



Edina Police Operations Manual

Policy Number
630.00

Subject:

CITIZEN'S ARREST

Effective Date
06/01/1993

Revised Date
08/26/2019

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PURPOSE:

To facilitate our services to private persons when making a citizen's arrest and ensure the proper handling of persons arrested.

630.01

GENERAL STATEMENT OF POLICY

It is the policy of the Edina Police Department to accept into custody all persons who have been properly arrested by a private citizen when called upon to do so.

630.02

MINNESOTA STATE STATUTES

Subd. 1 A private person may arrest another:

- (1) for a public offense committed or attempted in the arresting person's presence;
- (2) when the person arrested has committed a felony, although not in the arresting person's presence; or
- (3) when a felony has in fact been committed, and the arresting person has reasonable cause for believing the person arrested to have committed it.

Ref. <https://www.revisor.mn.gov/statutes/cite/629.37> (01/14/2018)

Subd. 2 Theft in business establishments; detaining suspects

Subdivision 1. Circumstances justifying detention.

(a) A merchant or merchant's employee may detain a person if the merchant or employee has reasonable cause to believe:

- (1) that the person has taken, or is taking, an article of value without paying for it, from the possession of the merchant in the merchant's place of business or from a vehicle or premises under the merchant's control;
- (2) that the taking is done with the intent to wrongfully deprive the merchant of the property or the use or benefit of it; or
- (3) that the taking is done with the intent to appropriate the use of the property to the taker or any other person.

(b) Subject to the limitations in paragraph (a), a merchant or merchant's employee may detain a person for any of the following purposes:

- (1) to require the person to provide identification or verify identification;

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(2) to inquire as to whether the person possesses unpurchased merchandise taken from the merchant and, if so, to receive the merchandise;

(3) to inform a peace officer; or

(4) to institute criminal proceedings against the person.

(c) The person detained shall be informed promptly of the purpose of the detention and may not be subjected to unnecessary or unreasonable force, nor to interrogation against the person's will. A merchant or merchant's employee may not detain a person for more than one hour unless:

(1) the merchant or employee is waiting to surrender the person to a peace officer, in which case the person may be detained until a peace officer has accepted custody of or released the person; or

(2) the person is a minor, or claims to be, and the merchant or employee is waiting to surrender the minor to a peace officer or the minor's parent, guardian, or custodian, in which case the minor may be detained until the peace officer, parent, guardian, or custodian has accepted custody of the minor.

(d) If at any time the person detained requests that a peace officer be summoned, the merchant or merchant's employee must notify a peace officer immediately.

Subd. 2. **Arrest.** Upon a charge being made by a merchant or merchant's employee, a peace officer may arrest a person without a warrant, if the officer has reasonable cause for believing that the person has committed or attempted to commit the offense described in subdivision 1.

Subd. 3. **Immunity.** No merchant, merchant's employee, or peace officer is criminally or civilly liable for any action authorized under subdivision 1 or 2 if the arresting person's action is based upon reasonable cause.

Ref. <https://www.revisor.mn.gov/statutes/cite/629.366> (01/14/2018)

630.03

PROCEDURE

Subd. 1 The person making the arrest shall complete the Citizen's Arrest Report (EPD Form 0310) and any supplementary reports as necessary. A merchant's loss prevention report may be accepted in lieu of EPD Form 0310 if it contains all the required information.

Subd. 2 The police officer assigned to the call should perform the following tasks:

a) Review the details of the incident with the person making the arrest. The officer should not take custody of a person who was not properly arrested.

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- b) Advise the person arrested of the reason for arrest and the charge(s) placed against him or her.
- c) Examine the Citizen's Arrest Report for completeness and correctness.
- d) Collect evidence such as photographs, statements, CCTV video surveillance, etc. prior to clearing the scene.
- e) Confirm the civil restitution process has not been initiated by merchants who have placed someone under citizen's arrest.

630.04 EVIDENCE COLLECTION AND STORAGE

- Subd. 1** Recovered items should be photographed and returned to the lawful owner in accordance with MSS [609.523](#). Any property recovered by Edina Police Officers should be returned to the rightful owner using Property Inventory Report (EPD Form 0500). Property recovered by a merchant's loss prevention employees do not require EPD Form 0500.