ADMINISTRATIVE DIRECTIVE – 110.005
RELEASE OF PRISONERS/SPECIAL SITUATIONS

EFFECTIVE DATE: December 15, 1997 **REVISION DATE: February 6, 2023**
REVIEW DATE: March 5, 2014
AFFECTS: All Personnel

I. PURPOSE

This directive provides specific guidelines under which persons may be released from the custody of the Plano Police Department.

II. POLICY

It is the policy of the Plano Police Department to adhere to specific guidelines pertaining to the processing and release of prisoners. Adherence is necessary to comply with legal requirements and to insure the health and safety of those persons in our custody and members of the public at large.

III. PROCEDURES

A. Class C Arrests

1. Arrest in Lieu of Citation

   Officers shall obtain the approval from a supervisor to arrest for Class C Violations except for Family Violence, Public Intoxication and Disorderly Conduct.

2. Issuance of Citation After Arrest

   A citation may be issued in lieu of holding someone after arrest **only** under very strictly controlled circumstances. These circumstances are outlined below:

   a. Medical Emergencies

      Once a person has been arrested and transported for a violation, the Department has certain obligations for the person's health and safety. In the event of a medical emergency, the following procedures will apply:

      (1) Based on standard evaluation procedures, the jail supervisor will determine if the inmate is in need of medical attention.

      (2) If it is determined the prisoner will require transport to a medical facility, the watch commander will be notified and advised that an arrestee needs to be transported to the hospital.

      (3) Sick or injured prisoners requiring transport to a medical facility by ambulance will have an officer ride in the ambulance with the prisoner.

      (4) The citation/notice will be issued to the prisoner at the hospital.

         NOTE: The former prisoner may decline treatment if he chooses.

      (5) The officer must document the events of incident in a supplement.

   b. Non-Emergency Medical Situations

      If the prisoner does not require immediate medical treatment, but the concern is with a chronic condition or communicable disease, e.g. tuberculosis, the prisoner may be released at the jail with the citation. It is preferable for the prisoner to arrange his own transportation or to have another person present to assist him.

   c. Mental Health Concerns

      (1) If the jail supervisor determines a prisoner in custody for an offense, demonstrates a need for mental health services, and the prisoner meets the requirements for a mental commitment, arrangements will be made for an officer to execute an

"emergency apprehension" of the person. The prisoner will be transported according to Administrative Directive 112.035 to the hospital specified.

(2) The charge will be dismissed and no citation will be issued.

d. Public Intoxication/In Need of Medical Treatment

(1) A person, who is not a child, as defined by section 51.02, Family Code, arrested for the offense of public intoxication shall remain in police custody and under guard, unless the person may be released to a responsible adult (who is willing to accept responsibility) as outlined by article 14.031 of the Code of Criminal Procedure.

Note: The Department, at this time, will not utilize the detox facility option as stated in 14.031.

(2) If the arrested person is a juvenile, a citation may be issued if the officer releases the child to the child's parent, guardian, custodian, or other responsible adult.

(3) If the arrested person is an adult and it becomes necessary to transport the arrested person to the hospital, the arrested person will remain in police custody unless the arrested person is admitted into the hospital. Once admitted into the hospital, the arrested person is released to the care of the hospital. If the arrested person is released from the hospital fit for confinement, the arrested person should be brought to the jail.

e. Potential Informants

Refer to Administrative Directive 112.021.

f. All Other Situations

Persons arrested for charges that do not fall under one of the special situations set out above will only be released pursuant to a proper bond or writ issued by a proper court.

B. Class B and Above Arrests

Class B and above arrests do not have the discretionary citation vs. arrest authority discussed above. A citation in lieu of arrest is not an option.

1. Medical Emergencies

Based on standard evaluation procedures, the jail supervisor will determine if the inmate is in need of medical attention. If the person in custody is in need of medical attention:

a. Transport will be made by ambulance by established jail and EMS procedures.

b. An officer will be assigned to guard the individual while at the hospital.

c. The charges **WILL NOT** be dropped and filed at large.

d. The prisoner may be transported to the county facility directly from the hospital, if such a transfer is coordinated with and approved by the county. The county will be informed if the prisoner has not seen a judge.

e. If the prisoner is to be returned to PPD jail after release by medical personnel, the prisoner will be processed and held as any other prisoner.

2. DWI Charges – Filing from the Hospital

a. In some instances, a suspect has been transported to the hospital directly from a crash scene where intoxication is possibly involved. In these situations, the officer may seek Watch Commander approval to file DWI charges at-large for suspects who have been read a DIC 24 at the hospital whether consent or refusal to provide a specimen of his/her blood is given.

b. Filing at-large is not an option for mandatory blood draws related to felony intoxicated assault/manslaughter charges. These suspects must be guarded until released or arranged for a magistrate to arraign and transfer custody to the Sheriff's Office.

Note: Factors to consider include: expected length of hospital stay, number of prior DWI arrests, amount/type of property damaged, likelihood of locating the suspect later, and patrol staffing.

3. Non-Emergency Medical Situations

   Should the concern be one that does not deal with an immediate medical emergency (one that requires transport to a hospital), but instead deals with a person afflicted with a communicable disease (e.g. tuberculosis, meningitis) or other chronic condition, that prisoner shall remain in custody until bond is posted or a writ issued.

4. Mental Health Concerns

   a. If the jail supervisor determines that a prisoner in custody for a Class B or greater offense demonstrates a need for mental health services, arrangements will be made to transport the person to the appropriate county jail facility. If the person is also in need of medical care, the person will be transported to a hospital emergency department for treatment before being transported to the county jail.

5. Potential Informants

   Refer to Administrative Directive 112.021.

6. All Other Situations

   The prisoner will only be released pursuant to a bond or writ properly issued.