

**Colorado Revised Statutes: Title 16: Criminal Proceedings:
Authority of Person Not a Peace Officer to Make an Arrest.**

16-3-201: Arrest by a Private Person:

TITLE 16. CRIMINAL PROCEEDINGS. CODE OF CRIMINAL PROCEDURE.

ARTICLE 3. ARREST - SEARCHES AND SEIZURES.

PART 2. AUTHORITY OF PERSON NOT A PEACE OFFICER TO MAKE AN ARREST

<http://www.lexisnexis.com/hottopics/Colorado>

**A person who is not a peace officer
may arrest another person
when any crime has been or is being committed
by the arrested person
in the presence of the person making the arrest.**

Case Notes, Annotations:

Law reviews. For comment, "Leake v. Cain: Abrogation of Public Duty Doctrine in Colorado?", see 59 U. Colo. L. Rev. 383 (1988).

Annotator's note. Since § 16-3-201 is similar to repealed § 39-2-20, C.R.S. 1963, relevant cases construing that provision have been included in the annotations to this section.

A private citizen may arrest for any crime committed in his presence. *Schiffner v. People*, 173 Colo. 123, 476 P.2d 756 (1970).

Officer outside of jurisdiction arrests with authority of private citizen. A peace officer acting outside the territorial limits of his jurisdiction does not have any less authority to arrest than does a person who is a private citizen. *People v. Wolf*, 635 P.2d 213 (Colo. 1981).

When "in presence" requirement met. The "in presence" requirement of this section is met if the arrestor observes acts which are in themselves sufficiently indicative of a crime in the course of commission. *People v. Olguin*, 187 Colo. 34, 528 P.2d 234 (1974).

F.B.I. agent had authority as private citizen to arrest one escaping from police station in his presence. *Schiffner v. People*, 173 Colo. 123, 476 P.2d 756 (1970).

Hospital security guards, like any other citizens, have the power to make a citizen's arrest. *People v. Olguin*, 187 Colo. 34, 528 P.2d 234 (1974).

An arrest must be first authorized under this section before a private person can use physical force to effect the arrest. *People v. Joyce*, 68 P.3d 521 (Colo. App. 2002).

Applied in *People v. Lott*, 197 Colo. 78, 589 P.2d 945 (1979).