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Seizure of Persons: Arrest

CASES COVERED

Draper v. U.S.,
358 U.S. 307 (1959)

Tennessee v. Garner,
471 U.S. 1 (1985)

Graham v. Connor,
490 U.S. 386 (1989)

Kuha v. City of Minnetonka,
365 F.3d 590 (CA8 Minn.,
2003)

*Estate of Ronald Armstrong
v. Village of Pinehurst*,
810 F.3d 892 (2016)

*Atwater v. City
of Lago Vista*,
532 U.S. 318 (2001)

Learning Objectives

1 Understand that arrests are a vital tool that can help law enforcement officers catch the guilty and free the innocent, but that the noble end of crime control doesn't justify unreasonable arrests.

2 Know that the Fourth Amendment's reasonableness requirement requires both probable cause before, and a reasonable execution during and after, arrest.

3 Appreciate that the probable cause requirement balances the societal interest in crime control and the individual right to free movement.

4 Know that officers can use both direct information and hearsay to build probable cause.

5 Know that arrest warrants are required to enter homes to arrest except where the need to act immediately exists at the time of the arrest.

6 Understand that officers can use only the amount of force that is necessary to get and maintain control of suspects they have probable cause to arrest.

7 Know that after an arrest, felony suspects usually are taken to the police station for booking, photographing, and possible interrogation and identification procedures; misdemeanor suspects usually are released.

Ronald Armstrong suffered from bipolar disorder and paranoid schizophrenia. On April 23, 2011, he had been off his prescribed medication for five days and was poking holes through the skin on his leg "to let the air out." His sister, Jinia Armstrong Lopez ("Lopez"), worried by his behavior, convinced Armstrong to accompany her to Moore Regional Hospital ("Hospital") in Pinehurst, North Carolina. He willingly went to the Hospital and checked in, but during the course of the evaluation he apparently became frightened and eloped from the emergency department." Based on that flight and Lopez's report about his odd behavior over the previous week, the examining doctor judged Armstrong a danger to himself and issued involuntary commitment papers to compel his return. The Pinehurst police were called as soon as Armstrong left the Hospital, and three members of the department responded in short order. Officer Gatling appeared on the scene first, followed a minute or two later by Sergeant Sheppard. Lieutenant McDonald arrived about 10 minutes after Sheppard. Armstrong had not traveled far when Gatling arrived. He was located near an intersection near the Hospital's main entrance. Armstrong was acting strangely. When Officer Gatling first initiated conversation, Armstrong was wandering across an active roadway that intersects with the Hospital's driveway. Gatling successfully convinced him to withdraw to the relative safety of the roadside, but Armstrong then proceeded to eat grass and dandelions, chew on

Probable Cause to Arrest

Direct Information
Hearsay

The Arrest Warrant Requirement

A Neutral Magistrate
An Affidavit
The Name of the Person to Be Arrested

Arrests in Homes

Entering Homes to Arrest
Exigent circumstances

Arrest by Force

Deadly Force
Nondeadly Force
Dogs trained to pursue fleeing suspects
Tasers

After Arrest