



LAWS OF ARREST

Unit 2-3



- Every time an arrest is made, _____ MUST exist.
- When a felony has been committed, or there is reasonable ground to believe that a felony has been committed, _____ without a warrant may arrest
- “We have held that a court may ____ add words to an unambiguous (clear) statute, but must apply the statute _____. *State v. Lowe 2005*
- State government cannot deny to _____ within its jurisdiction the equal protection of the laws.

4th Amendment

- In *Payton v. New York*, 1980 the 4th Amendment _____ the police from making a _____ and _____ entry into a suspect's home in order to make a routine felony arrest.
- In order for an arrest to be valid today, the police must comply with the provisions of the _____, as well as their own _____ constitutions and statutes.
- “_____” is a term that eludes precise definition.
- Chapter _____: arrest, citation, and disposition alternatives
- The primary and most basic source of authority to arrest is by way of an _____.

- Whenever possible, officers should obtain an _____ based upon _____ before arresting any suspect.
- Officers will be protected against _____ for false arrest and/or imprisonment if the arrest occurred with a warrant that was proper on its face and the officer did not abuse his/her authority in executing warrant.



PROBABLE CAUSE

- Define Probable Cause:

- The focus in determining probable cause is not on the _____ that a crime was committed, but on the _____ of it.
- Don't have to be _____; *BUT*, you do have to be _____.
- Officers must develop _____ over time from perceptions of a variety of _____ and _____.
- Observations may _____ an officer in making an investigative stop. Furtive conduct will _____ by itself _____ to a finding of probable cause. Taken with other _____ it will lead to a strong showing.
- _____ v. New York (1968) ~ *"Deliberately _____ actions and _____ at the approach of strangers or law officers are strong indicia of _____ (a guilty mind), and when coupled with _____ on the part of the officer relating the suspect to the*

evidence of the crime, they are proper _____ to be considered in the decision to make an arrest.”

- ⑧ Flight in itself _____ independently support a probable cause finding.
- ⑧ Obviously untrue statements or implausible answers. These statements may _____ to a finding of _____.
- ⑧ Time of day can be a _____ in determining the existence _____.
- ⑧ An _____ to a crime may be all that is necessary to show Probable Cause or to _____.

Arrest & Warrants

- ⑧ Officer must _____ to the _____ and _____ that are described in the affidavit/complaint. Failure to swear invalidates the warrant.
- ⑧ Probable Cause to _____ focuses on the prior activities of the arrestee.
Probable Cause to _____ focuses on the present location of evidence.
- ⑧ _____ v. New York: In addition to the arrest warrant, officers must _____ probable cause to believe that the subject is home at the time of the entry.
- ⑧ 2935.12 When making an _____ or... executing a search warrant... officer _____ break down an outer or inner door or window of a dwelling house or other building
- ⑧ Officer ... shall _____ enter a house or building _____ described in the warrant.

- ☉ The officer need _____ have the warrant in his _____ at the time of the arrest.
- ☉ Law enforcement officers _____ legally search for the subject of the arrest warrant in the home of a third party without first obtaining a _____.
- ☉ Statutes generally provide an officer may arrest _____ a warrant any person who has committed a misdemeanor in the officer's _____.
- ☉ If the entire offense has been completed before the officer _____ on the scene, and order has been restored, under most state statutes the officer would have to procure a _____ before making an _____.
- ☉ _____ entry into an individual's home to make an arrest unless there is a clear need to do so is _____.
- ☉ The issuance of the citation is _____ an _____.



Fresh Pursuit

- ☉ The right of fresh pursuit across state boundary lines is generally confined by statute to _____.

Use of Force

- ☉ All claims that law enforcement officials have used excessive force... are properly analyzed under the Fourth Amendment's " _____ " standard
- ☉ The use of deadly force to prevent the _____ of ALL felony suspects, whatever the circumstances, is constitutionally _____.
- ☉ A police officer may _____ seize an unarmed, non-dangerous felony suspect by shooting him _____.

Police Authority to Detain

- 🚓 The officer must be able to _____ the reasons for his/her belief that criminal activity as being planned or was in the process of being executed
- 🚓 Officers should apply a “ _____ - _____ - _____ ” test
- 🚓 This reasonable suspicion must be based on "specific and articulable facts" and _____ merely upon an officer's _____.
- 🚓 *Terry* requires an officer to articulate a _____ belief that a suspect is armed and poses a threat before the officer is permitted to conduct a _____ “Pat Down” of the suspect’s outer clothing.
- 🚓 While an officer may want to conduct a frisk for “ _____ ” purposes, the law requires more than that.
- 🚓 “It is well-established that an officer may ask a suspect to _____ himself in the course of a *Terry* stop. *Hiibel v. Sixth Judicial District Court*, (2004)

Authority to Detain a Motorist

- 🚓 *Pennsylvania v. Mimms*, 1977 “...held that police _____ order persons out of an automobile during a traffic stop”
- 🚓 A person is “ _____ ” for purposes of the Fourth Amendment when physical force or a show of authority terminates or restrains his _____ of movement. *Brendlin v. California*
- 🚓 All occupants of a car are “ _____ ” for purposes of the Fourth Amendment during a traffic stop, not just the driver. *Brendlin v. California*
- 🚓 Because the safety of the officer is a legitimate and weighty interest, the officers conducting a traffic stop _____ inquire about dangerous _____. *U.S. v. Everett*, April 06, 2010

Some amount of questioning relevant only to ferreting out unrelated criminal conduct is _____. U.S. v. Everett, April 06, 2010

“An anonymous tip that a person is carrying a gun is _____, without more, sufficient to justify a police officer's stop and frisk of that person.”

CHAPTER 2935: ARREST, CITATION, AND DISPOSITION ALTERNATIVES

Officer shall arrest and detain, until a warrant can be obtained, a person _____ violating, within the limits of the political subdivision,...

When a _____ has been committed, or there is reasonable ground to believe that a _____ has been committed, any person without a warrant may arrest another

