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| Policy Manual Standard Operating Procedure | |
| SOP Number: 9-03b | Subject: Arrests |
| Authorized by: Deputy Chief Robert Connolly | |
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| Signed: Robert Connolly | |
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1. PURPOSE

This standard operating procedure establishes guidelines for arrests by officers of the Georgia Tech Police Department (GTPD).
 CALEA 6th ed. standard 1.2.5

2. POLICY

GTPD officers will make arrests in conformance with federal, state, and local laws and ordinances, constitutional protections, and case law. The GTPD authorizes officers appropriate discretion in determining the type of law enforcement action to be taken.

3. RESPONSIBILITIES

- 3.1 GTPD officers will comply with this directive.
- 3.2 GTPD supervisors will ensure that their subordinates comply with this directive, and will provide assistance when necessary.
- 3.3 The Administrative Division will provide training for compliance with this directive, if necessary.
- 3.4 Division commanders will monitor the implementation of this directive in their respective commands.

4. ACTION

4.1 Authority

- 4.1.1 GTPD officers have the power to make arrests for offenses committed upon any property under the jurisdiction of the Board of Regents and for offenses committed upon any public or private property within 500 yards of any property under the jurisdiction of the board. Refer to O.C.G.A. 20-3-72 for further guidance.
CALEA 6th ed. standard 1.2.1

4.2 Arrest Without a Warrant

- 4.2.1 An arrest for a crime may be made by a law enforcement officer either under a warrant or without a warrant:
 - 1. If the offense is committed in such officer's presence or within such officer's immediate knowledge;
 - 2. If the offender is attempting to escape;
 - 3. If the officer has probable cause to believe that an act of family violence, as defined in Code Section 19-13-1, has been committed;
 - 4. If the officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult, who shall be for the purposes of this subsection a person 18 years old or

older who is unable to protect himself or herself from physical or mental abuse because of a physical or mental impairment;

5. For other cause if there is likely to be failure of justice for want of a judicial officer to issue a warrant;
6. To prevent the commission of a felony, when the criminal act is imminent;
7. The above conditions are based on timelines; if enough time has passed for a warrant to be obtained, an arrest without a warrant may not be upheld.
8. An officer has limited 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).

4.2.2 Officers must have probable cause to make an arrest.

4.2.3 Officers may arrest whenever the offense was committed within their jurisdiction and they have direct knowledge of the evidence constituting such probable cause. If the case rests only upon the uncorroborated testimony of involved parties (e.g., “he said, she said”) not involving family violence, the officer should refer the complainant to the Fulton County Magistrate Warrant Office for advice and assistance.

4.2.4 Regarding complaints of shoplifting and similar business disputes wherein responding officers are unable to uncover any direct evidence of a crime, officers may arrest and transport suspect(s) to the Fulton County Jail based only upon the testimonial evidence of the complainant, as long as the complainant agrees to immediately accompany an officer to the Fulton County Magistrate’s Warrant Office to obtain an arrest warrant.

4.2.5 Even though it has been established in Georgia, and under the federal Constitution, a defendant has no general right to an immediate arrest. When effecting an arrest without a warrant, the officer should do so promptly, unless the delay is for the purpose of further investigation.

4.2.6 Officers will follow the Complaint Room procedures after making an arrest without a warrant. Refer to section 4.8 of this directive for further guidance concerning Complaint Room requirements.

4.3 Arrest Warrants

- 4.3.1 An arrest warrant is valid in any county in the State of Georgia and may be executed by an officer at any reasonable time of the day or night. Only sworn police officers have the authority to serve arrest warrants.
- 4.3.2 Officers will request approval from their watch commander before applying for an arrest warrant involving suspects who are not in GTPD custody. When approval is granted, officers will consult with Investigations Division for warrant procedures and review.
- 4.3.3 Investigators will request approval from their supervisor before applying for an arrest warrant involving suspects who are not in GTPD custody.
- 4.3.4 An affidavit made or warrant issued for the arrest of a person who is accused of violating the penal laws of this state will include, as nearly as practicable, the following facts:
 1. The offense, including the time, date, place of occurrence, against whom the offense was committed, and a statement describing the offense; and
 2. The county in which the offense was committed.
- 4.3.5 When the offense charged is theft, the affidavit made or warrant issued will state, in addition to the requirements of section 4.3.4 listed above, the following facts:
 1. A description of the property alleged to have been stolen;
 2. The value of the stolen property; and
 3. Name of the owner of the property and the person from whose possession such property was taken.
- 4.3.6 Refer to O.C.G.A. 17-4-41 for further guidance.
- 4.3.7 When an arrest warrant is obtained for a person who is not in custody, the officer/investigator that sought the warrant will:
 1. Provide to a communications officer:
 - a. the original arrest warrant, and
 - b. a copy of the incident report.
 2. Provide to the duty supervisor a copy of the warrant for the end of shift paperwork.

4.4 Service of Arrest Warrants

4.4.1 Officers should only execute warrants within GTPD's primary jurisdiction.

4.4.2 When it becomes necessary to execute a GTPD warrant outside of GTPD's primary jurisdiction, officers will

1. Ask the agency having primary jurisdiction to execute the warrant; or
2. Coordinate with the agency having primary jurisdiction to assist in the warrant execution. An officer from the primary jurisdiction must be present during the execution of the warrant.

4.4.3 When the subject of an arrest warrant is identified and arrested, the agency (if more than one) initiating the warrant execution will take custody of the defendant for processing.

4.4.4 Warrant Execution requests from other Agencies

1. When an outside agency requests GTPD's assistance in executing an arrest warrant within GTPD's primary jurisdiction, the Patrol Division commander or designated duty supervisor will:
 - a. Verify the validity of the warrant; and
 - b. It is determined to be facially valid, assign the appropriate number of officers to assist with the execution of the warrant.
2. If the requesting agency is not or will not be present for the execution of the warrant, the Patrol Division commander or designated duty supervisor will:
 - a. Request the agency to send a teletype stating the offenders name, address, description of offender, warrant number and charges; and
 - b. Request the agency to fax a copy of the warrant.

4.4.5 Executing Arrest Warrant based on an NCIC Hit

1. The validity of an outstanding warrant (NCIC hit) must be confirmed via Communications with the originating agency.

2. If the warrant is confirmed with the originating agency and that agency will extradite, the initiating officer will transport the arrestee to the Fulton County Jail.
 3. If the warrant is not confirmed and/or extradition is declined, and there are no other charges the initiating officer will release the detainee.
 4. If the warrant has been applied for by an officer of the GTPD, Communications will confirm the validity of the warrant via the wanted persons file.
 5. The detainee must be released if the warrant cannot be confirmed within a reasonable amount of time and there are no additional charges pending.
- 4.4.6 Extradition: An Investigation supervisor will, on a case by case basis, determine the distance the GTPD will extradite. GCIC requires at a minimum, that an agency will extradite anywhere in Georgia for a felony warrant entry. The Chief or Deputy Chief must approve out of State extraditions.
- 4.4.7 Documenting the Legal Process: The following items must be included in the incident report:
1. The date and time GTPD received notice or request;
CALEA 6th ed. standard 74.1.1 a
 2. The type of legal process – criminal. GTPD does not serve civil processes;
CALEA 6th ed. standard 74.1.1 b
 3. Nature of document (crime charged);
CALEA 6th ed. standard 74.1.1 c
 4. Source of document (issuing court);
CALEA 6th ed. standard 74.1.1 d
 5. Name of complainant or defendant;
CALEA 6th ed. standard 74.1.1 e
 6. Officer assigned for service process;
CALEA 6th ed. standard 74.1.1 f
 7. Date of assignment;
CALEA 6th ed. standard 74.1.1 g

8. Court docket number;
CALEA 6th ed. standard 74.1.1 h

9. Date service is due;
CALEA 6th ed. standard 74.1.1 i

4.4.8 Officers executing or attempting to execute a warrant will document the following in the warrant memo (form 205):

1. Date and time the warrant was executed/attempted;
2. Name(s) of officer(s) executing/attempting warrant;
3. Name of person on whom the warrant was served;
4. Method of service/reason for non-service;
5. Address of service/attempt.

4.5 Arrest Procedures

4.5.1 All persons will be treated courteously, humanely, and with regard for their legal rights.

4.5.2 At the time of arrest, the arresting officer will:

1. If not in uniform, identify himself or herself as a police officer, verbally and/or visually;
2. Tell the arrestee that he or she is under arrest and the nature of the charge(s);
3. When effecting a physical arrest, handcuff the arrestee, with the arrestee's hands behind the back, and double lock the handcuffs.
4. Immediately upon handcuffing, pat down the arrestee for weapons.
5. As soon as practical, but prior to transporting or placing the arrestee in a vehicle or secure location, conduct a thorough search of him or her for weapons and contraband.

4.5.3 Only restraining devices issued and/or authorized by the Department will be utilized.

4.6 Physical Arrest

4.6.1 All persons charged with criminal violations of state law may be physically arrested. A physical arrest will be made if:

1. The identity of the person is in question;
2. There is reason to believe that the person poses a continued threat to the community or himself or herself;
3. The charge is a felony.
4. There is reason to believe that the person will not appear in court; or
5. There is reason to believe that the person may be wanted in other jurisdictions.

4.7 Reporting

CALEA 6th ed. standard 1.2.5

4.7.1 The arresting officer will complete:

1. An arrest citation and an arrest/booking report (Police-Pak) for each person arrested;
2. An incident report for each incident (incident based, not victim based);
3. A criminal trespass warning, when appropriate;
4. The watch supervisor will ensure all arrest and supporting documentation is complete and legible.

4.8 Fulton County Complaint Room

4.8.1 The Complaint Room handles felony cases. It also handles misdemeanor charges involving weapons, assault, battery, or the Family Violence Act.

4.8.2 Misdemeanor Arrest procedures (satisfying requirements listed in 4.8.1):

1. Following the arrest, complete the reporting requirements in section 4.7.1.
2. Place evidence and property, if any, into evidence at GTPD.
3. Transport the defendant to Fulton County Jail.

4. Secure an arrest warrant through the electronic warrant system (EWI) at GTPD headquarters or the Fulton County Jail, if available; or through the on-duty Magistrate at the Fulton County Courthouse during business hours.
5. Finalize incident report and supporting documents, if additional information is required.
6. Prepare Complaint Room cover sheet for fax. See section 8. Appendix
7. Fax a copy of the incident report, arrest/booking report, arrest citations, supplement reports, witness statements, and any other pertinent documents to the Complaint Room. Complaint Room fax number 404-224-3260.
8. Wait ten minutes, then call the Complaint Room for a consultation with the on-duty assistant district attorney (ADA). Complaint Room telephone number 404-224-3230.
9. The ADA will fax back a statement to review, sign, notarize (via telephone), and return (fax) to the ADA.

4.8.3 Felony Arrest

1. Following the arrest, complete the reporting requirements in section 4.7.1.
2. Place evidence and property, if any, into evidence at GTPD.
3. Consult with the Complaint Room regarding the charges.
4. Transport the defendant to Fulton County Jail.
5. Secure an arrest warrant through the electronic warrant system (EWI) at GTPD headquarters or the Fulton County Jail, if available; or through the on-duty Magistrate at the Fulton County Courthouse during business hours.
6. Finalize incident report and supporting documents, if additional information is required.
7. Prepare Complaint Room cover sheet for fax. See section 8. Appendix

8. Fax a copy of the incident report, arrest/booking report, arrest citations, supplement reports, witness statements, and any other pertinent documents to the Complaint Room. Complaint Room fax number 404-224-3260.
7. Wait ten minutes, then call the Complaint Room for a consultation with the on-duty assistant district attorney (ADA). Complaint Room telephone number 404-224-3230.
8. The ADA will fax back a statement to review, sign, notarize (via telephone), and return (fax) to the ADA.

4.8.4 Procedures for obtaining arrest warrant for suspect(s) not in custody:

1. Contact the Complaint Room on-duty ADA for consultation, if necessary.
2. Secure an arrest warrant through the electronic warrant system (EWI) at the Fulton County Jail, if available, or a hard-copy arrest warrant through the on-duty Magistrate at the Fulton County Courthouse during business hours.
3. If an electronic warrant is obtained, retain a copy of the warrant for Departmental use (arrest file, wanted persons file).
4. If a hard-copy arrest warrant is obtained through the on-duty Magistrate, take the judicially signed warrant application to the Warrant Office (Fulton County Courthouse) for processing. When complete, retain a copy of the warrant for Departmental use (arrest file, wanted persons file).
5. Fax to the Complaint Room the case file, to include a copy of the warrant. (The case file will be placed into their Pending File, awaiting the arrest of the listed defendant).
6. If the warrant is not executed within 24 hours, provide Communications with a copy of the arrest warrant, to be entered in GCIC and placed in the wanted persons file.

4.8.5 Supervisors will ensure that officers under their command are registered in the Palatine EWI system. To request a username and password, supervisors must send an email to helpdesk@palasys.com containing the following information:

1. Officer's full name and badge number,

2. Login. This will be GT followed by officer's badge number (e.g. GT25),
3. Agency name and address,
4. Agency phone number, and
5. Officer's e-mail address.

4.9 Other Misdemeanor Arrests

1. Following a misdemeanor arrest that does not meet the Complaint Room criteria in section 4.8.1, complete the reporting requirements in section 4.7.1.
2. Place evidence and property, if any, into evidence at GTPD.
3. Transport the defendant to Fulton County Jail.
4. Secure an arrest warrant through the electronic warrant system (EWI) at GTPD headquarters or the Fulton County Jail, if available; or through the on-duty Magistrate at the Fulton County Courthouse during business hours.
5. Finalize incident report and supporting documents, if additional information is required.

4.10 Officer Discretion

4.10.1 Officer discretion is important to effective law enforcement. Under certain circumstances, officers are faced with situations where an arrest and pre-arraignment confinement may not be possible. Officers should use discretion in accordance with this directive and should exercise alternatives to physical arrest whenever possible. Examples of these types of circumstances include, but may not be limited to the following:

1. Mentally or emotionally disturbed persons;
2. Juvenile offenders;
3. Transient persons who need shelter and food; and/or
4. Certain misdemeanor offenses.

4.10.2 Alternatives to physical arrest include the following:

1. Verbal warning - The use of warnings may sometimes provide a satisfactory solution to a problem and may enhance the public perception of the Department. Normally, the use of warnings occurs:
 - a. In traffic offenses, and
 - b. Criminal Trespass warnings. Refer to section 4.9 of SOP 8-15.
 - c. In determining if a warning should be issued, the officer should consider:
 - (1) The seriousness of the offense;
 - (2) The likelihood that the violator will heed the warning;
 - (3) Whether the violator poses a danger to the public or him or herself; and
 - (4) History of the violator, i.e., known repeat offender, number of prior warnings, etc.
2. Arrest Citation – release on copy of charges;
3. Referral to Georgia Tech Judiciary (Deans Office) for students committing minor offenses. Students enrolled at the Georgia Institute of Technology are required to abide by the “Student Code of Conduct” set forth in the general catalog of the Institute and other Institute publications. Officers having knowledge of violations of the “Student Code of Conduct” may initiate an administrative report documenting the violation to be reviewed by the Dean of Students. The Dean of Students will review the incident and determine administrative action, if any, to impose.
4. Administrative Referral to Georgia Tech Office of Human Resources for minor disputes involving employee relations (faculty/staff).

4.11 Diplomatic Agents

- 4.11.1 Refer to SOP 9-07 for guidance.

4.12 Foreign Nationals

- 4.12.1 Refer to SOP 9-07 for further guidance.

4.13 Legislators

4.13.1 Refer to section 4.7.3 of SOP 8-09 for guidance.

4.14 Military Personnel

4.14.1 Refer to section 4.74 of SOP 8-09 for guidance.

4.15 Summoned Witnesses

4.15.1 Refer to section 4.7.5 of SOP 8-09 for guidance.

4.16 Fingerprinting and Photographing

CALEA 5th ed. standard 1.2.5

4.16.1 Arrestees will be processed (fingerprinting and photographing) by the Fulton County Sheriff's Office.

5. DEFINITIONS

Arrest: As stated by the Georgia Court of Appeals, "An arrest is the taking, seizing or detaining of the person of another, either by touching or putting hands on him, or by any act indicating an intention to take such person into custody, and which subjects such person to the actual control and will of the person making the arrest. It is sufficient if the arrested person understands that he is in the power of the one arresting and submits in consequence thereof. The taking of another into custody for the purpose of investigating an alleged crime constitutes an arrest."

Georgia Law Enforcement Handbook

Probable Cause: Those facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime. U.S. v. Puerta, 982 F.2d 1297, 1300 (9th Cir. 1992).

6. CANCELLATION

This directive cancels:

SOP 9-03a, "Arrests,"
SOP 9-05c, "Service of Arrest Warrants."

7. REFERENCE

CALEA 6th edition standards 1.2.1, 1.2.5, 74.1.1

O.C.G.A 17-4-20, 17-4-41, 20-3-72, 19-13-1

Georgia Law Enforcement Handbook – Criminal Law & Procedure; West Publication.

Georgia Institute of Technology, “Student Code of Conduct”

SOP 8-09, “Traffic Enforcement”

SOP 8-15, “Patrol”

SOP 9-07, “Diplomatic Agents and Foreign Nationals”

SOP 16-01, “Evidence and Property”