

Duty of Police Officers to Investigate before Making an Arrest

The duty of a police officer, in addition to arresting a suspect upon probable cause that the suspect has committed a crime, is to adequately investigate the factual circumstances surrounding the particular incident and to only make an arrest upon a reasonable and adequate investigation.

As such, a police officer has a duty to follow all reasonably available leads, be they incriminating or exculpatory, before determining whether probable cause exists for an arrest.

Many times, an arrest is made before a full investigation occurs. In such circumstances, the police officer making the arrest now may be overzealous due to his incomplete understanding of what happened, resulting in a violation of the rights of the suspect.

Consequently, it is incumbent upon an investigating officer, to make sure that all witnesses are interviewed and all leads are fully pursued, if there is a reasonably safe method to do so.

This type of competent and diligent police work will result in a safer society with less mistakes and more arrests of suspects for whom there is objective probable cause to arrest.

If you have been falsely arrested due to lack of thorough police work, as described above, and especially if you are wrongfully prosecuted or falsely imprisoned as a result of the initial false arrest, you have two legal options: a) You can file a citizen's complaint against the police officers who falsely arrested you; and b) You can call an experienced civil rights or police misconduct attorney such as myself, to look into whether you have an action against the police officers involved.

It is important in looking for an attorney that you find someone who is knowledgeable in civil rights actions since they are often costly and time consuming and require expertise in that area of the law.

In fact, many criminal attorneys refer their client to a civil rights attorney for the civil aspects of their case because the criminal attorneys themselves do not have such expertise in these kinds of actions.

When an attorney handles both criminal and civil rights actions, such as I do, it is appropriate that they represent you in both criminal and civil rights matter. In fact, it is usually an advantage because that particular attorney will know how to handle your criminal case, which usually comes first, and in so doing will take all reasonable measures to preserve a potential future civil case you may have against any arresting or other police officer who violated your civil rights.

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