

Private Persons Arrests (“Citizen’s Arrest”)

321.1 PRIVATE PERSONS ARRESTS PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private persons’ arrests made by the public, pursuant to UCA 77-7-3.

321.2 ADVISING PRIVATE PERSONS 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.
- (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.
- (c) “If a peace officer does not immediately exercise arrest powers or initiate criminal proceedings by citation or otherwise, they shall notify the victim of domestic violence of their right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of UCA 77-36-2.1” (UCA 77-36-2.2(2)(c)).

321.3 OFFICER RESPONSIBILITIES - PRIVATE PERSONS ARRESTS

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable 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 reasonable 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.

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- (b) Whenever an officer determines that there is reasonable 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 physical custody for booking.
 2. Release the individual pursuant to a Citation (Notice to Appear Form). The private person's name who made the arrest must appear on the citation (UCA 77-7-20(2)(f)).
 3. Release the individual and file a formal complaint with the District Attorney's Office through the Investigations (complaint route).

321.4 REPORTING REQUIREMENTS - PRIVATE PERSONS ARRESTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a witness statement form.

In addition to the witness statement (and any other related documents such as citations, booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.