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### **What Procedures Must the Police Follow While Making an Arrest?**

When the police arrest someone, they take away that person's fundamental right to freedom. Consequently, there are several procedures the police must follow before they can make a [legal arrest](#) so that our rights remain protected. This article has some information about the general requirements police must meet before making an arrest.

It should be noted that many states and police departments add extra procedures; sometimes, these procedures are designed to protect police officers' physical safety, sometimes they are designed to help the police officer document the arrest, and sometimes they are designed to help the officer avoid making a legal mistake which could ruin the prosecution's case in a criminal trial. These extra procedures differ from one police department to the next, so if you have questions about these, it's best to contact your local police.

#### **When may an officer arrest someone?**

There are only a very limited number of circumstances in which an officer may make an [arrest](#) :

- The officer personally observed a crime;
- The officer has [probable cause](#) to believe that person arrested committed a crime;
- The officer has an arrest warrant issued by a judge.

An officer cannot arrest someone just because she feels like it or has a vague hunch that someone might be a criminal. Police officers have to be able to justify their arrest usually by showing some tangible evidence that led them to probable cause.

#### **Police Arrest Procedures**

The rules regarding what an officer must do while making an arrest vary by jurisdiction. Generally, an arrest happens when the person being arrested reasonably believes that she is not free to leave. The officer need not use handcuffs, or place the arrestee in a police cruiser, although police often use these tactics to protect themselves. Police also do not have to read [Miranda Rights](#) at the time of arrest. However, the police must read a suspect his Miranda Rights before an interrogation, so many police departments recommend that Miranda Rights be read at the time of arrest. This way, they can start questioning right away, and also, any information volunteered by a suspect can be used against them. Finally, although police will almost always tell an arrestee why they are under arrest, they may not necessarily have any legal obligation to do so. This depends on both the jurisdiction and the circumstances of the arrest.

One universal rule police officers must follow is that they are not allowed to use excessive force or treat the arrestee cruelly. Generally, police officers are only allowed to use the minimum amount of force necessary to protect themselves and bring the suspect into police custody. This is why people are advised to never resist an arrest or argue with police. The more a suspect struggles, the more force is required for the police to do their job. If the arrestee thinks the arrest is unjustified or incorrect, she can always challenge it later with the help of an attorney, and if warranted, bring a [civil rights case](#) .

See FindLaw's sections on [crimes](#) and [criminal procedure](#) for more information.

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