FREE PREVIEW

PATROL REFERENCE PRESS

PATROL ESSENTIALS

Arrest, Warrants & Court Process

Arrest Authority · Warrants · Entry & Execution · Custody & Booking · Charging · Court

A Pocket-Reference Guide for Patrol Officers

AUTHORITY · PROCESS · ENTRY · RECORD · COURT

First Edition — 2026

This free preview contains the complete Foreword, How to Use This Manual, and the full Chapter 1 from the 71-page manual.
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This manual is a training and reference aid. It does not constitute legal advice, nor does it replace department policy, state law, POST or agency training, your agency's legal advisor, the prosecutor's direction, or a court's own rules and orders.

About This Free Preview

This preview gives you the complete opening of **Patrol Essentials: Arrest, Warrants & Court Process** — the Foreword, How to Use this Manual, and the full first chapter, *The Power to Arrest*. You'll see the manual's real format: the Quick-Reference card that opens each chapter, the case-law callouts, red-line warnings, high-risk-practice calls, officer notes, and pitfalls that make the full manual a fast, field-ready reference.

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If this preview helps, the full 71-page manual continues with the nine chapters and four appendices listed below. Every rule in it is labelled by its source — legal mandate, agency policy, or best practice — and every case named is listed in Appendix A with the one point it supports.

Contents of the full 71-page manual

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Foreword

Most officers can describe an arrest from memory in fluent, convincing detail. They can tell you what the person did, what the radio said, where everyone stood, and how it ended. Ask the same officer to name the authority they acted under — the statute, the warrant, the order, the exception — and the fluency stops.

That gap is what this manual is about. It is not a book about the Constitution. It is a book about the two questions an arrest actually poses, and the process that starts the instant you answer them: *do I have the power to take this person into custody*, and *do I have probable cause to say he committed a specific offense*. Power and probable cause are separate questions. An officer can have one without the other, and a lawful arrest needs both.

Three failures bring officers into the process side of this manual, and every chapter here is built to prevent one of them.

The officer cannot name the authority. "I arrested him for the disturbance" is a description, not an authority. It leaves out the statute that let you arrest, the place you were standing, and the grade of the offense — the three things that decide whether a custodial arrest was lawful at all and whether it was the outcome your agency wanted. Chapter 1 and Chapter 2 are built around those questions.

The officer crossed a doorway without answering one question first. Entry to arrest is where routine arrests become suppression motions and lawsuits. The rule is short: the authority you need depends on whose premises you are entering, and an arrest warrant answers that question for one house and not for the next one. Chapter 4 is the three questions to answer before you put a hand on a door.

The officer finished the arrest and stopped thinking about the process. Custody does not end at the jail door. It runs through restraint and transport, the statement decision, a custody clock the officer does not control, booking, charging, discovery, subpoenas and court. Most officers lose more sleep over this half than over the arrest itself. Chapters 6 through 9 — in the rest of the volume — exist because the paperwork and the process are the job, not the after-party.

Where this manual meets a subject another title in this series already owns, it hands off rather than repeats, and it says so at the point of contact. The detention/arrest line, the meaning of probable cause and reasonable suspicion, and every species of search — including search incident to arrest — belong to *Stop, Search & Detention*. The documents an arrest generates — the arrest and probable-cause package, the search-warrant return, the discovery content, the testimony craft — belong to *Report Writing & Case Documentation*. Extraction and cuffing technique belong to *High-Risk Stops*. Blood warrants and implied consent belong to *DWI/DUI Enforcement* and the Texas

overlays. The force standard, the de-escalation frame and the restraint case law belong to *Aggressive & Violent Encounters*, *Conflict De-Escalation* and *Solo Officer Tactical Response*. What *this* manual owns is the authority and the process: the power to arrest, warrantless arrest grounds and their limits, warrant law from application to service, entry to arrest, execution of a warrant, custody as a process, the statement decision at the moment of custody, the custody clock, and the officer's role in court.

One warning on the ground this manual covers. Arrest authority, offense-in-presence rules, citation-in-lieu practice, warrant procedure, bail and extradition are **state law** questions, and they differ — sometimes sharply — from one state to the next. This volume states the federal constitutional baseline, which travels nationwide, and points to the state layer where it controls: the Texas overlays that are already written into the series, and the agency and jurisdiction fill-in page at Appendix D. Read the baseline as the floor, not as your authority. Your authority is your state's law and your agency's policy.

Read it once end to end, then keep it where you make custody decisions. The chapters are short on purpose, the checklists are built to be used at the car, and the first question is always the same: what is my authority, and can I say it out loud. — **Patrol Reference Press** *First Edition, 2026*

How to Use This Manual

This manual is built for the working patrol officer and is structured so you can find the answer in seconds — at the scene with a person standing in front of you, in the back of the car with a prisoner behind you, or at the jail desk with a booking form waiting.

Each chapter opens with a Quick-Reference card — the chapter's core doctrine as one table you can scan in thirty seconds. This print edition carries the full discussion. The same doctrine is also carried as a short field card in the **Patrol Core** mobile reference — Rule / Need / May / May Not / Watch For / Authority / Related — so the section's distilled answer and its cross-references are in your pocket as well as on the page.

Icons and callouts used throughout:

- ⚖️ **CASE LAW** — A decision that shapes the authority question, the entry question, or the process after arrest. Hold the point; confirm the citation in your own jurisdiction before you rely on it.
- 🛑 **RED LINE** — A bright-line prohibition. Cross it and you have an unlawful seizure, an unlawful entry, or an unlawful hold.
- 🚨 **HIGH-RISK PRACTICE** — A circumstance-dependent judgment call where the wrong choice can create suppression, liability, or a credibility problem. Not a bright line — weigh it, and document the reasoning.
- 💡 **OFFICER NOTE** — Practical field guidance and lessons learned in review.
- ⚠️ **PITFALL** — A common mistake that costs officers their arrests.

A word on the two kinds of language in this book. Bright-line law and genuine safety rules are written in **absolute** language — "must," "never," "is required." Everything about tactics, restraint practice, transport, cite-and-release, court practice and judgment is written in **qualified** language — "should," "typically," "your agency's policy governs." When you see a RED LINE, treat it as a boundary. When you see guidance, treat it as a considered approach to be weighed against the facts and your agency's policy.

Label the source of every rule. A requirement can come from law, from your agency's policy, or from training convention, and the three are not interchangeable. Where this manual states a genuine legal standard it says so; where it describes practice it says so. Appendix D is a fill-in page for your own state's arrest statute, your agency's cite-and-release and hold policy, your jail's intake contact, and your extradition practice — fill it in before you rely on anything in it.

Cross-reference convention. Where a doctrine has its own deep treatment in this series, this manual states the general rule and points you to the owner: *Stop, Search & Detention* (the detention line, probable cause and reasonable suspicion, every search doctrine, the exclusionary rule), *Report Writing & Case Documentation* (the arrest package, the warrant return, discovery, testimony), *High-Risk Stops* (extraction and cuffing technique), *DWI/DUI Enforcement* and the Texas overlays (blood warrants and implied consent), *Aggressive & Violent Encounters*, *Conflict De-Escalation* and *Solo Officer Tactical Response* (force, de-escalation, restraint case law), *Special Populations* (accommodation), and *Juvenile Sexual Assault Investigations* and *School-Based Law Enforcement* (the juvenile and campus dimensions of custody).

How this volume is organized. The opening five chapters are the authority half: the power to arrest, warrantless arrest, warrant types and service, entry to arrest, and execution of a search warrant. The rest of the volume carries custody as a process, the statement decision at the moment of custody, the custody clock from arrest to charge, the officer's role in court, special custody situations, and the appendices (the authority table, the field templates, the pre-arrest self-audit and the jurisdiction fill-in page).

Disclaimer: This manual is a training and reference aid. It does not constitute legal advice, and it does not replace department policy, state law, POST or agency training, your agency's legal advisor, the prosecutor's direction, or a court's own rules and orders. Arrest authority, offense-in-presence rules, citation-in-lieu and notice-to-appear practice, warrant issuance, service and recall, bail and pretrial release, jail intake standards, juvenile custody, and civil-commitment holds vary by state and by agency, and they change over time. Where this manual and your state's law, your agency's policy, or a court order differ, those sources govern. Confirm every citation and every state-specific rule with your legal advisor before you rely on it. When in doubt, consult a supervisor, your training unit, or your agency's legal office. Provisional. Verify before you rely — agency policy and your legal advisor govern.

CHAPTER 1

The Power to Arrest

QUICK-REFERENCE

Arrest Authority — The Five Questions

Answer five questions, in order, before custody begins. The first two decide whether you have an arrest at all; the last three decide whether this arrest, in this place, on this offense, is the one you should make.

#	Question	What it decides
1	**Do I have the power to arrest at all?**	The source of your authority: a state statute, the warrant you are executing, an order, or an authority you can name out loud. If you cannot name it, you are most likely making a detention, not an arrest.
2	**Do I have probable cause for a specific offense?**	Facts, tied to the elements of a named offense, that would lead a reasonable officer to believe this person committed it. The standard itself is owned by *Stop, Search & Detention* (`SSD-DET-0023`).
3	**Where am I standing?**	A public place, the person's own home, or a third party's home. The place decides whether you need a warrant before you go through a door (Chapter 4).
4	**What is the offense's grade, and what does the law and my policy say about custody?**	Felony or misdemeanor, in your presence or not, and whether your agency's policy directs a citation instead of booking (Section 1.2 and Chapter 2).
5	**Is custody the right outcome at all?**	Citation, notice to appear, summons, voluntary transport, or a statutory hold — the lawful alternatives to booking (Section 1.2 and Chapter 8).

Bottom line: Two questions decide whether you *may* arrest — power and probable cause. Three more decide whether you *should*, and how. An arrest that answers only the second one is the arrest that fails.

1.1 When You May Take Custody

Custody is lawful when the law authorizes it and the facts support it. Those are two requirements, and officers who merge them into one get the paperwork wrong in a way that is hard to repair later.

The first requirement is power. An officer's authority to arrest comes from state law: a statute that authorizes a peace officer to arrest, a warrant you are executing, or a specific code provision that creates its own custody authority (a mental-health or medical transport order, a juvenile detention provision, a probation or parole detainer, an out-of-county process). It does not come from the

seriousness of what you saw or from the person's history. Name the source of your authority before you act. If you cannot name it, you are probably conducting a detention rather than an arrest — and the detention rules, the cuffing rules and the duration rules that go with them are owned by *Stop, Search & Detention* (`SSD-DET-0010`, `SSD-DET-0004`, `SSD-DET-0015`). Where the line between a detention and an arrest falls, and what turns one into the other, is that title's doctrine; this manual does not re-argue it.

The second requirement is probable cause for a specific offense. The standard — whether the facts would lead a reasonable officer to believe this person committed an offense — is defined and developed in `SSD-DET-0023`, and this manual does not re-teach it. Three things about probable cause matter specifically at the moment of an arrest. It must exist *when you make the arrest*, not when you eventually write it up; an arrest made on less and justified later is still an arrest made on less. It must attach to a named offense. And it must be facts rather than conclusions: what you saw, heard, smelled, and were told by identifiable people, not that the person "was acting suspicious" or "was known to us."

Custody begins as a seizure. A seizure occurs when physical force or a show of authority is applied with the intent to restrain a person — and the moment it lands, a set of consequences attaches whether or not the arrest is later held lawful. The arrest authority question, the search options, the statement rules, and the force frame all change at that moment, and the record should show the moment.

> ⚖️ **CASE LAW**
>
> When a seizure begins (verified against the reporter and entered on this card): the rule that a seizure occurs on the application of physical force with intent to restrain, even if the person escapes, is the rule this section states. The case that carries it — *Torres v. Madrid* — is reported at 592 U.S. 306 (2021), verified against the reporter and entered on this card's Authority tab. Take the point as doctrine; confirm the case in your own jurisdiction before you rely on it in a report.

> 🚨 **HIGH-RISK PRACTICE**
>
> The arrest you make to hold the scene together. Officers sometimes take custody of a person on a minor offense for reasons that have nothing to do with the offense: to keep him from returning to the same call in twenty minutes, to separate two parties, or because releasing him would look bad to the complainant. Several of these arrests are constitutionally permissible — a custodial arrest for a minor offense is not automatically unreasonable — but that is not the end of the question. Your state statute may restrict custodial arrest for the grade of offense, your agency's policy may direct a citation, and an arrest made for a reason that appears nowhere in your probable-cause paragraph invites a claim that the stated reason was not the real one. If the arrest is not lawful on the offense, it is not made lawful by the trouble it saves.

1.2 Misdemeanor, Felony and Alternatives to Custody

A custodial arrest is one lawful outcome among several. Which one applies is decided by the grade of the offense, the state statute that authorizes the arrest, and your agency's policy — in that order of authority and, often, the reverse order of what officers actually consult.

Grade decides a great deal. The distinction between a felony and a misdemeanor is not academic: state statutes commonly authorize a warrantless arrest for a felony on probable cause, and condition the warrantless arrest for a misdemeanor on whether the offense occurred in the officer's presence. That presence requirement is state law, not federal, and it is one of the most common grounds for a suppression motion that catches officers by surprise. In Texas, for example, the statute and the notice-to-appear provisions are already written up in the series overlay `TX-TX-0004`; use the overlay and Appendix D rather than a rule of thumb.

The federal floor is permissive and is not your policy. The Fourth Amendment does not forbid a custodial arrest for a minor, fine-only offense, and a warrantless misdemeanor arrest that violates a state statute does not by itself become a Fourth Amendment violation (Section 2.2). Officers sometimes read that as permission. It is not permission from your agency. Departments restrict minor-offense custodial arrests through arrest-preference and cite-and-release policies for reasons of jail population, liability and community expectation, and those policies bind you even where the Constitution permits the arrest. That is an **agency requirement**, and it is the requirement most likely to be the one you will be asked about.

The alternatives are real, and each has its own authority. A citation or notice to appear releases a person on a promise to appear in court; a filed complaint or summons brings the person before the court without a street arrest; a voluntary transport is exactly that — voluntary, and not a seizure; a mental-health or medical hold rests on its own statutory authority and is not an arrest; a documented warning with a report is a legitimate disposition for a long list of calls. Chapter 8 works through the

release and custody-clock side; the documentation each one generates — the arrest and probable-cause package, the citation record — is owned by *Report Writing & Case Documentation* (RPT-DOC-0017).

> ⚖️ **CASE LAW**
>
> The minor-offense arrest (verified against the reporter and entered on this card): the leading case holding that a custodial arrest for a minor, fine-only offense is not per se unreasonable under the Fourth Amendment — *Atwater v. City of Lago Vista*, 532 U.S. 318 (2001) — is verified against the reporter and entered on this card's Authority tab. It is never an answer to your agency's cite-and-release policy; federal permission and your agency's direction are different questions.

1.3 What Changes the Moment Custody Begins

Custody is a switch. Several rules, all of which were pointing one direction a second earlier, now point the other way, and the officer who does not notice is the officer whose later decisions are judged on the wrong tier of the rules.

- **The statement rules change.** Custodial questioning carries the advisement requirement; questioning a person who is not in custody generally does not. The doctrine and the custody analysis belong to *Stop, Search & Detention* (SSD-DET-0017, SSD-DET-0021), and Texas statement admissibility is carried by TX-TX-0014 and TX-TX-0013. Chapter 7 owns only the decision you make at the moment of custody and how you record it.
- **Search authority changes.** A lawful custodial arrest carries search authority that a detention does not. That doctrine — including the scope of a search incident to arrest and the vehicle rule — is Stop/Search's (SSD-DET-0020, SSD-VEH-0004), and it is not restated here.
- **The restraint frame changes.** A person in your custody is restrained on the authority of the arrest, and the restraint-position, medical-watch and transport duties that follow belong to Chapter 6; the force standard and the restraint case law belong to the force titles (AVE-USE-0010, AVE-USE-0014).
- **A clock starts running.** A warrantless arrest requires a prompt judicial probable-cause determination, and the time a person may be held before a judge sees them is not yours to decide. Chapter 8 owns the custody clock.
- **The booking obligations attach.** Identification, property, medical and mental-health screening, and the information the jail and the court will need — Chapter 8.
- **A duty of care attaches that did not exist before.** A person in custody is dependent on you for their safety, their medical care, and their access to the process the law guarantees them. How you deliver them to the next stage is part of the arrest record.

> **💡 OFFICER NOTE**
>
> Narrate the switch. The single cheapest insurance against a later argument about when the arrest happened is a sentence in the record that marks it: "At this point I told him he was under arrest for [offense] and placed him in handcuffs." That sentence fixes the moment, names the authority, and gives every later question — what you searched, what you asked, what you did with the property — a starting point. The documentation craft itself is owned by *Report Writing & Case Documentation* (`RPT-DOC-0017`).

> **⚠️ PITFALL**
>
> Moving the person without deciding what he is. Walking a person to a patrol car, driving him to your agency's interview room, or holding him for twenty minutes while you sort the call out can convert a detention into an arrest by duration or by movement — and if you have not decided which one you are doing, you cannot say which body of rules you were following. The detention-side limits on length and movement are owned by Stop/Search (`SSD-DET-0004`, `SSD-DET-0005`); the custody-side duties begin the moment you cross the line.

Get the Full 71-Page Manual

The authority you can name out loud, the doorway you can answer for, and the record the whole process runs on.

- **Chapter 1: The Power to Arrest** — the five questions, when custody begins, and what changes the moment it does — power and probable cause as two separate answers.
- **Chapter 2: Warrantless Arrest — Grounds, Limits & Mistakes** — arrest in public, in the car and at the doorstep; mistakes of law and fact; the objective officer; and the state-law and retaliation limits.
- **Chapter 3: Arrest Warrants, Bench Warrants & Court Orders** — obtaining, serving and returning a warrant; bench warrants and court orders; lifetime, recall, and the person already in custody.
- **Chapter 4: Entry to Arrest — The Home, the Door, and the Third Party** — in-home arrest, third-party premises, knock, announce, forced entry, and the exigency you may not have created yourself.
- **Chapter 5: Executing a Search Warrant** — the execution sequence and its scope, detaining occupants, the return, and damage, restoration and the aftermath.
- **Chapter 6: Taking Custody — Control, Restraint & Transport** — handcuffing and cuffing without arrest, restraint position and breathing, transport, the booking search, and medical watch.
- **Chapter 7: Miranda and the Statement Decision at Custody** — the statement decision at the moment of custody, juvenile and vulnerable subjects, the advisement, waiver and invocation, and spontaneous statements.
- **Chapter 8: From Arrest to Charge — the Custody Clock** — the probable-cause hearing, booking and bail, holds and detainers, citation and notice to appear, release, and juvenile intake.
- **Chapter 9: Court Process — The Officer's Role** — charging documents and the case file, discovery, subpoenas and testifying, and failure to appear, warrant recall and relief.
- **Chapter 10: Special Custody Situations** — arrest outside your jurisdiction, transport between agencies, and the arrestee who is a victim or witness somewhere else.
- **Appendix A: Authority Quick Table** — every case this manual relies on, the one point it supports, and the chapter that uses it.
- **Appendix B: Field Templates** — the warrant-service checklist, the entry-to-arrest decision sheet, the custody and booking log, the notice-to-appear set, and the court-prep kit.
- **Appendix C: Before You Arrest — Self-Audit** — the eight questions before you arrest and the four before you book.
- **Appendix D: Agency & Jurisdiction Fill-In** — your state's arrest statute, your agency's cite-and-release and hold policy, warrant and bail procedure, jail intake, juvenile custody, extradition, and your contacts.

The full manual also carries the Quick-Reference card that opens every chapter, the callouts that mark the bright lines, the field templates you fill in at the car and the door, and the pre-arrest self-audit. The same doctrine is searchable and offline in the **Patrol Core** field reference at **patrolreferencepress.com**.

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