

**Procedural Law
Module 3 Study Guide**

What is the “technical” definition of arrest?

What is the role of an officer’s intent in making an arrest?

What types of actions by law enforcement limit the freedom of citizens but do not constitute an arrest?

What is the *Draper* definition of Probable Cause (PC)?

Under what circumstances may an officer make an arrest without a warrant?

Must an officer personally have knowledge amounting to probable cause for an arrest to be legal?

What is an arrest warrant?

Who may arrest a person pursuant to a warrant?

What is the difference between a public place and private premises when it comes to making an arrest?

What is the “knock and announce” rule?

Describe the legal requirements for arresting someone on someone else's premises.

What are the major exceptions to the general rule that a warrant is required to enter private premises to make an arrest?

Describe how force may lawfully be used in making an arrest.

What was the Court's ruling in *Tennessee v. Garner* (1985)?

Describe the exception to the warrant requirement established by the Court in *Chimel v. California* (1969). How is the scope of such a search limited?

What are the time limits placed on a search incident to arrest under Arkansas law?

What was the rule established by the Court in *Chadwick v. United States* (1977)?

What is the role of “territorial jurisdiction” when determining the lawfulness of an arrest?

Under what circumstances is territorial jurisdiction not considered when determining the lawfulness of an arrest?

What are the major differences in the probable cause required for a lawful arrest and that required for a lawful search?

What does the legal phrase “reasonable grounds” mean under Arkansas law? How does this relate to “Probable Cause”?

When is PC not required for a search to be lawful?

When may an officer seize property found in a lawful search?

How is “private premises” defined at law? When may it be searched?

What is curtilage and how do you tell what falls into it (Hint: The Court said in *Dunn*)? When may it be searched?

What are “open fields”? When may they be searched?

What is a *search warrant* and who may issue one?

What did the Court say about search warrants in *Illinois v. Gates* (1983)?

What is the *particularity requirement*? To what does it apply?

What is the *specificity requirement*? To what does it apply?

What is a *telephonic warrant*? What is the procedure for getting one?

When may a warrant be executed? What are the exceptions to the general rule?

Who may execute a search warrant? Who may be present?

When may entry be forced to execute a search warrant?

What is a *dwelling* under Arkansas law?
