

EXHIBIT 1

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From: Jill Finch
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To: Warren PD
Subject: New General Order
Attachments: 17-10 - Arrest Procedures.pdf

Please click on the attachment or go to Document Management to view/print G.O. #17-10: Arrest Procedures. This rescinds G.O. #15-01 of the same title. The changes are under III.G.10, 11, and 14. If you have any questions, please contact Training.

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General Order

Date of Issue		Effective Date	Number
4 October 2017		4 OCTOBER 2017	17-10
Subject		File Code	
ARREST PROCEDURES		"A"	
Reference	Rescinds	Amends	Distribution
	15-01		All

I. PURPOSE:

The purpose of this General Order is to provide a uniform procedure for the handling, booking, and processing of prisoners taken into custody by members of the Warren Police Department.

II. POLICY:

It shall be the policy of the Warren Police Department that all members comply with the uniform practices set forth in this General Order in order to ensure the safety and individual protections guaranteed to each person taken into custody.

III. PROCEDURE:

A. Custodial Responsibility:

Once a person has been arrested or otherwise taken into custody, the Department assumes all responsibility for the safety and welfare of that person. This primary responsibility rests with the officer who has taken physical custody of the individual; however, that responsibility shall shift to any other officer to whom the individual is transferred. Officers effectuating an arrest or otherwise responsible for an individual in custody **shall**:

1. Never, under any circumstances, subject a prisoner to any unnecessary or excessive application of force.
2. Conduct a thorough custodial search of every prisoner upon arrest and upon taking custody of a prisoner from another officer.
3. Retain physical control of their prisoner at the scene of arrest as well as during any transport or conveyance.
4. Always refrain from using profanity and/or derogatory remarks when communicating with prisoners.

5. Bring the prisoner to police headquarters or other lawfully approved destination as soon as practicable and without undue delay.
6. Whenever relinquishing custody of a prisoner to another officer, make proper notation of that officer's name and badge number within a supplemental incident report as well as on the daily activity log.

B. Vehicle Inspection:

When assigned a department vehicle, officers **shall**:

1. Conduct a thorough search of the entire vehicle interior for weapons, narcotics, or other contraband:
 - a. At the beginning of each tour of duty.
 - b. At the end of each tour of duty.
 - c. Immediately after a prisoner or citizen exits.
2. Properly seize, tag, and log any weapons, narcotics, or contraband found and complete an appropriate incident report.

C. Taking Custody:

Upon taking custody of an individual pursuant to a lawful arrest, officers **shall**:

1. Handcuff every arrestee prior to transport.
2. Handcuff the arrestee with their hands positioned behind their back.
3. Utilize reasonably appropriate alternative devices and/or handcuffing methods if:
 - a. The arrestee is obviously pregnant.
 - b. The arrestee has a physical disability that would prevent proper handcuffing or render them completely immobile.
 - c. The arrestee has an injury that would be aggravated by standard handcuffing procedures.
 - d. The arrestee is violently resisting.
 - e. The arrestee is exhibiting behavior characteristic of mental illness that reasonably threatens themselves or others.
4. Properly space and double-lock the handcuffs and appropriately report when and why double-locking is not possible.
5. At no time shall any arrestee be handcuffed to any part of a vehicle.
6. Perform a proper custodial search of the arrestee's person:
 - a. By an officer of the same sex when practicable.
 - b. By a trained employee of the same sex upon arrival at police headquarters.

- c. By an officer of the opposite sex only when failure to search would present an unreasonable safety risk to an officer or another person present.

D. Prisoner Transport and Conveyance:

1. When transporting prisoners, officers shall notify Dispatch of:
 - a. The location from where the transport is being made.
 - b. The destination of the transport.
 - c. The number of prisoners being transported.
 - d. Whether the prisoner is male, female, or juvenile.
2. When transporting a juvenile or prisoner of the opposite sex, officers shall notify Dispatch of:
 - a. The starting mileage when beginning the transport.
 - b. The ending mileage upon arrival at the destination.
3. Wheelchairs, crutches, and medication should be transported with the prisoner, but not in the possession of the prisoner.
4. Prisoners shall not be left unattended during transport.
5. Prisoners will be transported in the rear seat of a vehicle equipped with a protective screen when available and practicable.
6. A prisoner may be transported in a vehicle without a protective screen and/or by plainclothes officers as long as there are two officers in the vehicle.
7. If the transport vehicle is so equipped, officers shall insure the in-car video recording equipment is properly positioned on the prisoner.
8. Prisoners should be transported with the available seatbelt properly secured.
9. An adult prisoner should be transported by two officers in a single vehicle:
 - a. When the prisoner is arrested on a felony or misdemeanor that is violent in nature.
 - b. When the prisoner's conduct demonstrates a reasonable potential for resistance or violence regardless of the arrest charges.
 - c. With the prisoner positioned behind the front passenger seat.
 - d. With the seatbelt properly secured.

10. An adult prisoner may be transported by a single officer:
 - a. When the prisoner is arrested for a non-violent felony, there is no indication of a potential for violence, and the transporting officer is followed to police headquarters by an additional police unit.
 - b. When the prisoner is arrested on a non-violent misdemeanor.
 - c. With the prisoner positioned behind the front passenger seat.
 - d. With the seatbelt properly secured.
11. The procedure for a juvenile who has been detained for felony or misdemeanor offenses shall be the same as outlined for adult offenders.
12. Officers may deviate from the transport guidelines for a juvenile detainee when the age, nature of the offense, and conduct indicate no risk to safety or potential for violence.
13. Juvenile detainees shall not be transported with adult prisoners unless related by blood.

E. Arrival and Booking at Police Headquarters:

1. Detention Entry: Officers transporting prisoners will enter through the salley port. Once inside, the transport vehicle will be parked to one side of the salley port and removed as soon as possible. Detention officers will close the overhead door before the prisoner is removed from the vehicle.

The salley port, hallway, and main elevator are secure areas. Entrance and exit to these areas is controlled and monitored by detention officers.

Prior to entering onto the main booking floor, officers shall have utilized a gun locker in the salley port hallway or the main elevator vestibule in the detention facility. Officers shall deposit their firearm and any other weapons inside and remove the key after locking the door. The key will remain with the officer and be returned to the lock after the weapon is retrieved. ***No firearms, pocket knives, or other weapons of any kind will be allowed on the detention facility booking floor.***

2. Assisting Other Agencies: Outside agencies will generally enter through the basement and utilize the salley port garage. If an agency enters the lobby, a Warren contact officer will phone the jail and alert the detention officers of the prisoner's arrival. The Warren contact officer will perform a thorough and careful search of the prisoner prior to entry into the detention facility. The Warren contact officer will assist the officer from the outside agency in securing his/her weapon(s) in a gun locker prior to entry into the detention facility.

3. Arresting Officer Responsibilities: After arriving at the detention facility with a prisoner, the booking process will begin only after a proper search has been conducted in accordance with Section G of this General Order.
- a. The arresting officer shall remove and inventory all personal property. Belts and clothing ties will be removed. All garments shall be checked and all valuables shall be removed and inventoried. The items will be heat-sealed along with a copy of the prisoner intake form inside the approved property bag.
- b. Prisoner property will be separated into property bags with the anticipation of the prisoner being transferred to the Macomb County Jail after arraignment.
- Property to be transferred to the Macomb County Jail:
- Identification
 - Medication
 - Eyeglasses
 - Hearing aids
 - Clothing (including jackets and hats)
 - Shoes
 - Court and legal paperwork
- Property to remain at the Warren Police Department:
- Money
 - Purses and wallets
 - Phones and electronics
 - Jewelry
 - Credit cards
 - Knives or other sharps being held in the control room (other than those medically necessary)
 - Underwire brassieres
 - Any other personal property not specified to be transferred to the Macomb County Jail
- c. Prescribed medication shall be inspected to ensure that it is proper. Properly prescribed medication shall be placed into a bag along with a copy of the prisoner intake and turned over to detention officers to be secured in the medication box located in the control room. Improperly prescribed medication shall be confiscated, properly tagged, and noted in the incident report. All medication shall be noted on the prisoner property receipt.
- d. All potential weapons (knives, razors, sharps, etc.) will be taken and placed into an approved property bag along with a copy of the prisoner intake and turned over to detention officers for safekeeping. These items shall be properly noted on the prisoner property receipt.

- e. All jewelry will be removed when practicable and secured with other property after being inventoried. Jewelry includes but is not limited to: rings, watches, bracelets, chains, charms, and decorative items displayed in a body piercing. At no time are officers authorized to forcefully remove jewelry by prying, cutting, snipping, or otherwise using an implement or tool to facilitate removal. Any questionable item of jewelry that cannot be readily removed will require consultation with a supervisor for a final determination.
- f. Headwear will be removed when practicable and secured with other property after being inventoried. Headwear includes but is not limited to: wigs, toupees, weaves, and beads. Headwear worn using a temporary method of attachment such as bobby pins, barrettes, or clips will be removed. At no time are officers authorized to forcefully remove headwear that is attached by gluing, braiding, sewing, weaving, or other methods intended for a more permanent wearing by pulling, cutting, snipping, or ripping. Any questionable headwear that cannot be readily removed will require consultation with a supervisor for a final determination.
- g. All money will be counted and properly noted on the prisoner property receipt. If a prisoner has in excess of \$300.00, the booking officer shall contact a supervisor for verification. All paper currency will be sealed in a paper envelope prior to being placed into the prisoner property bag. All money shall be noted on the prisoner property receipt. Any money or property seized or forfeited shall have the appropriate notation made on the prisoner property receipt.
- h. An attempt will be made by the booking officer to obtain the names of individuals to whom the prisoner's property may be released. Those names will be properly listed on the prisoner property receipt.
- i. A copy of the prisoner property receipt shall be given to the prisoner at the time of booking.
- j. If the prisoner property bag requires opening, it shall be done in the presence of a supervisor or OIC. If any property is removed, the officer shall make notation on the prisoner property receipt of what was removed and the reason for removing it. The supervisor shall initial the re-sealed bag and the detention officer shall be notified to make entry in the jail log.
- k. The arresting officer shall make inquiry and properly note on the prisoner intake form any unusual behavior or statements made by the prisoner including:
 - (1) Suicidal statements
 - (2) Previous suicide attempts
 - (3) Health conditions or medical needs
 - (4) Use of alcohol and/or drugs
 - (5) Assaulting, aggressive, resistant, or disruptive behavior

- (6) Illness requiring isolation
- (7) Reference to rejection by family or failed relationship
- (8) Signs of depression, including crying or sudden mood changes

4. Patrol Supervisor Responsibilities:

- a. Verification of prisoner money when in excess of \$300.00 by counting and making notation on the money envelope and prisoner property receipt.
- b. Evaluating all requests for the opening of a prisoner property bag and the removal of prisoner property except when conducted by an OIC.
- c. Evaluating a prisoner's illness or injury and requesting medical assistance for treatment and/or transport to the hospital.
- d. Notification of the Patrol Services Bureau Captain or Executive Lieutenant of any suicide or attempted suicide within the detention facility.
- e. Knowledge and notation on the Form #101 regarding the use of the restraint chair, including the duration of use.

5. Detectives and Warrant Officer Responsibilities:

- a. Notifying a detention officer of a walk-in arrest and advising that they will be proceeding to the detention facility.
- b. Properly searching and handcuffing the arrested person prior to proceeding to the detention facility.
- c. Take the prisoner to the detention facility using the main elevator.
- d. Securing all weapons in a gun locker prior to entry into the booking area.
- e. Completing the custodial search and property inventory in according with section E(3) above.

F. Juvenile Processing:

- 1. For federal purposes, a juvenile is considered "locked" if he/she is placed into a locked cell, locked room, or if he/she is handcuffed to a stationary object.
 - a. A juvenile may not be locked unless he/she is an escape risk or has committed a violent felony.
 - b. A juvenile cannot be locked for a status offense, i.e. curfew violation.
 - c. A juvenile shall not be held by the Warren Police Department for longer than six (6) hours.
 - d. Juveniles will enter the security area using the lobby elevator.
 - e. Juveniles who require being locked down shall be either:
 - (1) Placed in the juvenile detention cell located to the rear of the front desk in the lobby.
 - (2) Handcuffed to the juvenile handcuffing bar affixed to the wall directly behind the front desk.

- f. Juveniles **SHALL NOT** be handcuffed to a moveable object such as a chair.
- 2. Juveniles will be fully processed for all custody contacts, including LiveScan fingerprints and photographs.
 - a. Officers and detectives shall coordinate with the Records Division if processing is needed during regular business hours for the Records Division.
 - b. During all other times, the detention officer shall be contacted and arrangements made for processing prior to arrival in the detention facility.
 - c. Detention officers must make entry into the jail log for all juvenile custody processing.
 - d. The juvenile shall be **pre-booked** by the detaining officer or detective and assigned the **holding** or **detox** cell assignment. Juveniles will not be booked in the main booking area of the detention facility.
 - e. All juveniles will be searched and personal property taken and inventoried on the prisoner property form prior to it being placed into a juvenile property locker.
 - f. A copy of the juvenile booking sheet will accompany the juvenile to the Records Division or the detention facility for processing.
 - g. If a petition has been obtained, the detective shall provide the petition to Records or detention personnel prior to processing in order to properly enter:
 - (1) Incident number
 - (2) Date of offense
 - (3) Criminal tracking number (CTN)
 - (4) PACC code
 - h. If the photo is taken by Records personnel, that photo will be manually entered into the Picture Link system.
 - i. A criminal build will be completed for all reportable criminal offenses using the LiveScan fingerprint system.
 - j. The juvenile will be promptly returned to the first floor after processing and placed appropriately based on the nature of the detention.
 - k. The juvenile intake book shall be filled out completely by the detaining officer.
 - l. Officers processing juveniles behind the front desk shall notify the on-duty desk officer of the detainee prior to leaving the area. The desk officer is thereafter responsible for the juvenile until the juvenile is released, including:
 - (1) Juvenile cell checks.
 - (2) Notifying detention officers of the number of juveniles to be fed.
 - (3) Performing juvenile cell checks at least once per hour and making an entry on their individual activity log.
 - (4) Informing and transferring responsibility to an oncoming officer if shift change occurs.

3. Once a juvenile is released, the releasing officer shall complete the juvenile intake book by recording the date and time of release and having the parent or guardian sign the book.

G. Prisoner Searches:

1. Protective gloves are available in the detention facility, and all personnel conducting searches are encouraged to use them as a protective measure.
2. Upon arrival in the booking area of the detention facility, the arresting/transporting officer(s) will conduct an initial search for weapons and contraband while the prisoner is still handcuffed.
3. All prisoner property that can be removed will be removed by the booking officer and placed out of the prisoner's reach.
4. A hand-held metal detector will be used to scan the prisoner for any concealed weapons.
5. Once it has been determined that the prisoner has no weapons and it is safe to do so, the handcuffs will be removed and a full custodial search will be performed and property secured in accordance with Section E(3) of this General Order.
6. Prisoners should be handcuffed to the handrail of the bench in the booking area while the booking is being completed and until turned over to detention personnel.
7. Prisoners wearing an underwire bra shall remove it and the bra will be placed into the prisoner's personal property.
8. All bras, regardless of type, will be removed and placed into the prisoner's property if the prisoner is suicidal.
9. If a male prisoner is arrested by a female officer, an available male officer who is on duty and in the station when the arrest is made shall be called upon to conduct the search.
10. If a female prisoner is arrested by a male officer, an available female officer who is on duty and in the station when the arrest is made shall be called upon to conduct the search prior to calling upon a dispatcher to perform the search.
11. If a female prisoner is assaultive, combative, or uncooperative at the time of booking, the Watch Commander may authorize an on-duty female officer to be called in from the road to conduct the search.

12. All searches will be conducted under video surveillance and within view of the detention officers inside the control room **EXCEPT** for strip searches.
13. No prisoner will be left unattended while in the detention facility at any time.
14. Searches Performed by Dispatchers:
 - a. A female dispatcher will conduct the search of a female prisoner in the detention facility when:
 - (1) A female is arrested by a male officer.
 - (2) There are no female officers on duty and in the station at the time of booking.
 - b. The arresting/booking officer will notify Dispatch of the need for a search.
 - c. In the event there are only three (3) dispatchers on duty or if the Watch Commander deems it necessary, an officer will be assigned by the Watch Commander to assist in Dispatch until the search is completed.
 - d. The prisoner search will not be unnecessarily delayed and the prisoner will not be un-handcuffed or left unattended in the booking area of the detention facility awaiting the arrival of a dispatcher.
 - e. The arresting/assisting officer will stand by in close proximity in the booking area until the search has been completed and the prisoner has been turned over to detention personnel.
 - f. Body armor and protective gloves are available for use and should be worn by dispatchers while conducting the search of a prisoner.
 - g. The Watch Commander may order on-duty female officers to assist with female searches when necessary.
15. Strip Searches: Strip searches are defined as searches that require a person to remove his or her clothing to expose breasts, buttocks, or genitalia.
 - a. Officers that make a physical arrest of a person shall not subject that person to a strip search unless the arresting officer has reasonable cause to believe the arrested person is concealing contraband, weapons, or evidence of a crime. Reasonable cause may be based upon, but not limited to:
 - (1) The nature of the offense charged (i.e., involving violence and/or drug possession).
 - (2) The appearance and demeanor of the arrested person (unusually nervous, actions or behavior indicative of attempts to conceal items on his or her person).

- (3) The circumstances surrounding the arrest and statements made by the arrested person (location arrested, threats to officers and other prisoners, resisting arrest, assaultive).
 - (4) Criminal history (prior arrests for weapons and/or narcotics).
 - (5) The discovery of evidence (are there items of evidence involving a major offense that have not been located and could be concealed on the arrestee's person?)
 - (6) Detection of a suspicious object or objects beneath the suspect's clothing during a search incident to arrest.
- b. Where reasonable suspicion exists to conduct a strip search, the arresting officer shall make a written request (WPD Form #936) for such action to the Watch Commander or other designated authority that clearly defines and articulates the basis for that suspicion.
- c. Upon receipt of written authorization by the supervisor authority, a strip search may be conducted only:
- (1) By department personnel of the same sex as the prisoner being searched.
 - (2) By the least number of personnel necessary to safely conduct the search.
 - (3) Under conditions that provide privacy from all but those authorized to conduct the search.
- NOTE: Even partial strip searches need the approval of the Watch Commander.**
- d. Strip searches will be conducted in the breathalyzer room with the arresting/assisting officer directly outside the door if not conducting the search themselves or if the prisoner becomes violent or uncooperative.
- (1) Prior to the strip search, the surveillance camera will be turned off by the switch on the wall and the illumination of a red light will confirm that the camera is not recording.
 - (2) The camera will be turned back on once the strip search has been concluded, as confirmed by the illumination of the green light.
- e. Following a strip search, the officer shall submit a completed strip search authorization form (WPD Form #936) to the Watch Commander or other approving supervisor which includes:
- (1) Date and place of the search.
 - (2) Identity of the individual being searched.
 - (3) Identity of the department personnel conducting the search.
 - (4) Those present during the search.
 - (5) Justification for conducting the search.
 - (6) Any weapons, contraband, or evidence found during the search.

(7) The supervisor who authorized the search.

16. Body Cavity Searches:

- a. A warrant must be obtained to conduct a body cavity search.
- b. Body cavity searches will be conducted by trained medical personnel after the prisoner is transported to a hospital or other approved medical facility.

H. Treatment of Ill or Injured Prisoners:

1. Upon determining that an arrested person is seriously injured, semi-conscious, or unconscious, an arresting officer shall take the arrested person to the nearest emergency hospital for examination and treatment without delay and notify the Watch Commander as soon as practicable.
2. When a prisoner arrives at the Warren Police Department detention facility and has a minor injury or complaint of illness or injury, the detention officer shall immediately notify the Watch Commander or detention supervisor, who shall make the determination of transporting the prisoner to the hospital.
3. If doubt arises whether to send a prisoner to the hospital, the Warren Fire Department paramedics shall be requested to evaluate the prisoner's condition and/or treat minor injuries.
4. If a prisoner is to be transported to the hospital:
 - a. Handcuffs and/or other restraining devices shall be used unless the use of those devices would further injure or harm the prisoner.
 - b. An officer shall accompany the prisoner and inform the hospital authorities that the conveyed prisoner is a police prisoner.
5. All complaints of illness or injury by a prisoner shall be documented on an alleged injured prisoner report (WPD Form #5) by the arresting or transporting officer and forwarded to the Watch Commander.
6. If there is an apparent serious injury (cuts, swelling, broken bones, etc.), the prisoner shall be taken to the hospital even though the prisoner informs the Watch Commander they do not want treatment.
7. If a prisoner is incapable of making a decision regarding treatment while under the influence of intoxicants or drugs, particular effort should be made to obtain proper treatment to insure the safety and welfare of that prisoner.
8. Any prisoner refusal for examination or treatment after being taken to the hospital shall be documented.

9. In the event that an apparently ill or injured prisoner is brought into our facility processing only without further detention or is bonded out immediately, the aforementioned guidelines shall apply to the extent that the prisoner will be offered treatment. Any refusal for treatment shall be documented on the alleged injured prisoner report (WPD Form #5).
10. No prisoners shall be transported from our facility to another jurisdiction until all aforementioned guidelines have been followed.

William Dwyer
POLICE COMMISSIONER

WD/MN/jtf