



City of Lyons Police Department POLICE OPERATIONS MANUAL

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Arrest	SPECIAL INSTRUCTIONS:			

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I. PURPOSE

- A. To establish Department guidelines for arrest procedures.
- B. To identify those individuals exempt from normal arrest procedures.
- C. To establish a standard operating procedure for taking a suspect into custody.
- D. To establish a standard operating procedure for processing juvenile offenders.
- E. To establish a standard operating procedure for taking confessions and conducting interrogations.
- F. To establish procedures for use of audio/video recording devices.

II. DEFINITIONS

- A. **ARREST** - The restraint of the liberty of a person to come or go as he pleases, no matter how slight. An individual has been arrested when he is not free to go, regardless of whether formal words of arrest are used.

NOTE: The execution of arrest shall only be conducted by sworn officers who are in compliance with the GPOSTC

- B. **ARREST WARRANT** - A judicial command to arrest a particular individual and to bring the arrestee promptly before the magistrate issuing the warrant or some other judicial officer. There is no such thing as an oral or a telephone warrant.
- C. **INVESTIGATIVE DETENTION** - An investigative detention occurs when an officer, based on his/her natural senses, experience, and good judgement suspects that criminal activity may be afoot and has reasons that he can state to support his/her suspicion. He/She may then detain a subject briefly to investigate his/her



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suspicious and may frisk the subject's outer garments if he has reason to believe weapons are involved.

- D. PROBABLE CAUSE - Those facts and circumstances which would lead a reasonable and prudent person to believe that a crime has been committed, or that the suspected person has committed an offense.
- E. WITHIN THE OFFICER'S IMMEDIATE KNOWLEDGE - When, by seeing, hearing, or using any of the other senses, the officer has personal knowledge of the commission of a crime. This is equivalent to "in the officer's presence". This excludes reporting of a crime by any third party other than another law enforcement officer who has direct knowledge OCGA 17-4-20.

III. RULES AND REGULATIONS

STANDARD: AN ARREST MUST BE BASED ON PROBABLE CAUSE.

A. Arrest Without a Warrant

In the state of Georgia, officers may make an arrest without a warrant in the following instances:

1. When an offense is committed in the officer's presence or within his/her immediate knowledge;
2. When an offender is endeavoring to escape;
3. When an officer has probable cause to believe an act of family violence has been committed as specified under **OCGA 19-13-1**;
4. When for other cause there is likely to be a failure of justice for want of a judicial officer to issue a warrant;
5. To prevent the commission of a felony; (This exception should only be utilized when the criminal act is imminent.);
6. Upon receiving information from a law enforcement officer who observed an offense being committed, provided such information would constitute the basis for arrest had it been committed in the officer's presence. (The citation issued must list the names of each officer, and both must be present when charges against the offender are heard).



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NOTE: All of the above exceptions are based on timeliness; if enough time has passed for a warrant to have been obtained, an arrest without a warrant will not be upheld.

7. Outside of the time restriction, a seventh exception is noted, that of a fugitive arrest based on belief that a warrant exists in the jurisdiction

from which the suspect fled. An officer has no official power to arrest without a warrant beyond the boundaries of his/her jurisdiction except for when the officer is in hot pursuit that is continuous and uninterrupted (an officer may temporarily lose sight of the suspect). No officer shall arrest any person without a warrant when he knows that he is without reasonable cause to arrest such person.

B. Arrest With a Warrant

1. Jurisdiction - An arrest warrant may be issued in any county in Georgia, even for a crime committed in another county. Once issued, a warrant may be carried from one county to another, and it may be served in any county of the state regardless of where it was issued.
2. Contents - A valid arrest warrant must contain specific information as required by statute, court decisions and the Uniform Rules of Superior, State and Magistrate Courts. Such information includes:
 - a. The authority under which the warrant is issued;
 - b. Identification of the person who is to execute the warrant, generally addressed "To any sheriff, deputy sheriff, coroner, constable, Marshall, or police officer";
 - c. Identification of the person to be arrested;
 - d. The name of the offense committed;
 - e. The time, date, and place of occurrence of the offense, including the county in which it was committed;
 - f. Identification of the victim;
 - g. A description of the offense, including all of the elements of the offense.

In addition when the offense charged is a theft, the warrant must contain:

- 1) A description of the property alleged to have been stolen;



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- 2) Identification of the owner of the stolen property;
- 3) The value of the stolen property;
- 4) The person from whose possession it was taken.

NOTE: Without strict compliance with the above, the warrant will not be valid.

3. No officer shall arrest any person under color of a warrant unless he/she reasonably believes a valid felony warrant exists and that the person described in the warrant is before him/her.

C. Procedure When Making an Arrest

When a lawful arrest cannot be made except with a warrant, the arresting officer should have the warrant in his/her physical possession at the time of the arrest, or so near at hand that it can be exhibited upon demand.

NOTE: An officer making a lawful arrest has the right to use whatever force is reasonably necessary to accomplish the arrest, but no more than is necessary to take the suspect into custody (see Chapter 11- Use of Force).

D. Alternatives to Physical Arrest

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation. The particular facts and circumstances may justify either an investigation, a detention, a search, an arrest, or no action at all. In some cases, when the offense is of a minor nature, a verbal warning or other action may be taken. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, an officer must act reasonably within the limits of his/her authority as defined by statute and judicial interpretation.

E. Immunity From Arrest

Federal and state laws provide that under certain circumstances, individuals may be immune from arrest. With the limited exception of certain diplomatic officials, immunity from arrest does not preclude prosecution of the individual for the offense for which immunity from arrest is claimed.

In all cases in which immunity is claimed, an officer has the right to detain the person long enough to verify that the person is entitled to the immunity claimed. This can usually be done by examination of official identification cards or, in the case of witnesses, the subpoena. The officer may also request that the dispatcher contact the appropriate government agency to verify the individual's status.



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In all cases in which a person asserts immunity from arrest, the detaining officer will immediately notify his/her immediate supervisor.

Under no circumstances will an officer permit a person who is entitled to immunity from arrest to continue to operate a motor vehicle or boat if the officer has probable cause to believe that the person is under the influence of alcohol or drugs.

1. Diplomatic and Consular Immunity

Diplomatic and consular officers, members of their official staff, officials of international organizations such as the United Nations and/or family members of such officers will be accorded their respective privileges, rights, and immunities as provided by the Treaties and laws of the United States.

All officers will treat these officials with the utmost courtesy and respect that befits their distinguished position if for no other reason, than the treatment that foreign diplomatic and consular officials receive from this Agency can directly affect how U.S. diplomatic and consular officials are treated in the foreign country.

It is a well-established principle of international law that persons enjoying such privileges and immunities are to respect local laws and regulations. Any incident involving persons claiming diplomatic or consular immunity or a family member of a diplomatic or consular officials will be reported immediately through the chain of command. It is the policy of this Agency to report all such incident to the U.S. Department of State for such diplomatic action as may be appropriate.

Because diplomatic and consular immunity may be waived or withdrawn by the foreign government, it can never be ascertained with certainty at the investigative stage that a person asserting immunity will continue to enjoy that immunity when his/her government is confronted with allegations of criminal conduct or that the accused will not later become subject to prosecution. Therefore, all serious incidents, (i.e. felonies, DUI's, and misdemeanors involving death or serious bodily harm) involving persons of diplomatic or consular immunity will be referred to the District Attorney for prosecution.

Where, however, a person entitled to diplomatic or consular immunity presents a clear, present and actual danger to him/her self or others or it is apparent that a serious crime may have been committed, an officer may take such reasonable actions necessary to protect public safety and the person entitled to immunity or to halt the illegal activity. This naturally includes the power to defend yourself from personal harm. In all such cases a senior officer must be called and the United States Department of State contacted immediately.

a. Diplomatic Immunity

Under Federal law, heads of a mission (usually called the Embassy) of a foreign government to the United States and the United Nations Headquarters in New York, members of the



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Diplomatic, administrative and technical staff of the mission and members of their family household are "not liable to any form of arrest or detention." Generally, this does not extend to United States citizens who are employed by an embassy.

Person entitled to diplomatic immunity are entitled, by law, to be treated with "due respect" and "appropriate steps (must be taken) to prevent any attack on his/her person, freedom, or dignity."

Under normal circumstances, this means that a person who establishes that he/she is entitled to diplomatic immunity (see Verification of Status below), cannot be arrested or tried for any criminal offense unless such immunity is expressly waived by the foreign government. As indicated in above, immunity continues only as long as the person is accredited as such to the United States.

b. Consular Immunity

In addition to members of their embassy staff, foreign governments may with the approval of the United States, establish consular offices to provide consular services to their foreign nationals in the United States and to represent them in trade matters.

There are two types of consular officials, career consuls and honorary consuls. Career consuls are normally full time employees of the foreign government. Honorary consuls may be a citizen of the foreign country who has residency in the United States or a United States citizen.

In the absence of a specific treaty, consular officials are not entitled to diplomatic immunity, but they are entitled to consular immunity which is more limited than diplomatic immunity.

Career consular officers are entitled to consular immunity. Career consular include: consul-general, vice consul-general, deputy consul-general, consuls, deputy consuls, vice consuls and consular agents who are official representative of a foreign government accredited to the United States.

Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority. A "grave crime" is defined as an offense that endangers the public safety. Career consular officers are subject to criminal prosecution by the courts of this State. Family members of consular officials are not entitled to immunity.

c. Honorary Consuls

Honorary consuls are not entitled to immunity from arrest or detention. They are subject to the civil or criminal jurisdiction of the court of this State except as to official acts performed in the exercise of their consular function.

d. Family Members



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Family members of consul officers are not entitled to immunity but will be treated with appropriate courtesy and respect. Incidents involving family members of consular officials will be reported through channels the same as for consular officials.

2. Procedures

In all cases where a person who is known to be entitled to or asserts diplomatic or consular immunity, the person will be treated with the courtesy and respect that befits their distinguished position and a senior officer contacted immediately. It is duty of the senior officer to contact the United States State Department immediately to verify the person's status and seek official guidance. See Verification of Status.

Career consular officials may only be arrested for a felony pursuant to warrant issued by a judge.

a. Traffic Violations:

Under international law, the issuance of a traffic citation does not constitute an arrest or detention. Therefore, the officer on the scene may, after ascertaining that the official has the proper credentials (See Verification of Status), based on the nature of the offense issue a warning or citation.

A copy of the citation along with the report of the incident will be forwarded through the chain of command to the United States Department of State, Washington, D.C. 20520.

b. Driving Under the Influence:

The primary consideration in DUI cases and other more serious offenses is to insure that the official is not a danger to themselves or the public. At best, these are sensitive situations and the officer must treat the official with respect and courtesy. If the senior officer determines that a diplomatic or consular official is a danger to themselves or others, the senior officer may direct that the official be taken to: 1) the Agency or another location where he/she may recover sufficiently to drive safety, 2) a telephone to call someone to drive for them (including a taxi); 3) their home or to their designation.

c. Reporting:

If the incident involves a person entitled to diplomatic immunity, the senior officer will contact the United States Department of State, Office of Protocol by telephone immediately and advise them of the situation. A full written report will be submitted through the chain of command within 24 hours to:

Office of Protocol
Department of State
P.O. Box 2976



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Washington, D.C. 20520

For consular officials, a full report will be submitted through the chain of command to the United States Department of State, Office of Protocol.

3. Verification of Status

Person claiming diplomatic or consular immunity are required to produce satisfactory evidence of their official status. The United States Department of State issues identification cards to diplomatic officials career consular agents and officials of international organizations accredited

to the United States. Honorary consuls may be issued identification cards by the Georgia Secretary of State.

The United States Department of State issues motor vehicle operator permits (driver's licenses) to person entitled to diplomatic or consular immunity and functions similarly to the Georgia Department of Public Safety with regards to these licenses. Driver's licenses issued by the Department of State will not be relied on as conclusive proof of the immunity of the bearer.

The United States Department of State issues motor vehicle plates (license tag) for vehicles operated by persons entitled to diplomatic and consular immunity. These tags are red, white and blue in color. The status of the vehicle is indicated by a letter code:

D = diplomatic vehicle

S = diplomatic staff vehicle C = consular vehicle

Information regarding the vehicle and registration owner is available through NLETS the same as out of state license plates. In addition, the Georgia Department of Revenue may issue consular license plates for vehicles registered in Georgia by career or honorary consuls.

License plates issued by the Department of State or the State of Georgia will not be relied on as conclusive proof of the immunity of the bearer but only as an indication that the vehicle may be operated by someone entitled to diplomatic or consular immunity.

In any situation in which an official asserting immunity cannot produce satisfactory evidence thereof, or the officer wishes to confirm the status claimed. The United States Department should be contacted:

Regular Hours:

Diplomats: 202-647-4510

Diplomatic Employees: 202-647-1405

Consular Officials: 202-647-1404 After Hours: All 202-663-0812



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4. Members of Congress

U.S. Senators and Representatives are free from arrest during their attendance at Congress and in going to and from sessions of Congress except for "treason, felony, or breach of the peace."

5. Members of the Georgia General Assembly

The members of the Georgia General Assembly are free from arrest during their attendance at the General Assembly and in going to and from sessions except for "treason, felony, or breach of the peace."

6. Others Exempt from Civil Arrest

a. Georgia National Guard or United States Armed Forces

Members of the Georgia Army National Guard, Georgia Air National Guard or any other active duty United States Armed Force are privileged from arrest, except in cases of treason, felony, or breach of the peace, under the following circumstances: 1) while attending drill; 2) during parades; 3) when attending meetings, encampments, and election of officers; and 4) while going to, during and returning from the performance of active duty.

NOTE: National Guard officers are no longer elected but are appointed the same as other officers of the armed forces.

- b. In any incident in which a person asserts immunity based on membership in the National Guard, a full report of the incident will be submitted. It is the policy of this agency that all incidents in which a member of the National Guard asserts immunity from arrest will be reported to the Adjutant General of the Georgia National Guard for appropriate action under the Georgia Code of Military Justice.

NOTE: OCGA 21-2-215 only refers to registration officials, not poll officers.

c. Voters

Citizens are immune from arrest on election day while voting.

d. Witnesses

A person who has been subpoenaed as a witness is immune from arrest on civil process while going to or returning from court. A person asserting immunity as a witness should be able to produce either the subpoena or a court order in the case of witnesses appearing under the Uniform Act to Secure the Attendance of Witnesses as proof of his/her status. Verification may be requested from the Clerk of the Court that issued the subpoena.



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NOTE: Supervisors should be immediately advised of the arrest of any person identified in the previous section -- E. Immunity From Arrest see page 8-4.

- F. ARREST OF FOREIGN NATIONALS - Whenever a person who is arrested is not a citizen of the U.S. they have a right under a treaty to call their embassy or consulate. Officers shall make every effort to allow such a call to be made and will assist by locating the telephone number of the embassy or consulate and connecting the arrestee with his consulate or embassy.

STANDARD OPERATING PROCEDURE EFFECTIVE: February 1, 2012

S.O.P. 8-1 TAKING SUSPECTS INTO CUSTODY

I. INTRODUCTION

It is the duty of each officer to carry out arrests according to established procedures. By performing duties in this manner, officers reduce the potential for injury to the suspect, him/her self and citizens. This minimizes the opportunity for an escape; and reduces the possibility that force will be needed to control the situation. This S.O.P. should be consistent with departmental training.

II. INITIAL CONTACT

- A. A person about to be arrested has the right to know that he/she is being taken into custody by an officer with lawful authority.

The suspect may have notice if he/she:

1. Actually knows the person making an arrest is an officer;
 2. Is able to see the officer's uniform or badge;
 3. Is apprehended while committing a crime;
 4. Is pursued from the scene of a crime;
 5. Is told by the officer of the officer's status, the reasons for an arrest and are advised of his/her constitutional rights.
- B. If an officer who is not known to a suspect fails to identify him/her self or to make his/her purpose known, the suspect has the right to resist what appears to



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be an unjustified assault. However, once the officer is identified, the assumption that the arrest is unlawful is no longer valid.

- C. If a person knows or believes the arrest is lawful, it is his/her duty to submit quietly to custody. An officer making a lawful arrest has the right to use whatever force is necessary (see Chapter 11. Use of Force) to accomplish the arrest, but no more than is necessary to take the suspect into custody.

III. **SEARCHING/HANDCUFFING**

- A. All persons taken into custody shall be searched incident to arrest. This search should include a full and careful pat-down of the suspect for weapons, contraband and evidence of the crime for which the arrest is

made, and should occur after handcuffing when possible. The search should also include the area within the suspect's immediate reach at the time of the arrest.

- B. Any person taken into custody who is suspected of committing a felony or who may be dangerous to himself or an officer, should be handcuffed before being transported.

1. **Method**

- a. The hands shall be handcuffed to the rear of the suspect with the palms facing outward. Whenever practical, the handcuffs will be looped through the suspect's belt.
- b. The handcuffs will be double locked with keyholes facing upward.
- c. Once applied, the handcuffs should be checked for fit by pulling or pushing on the handcuffs' jaw.

2. **Restrictions**

An officer shall not:

- a. Handcuff a prisoner to a fixed object or vehicle unless there is a need to restrain one prisoner so that the officer can pursue other offender(s);
- b. Be handcuffed to the prisoner; nor
- c. Remove handcuffs until the prisoner is safely inside the jail or police department.



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C. All prisoners will be searched by the arresting officer and will also be searched by each officer taking custody of the prisoner during transport and confinement.

IV ARRESTS OF FOREIGN NATIONALS.

- A. Citizens of other nations who reside in or are visiting Georgia are subject to Georgia law and except as indicated below, foreign nationals who are arrested will be treated in the same manner as U.S. citizens.
- B. A foreign national who is arrested (taken into custody) will be informed that he or she has the right under a treaty to which the United States is a party, to have his or her country's embassy or nearest consulate notified of his or her arrest and detention. This should be done at the time of the arrest but no later than during booking at the jail.
- C. A notation should be made in the case file of the fact that the accused was advised of his or her rights under the Vienna Convention on Consular Relations and whether or not the accused requested that the embassy/consulate be contacted.
- D. If the foreign national asks that their embassy or consulate be notified, it is the agency's responsibility to contact the consulate or embassy. Unless the accused is a national from the countries listed below, do not notify the embassy/consulate unless the accused requests they be notified.
- E. An updated listing of consulates and embassies can be found at the U.S. State Department web site: <http://www.state.gov>. This site also contains translations of the suggested rights warning in several different languages.
- F. By law, if a citizen of the following countries is arrested, the supervisor or his or her designee will notify the nearest consulate or the embassy of the arrest.
- G. The accused will be told that his or her embassy or consulate will be contacted, even if the accused does not want his or her consulate notified. A supervisor should contact the U.S. State Department for additional guidance if the accused indicates a fear of persecution or mistreatment by his or her government. The U.S. State Department may be contacted by phone at the following: (1) Business hours: 202-647-4415 fax 202-736-7559 (2) After business hours: 202-647-1512.
- H. Notification of the consulate will be made at the time the accused is booked. A suggested form for sending a fax notice to the applicable consulate can be found at the State Department Web Site.



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NOTE: If the accused also requests asylum, contact the U.S. State Department for further guidance prior to notifying the consulate or embassy.

1. Diplomatic and consular officers have the legal right to consult with their citizens who are detained by federal, state or local authorities. Any communication by a detained foreign national must be forwarded to the consular post without delay.
2. A diplomatic or consular official who is acting in this capacity will be treated with the utmost courtesy as befits their rank.
3. The right of consular access and communication are generally subject to local laws and regulations concerning prisoner visitations.
4. Whenever possible a senior officer or prosecuting attorney should brief the diplomatic or consular officer on the fact and circumstances of the arrest and the legal process which will be followed in the case.
5. If the foreign national who is arrested is in possession of a passport, visa, boarder crossing card, resident alien card or alien registration card, the arresting officer shall make a photo static copy of the documents and attach them to the arrest/booking report. A copy should also be made of any other identity or travel documents in the possession of the accused.
6. When completing the arrest booking report, obtain the following information:
 - a. A complete home address (foreign address) of the accused;
 - b. A complete local address for the accused.
7. The officer who contacts an embassy or consulate on behalf of an accused foreign national will note the date, time and the name of the person who received the call at the embassy or consulate in a supplemental report and place it in the case file.
8. If the accused foreign national is a juvenile who is not accompanied by a parent or legal guardian, the Immigration and Naturalization Service will be notified at the same time as the Juvenile Court. It is the responsibility of the Immigration and Naturalization Service to contact the embassy of the accused juvenile's nation.
9. If the foreign national is unable to communicate in English, a supervisor will be contacted and every effort made to obtain a translator. Miranda warnings must be translated before a questioning can begin. The investigating officer will



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include the name, address, telephone number and relationship of the translator to the victim/witness in the Incident Report or Supplemental Report.

10. During major events such as the Olympics, international sporting events, or international conferences, if a foreign national who is officially connected with the event is arrested, the District Attorney or his/her designee (Solicitor-General in misdemeanor cases) should be immediately contacted by telephone and provided with oral summary of the incident. The prosecuting attorney will advise the supervisor of any special procedures which should be followed.
11. If a foreign national is arrested for a felony, the U.S. Immigration and Naturalization Service (INS) will be notified and provided with the name of the accused and the nature of the charges. By law, the INS is required to notify the appropriate consulate or embassy if one of their citizens has been taken into custody by I.N.S.

Contact INS at: U.S. Immigration and Naturalization Service 77 Forsyth Street, Suite G-89 Atlanta, Georgia 30303 Phone: 404-331-2765

V. TOWING OF VEHICLES UPON ARREST

- A. Upon the arrest of a driver, his/her vehicle should be released to a towing service of the driver's choice or a person of the driver's choice who is properly qualified and physically capable of operating the vehicle and has agreed to do so. The officer must make a reasonable attempt to locate a towing service or competent private person of the driver's choice before impounding the vehicle. *State v. Ludvick*, 147 Ga. App. 784.
- B. Unless otherwise released by the arresting officer, cars will be towed to a designated lot on all misdemeanor and felony arrests when:
 1. The operator is physically or mentally incapable of operating the vehicle.
 2. The vehicle's condition would not permit it to be operated without being in violation of city ordinances or state law.
 3. The driver or owner of a vehicle is arrested and has parked the vehicle on another party's private property without authority or in any other place the vehicle should not be left (e.g., emergency lane of interstate). In this case, the arresting officer may remove said vehicle for impoundment and safe keeping.

NOTE: The officer must make this determination based on the circumstances. Of course, if there is independent probable cause to search the vehicle (beyond the



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normal search of the passenger compartment incident to arrest) and such a search cannot be safely done at the scene, it may impounded and its contents inventoried.

VI. REPORTING/FOLLOW-UP

- A. An officer who arrests a suspect for a criminal offense shall set forth the details and circumstances justifying the arrest in his/her report.
- B. In circumstances when a crime suspect is identified and arrested at the crime scene, he/she may be turned over to an investigator present at the scene for booking in accordance with procedures.
- C. An officer shall obtain a police case number from the Dispatch Center for the incident report, or one shall be issued by the dispatcher if the arrest occurred during commission of the crime or immediately after commission of the crime.
- D. An officer shall advise the arrested person of his/her rights (under the Miranda Warning) before he asks any questions other than routine booking inquiries.
- E. Any officer, including a patrol supervisor, may consult with a Criminal Investigation Division supervisor any time he/she believes such a consultation will assist him/her in evaluating the circumstances of an arrest and determining if the arrest should be made.
- F. Misdemeanor offenses subject to citation release will be at the officer's discretion as to whether to incarcerate the person or issue a copy of charges. Booking and reporting procedures will be the same as for traffic arrests. If an arrest warrant is issued, it will be presented to detention staff.
- G. If a ticket has been issued and the officer notes a mistake was made on the ticket, he shall void the ticket by writing "VOID" across the face of the ticket and submit it with an explanation to his/her supervisor.

STANDARD OPERATING PROCEDURE EFFECTIVE: February 1, 2012

S.O.P. 8-2 PROCESSING OF JUVENILE OFFENDERS

I. INTRODUCTION

When a crime is committed by a child 16 years of age or younger and juvenile investigations are initiated by a law enforcement agency, officers shall conduct all phases of the investigation including bringing the case to the Juvenile Court for adjudication and disposition. Juvenile Courts in Georgia have exclusive original jurisdiction over juvenile matters and shall be the sole court for initiating action, except in cases where a life sentence may be imposed. When a life sentence may be imposed,



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the superior court has concurrent jurisdiction. For the offenses of murder, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual battery, and armed robbery with a firearm, the superior court has exclusive jurisdiction.

Officers assigned to Juvenile Operations will receive specialized training in the following areas:

- juvenile law;
- juvenile court procedures;
- role of the Division of Family and Children Services (DFACS);
- role of the Department of Children and Youth Services (DCYS);
- resources available for youth services;
- interviewing;
- report writing techniques;
- dealing with victims of sexual abuse;
- dealing with victims of physical neglect and abuse;
- familiarity with the use of anatomically correct dolls; and
- the use of taping and recording devices.

NOTE: Definitions as defined by OCGA 15-11-2, the Juvenile Proceedings, Parental Rights Code. All procedures for handling children accused of delinquent and unruly behavior are set out in OCGA 15-11-1 through 15-11-117.

- A. Child - Any individual who is under the age of 17 years who is alleged to have committed a delinquent or unruly act; or under the age of 18 years, if alleged to be a "deprived child".
 - B. Delinquent Act - An act designated a crime by the laws of this state, or by the laws of another state if the act occurred in that state, under federal laws, or by local ordinance, and the crime is not a juvenile traffic offense as defined in OCGA 15-11-49.
 - C. Unruly Act - An offense that is only applicable to a child: (i.e. truancy; curfew violation; runaway; ungovernable; Patronization of any bar where alcoholic beverages are sold. (Allegations of truancy cannot be brought after a child has reached the age of 16).
 - D. Deprived Child - Means a child (under 18) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his/her physical, mental, or emotional health or morals; has been placed for care or adoption in violation of law; has been abandoned by his/her parents or legal custodian; or is without a parent, guardian, or custodian.
1. Copy of Charges



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- a. Police officers may issue a copy of charges in lieu of taking the child into custody. In most situations involving juveniles when a parent or legal guardian is available to take charge of the child, the interest of the juvenile is best served by releasing the juvenile to the parent or guardian. Major felonies and situations involving violence will require taking the child into custody.
 - b. The defendant's copy of the charges shall be given to the parent or legal guardian. The officer will explain in detail the charges involved, and advise the child and parent/legal guardian that they will be notified by juvenile authorities as to the court date or other related actions. Prior to release, the officer should first contact the juvenile authorities to ascertain if a pick-up order is outstanding.
 - c. When an officer charges a juvenile with an offense for which charges are brought without taking custody of the juvenile, it shall be the arresting officer's responsibility to furnish the juvenile authorities (or juvenile officer) with a copy of the incident report and the juvenile complaint form (a mandated form) along with the court copy of the citation.
2. Juvenile Traffic Procedure - DUI
- a. A juvenile who is arrested for DUI, who is sixteen years of age, and possesses a Georgia Driver's License, is subject to the Georgia Implied Consent Law, and will be given the same rights as an adult.
 - b. After the test is completed, the arresting officer will follow standard procedures for the processing of juveniles.
 - c. A juvenile without a valid driver's license who is arrested for DUI, regardless of age, is not subject to the Georgia Implied Consent Law and cannot be given a blood or breath test without obtaining permission from the parent(s) or legal guardian.

NOTE: All sixteen year old traffic offenders shall be tried in juvenile court for violations under the OCGA Chapter 6-Uniform Rules of the Road Act, 40-6-1 through 4-6-395. The sixteen year old is issued a Copy of Charges (traffic citation) and the original court copies are forwarded onto the juvenile court.

- d. Juvenile traffic offenses, OCGA 15-11-49; apply to those individuals under the age of 16 and the arresting officer will follow standard procedures for the processing of juveniles.



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- e. Exceptions: Those violations which include any offense under OCGA 40-5-54 or 40-5-70. Any offense under these Codes is an act of delinquency.
3. Physical Detention (The taking of a child into custody is not an arrest, except for determining its validity under the law.)
 - a. child be taken into custody:
 - 1) Pursuant to an order of the court;
 - 2) Pursuant to the laws of arrest;
 - 3) If there are reasonable grounds to believe that child is suffering from illness or injury or is in immediate danger from his/her surroundings and that his/her removal is necessary (a deprived child);
 - 4) If there are reasonable grounds to believe that the child has committed a status offense, delinquent act or to believe he is an unruly child; or
 - 5) If there are reasonable grounds to believe that the child has run away from his/her parent(s), guardian or other custodian.
 - b. A child taken into custody shall not be detained or placed in shelter care prior to the hearing unless:
 - 1) His/her detention or care is required to protect the person or property of others or the child;
 - 2) The child may abscond or be removed from the jurisdiction of the court;
 - 3) He has no parent(s), guardian, or custodian or other person able to provide supervision and care for him and return him to court when required; or
 - 4) An order for his/her detention or shelter care has been made by the court.
 - c. Procedures on Taking Child into Custody - OCGA 15-11-19: An officer taking a child into custody will notify the parent/guardian



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of the custody as soon as feasible. The Officer, with all reasonable speed and without first taking the child elsewhere, shall:

- 1) Release without bond the child to his/her parent(s), guardian, or other custodian upon their promise to bring the child before the court when required;
- 2) Deliver the child to a medical facility, if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact a juvenile court intake officer;
- 3) Bring the child immediately before the juvenile court or promptly contact a juvenile court intake officer who will determine if the juvenile will be detained or released;
- 4) Bring the child who is suspected of committing a delinquent act before the superior court of the county where the delinquent act occurred if the act is an act over which the superior court has concurrent jurisdiction;
- 5) Bring the child to any suitable place or facility designated or operated by the court for juvenile detention.
- 6) Release a child to the parent/guardian with no further legal action required.

d. Procedures Involving Capital Felonies

- 1) An officer taking into custody a juvenile (13) years of age or older who is suspected of a capital felony, shall immediately take the child into custody and transport the child to the juvenile/superior court or designated juvenile detention facility.
- 2) The officer shall complete a juvenile complaint form and contact a juvenile intake officer and the district attorney.
- 3) A juvenile intake officer should be contacted for approval of detention on a capital felony.

e. Questioning the Juvenile Offender - When juveniles are questioned, a parent, guardian, or attorney should be present and participating. Both the parent and child must understand and knowingly waive the juvenile's Miranda Rights. This procedure



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should be followed regardless of the juvenile's age, the charge, or whether or not he is in custody.

- f. The deprived, abused and neglected child: Each county in the state is mandated to have in place a child abuse protocol filed with the Division of Family and Children Services (DHR), a copy of which shall be furnished to each agency in the county processing the cases of abused children OCGA 19-15-2. This protocol should detail the procedures to follow regarding the handling of abused and physically neglected children under the age of 18 years. A copy of the protocol is available in CID.

STANDARD OPERATING PROCEDURE EFFECTIVE: February 1, 2012

S.O.P. 8-3 CONFESSIONS AND INTERROGATIONS

I. INTRODUCTION

To many authorities interrogation is the most important part of an arrest/investigation since it offers the possibility of determining, by the statement of the suspects themselves, whether they committed a particular crime. The techniques to be utilized to interrogate suspects are outside the scope of this S.O.P. The purpose of these procedures is to ensure that confessions are obtained voluntarily. This will allow such statements to be used at trial. Any involuntary statement, regardless of whether it is true or false, is non-admissible in court.

- A. Interviewing juveniles ensure the following
 1. Interview does not last more than one hour without the CID Captain's approval and that a break is provided every ten minutes.
 2. No more than two sworn officers are present in the room.



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3. Prior to interrogation the officer will explain constitutional rights, department juvenile policies, and the juvenile justice system to the parent/guardian and the juvenile.
 - B. Voluntariness - No attempt will be made to obtain a statement by force, threats, or promises. Whether an accused person or a suspect will cooperate is left entirely up to that individual. If he indicates at any time prior to or during questioning that he wishes to remain silent, or that he wants an attorney present, all interrogation must cease. Any confession induced by the officer "by the slightest hope of benefit or remotest fear of injury" will not be admissible in court OCGA 24-3-50.
 - C. Determination Thereof - The court uses two general standards in determining voluntariness. These standards are "inherently coercive" or not the result of "free and unconstrained choice." Failure to pass either of these standards renders a statement inadmissible.
 1. Elements of an Inherent Coercion include, but are not limited to:
 - a. Physical abuse, or the threat of such abuse;
 - b. Extended periods of interrogation without break or access to the outside;
 - c. Unwillingness to permit the accused access to an attorney, family or friends, especially when an individual has made some effort to make contact with such persons;
 - d. Severe physical conditions under which the accused is interrogated.
 2. A statement may be ruled inadmissible under the Free and Unconstrained Choice Doctrine when the interrogation practices used overpower the accused's ability to act in a self-determined matter. Circumstances and actions which may violate this doctrine include, but are not limited to:
 - a. Failure to notify the accused of the charge(s);
 - b. Age, intelligence, experience of the accused;
 - c. Physical condition of the accused;



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- d. Overt force, physical abuse, use of weapons, number of officers present;
- e. Threats and psychological pressure;
- f. Deprivations of food, sleep, medication;
- g. Isolation, incommunicado interrogations;
- h. Duration of questioning;
- i. Use of trickery, ruse, or deception;
- j. Failure to advise the accused of his/her rights;
- k. Promises of leniency or other inducements;

It must be noted that the presence of any one or more of these factors will not necessarily make a statement involuntary. Rather the Court will examine the "totality of circumstances" at the time the statement was obtained.

C. Miranda Warnings and Waiver

1. The language for the proper warning of rights and waiver contained on the Department's Waiver of Rights Form is as follows:
 - a. Warning
 - 1) That I have the right to remain silent and not make any statements at all, nor incriminate myself in any manner whatsoever.
 - 2) That anything I say can and will be used against me in a court or courts of law for the offense or offenses concerning which this statement is herein made.
 - 3) That I have the right to talk to a lawyer and have him present with me while I am being questioned.
 - 4) That if I am unable to hire a lawyer I can request and receive appointment of a lawyer by the proper authority, without cost or charge to me, to be present and advise me before and during this statement.



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b. Waiver

- 1) I understand each of the above rights that have been explained to me.
 - 2) Having the rights in mind, I wish to waive these rights and talk voluntary of my own free will and accord.
2. Before a statement can be admitted into evidence, the State must prove that the suspect fully understood the warning and freely decided to answer questions. A suspect who remains silent after receiving warnings has not agreed to be questioned. When possible, a signed waiver shall be obtained.
3. Request for a Lawyer by an Accused
- a. If, at any point, the accused request to speak with an attorney, all questioning must cease. Questioning by police officers related to the offense(s) may not be resumed unless the accused initiates the questioning by requesting to speak with the officer. The officer must fully document any offer by the accused to speak with officers after invoking the right to counsel. Only routine, administrative questions not related to the offense(s) may be asked after the accused has invoked his/her right to counsel.
 - b. If the accused says anything that suggests or implies that the accused wants to speak to a lawyer, questioning concerning the offense must cease. The officer may ask the suspect only questions that will determine whether or not the accused is invoking the right to counsel. Only if the accused states clearly and unequivocally that he/she does not want a lawyer, may questioning continue. Documentation of this is vital. The following are examples of equivocal requests for a lawyer:

Accused: "I guess I'm going to see a lawyer sometime." Accused: "When do you think I'll get to see a lawyer?" Accused: "My wife informed me to go and get a lawyer."

Officer Response: "Do you want a lawyer now?"

Only if the accused's answer clearly indicates that he/she does not want a lawyer will questioning concerning the crime continue.
 - c. If during the booking process the accused has completed an Application for Appointment of Counsel and Certificate of Financial Resources form (as required by USCR 29.3) and marks the form to request a court



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appointed lawyer, the accused has invoked the right to counsel and questioning must cease.

- D. Identification of Investigator - In addition to being given the Miranda Warnings, the accused shall be advised of the names and official identity of the interrogating investigator(s) and the nature of the inquiry.
- E. Interpreters - When there is doubt of a person's ability to use and understand the English language, and an officer is not qualified in the principle language of the person, the officer will contact his/her supervisor for assistance. The supervisor will be responsible for obtaining a qualified interpreter. Any confession made without an interpreter may result in the statement being rendered inadmissible in court. This policy shall also apply to those persons who are hearing impaired.

NOTE: For hearing impaired assistance, contact the Department of Human Resources, Georgia Interpreting Services Network at 1-800-228-4992 or 404-657-5932

- F. Documentation of Statement by Accused
 - 1. Whenever possible, any statement made by the accused should be recorded on either audio or video tape. The recording should include the accused's waiver of rights at both the beginning and end of the tape. A transcript of all recorded statements will be made and included in the case file.
 - 2. If is not possible to record the accused's statement, the officer must fully document the content of the statement.
 - 3. Whenever possible, the accused should be asked to sign any written statement in which a confession or admission of guilt is contained.
 - 4. No later than 10 days prior to trial, the State is required to disclose to the defendant, or his/her defense counsel, and make available for copying any relevant written or oral statement made by the defendant to a person who the defendant knew to be a law enforcement officer, whether before or after the arrest. This includes those portions of written reports that contains the substance of relevant oral statement made by the defendant. OCGA 17-16-4(a). Failure to disclose a defendant's statement can result in the court imposing sanctions, including barring the use of the statement at trial or taking direct action against the officer(s) involved or the Agency. OCGA 17-16-6.



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G. Questioning About Similar Crimes - When interviewing subjects and suspects, consideration should be given to including questions as to any knowledge they may have of unresolved cases of a similar type.

H. Interview - An interview is the free and willing exchange of information between the interviewer (officer) and the interviewee. This type of verbal exchange may occur at accident scenes, interviewing witnesses, or responding to general calls for information.

Voluntary admission derived from these types of interviews will be treated with the same consideration as a confession.

STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

S.O.P. 8-4 TRAFFIC SUMMONS

I. INTRODUCTION

This S.O.P. covers the standardization of Departmental procedures and policies in the making of traffic stops and issuance of summons.

A. Probable Cause

1. Police Officers, prior to initiating a traffic stop, must have probable cause to believe that a violation has been or is being committed.
2. Police Officers must have probable cause to issue a valid summons on each and every traffic stop he/she initiates. The actual decision to issue a summons or written warning remains with the officer. However, once the decision is made to issue a citation, that citation may not be dismissed except in open court by the judge and with prior written notice to the

Chief of Police of the intent to dismiss and the reasons therefore. Normally unless an error of law has occurred, a citation, once issued, will not be dismissed.

3. Probable cause to arrest a driver for driving under the influence requires observation of more than one physical indicium of intoxication (erratic driving, odor of alcohol on drivers breath, red and watering eyes, slurred speech, staggering walk, etc.). The conditions observed should be noted on the accusation or incident report. Field sobriety tests (portable alco-sensor, horizontal gaze nystagmus, etc.) may be administered, at the officer's discretion, when the officer has reasonable suspicion that the driver is under the influence.

B. The Traffic Stop



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1. Prior to the actual stop the officer will advise dispatch of the vehicle's tag number, make, color, location, and direction of travel.
 2. Courtesy Warning/Summons
 - a). In all cases either a courtesy warning or a summons will be issued. The type issued is at the discretion of the officer.
 - b). Summons are to be properly completed as per GCIC guidelines.
 - c). Make sure all addresses are up-to-date.
 3. Drivers License as Bail
 - a). Residents of the State of Georgia may post their drivers license as bail for any misdemeanor offense, if the license is current and valid. If the person does not wish to leave their driver's license as bail, that person may be released on a copy of charges.
 - b). Persons living out-of-state, if their home state is a member of the interstate compact will be treated the same as a resident of this State.
 - c). If a violator's state of residence is not a member of the Non-Resident Violator Compact, the violator must post a bond. The violator will be escorted to the police department to post a bond. The citation should be marked "Posted Bond" in the remarks section of the citation, and appropriate copies forwarded to the Records Clerk.
 - d). Persons arrested for serious traffic offenses: DUI, Homicide by Vehicle, Feticide by Vehicle, Serious Injury by Vehicle, Fleeing or attempting to elude police officer, or impersonating law enforcement officer, regardless of residence, shall post either a cash or property bond. All serious traffic offenses and accompanying charges shall be returnable to court only.
- C. Persons given citations cannot be made to sign the citation. Should a person refuse to sign a citation, the officer may request that person to post a cash or property bond according to law. Should the person become belligerent and/or uncooperative the officer can:



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1. Ask that the person to follow the officer to the station to post either cash or property bond, etc.

Under no circumstances will a person charged with a minor traffic offense be jailed unless he/she refuses to sign the citation, if applicable, and/or refuses or cannot post bond.

- D. Officers shall complete all paperwork including citations and arrest booking reports/incident reports (if warranted) prior to clocking out at the end of the day. Except for cases wherein warrants are required for serious traffic offenses, no suspect shall be jailed beyond the end of the officer's shift unless all paperwork has been completed. Where warrants are necessary, no person shall be held in jail beyond 48 hours. No officer shall sign a citation on a case made by anyone other than himself/herself.

- E. Accountability of Citations

Traffic citation books will be stored and maintained by the Records Executive Administrator. The traffic citation books will be issued primarily by the Records Executive Administrator. In the absence of the Records Executive Administrator, any department Captain has the authority to issue traffic citation books.

The Records Executive Administrator will ensure that citation books are stored in a secure location. He will maintain a data base listing each citation book, when it was issued, to which officer it was issued.



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STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

S.O.P. 8-5 CITY ORDINANCE VIOLATIONS AND OTHER MISDEMEANORS

I. INTRODUCTION

This S.O.P. covers the standardization of Departmental procedures and policies in the making of City Ordinance Violations and other misdemeanors returnable to Municipal Court.

A. Probable Cause

1. Police Officers, prior to the issuance of a City Citation for a violation of City Ordinances or other misdemeanors returnable to Municipal Court, must have probable cause to believe that a violation has been or is being committed.
2. Police Officers must have probable cause to issue a valid citation on each and every citation he/she initiates. The actual decision to issue a summons or written warning remains with the officer. However, once the decision is made to issue a citation, that citation may not be dismissed except in open court by the judge and with prior written notice to the Chief of Police of the intent to dismiss and the reasons therefore. Normally unless and error of law has occurred, a citation, once issued, will not be dismissed.

B. Citations

1. Summons are to be properly completed as per GCIC guidelines.
2. Make sure all Toombs County addresses are up-to-date.
3. Note place of employment in the remarks section of all Toombs County residents.

C. Drivers License as Bail

1. Residents of the State of Georgia may post their drivers license as bail for any misdemeanor offense, if the license is current and valid. If the person does not wish to leave their driver's license as bail, that person may be released on a copy of charges.



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2. Persons living out-of-state, if their home state is a member of the interstate compact will be treated the same as a resident of this State.
- D. Persons given citations cannot be made to sign the citation. Should a person refuse to sign a citation, the officer may request that person to post a cash or property bond according to law. Should the person become belligerent and/or uncooperative the officer can:
1. Ask that the person to follow the officer to the station to post either cash or property bond, etc.
- E. Officers shall complete all paperwork including citations and arrest booking reports/incident reports (if warranted) prior to clocking out at the end of the day. Except for cases wherein warrants are required for serious traffic offenses, no suspect shall be jailed beyond the end of the officer's shift unless all paperwork has been completed. Where warrants are necessary, no person shall be held in jail beyond 48 hours.



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EFFECTIVE: February 1, 2012

S.O.P. 8-6 VEHICLE AND BODY CAMERAS

I. INTRODUCTION

The purpose of this regulation is to establish a policy for the use and management of both body-worn and vehicle cameras and a web-based digital media storage facility.

SCOPE: All Personnel Authorized by the Chief of Police

BACKGROUND: The Lyons Police Department adopts the use of body-worn and vehicle cameras to visually and audibly record specific interactions between officers and the public and to retain associated video for a period of time. The use of camera systems provides limited documentation, within the field of the camera's view of law enforcement interaction with the public by providing recorded evidence of actions, conditions, and statements that may be used for court proceedings, or internal review. Video cannot always show the full story, nor does it capture an entire scene. Cameras provide additional documentation of police/public encounters and may be an important tool for collecting evidence and maintaining public trust

II. DEFINITIONS:

A. **BODY CAMERA:** A device that is worn by a law enforcement officer or other identified personnel that electronically records video and audio of such officer's activities.

B. **VEHICLE CAMERA:** A device that is attached to a law enforcement vehicle that electronically records video and audio of law enforcement officers' activities.

C. **SYSTEM ADMINISTRATOR(s):** System administrators will be assigned by the Chief of Police and will have full access to the web-based digital system to assign and track equipment; control passwords; conduct quality checks of uploaded data; coordinate data retention/destruction; and provide copies of requested data to requesting agencies.

D. **END USER:** Body-worn/Vehicle camera user with individual account access to the web based digital media storage facility. An end user cannot alter or delete video recordings.



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II. RULES AND REGULATIONS

Body-worn and vehicle cameras will be used to document events and capture limited data and treated as evidence. The department has adopted the use of body-worn and vehicle camera systems to accomplish the following objectives:

- To improve officer accountability and transparency to the public they serve.
 - To enhance public and officer safety.
 - To accurately document statements and events during an incident.
 - To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and courtroom preparation/testimony.
 - To preserve visual and audio information for use in current and future investigations.
 - To provide an impartial measurement for self-critique and field evaluation during officer training and/or mentoring sessions.
 - To enhance public trust by preserving factual representations of officer-public interactions in the form of video and audio recordings.
- A. The safety of the public and officers shall take precedence over recording events. Officer safety and the safety of the public shall be the primary considerations when contacting the public or conducting vehicle stops, not the ability to record an event.
- B. Body-worn and vehicle cameras shall be used to capture visual and audio evidence for investigations and enforcement encounters. Officers shall not be required to provide narrations or dictate their actions to the camera but may choose to do so in certain situations. Detailed police reports are still required and are the appropriate place to document the totality of the circumstances for the incident.
- C. General
1. Designated personnel who are not otherwise assigned a body-worn or vehicle camera may become required to wear one in certain circumstances. These circumstances include, but are not limited to, specialized assignments, disciplinary purposes, or as otherwise determined by Command Staff or the Chief of Police.
 2. The LPD does not permit personnel to use personally owned cameras while on duty. All body-worn and vehicle recordings shall remain the property of the LPD and constitute official records of the Department. Unauthorized access to, or use, duplication, and/or distribution of video/audio files is prohibited. Personnel shall not make copies of any



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video/audio file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record video/audio files.

3. Inspection and general maintenance of camera equipment installed in department vehicles or assigned to officers shall be the responsibility of the officer.
 - a. Video camera equipment shall be operated in accordance with the manufacturer's recommended guidelines and departmental training and policies.
 - b. Before beginning each shift, the assigned officer shall perform an inspection to ensure that the body camera and vehicle camera is performing in accordance with the manufacturer's recommendations covering the following matters:
 1. Body-worn camera synced to vehicle camera;
 2. Windshield and camera lens are free of debris;
 3. The camera is facing the intended direction; and
 4. Equipment is capturing both video and audio information and plays back both.
4. Malfunctions, damage or theft of video camera equipment shall be reported to the System Administrator(s), via the chain of command before placing the unit into service.

D. Operational Use

1. Designated personnel who are assigned a body-worn camera should wear the camera on their uniform at a location that will facilitate an optimum recording field of view. Officers shall not deliberately remove, dismantle or tamper with any hardware and/or the evidence management software component of the camera.
2. It is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked, the officer may inform the person they are being recorded.
3. Designated personnel who activate the body-worn or vehicle camera while on duty will be required to note the existence of the recording in the official incident report, citation, or CAD event if no incident report exists. The primary officer at an incident will have the responsibility to document in their report any assisting officer that responds in a back-



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up/secondary role that otherwise would not necessarily generate a report. The documentation should include the officers name and whether or not video was captured.

4. Designated personnel who utilize body-worn and vehicle cameras are required to articulate in the official incident report, or citation, if no incident reports exist, their reasoning if they fail to record or deactivated the camera during an activity that is required by department policy to be recorded.
5. There are many situations when an officer should activate the body-worn or vehicle cameras, however; this policy is not intended to describe every possible circumstance. There may be times when an officer fails to record an event or activity that is otherwise required by agency policy to be recorded. The safety of officers and members of the public is the highest priority, and the department acknowledges there may be situations in which operation of the device is impractical or may be an impediment to public and officer safety. Additionally, the department recognizes human performance limitations during particularly stressful, critical situations. In these such circumstances, officers will notify their direct supervisor and document the circumstances in their official incident report.
6. Sound judgment and discretion shall dictate when a body-worn/vehicle camera is activated; however, officers shall make every effort to activate the body- worn/vehicle camera to record public contact when law enforcement action is being or may be taken including, but not limited to:
 - a. All enforcement encounters where there is at least reasonable suspicion the person(s) has committed, is committing or may be involved in criminal activity. This includes, but is not limited to:
 1. Detentions, vehicle stops, pedestrian stops and consensual encounters
 2. Probation, parole, post-release community supervision, mandatory supervision or consent searches, 'knock and talks.'
 - b. Observed unlawful conduct;
 - c. Response to complaints or calls for service;
 - d. High-risk situations;
 - e. Statements received pertaining to investigations and advising an individual of Miranda rights;



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- f. K-9 deployments;
 - g. Taking or attempting to take a person into custody (e.g., arrests, protective custody of mentally disturbed persons, etc.);
 - h. All incidents involving arrest resistance;
 - i. All public interaction, regardless of context, that escalates and becomes adversarial;
 - j. Service of search and arrest warrants;
 - k. Pursuits;
 - l. Any other circumstances where the officer believes recording an incident would be appropriate, or when directed by a supervisor.
7. A recording should generally be made during incidents that create reasonable suspicion in the mind of a reasonable officer that a crime has been committed, is being committed, or will be committed.
 8. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, the officer may turn off their camera; thereby preventing their private conversation from being recorded. The officer will document why the camera was intentionally turned off either through narration on camera prior to turning the camera off, or within the incident report.
 9. Once video is captured, officers shall identify the data file in the following manner:
 - a. By entering the report number or event number in the applicable title field.
 - b. Selecting the appropriate category. In the event more than one category is applicable, the category with the longer retention rate shall be selected.
 10. Each officer is responsible for ensuring that their assigned body camera or vehicle camera is uploaded during their shift as needed or at the completion of their shift. Actual time spent uploading the video files at the completion of an officer's shift shall be regarded as time worked.
 11. Supervisors will ensure that officers utilize the body and vehicle cameras according to these policy guidelines. Supervisors may require certain recordings to be uploaded as soon as possible following an event.



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12. All video recordings shall remain the property of the LPD and constitute official records of criminal investigations of the LPD.
13. Unauthorized access to, or use, duplication, and/or distribution of video files are prohibited. Personnel shall not make copies of any video footage file for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record video files.

F. Operational Prohibitions/Restrictions

1. Officers shall not modify, tamper, dismantle, or attempt to make repairs to the body-worn or vehicle cameras. Violations may result in disciplinary actions.
2. To respect the dignity of others, officers utilizing body-worn/vehicle cameras will make reasonable efforts to avoid recording persons who are nude, or when sensitive areas are exposed.
3. Body-worn cameras shall not be activated in places where a reasonable expectation of privacy exists unless police action is being taken:
 - a. Such as locker rooms, dressing rooms, or restrooms;
 - b. Doctor's or lawyer's offices;
 - c. Medical or hospital facilities;
 - d. During tactical briefings or the discussion of safety and security procedures; and/or
 - e. The intentional recording of confidential informants and undercover officers is prohibited unless authorized by a supervisor.
4. Non-work related personal activity shall not be recorded.
5. Under no circumstances shall any recordings be used or shown for the sole purpose of ridicule or embarrassment upon any person or used for non-police related activities.
6. Officers shall not use body-worn cameras to make surreptitious recordings of other department members without their consent, a court order, or unless lawfully authorized by the Chief of Police or designee for the purposes of an internal or criminal investigation.



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- G. Accountability, Review, and Security
1. Officers authorized under this policy may review their video in the review-only mode as it relates to:
 - a. Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports;
 - b. Before courtroom testimony or for courtroom presentation;
 - c. Before providing a statement pursuant to an administrative investigation; and/or
 - d. For training purposes.
 2. A supervisor may review a specific incident contained on digital media for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reasons. Supervisors are encouraged to review randomly selected videos on a monthly basis for purposes as described above. Field Training Officers (FTO's) and the FTO Coordinator may view camera video files to evaluate the performance of an officer in the Field Training Program.
 3. The Chief of Police, Captain, or Lieutenant will select, at random, several videos recorded by each officer every 60 days.



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STANDARD OPERATING PROCEDURE EFFECTIVE: February 1, 2012 S.O.P. 8-7 HANDCUFFING

I. INTRODUCTION

- A. Purpose - To provide policy for the handcuffing of persons in the custody of officers of the department.
- B. Policy - It shall be the policy of this department to take the precautions necessary while taking persons into custody and transporting prisoners to protect the lives and safety of the officers, public, and the person in custody.

II. RULES AND REGULATIONS

- A. The handcuff can be considered a safety device for both the officer and the arrestee. It is used as a temporary restraint to prevent attack, escape, the destruction or concealment of evidence or contraband and self-inflicted injury. Placing handcuffs on a prisoner should be a deliberate and conscious activity.
- B. If there is reason to believe that an immediate threat of bodily injury, death, and immediate threat of destruction of evidence or contraband, or escape exists, the following shall be done:
 - 1. Handcuff the prisoner securely enough to protect the officer, but not so tightly as to cause the prisoner injury or pain.
 - 2. When applied, handcuffs shall be placed so that the key hole is pointing upward and the double lock opening pointed outward, away from the body. All persons being handcuffed shall be handcuffed with their hands behind their backs, palms outward unless there are specific, articulable reasons for other actions. All handcuffs shall be double locked. There may be some instances where it may be appropriate to handcuff a prisoner in front of his/her body or not to handcuff at all. However, these instances are rare and such action should be justified by each officer.
 - 3. When transporting prisoners, the prisoner shall be handcuffed with the hands behind the back or with supervisory approval, handcuffed with the hands in front of the body and hand movements restricted with other approved restraining devices. When transporting prisoners, seat belts will be used to further secure and protect the prisoner and the officer in the



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vehicle unless the prisoner is combative and fastening the seatbelt would endanger the officer.

4. Leg irons may be used at the discretion of the officer when the prisoner constitutes an escape risk, an immediate danger to himself or others, or is in custody for a capital crime.

STANDARD OPERATING PROCEDURE

EFFECTIVE: February 1, 2012

S.O.P. 8-8 PREVENTION OF BLOOD BORNE DISEASES

I. INTRODUCTION

It is the purpose of this policy to provide officers with guidelines for preventing the contraction of the AIDS virus, hepatitis B and other blood borne pathogens.

It is the responsibility of the Department to take all reasonable measures to allow its members to perform their duties in a safe and effective manner. The safe performance of daily operations is threatened by the AIDS and hepatitis B/C viruses that can be contracted through exposure to infected blood and several types of bodily secretions.

Therefore, it is the policy of this agency to continuously provide employees with information and education on prevention of these diseases, provide up-to-date safety equipment and procedures that will minimize their risks of exposure and to institute post-exposure reporting, evaluation and treatment for all members exposed to these diseases.

II. DEFINITIONS:

- A. **BODILY FLUIDS:** Blood, semen and vaginal fluids or other secretions that might contain these fluids such as saliva, vomit, urine or feces.
- B. **PERSONAL PROTECTIVE EQUIPMENT:** Specialized clothing or equipment worn by members for protection against the hazards of infection. This does not include standard issue uniforms and work clothes without special protective qualities.
- C. **UNIVERSAL PRECAUTIONS:** Procedures promulgated by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that all blood and bodily fluids are potentially infectious of the AIDS (HIV) and hepatitis B (HBV) viruses.

III. PROCEDURES

- A. General Disease Prevention Guidelines



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The Department subscribes to the principles and practices for prevention of HIV and HBV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration. Where otherwise not detailed in this policy, officers shall be guided by these practices and procedures.

B. Workplace Controls and Personal Protective Equipment

1. In order to minimize potential exposure, officers should assume that all persons are potential carriers of HIV or HBV.
2. When appropriate protective equipment is available, no member shall refuse to arrest or otherwise physically handle any person who may carry the HIV or HBV virus.
3. Members shall use protective gear under all appropriate circumstances unless the member can demonstrate that in a specific instance, its use would have prevented the effective delivery of health care or public safety services or would have imposed an increased hazard to his/her safety or the safety of another co-worker.

All such instances shall be reported by the member and shall be investigated and appropriately documented to determine if changes could be instituted to prevent similar occurrences in the future.

4. Disposable gloves shall be worn when handling any persons, clothing or equipment with bodily fluids on them.
5. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter or droplets of potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
6. Gowns, aprons, lab coats, clinic jackets or other outer garments shall be worn as determined by the degree of exposure anticipated.
7. Plastic mouthpieces or other authorized barrier/resuscitation devices shall be used whenever an officer performs CPR or mouth-to-mouth resuscitation.



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8. All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered contaminated items.
 - a. Leather gloves or their protective equivalent shall be worn when searching persons or places or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may be encountered.
 - b. Searches of automobiles or other places should be conducted using a flashlight, mirror or other devices where appropriate. Subsequent to a cautious frisk of outer garments, suspects should be required to empty their pockets or purses and to remove all sharp objects from their person.
 - c. Needles shall not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
 - d. Needles shall be placed in Department provided, puncture-resistant, leak proof containers that are marked as biohazardous when being collected for evidence, disposal or transportation purposes.
 9. Officers shall not smoke, eat, drink or apply makeup around bodily fluid spills.
 10. Any evidence contaminated with bodily fluids shall be completely dried, double bagged and marked to identify potential or known communicable disease contamination.
- C. Custody and Transportation of Prisoners
1. Officers shall not put their fingers in or near any person's mouth.
 2. Individuals with bodily fluids on their persons shall be transported in separate vehicles from other persons. The individual may be required to wear a suitable protective covering if he is bleeding or otherwise emitting bodily fluids.
 3. Officers have an obligation to notify relevant support personnel during a transfer of custody when the suspect has bodily fluids present on his/her person, or has stated that he has a communicable disease.



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4. Suspects taken into custody with bodily fluids on their persons shall be directly placed in the designated holding area for processing. The holding area shall be posted with an "Isolation Area -- Do Not Enter" sign.
5. Officers shall document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his/her person, or has stated that he has a communicable disease.

D. Housekeeping

1. Supervisors and their employees are responsible for the maintenance of a clean and sanitary workplace and shall conduct periodic inspections to ensure that these conditions are maintained.
2. All supervisory personnel shall determine and implement written schedules as appropriate for cleaning and decontamination based on the location within the facility or work environment, the type of surface or equipment to be cleaned, the type of soil present and the tasks and procedures to be performed in the area.
3. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials as provided in this policy.
4. Any protective coverings used in laboratory, evidence custody or enforcement operations for covering surfaces or equipment shall be removed or replaced as soon as possible following actual or possible contamination.
5. Bins, pails and similar receptacles used to hold actual or potentially contaminated items shall be labeled as biohazardous, decontaminated as soon as feasible following contamination as well as inspected and decontaminated on a regularly scheduled basis.
6. Broken and potentially contaminated glassware, needles or other sharp instruments shall not be retrieved by hand but by other mechanical means and shall not be stored in a manner that requires that they be retrieved manually.
7. Officers shall remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area shall be cleansed in the prescribed fashion.
8. Contaminated laundry and personal protective equipment shall be bagged or containerized at the location where it is used in Department approved



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leak-proof containers but shall not be sorted, rinsed or cleaned at that location.

9. Only employees specifically designated by the Chief Executive Officer shall discard actual or potentially contaminated waste materials. All such disposal shall conform with established federal, state and local regulations.

E. Disinfection

1. Any unprotected skin surfaces that come into contact with bodily fluids shall be thoroughly washed as soon as possible with hot running water and soap for at least 15 seconds before rinsing and drying.
 - a. Alcohol or antiseptic may be used where soap and water are unavailable.
 - b. Disposable gloves should be rinsed before removal and hands and forearms should then be washed.
 - c. Skin surfaces shall be washed and mucous membranes flushed as soon as feasible following the removal of any personal protective equipment.
 - d. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
 - e. All open cuts and abrasions shall be covered with waterproof bandages before reporting to duty.
2. Disinfection procedures shall be initiated whenever a person with bodily fluids on his/her person is transported in a Department vehicle.
 - a. A supervisor shall be notified and the vehicle taken to the service center as soon as possible.
 - b. Affected vehicles shall be immediately designated with the posting of an "Infectious Disease Contamination" sign upon arrival at the service center and while awaiting disinfection.
 - c. Service personnel shall remove any excess bodily fluids from the vehicle with an absorbent cloth, paying special attention to any cracks, crevices or seams that may be holding fluids.



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- d. The affected areas should be disinfected using hot water and detergent or alcohol and allowed to air dry.
 - e. All police vehicles taken to a service center for scheduled washing and routine maintenance shall, as part of that routine, be cleaned in the interior with an approved disinfectant.
3. Non-disposable equipment and areas upon which bodily fluids have been spilled shall be disinfected as follows:
- a. Any excess bodily fluids should first be wiped up with approved disposable absorbent materials.
 - b. A freshly prepared solution of one part bleach to 10 parts water or a fungicidal/mycobactericidal disinfectant shall be used to clean the area or equipment.

F. Supplies

1. Supervisors are responsible for continuously maintaining an adequate supply of disease control supplies in a convenient location for all affected personnel in their unit. This includes, but is not limited to, ensuring that:
 - a. Personal protective equipment in appropriate sizes, quantities and location are available;
 - b. Hypoallergenic gloves and other materials are available for those who are allergic to materials normally provided, and cleaning, laundering and disposal, as well as repair or replacement of these and other items is provided; and
 - c. First aid supplies and disinfecting materials are readily available at all times.
2. All Department vehicles shall be continuously stocked with the following communicable disease control supplies.
 - a. Personal protective equipment in appropriate size and quantity for affected personnel to include face and eye protective devices, coveralls, disposable gloves and booties, leather gloves, -puncture-resistant and leakproof containers for needles and other sharp objects, barrier resuscitation equipment and leakproof plastic bags.
 - b. Liquid germicidal cleaner.



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- c. Disposable towel (70 percent isopropyl alcohol).
 - d. Waterproof bandages.
 - e. Absorbent cleaning materials.
 - f. "Isolation Area -- Do Not Enter" signs.
3. Officers using supplies stored in their vehicles are responsible for ensuring that they are replaced as soon as possible.
 4. Officers are required to keep disposable gloves in their possession while on either motor or foot patrol.
- G. Vaccination, Exposure, Evaluation and Treatment
1. All members of this Department who have been determined to be at risk for occupational exposure to the hepatitis B virus shall be provided with the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided if desired only after the member has received required Department training, has not previously received the vaccination series and only if not contraindicated for medical reasons.
 2. Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty shall be considered to have been potentially exposed to HBV and/or HIV.
 3. In cases of exposure, a supervisor shall be contacted who shall complete appropriate duty injury and medical forms and shall take appropriate steps to document the means and circumstances under which the exposure occurred.
 4. Immediately after exposure, the officer shall proceed to the designated health care facility for tests of evidence of infection and treatment of any injuries.
 - a. The Department shall ensure continued testing of the member for evidence of infection and provide psychological counseling as determined necessary by the health care official.
 - b. The members shall receive a copy of the health care provider's written opinion within 15 days of the evaluation and information on any conditions resulting from the exposure that require further evaluation or treatment.



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- c. Unless disclosure to an appropriate Department official is authorized by the officer or by the state law, the officer's medical evaluation, test results and any follow-up procedures shall remain confidential.
 5. Any person responsible for potentially exposing a member of the Department to a communicable disease shall be encouraged to undergo testing to determine if the person has a communicable disease.
 - a. The person shall be provided with a copy of the test results and a copy shall be provided to the exposed Department member. The member shall be informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
 - b. Criminal charges may be sought against any person who intentionally exposes a member of the Department to a communicable disease.
 6. Officers who test positive for HIV or HBV may continue working as long as they maintain acceptable work performance and do not pose a safety and health threat to themselves, the public or other members of the Department.
 - a. The Department shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the Department's health care officials.
 - b. The Department may require an employee to be examined by the Department care officials to determine if he/she is able to perform his/her duties without hazard to him/her self or others.
 7. All members of the Department shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.
- H. Record Keeping
1. The Department's personnel function shall maintain an accurate record for each employee with occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures; the health care professional's written opinion; and any other germane information provided by the health care professional.



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2. These health care records shall be retained in a secured area with limited access for the duration of the member's employment plus and may not be disclosed or reported without the express written consent of the member.
- I. Training
 1. The Department's training coordinator shall ensure that all members of the Department with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.
 2. All affected employees shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.
 3. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
 4. The training coordinator shall ensure that complete records are maintained on member training to include information on the dates and content of training sessions, names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions. These records shall be maintained for a period of three years from the date of training.

STANDARD OPERATING PROCEDURE **EFFECTIVE: February 1, 2012** **S.O.P. 8-9 TRANSPORTATION OF PRISONERS**

I. INTRODUCTION - Transportation of prisoners is a critical issue for law enforcement for safety reasons. Both the safety of the officer and the person(s) being transportation are of major concern. The procedures listed provide the maximum possible safety measures for transportation of prisoners.

II. PROCEDURES

A. Standard Prisoner Transportation

For standard prisoner transportation, the following procedure will be followed:

Before taking custody of a prisoner, the transporting officer will ascertain that the prisoner has been, as well as conditions permit, properly identified and that all necessary documents accompany the prisoner. If positive identification of the prisoner cannot be made prior to the transporting officer taking custody, the jail personnel will be immediately notified of such appropriate action.



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The physical condition of the prisoner will be checked and medical attention will be provided before transport should it be necessary.

All prisoners will be handcuffed and then thoroughly searched by the transporting officer before being placed in the transport vehicle.

All prisoners will be secured with occupant safety restraints in accordance with state policy. Officers will not utilize any unauthorized restraining devices, regardless of the physical or mental condition of the prisoner.

All prisoners will be transported in a marked patrol vehicle equipped with a security screen or other barrier designed to separate the officer(s) from the persons being transported and which has had the door handles and window cranks removed or made inoperative. If the security barrier has any portion that is moveable, that portion will be closed and locked.

Any extra weapons or tools that could be used as weapons by a prisoner will be appropriately secured in the trunk or as far from the prisoner area of the vehicle as possible.

The transport vehicle operator will be responsible for having each passenger use the vehicle safety restraints (seatbelts) as far as circumstance permits.

The prisoner will be placed behind the security barrier in such a manner so that the prisoner's actions may be observed by the officer(s). The interior of the transport vehicle will be lighted to facilitate viewing of the prisoner unless safety concerns dictate otherwise.

Normally, a maximum of two (2) nonviolent prisoners will be transported at anytime and these prisoners will be secured with restraints. If only one set of restraints is available, they will be secured together with the left hand to left hand or right hand to right hand.

An adult and a juvenile will normally not be transported in the same vehicle, at the same time. If circumstances force the transportation of a juvenile with an adult, such transport will be approved by a supervisor and only under the following conditions:

1. An immediate relative of the juvenile; or
2. Non-threatening to the juvenile.

Whenever possible, juveniles will be transported separately.



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Female and male prisoners will normally be transported separately. If circumstances force the transportation of a male and female prisoner together, such transport will be for immediate relatives and/or they were arrested in relation to the same incident and are non-combative.

When walking a prisoner from one location to another, the officer will walk behind the prisoner and off to the side so that the officer's firearm will be on the side away from the prisoner. The officer will be close enough to the prisoner to maintain control and prevent attack or escape.

The transporting officer will notify communications at the beginning of the transport as to the number and sex of the prisoners and destination.

The officer will take the safest, most direct route to the final destination.

The officer will be especially watchful of the prisoner at all stops that traffic signals or conditions require.

No side trips or unauthorized stops will be permitted. Should an emergency arise in the path of the transport, the officer will contact their supervisor for advice before taking action that would halt transport. Life threatening emergencies will take priority over transportation situations.

No person other than officers will be permitted in a police vehicle without prior approval of a supervisor.

Should any non-prisoner be approved to be in the transport vehicle, all baggage, purses, and packages will be removed from that person and that person will be searched. Should that person create an emotional or violent environment in the vehicle, that person will not be transported.

Normally, a prisoner will not be allowed to communicate with anyone other than Department employees after being taken into custody by the transporting officer. If, in the opinion of the transporting officer, it becomes necessary that the prisoner be allowed to communicate with another, the following guidelines should be used:

1. The prisoner must be non-violent;
2. The prisoner must be seated in the rear of the transport vehicle;
3. Communications will be made with only one person at a time in the vicinity of the transport vehicle;



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4. The communication will either be made through the protective screen or through an open door to the prisoner holding area with the officer standing between the communicating parties at all times in such a manner so as to prevent contact between the two and to prevent escape;
5. Communications will be halted immediately if the prisoner becomes violent, over-emotional, attempts to escape, or attempts to injure himself/herself;
6. Once the transport vehicle leaves the original location of the pickup, no communications will be allowed with outside parties unless an overriding emergency arises;
7. If the prisoner requests to communicate in private with legal counsel, this activity should be accomplished at a proper facility as field conditions and prisoner security do not provide conditions for this activity.

B. Non-Standard Prisoner Transportation

A. Prisoners of the opposite sex

Female prisoners will be handled in the same manner as male prisoners with the following except; a female prisoner will be searched by a female officer if circumstances permit.

If it is not practical for a female officer to search a female prisoner, the male officer will search the outer garments of the female prisoner. The officer will check any item in the prisoner's pockets. The officer will remove any items carried by the prisoner such as a purse. These items will be searched and will be transported in an area secure from the prisoner.

If the prisoner is charged with a violent crime, is behaving violently, or is believed to be armed, the prisoner will be searched thoroughly in compliance with policy with a witness present if possible.

Prior to leaving the location at which the prisoner was taken into custody, the transporting officer will give the mileage shown on the transport odometer. Upon arrival at the final destination, the officer will give the ending mileage. In each instance, Communications will respond with a reading of the time. If Communications does not respond with the time, the officer will restate the transport information and will request a time reading from Communications.

The same procedure will apply for female officers handling male prisoners.



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C. Juvenile Prisoners

Juvenile prisoners will be handled in the same manner as adult female prisoners with the following exceptions:

1. Handcuffing a juvenile prisoner will be the option of the transporting officer if the juvenile is charged with a non-violent crime and is under the age of sixteen (16).
2. Searches of juvenile prisoners should be made in the presence of a witness if circumstances permit and by officers of the same gender as the prisoner if possible.
3. Searches of juvenile prisoners should be as limited as possible; but sufficient to provide the location of any weapons or large contraband;

Prior to questioning a juvenile prisoner, a juvenile investigator, an officer of the Juvenile Court, or a parent or legal guardian should be present for the reading of the Miranda Rights and questioning if the juvenile is charged with a felony or will be asked about the facts of the crime under investigation.

At all times when handling a juvenile prisoner, the transporting officer should take appropriate action to identify and be in the presence of witnesses as much as is practical so as to avoid accusations of improper conduct.

D. Handicapped and Physically Impaired Prisoners

When handling handicapped or physically impaired individuals who are in custody, extra care must be exercised by the transporting officer. Therefore, exceptions to standard transport policy must be made.

Physically impaired prisoners are those prisoners that have an obvious physical disability or impairment. It is the duty of the transporting officer to treat these individuals with appropriate restraint of action while providing for security and safe transport.

The transporting officer will determine if a physically impaired prisoner who uses supporting devices (crutches, canes, walkers, etc.) is of such a disposition so as to use the device as a weapon. Normally, the physically impaired prisoners will not be restrained and will be allowed to use supporting devices to move to and from the transporting vehicle. During transport, supporting devices will normally be removed from the prisoner and placed in a secure area.

If a physically impaired prisoner is violent, supporting devices will be removed from that individual. If the prisoner is ambulatory without the devices, that



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individual will be assisted to and from the transport vehicle by the transporting officer who will take care to ensure that the prisoner will not have the opportunity to gain access to the officer's weapon and will not escape. It may become necessary to restrain a violent, non-ambulatory prisoner and transport that individual in an ambulance to a holding facility. In such a case, the officer should follow the policy for ambulance transports of mentally impaired prisoners.

E. Mentally Impaired Individuals

Prior to taking custody of a mentally impaired individual, the transporting officer must make certain that they are fully informed in detail as to the following:

1. The type of mental disorder and exact type of abnormal behavior displayed by the individual;
2. Detailed knowledge of any words, statements, or actions that might trigger any abnormal behavior;
3. The disposition toward violence that may suddenly be displayed toward the officer or toward the individual himself/herself;
4. The name, relationship, and location of any person perceived as a threat by the individual; any why that other person is perceived as a threat;
5. The name and location of previously visited mental health care facility;
6. The type, location, and last time known to have taken any medications (take a sample or the prescription bottle, if possible);
7. The relative ability of the individual to communicate coherently and follow instructions;
8. Any real or imagined physical injuries;
9. The circumstances why the individual came into police custody; and
10. The name of any police officer that may have had contact with the individual in the past and any information that may have been gained from that encounter.

Information of the type outlined can govern the transporting officer in the treatment of mentally impaired individuals and reduce the chance of violence.



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Proper documentation must be present and examined in detail for compliance with existing law prior to any transport. In the absence of proper documentation, the transporting officer must make absolutely certain that the situation complies with the requirements of the Georgia Mental Health Act before taking the individual into custody.

11. Restraining Mentally Impaired Individuals

The transporting officer must take care and the time to make certain that the method of restraint chosen is appropriate to any potential conditions that may be presented by the individual. Many forms of mental impairment can cause behavior that varies widely and instantaneously. The transporting officer must know the extent to which the abnormal behavior may become violent, produce loss of muscle control, cause a desire for the individual to injure himself, or cause convulsive behavior. The officer must then provide appropriate restraint to minimize the chance for injury to the individual, Department employees, and the public.

12. Transporting Mentally Impaired individuals

When deciding what type of restraint is appropriate, the officer should consider what type of transport vehicle would be most appropriate. In most cases, the transport vehicle will be a marked patrol car, a police prisoner transport van, or an ambulance.

a. Marked Patrol Vehicles

If a marked patrol car is the vehicle of choice, the person in custody should be restrained with issued handcuffs behind the back in such a manner that the individual is able to sit up in the rear.

No individual will be restrained in such a manner as to choke or restrict breathing at any time.

Except in extreme circumstances. No individual will be restrained in such a manner so that his/her legs and hands will be pulled up behind his/her back or in such a manner that it will be necessary for the individual to be transported in the prone position in a patrol car. Supervisory approval will be necessary before such a transport will be allowed.

Should further restraint be necessary in a patrol car, an additional police officer will be placed in the rear seat with the restrained individual. The additional officer should unload his/her weapon safe and give it to the transporting officer before getting in the rear with the individual.



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E. Transports in Ambulances

If a mentally impaired individual requires medical attention, is catatonic, or needs to be totally immobilized for any reason, the individual should be restrained to a stretcher and transported in an ambulance. This will include those who are restrained in a straight jacket.

The individual should be restrained in such a manner that breathing is not impaired and only to the minimum extent that will prevent the danger of injury to himself/herself or others.

When a mentally impaired individual is transported in this manner, a police officer should ride in the ambulance with the individual and a police officer should follow the ambulance in a police car.

All transportation of mentally impaired individuals will be made in compliance with the communication notification rules for the transport of female and juvenile prisoners.

Upon arrival at a mental health facility, the transporting officer will not enter any secured area in possession of a firearm and should use standard procedures for delivering a prisoner to a holding facility.



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STANDARD OPERATING PROCEDURE **EFFECTIVE: February 1, 2012** **S.O.P. 8-10 SERVICE OF WARRANTS**

I. PURPOSE:

The purpose of this policy is to provide law enforcement officers of the Lyons Police Department who serve warrants with guidelines for the execution of warrants as issued by Courts of competent jurisdiction.

II. POLICY:

It is the policy of the Lyons Police Department to:

- A. Provide techniques to accomplish a thorough and legal search.
- B. Observe the constitutional rights of the person(s) the warrant is being served upon.
- C. Provide for the highest degree of safety for all persons concerned.
- D. Establish a record of the entire execution process.
- E. Establish a protocol for execution of a warrant outside the confines of the jurisdiction of the City of Lyons Police Department.

III. DEFINITIONS:

SEARCH SITE: The premises or person to be arrested, as explicitly stated as the address on the warrant to be executed.

SEARCH PERSONNEL: Law enforcement officers and supporting personnel taking part in the execution of a warrant.

SUPERVISING OFFICER: Highest ranking member of the Department having jurisdiction over the area in which the warrant is to be executed.

IV. PROCEDURES:

A. JURISDICTIONAL CONSIDERATIONS

- 1. At all times during the attempted or actual execution of a warrant outside of the jurisdictional confines of the City of Lyons, a uniformed deputy of the Toombs County Sheriff's Office shall be present.



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B. WARRANT VALIDATION AND CONFIRMATION

1. Before the attempted execution of any warrant originating from the Lyons Police Department, all law enforcement officers shall make every attempt to validate and confirm the existence of such warrant so as to alleviate possibilities of the serving of non-valid arrest warrants. This may be accomplished by:
 - a. Departmental warrants may be checked on the in-house computer verifying on all screens that a fine has not been paid.
 - b. Original warrant is in the file.
 - c. For bench warrants the original citation must be in the file.

All of these steps must occur before a warrant can be verified.

C. UNIFORM AND EQUIPMENT REQUIREMENT

1. The Officer executing the warrant shall at all times (when appropriate) be properly attired in Departmental uniform. All support personnel who are non-uniformed shall be clearly identified as law enforcement officers by wearing a distinctive armband, jacket, or some other indicator of office including a prominently displayed badge of office.
2. All members of the team involved in warrant execution should be equipped with body armor and a safety holster.

D. CHAIN OF COMMAND

The Officer executing the warrant shall follow the organizational chart of the Lyons Police Department as being a component of the Uniform Patrol Division and responsible to the captain of such division during the day to day operations of his/her job. During field deployment and during such times as is necessary, the highest ranking supervisor assigned to field operations having jurisdictional authority shall be considered the Officer's supervisor.

E. CIVIL WARRANTS - the Lyons Police Department does not serve Civil papers.