

Dr. Tim Westley

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May 18, 2020

~~Greeting Senator John Cornyn,~~

Subject: End Citizen's Arrest

Hello ~~Sen. Cornyn~~, I pray this message reaches you well. Considering what has taken place with the Ahmaud Arbery case (in Georgia), the issues with Citizen's Arrest which are allowable throughout the United States, have surfaced. I am writing to request legislation but enacted to stop Citizen's Arrest. The practice originating in England during the medieval period with the Statute of Winchester in 1285, eventually emerging in the United States is antiquated.

Citizen's Arrest no longer needed and a dangerous practice that must be abolished throughout our nation. The use of the Citizen's Arrest was due to:

- The lack of an organized police force and practical modes of transportation to get to the scene of a crime expeditiously.
- And citizens had a positive duty to assist the King in seeking out suspected offenders and detaining them.

Police forces are now a norm, likewise the availability of transportation and expediency to get to crimes or for the prevention thereof. Today, it is exceedingly difficult for private individuals to understand laws and what's allowed to carry out an arrest lawfully and safely. Therefore, the potential for abuse and misuse is present and the use of Citizen's Arrest should cease in the United States. Exceptions to this would be:

1. Shopkeepers - retail merchants should maintain the right to detain suspected shoplifters until their guilt can be definitively ascertained.
2. Out-of-jurisdiction police - Police officers acting without a warrant outside of his/her jurisdiction should be permitted to make an arrest when in hot pursuit of a suspect.
3. Private police forces with appropriate training and oversight - Companies employing security guards to protect business premises, investigate crimes, and deter criminal behavior; colleges and shopping malls employing patrol guards for campus grounds and to monitor shoppers in department stores. Private neighborhood police forces who patrol and protect their communities.

All the aforementioned should, however, be trained and licensed to carry out such activities. If states desire to continue allowing Citizen's Arrest, they must follow the lead of a state like Virginia who recognized and standardized the role of non-traditional actors in law enforcement. They established the legal designation of "Special Conservator of the Peace" ("SCOP") to grant legal authority to private actors and, most importantly, to make them accountable to the public.

The following standards apply:

1. Citizens or legal aliens at least eighteen years of age must apply to their local circuit courts for approval.
2. Must meet several requirements before they can be appointed as a SCOP.
3. Must complete 130 training hours.
4. Must register with the Department of Criminal Justice Services for fingerprinting, drug testing, and background checks.
5. Must get approval order from a judge stating that the SCOP has "all the powers, functions, duties, responsibilities and authority of any other conservator of the peace," and defines the jurisdiction a SCOP can carry out an arrest.
6. SCOPs must have a monitoring apparatus in place.
7. SCOPs must have a grievance board established to address complaints of abusive conduct.

The SCOP training includes a basic overview of criminal law, specifying the elements of certain crimes; Virginia law and regulations regarding SCOPs; proper firearm and shotgun handling; and the use of deadly force. SCOP is permitted to wear badges and uniforms displaying the title "police" upon getting permission from the courts.

Such action allows the continuation of some type of Citizens Arrest by individuals train to do so. It helps fight against the potential for vigilante justice and holds individuals at a higher level of accountability. Please take my request to abolish Citizens Arrest as they currently stand and make allowable with the suggestions noted.

Humbly,

Tim Westley, Ph.D.