

BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 1, 1988

GENERAL ORDER A-50

SUBJECT: ARRESTS OR SIGNING OF COMPLAINTS BY PRIVATE PERSONS,
HOLDING PRISONERS

LEGAL BASIS

- 1 - A private person may arrest for public offenses not committed in the officer's presence, and the officer is required to receive a person so arrested.

PROCEDURE

Citizen Arrests

- 2 - At the time the prisoner is received the officer shall obtain a signed statement indicating that the private person has made the arrest and shall attach the statement to the original report.
- 3 - **A Report Receipt shall be given to the complainant or victim wit explicit instructions to call the appropriate investigative Detective detail prior to 10:00 a.m. on the next scheduled work day.** The complainant should understand that the prisoner will be released if this is not done.
 - (a) If circumstances beyond the control of the complainant, such as serious injury, make it impossible to comply with the time limit, the officer should indicate in his/her report and on the Consolidated Arrest Report (**CAR**) the period of time the prisoner is to be held.

Signing of Complaints - Non-Custody

- 4 - In Non-Custody cases where a private party desires to sign a complaint, the complainant shall be instructed **to follow procedure outlined in paragraph 3 above.**

REPORTS

- 5 - When a prisoner is held on assumption a private person will sign the complaint, Section 42 of the **CAR** shall be completed listing the name of the citizen who will sign the complaint. **In this instance the officer will instruct the citizen to CALL THE DISTRICT ATTORNEY'S OFFICE, 2120 MARTIN LUTHER KING JR. WAY, 644• 6683, AT 10:00 A.M. THE NEXT COURT DAY.** In the narrative section a notation shall be made indicating the date and time **of the** next court session. The prisoner is to be released if the complaint is not signed.
 - (a) The Jailor shall determine if a complaint has been signed and if not, shall complete a Certificate of Release form in duplicate. The original shall be given to the prisoner and the subject released "no complaint."
 - (b) The duplicate of the form shall be routed to the original case file.

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6 - It shall be the responsibility of the **person** typing or transcribing the investigation report to insure that **sufficient** copies are **ready for routing to** the office of the prosecuting attorney in time to issue a complaint before the first court date subsequent to the arrest.

(a) It shall be the responsibility of the Court Liaison Officer to provide needed documentation to the prosecuting officer.

PIN AND NCIC CHECKS

7 - At the time of booking the arresting officer shall request a mandatory check on all prisoners through our terminal connected with the Police Information Network and an additional check with the National Crime Information Center.

(a) It is the responsibility of the Telecommunications operator to make the requested checks and provide information needed.

References: General Orders A-53, C-63 and 0-7
California Penal Code Sections 837, 847, 849.5, and 851.6