

believe him guilty or on unreasonable ground entertained belief in his guilt."

The same explanations as cited in section 3, paragraphs (a) and (b) hold true for this section:

A. "Reasonable ground" could be the fact that someone complained of a break, or an assault with a dangerous weapon, etc., and pointed out the man that did it. Or you could hear glass break and a man running away from a store with merchandise. This is not absolute proof but it is "reasonable ground."

If, after arrest, you searched and found narcotics on him the fact that you didn't believe him guilty of the possession of narcotics wouldn't alter the fact that he did possess them, as long as you had reasonable ground to believe him guilty of a crime in the first place.

B. A felony is any crime punishable by more than 1 year in prison or more than a \$500 fine.

5. *Arrest on improper ground (title 12, ch. 7, sec. 5)*

"If a lawful cause of arrest exists, the arrest shall be lawful even though the officer made the arrest on an improper ground."

(a) This section means essentially the same as section 3, paragraph (b) and section 4, paragraph (b).

6. *Arrest on warrant not in possession of arresting officer (title 12, ch. 7, sec. 6)*

"A peace officer may, without having the warrant therefor in his possession, arrest any person for whose arrest a warrant has been issued, but after arrest, the warrant shall be shown to him as soon as practicable."

(a) This section speaks for itself. An arrest with a warrant already issued is most desirable.

(b) No arrest should ever be made except on the authority of a warrant of arrest if it is at all practicable to obtain one. This is not always possible, but when it is, one should be obtained.

(c) The warrant orders the officer to act and is issued by a member of the judiciary such as supreme court justices, superior court, district court, or municipal judges.

7. *Methods of arrest (title 12, ch. 7, sec. 7)*

"An arrest is made by the restraint of the person to be arrested or by his submission of his person to the custody of the person making the arrest."

(a) Marshall Houts, in his book "Arrest to Release" writes:

"An arrest requires the existence of three elements in combination:

"First, there must be an intent on the part of the officer making it to place his subject under his actual control, to deprive him of his liberty and freedom of action—an intent to restrain him physically if he does not submit peacefully. This intent may develop at any time, either before the officer first approaches his subject or while he is conversing with him.

"Second, there must be a communication of both the officer's intent and his authority. 'You are under arrest,' 'You are my prisoner,' 'You will have to come with me,' are sufficient to communicate the officer's intent. * * * If the officer is in uniform and the subject is in a position to observe it, this in and of itself is sufficient to establish the officer's identity.

"If it is practical the subject should be told the reason he is being arrested. If because of circumstances, telling the subject the reason, would jeopardize future investigation, it is probably advisable to tell him he is being brought to the station for investigation of a crime in which he is a suspect.

"Third, the subject must actually be placed under the control of the officer, 'taken in custody.' If he submits peacefully, this is sufficient. The officer need not touch him, although it is good practice for him to place his hand on the subject's arm or shoulder since this symbolizes the officer's control over the subject. If the subject resists, the officer must be prepared to restrain him physically if necessary. This implies a power on the part of the officer to control his subject. If, for example an officer while patrolling on foot yells to a speeding motorist, 'You are under arrest for violating the traffic laws,' no arrest takes place since he did not possess the power to control the offender; and the courts have held consistently that mere words are never sufficient to constitute an arrest.

"If any one of these three requisites is missing, no arrest takes place."