



## STATE OF OREGON

## INTEROFFICE MEMO

TO: Governor Atiyeh

DATE: May 18, 1982

FROM: Bob Oliver *Bob*

SUBJECT: Citizens' Arrest

MAY 18 1982  
Governor Atiyeh

Because there was talk of someone subjecting you to a citizen's arrest today, I am advising you and the State Police of procedures which I believe ought to be followed if such a thing does happen in the future.

ORS 133.225(1) says: "A private person may arrest another person for any crime committed in his presence if he has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver him to a peace officer."

It is important to note the phrase "for any crime committed in his presence." However, any crank who would attempt a private arrest on the Governor probably will not listen to legal arguments, so your security officer should immediately identify himself, displaying his badge or other credentials. The officer should instruct the citizen to deliver the Governor into his custody, advising him this is required under the law. If the citizen does so without causing trouble, he should be advised it is his right to go to the district attorney's office and file a criminal complaint.

If the citizen refuses to deliver you to the officer, the officer should remind him it is a criminal offense to refuse to assist a police officer who has identified himself as such. If he persists in attempting to restrain you, then the citizen would be subject to arrest by the officer.

cc: John Williams  
Lon Holbrook  
Denny Miles  
Gerry Thompson