

**STOCKTON POLICE DEPARTMENT**

**GENERAL ORDER**

**PRIVATE PERSON'S ARRESTS**  
**SUBJECT**

**DATE:** March 28, 2019

**NO:** P-7

**FROM:** CHIEF ERIC JONES

**TO:** ALL PERSONNEL

**INDEX:** Private Person's Arrest  
Arrest by Private Person

**I. POLICY**

All sworn personnel of the Stockton Police Department will accept into custody persons arrested by private persons and charged with a public offense that is supported by probable cause.

**II. LAW**

A. Officers must become familiar with the following Penal Code Sections:

1. Penal Code 142 Refusing to receive or arrest person charged with a crime
2. Penal Code 837 Arrests by private persons
3. Penal Code 839 Summoning assistance to make arrest
4. Penal Code 847 Deliver arrested person to Peace Officer/liability of Peace Officer
5. Penal Code 849(b)(1) Release from custody

**III. PROCEDURE**

A. Officers responding to calls of a person who has been taken into custody by a private person will:

1. Investigate the incident and determine what, or if, a crime has been committed.
2. Determine if the arrest was lawful and probable cause exists.
3. Determine whether the crime involved is a felony or a misdemeanor and if the suspect is an adult or juvenile.
4. Officers will determine the disposition of the arrested person after all available information has been obtained. If there is sufficient probable cause the officer will follow current arrest procedures for the alleged crime.

B. Advising citizens when and where to appear.

1. In a private person arrest involving an adult violator, officers will advise the private person making the arrest that the District Attorney's Office will notify them if they are needed.
2. In a private person arrest involving adult violators on SMC charges, officers will advise the private person making the arrest that the City Attorney's Office will notify them if they are needed.

In a private person arrest involving a juvenile violator, officers will advise the private person making the arrest that the Juvenile Probation Department will notify them if they are needed.

- C. After the initial investigation that circumstances indicate that no probable cause exists the officer will:
1. Explain the facts and circumstances to all parties that at this time, no probable cause exists and therefore by law an arrest cannot be made.
  2. Advise the private person that they may make a crime report for further investigation.
  3. Complete a crime report detailing all of the allegations, facts, circumstances, and evidence bearing on the officer's determination to refuse to accept custody.