Name of the judge and court having authority to issue warrant.
- F. County and state where the warrant was issued.
- G. Bond, if any.
- H. Statement that demanding agency will extradite.

4.3 By Letter

- A. Honored if accompanied by certified copies of the complaint and warrant and statement that extradition is authorized.

4.4 By Telephone

- A. Honored only in unusual or emergency cases.
- B. Agency required to send teletype with required information.
- C. Document information in departmental report (GO).
- D. Transport suspects arrested on demands to MPD Holding Facility.

5. NON-SUPPORT OR DESERTION

- A. If there is no prior arrest for the same charge from the same agency, the demand will be honored and a GO written.
- B. If there is a previous arrest for the same charge from the same agency (shown by MPD or MCSO records), refer the out of state demand to the Reciprocal Support Division of the Maricopa County Attorney's Office (MCAO).

6. ARREST BY CITIZEN

6.1 Authority ([ARS 13-3884](#))

- A. A private person may make an arrest when the person to be arrested has, in their presence, committed a misdemeanor amounting to a breach of the peace or a felony.

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- B. A citizen may make an arrest when a felony has in fact been committed and they have reasonable grounds to believe that the person to be arrested has committed it.

6.2 Elements

- A. Must have the following elements before the officer accepts the suspect:
1. Citizen has suspect in custody by actual restraint or suspect's submission.
 2. Citizen intends to prosecute.
 3. Citizen told suspect they are arrested and the offense for which they are arrested.
 4. Citizen made lawful arrest.
 5. Citizen must submit a written statement that they saw a breach of the peace or felony violation and they will appear in court to sign a formal complaint.

7. SURETY ARRESTS

7.1 Limitations

- A. [ARS 13-3885](#) sets limitations and requirements for surety and bail recovery agents.
- B. It is a class 5 felony for a bail recovery agent to do any of the following:
1. Enter an occupied residential structure without the consent of the occupants who must be present at time of entry.
 2. Make a bail arrest or apprehension without written authorization from a bail bond agent licensed in Arizona.
 3. Wear, carry, or display any badge or insignia that implies that the bail recovery agent is a representative of any city, county, state, or federal government. They may display identification indicating bail recovery agency only.
 4. Authorize or permit any person convicted of theft, any felony, or any crime involving the carrying of or illegal use or possession of a deadly weapon or dangerous instrument to act as a bail recovery agent.

7.2 Procedures

- A. Subject has warrant:
1. Confirm warrant and extradition.
 2. Advise bounty hunter the officer will contact subject without their assistance.
- B. Subject has warrant and is located:
1. Book on warrant.
- C. Subject does not have warrant:

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1. The officer will not assist in locating or apprehending the subject.

8. MILITARY PERSONNEL ARRESTS

8.1 Procedures

- A. Contact the appropriate military authority and notify of arrest.
- B. If the arrest is for criminal activity:
 1. Handle as any civilian prisoner.
 2. They are not immune from civilian prosecution when apprehended for criminal acts.
- C. Military personnel arrested for Absent Without Leave (AWOL) or Desertion:
 1. Book at the Maricopa County Sheriff's Office (MCSO) Intake, Transfer and Release (ITR) facility for violation of Title 50, Chapter 22, Article 86 of the Uniform Code of Military Justice and a "hold" for the appropriate military branch.

8.2 Police Action on Military Installations

- A. Assistance in detaining military personnel is provided by the installation's Military/Security Police.
- B. When assistance is needed, make the request to the Military/Security Police desk.
 1. The Military/Security Police, under routine situations, will arrange to have the suspect's commander bring the suspect to Military/Security Police Headquarters at a specified time (normally between 0800 and 1700 hours, Monday through Friday).
 2. Officers will be advised of the specific time the suspect may be picked up.
 3. Unless the suspect is wanted immediately on a felony warrant, notification of to the Military/Security Police will be made 24 hours in advance.
 4. In situations where the immediate arrest of a military suspect is necessary, the Military/Security Police will escort the officers to the individual or otherwise arrange for the individual's arrest.
- C. Officers conducting investigations on military bases notify the Military/Security Police upon entering the base.
 1. In cases where the installation is an Air Force facility, felony investigations are reported to the Air Force Office of Special Investigations (AFOSI) rather than to the Security Police.
 2. In particularly sensitive cases, both the Chief of Police and the AFOSI Commander are notified.

9. MEMBERS OF THE STATE LEGISLATURE

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- A. The Arizona Constitution provides members of the State Legislature privileges from arrest.
 - 1. The privileges cover arrest immunity except for treason, felonies, and breach of the peace.
 - 2. They are not subject to any civil process.
- B. These privileges are extended while:
 - 1. Legislators are enroute to or from the Legislature during the Legislative session; and
 - 2. For 15 days prior to the beginning of each session.
- C. The session begins annually on the second Monday in January and continues for 100 days or until adjourned.
 - 1. Special sessions may also be convened.

10. DIPLOMATIC PERSONS

10.1 Classifications

In addition to the following policy guidelines, refer to [ARS 28-1651](#) and [ARS 28-1652](#) for officer's duties pertaining to traffic violations involving diplomatic persons.

A. Diplomatic Agent:

- 1. The term assigned to ambassadors and the other diplomatic officers who generally have the function of dealing directly with the host country officials.

B. Members of the Administrative and Technical Staff:

- 1. Includes those persons who perform sophisticated and often sensitive duties but serve primarily in support of the activities of diplomatic agents.

C. Members of the Service Staff:

- 1. Perform ~~more menial~~ service-related tasks such as driving, cleaning, building and grounds maintenance.

10.2 Scope of Immunity

A. Diplomatic Agents:

- 1. Cannot be arrested or detained (inviolability).
- 2. Have complete protection from the search and seizure of their property.
 - a. Do not enter or search property or residences.
- 3. Have complete immunity from the criminal jurisdiction of the host state and cannot be prosecuted no matter how serious the crime.
- 4. Have complete immunity from an obligation to provide evidence as witnesses and cannot be required to testify, even when they have been the victim of a crime.

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B. Family members forming part of the household of diplomatic agents have the same privileges as the sponsoring diplomatic agents. This includes:

1. Spouses and children under the age of 21 (until 23 if they are full-time students at an institution of higher learning); and
2. Other such persons expressly agreed to by the U.S. Department of State in extraordinary circumstances.

C. Members of Administrative and Technical Staff have privileges identical to those of Diplomatic Agents in respect to:

1. Personal arrest/detention.
2. Immunity from criminal jurisdiction; and
3. Immunity from obligation to provide evidence as witnesses.
4. Recognized family members of the administrative and technical staff enjoy the same privileges from the host country's criminal jurisdiction as their sponsors.

D. Members of Service Staff have less privileges.

1. Only have official acts immunity (determined by U.S. courts with subject matter jurisdiction over the alleged crime, in full light of all the relevant facts, that the action complained of was an official act).
2. No personal inviolability (can be arrested and detained); and
3. No immunity from the obligation to provide evidence as witnesses.
4. Families of service staff have no privileges or immunities.

10.3 Authoritative Identity Document for Diplomatic Persons

- A. Identification card issued by the U.S. Department of State - Protocol Office.
 1. The identification card will be 3-3/4" x 2-1/2" and contain a photograph of the bearer.
 2. The bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and a U.S. Department of State seal will appear on the front of the card.
 3. A brief statement of the bearer's immunity is printed on the reverse side.
- B. While this form of identification is generally reliable, seek immediate verification:
 1. With any serious incident; or
 2. Where validity of the card is in doubt.
- C. If you have reason to question whether the person you are arresting or detaining is a U.S. citizen, inquire about nationality to determine if any consular notification applies. See [DPM 2.4.35 Immigration and Custom Enforcement Protocols](#).

11. FOREIGN NATIONALS

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- A. Arrest/Detention notification procedures for all foreign nationals (including illegal aliens):
1. Anytime a foreign national is arrested as an adult or detained as a juvenile at a Juvenile Court Center, see [DPM 2.4.35 Immigration and Customs Enforcement Protocols](#) for details.

REFERENCES

- [ARS 13-3842](#)
- [ARS 13-3884](#)
- [ARS 13-3885](#)
- [DPM 2.4.35 Immigration and Custom Enforcement Protocols](#)