

PINEVILLE POLICE DEPARTMENT

GENERAL ORDER

SECTION: 8 ARREST AND DETENTION

SUBJECT: 800 ARREST

EFFECTIVE: 08/31/2023

1. **PURPOSE.** Apprehension and arrest of those who violate the law is a primary function of law enforcement. The manner in which department members carry out their responsibilities in this area is extremely important. Officer performance affects the safety of citizens and their property; the safety of other officers; and, the reputation and civil liability of the department and its members. This order provides guidelines on how to approach arrests, bookings, and citations.

2. **POLICY.** The administration of criminal justice consists of the identification, arrest, prosecution, punishment, and rehabilitation of those who violate the law. Officers are expected to take appropriate action within the policies of the department in response to violations of the laws and ordinances when violations come to their attention.

3. **ARRESTS, BOOKINGS, CITATIONS.** When a crime is committed, officers are to initiate a prompt and thorough investigation and to make every reasonable effort to identify and apprehend the violator. In carrying out these responsibilities, officers will not infringe upon the constitutional rights of any person. Arrests shall be based on probable cause. "Probable cause" and "Arrest" are defined under LRS.

A. **Respect for Constitutional Rights.** Officers may, within their scope of authority, make reasonable inquiries, conduct investigations, and arrest on probable cause and may not deprive individuals of their constitutional rights or their civil liberties.

4. **AUTHORITY TO ARREST.** Louisiana Revised Statutes empowers all Louisiana peace officers to make arrests for offenses within their respected jurisdictions. On duty arrests will be made inside the boundaries of the city or in cases of hot and/or fresh pursuit, or while following up on crimes committed within the city or in the course of assisting another agency.

5. **OFF-DUTY ARRESTS.** Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped or prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on duty officers arriving at the scene trying to correctly assess the facts. To promote safety and the most efficient operations, it is the policy of this police department to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty. When off-duty and within the legal jurisdiction of this department, a police officer may make an arrest only when:

A. The arresting officer is not personally involved in the incident underlying the arrest; and
B. There is an immediate need for the prevention of a crime or apprehension of a suspect;and

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- C. The crime would be charged as a jail able offense requiring a full custodial arrest; and
- D. The arresting officer is in possession of appropriate police identification; and
- E. The reasonable opportunity does not exist to contact the on-duty shift to request assistance.

"Personally involved" is defined as a situation where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer himself is a victim of crime.

While off-duty, it is the responsibility of the police officer to immediately report any suspected or observed criminal activities to on duty authorities.

Officers of this department may not make an arrest off-duty when the arresting officer is personally involved in the incident underlying the arrest; or engaged in off-duty employment of a non-police nature and the officer's actions are only in furtherance of the interests of the private employer.

6. DISCRETION AND ALTERNATIVES TO ARREST. Discretion is freedom in the exercise of judgment. Every member uses discretion to resolve situations the member encounters. Members may use discretion to select an appropriate response when dealing with traffic offenses, violations, requests for public records, and certain criminal offenses of a minor nature. The more significant or serious an incident, the less discretion is authorized. Training, education, experience, laws, ordinances, department directives, and supervisors' instructions limit members' discretion.

7. MISDEMEANOR ARREST. Misdemeanor is defined as any crime other than a felony. Persons arrested for misdemeanor offences will be booked in accordance to the booking procedure unless sub-section 8 applies.

8. DISCRETION CONCERNING MISDEMEANOR ARREST. Louisiana Criminal Code and Procedure Article 211 allow for the use of a summons in lieu of custodial arrest for misdemeanors and certain felonies listed in Article 211 (Theft; Illegal Possession of Stolen Things; Issuing Worthless Checks). A summons in lieu of custody of arrested persons is authorized if the officer determines:

- (1) The officer has reasonable grounds to believe that the person will appear upon summons;
- (2) The officer has no reasonable grounds to believe that the person will cause injury to himself or another or damage to property or will continue in the same or a similar offense unless immediately arrested and booked;
- (3) There is no necessity to book the person to comply with routine identification procedures.

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In addition to the above conditions the following criteria must be met:

- A. The arrest is made without an arrest warrant;
- B. The suspect is sixty-five years of age or older;
- C. The suspect has a debilitating illness that would cause undue hardship;
- D. The person arrested for theft and has in his/her custody minor children and the detention would cause undue hardship on the children;
- E. The person has not committed an act of Domestic Violence;
- F. The suspect did not resist arrest or detainment;
- G. NO CRIMINAL HISTORY

9. **FELONY ARREST.** All felony arrest will be made according to Louisiana Revised Statutes Title 14.

- A. The suspect arrested will be booked at PPD in compliance with booking procedure;
- B. The suspect will then be transported to Rapides Parish Detention Center and released to the on-duty jailer.
- C. If an officer issues a summons for a felony described in Louisiana Criminal Code and Procedure Art. 211 (A)(1) or (B)(1), the officer issuing the summons must ensure that the person has no prior felony convictions in addition to all of the other conditions for summons in lieu of arrest from subsection 8 of this subject and Art. 211 have been satisfied.

10. **RESTRICTIONS ON DISCRETION.**

- A. All traffic and criminal violations must be resolved by arrest, citation, or warning.
- B. A police officer shall not issue a misdemeanor summons in lieu of custody for valid arrest warrants issued by this agency, unless directed to do so by valid authority; for valid arrest warrants issued by outside agencies, unless so directed by that agency; or, during domestic disturbance incidents, except those meeting LRS requirements.
- C. Members are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.
- D. Officers shall make arrest when probable cause exists.

11. **TREATMENT OF INDIVIDUALS UNDER ARREST.** In making an arrest, officers must treat individuals with respect. Officers will not physically mistreat or verbally harass any individual.

12. **ARRESTEES.** It is the intent of the department to minimize the time that a prisoner spends in the custody of the department. Investigations will be completed as rapidly as possible and prisoners placed in a holding facility cell or transported to the appropriate detention facility without unnecessary delay.

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13. PRISONER SECURITY. Upon arrest the prisoner shall be secured in the rear seat of the arresting officers patrol vehicle, where they will remain for the booking process to be completed. If the arresting officer needs to conduct further investigation on the scene after securing the prisoner in the rear seat he/she will designate another on duty officer to standby with the prisoner secured in the rear seat of their patrol vehicle. The prisoner will remain under the direct observation of the arresting officer or the on duty officer designated during the booking process and while arrest documents are signed. If the prisoner is transported from the scene for the purpose of booking, in the Rapides Parish Detention Center or transport to the Pineville Police Department, the prisoner will remain secured in the rear seat until the time of transfer of custody or release on summons from PPD. In the event of a special circumstance where leaving the prisoner in the rear seat during the booking process would cause undue injury or illness to the prisoner (extreme heat, physical deformities or prior injury) the arresting officer can get approval from the on duty Patrol Sergeant to bring the prisoner inside the building for the duration of the booking process. While inside the building the prisoner shall not be left unattended for any length of time and should be secured to the booking area bench.

14. ADVISING SUSPECTS OF THEIR RIGHTS. Officers are responsible for advising suspects, both adult and juvenile, of their Miranda rights in the proper manner. Officers must observe legal requirements and departmental procedures at all stages of an investigation and arrest. The officer should document all admonishments of rights prior to the taking of oral or written statements.

- A. Volunteered and spontaneous statements are not barred and no warning need be given preceding them. However, questioning initiated by the police officer thereafter in clarification or amplification of the volunteered or spontaneous statements, should be preceded by a Miranda warning if the suspect is in custody.
- B. The fact that a prisoner who gives a statement was advised or admonished of Miranda rights should be included at the beginning of any written statement or included in the police report if the statement is obtained verbally.
- C. It may be necessary for the officer to testify in court as to the precise language used to warn suspects of their rights and the precise language by which suspects waived their rights. Therefore, the department makes available Advice of Right forms for officer use.

15. SEARCHES. Officers must conduct all searches in a legal manner.

- A. Consent to Search. A person may be asked to consent to a search of the person's property or person. The consent must be voluntarily given. Officers should keep in mind that they will have the burden of proving lawful consent to search if the issue is later contested in court.
- B. Searches of Persons in Custody.
 - 1) Every person arrested shall be searched when placed in restraints and prior to being placed in a vehicle for transport.

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- 2) Searches incidental to arrest shall be conducted close in time and place to the arrest, unless to do so is unreasonable. The scope and intensity of the search is limited:
 - a. As necessary to protect the arresting officer.
 - b. As a precaution to avoid the destruction of evidence.
 - c. As a precaution to prevent escape.
 - d. As reasonably related to the crime the suspect has been or will be arrested for.

Note: There may be a time when a suspect needs to be transported for safety reasons and a quick pat-down is followed by a later, more complete search at the station.

- C. Searches incidental to arrest shall include, but are not limited to, a pat-down of all outside body surfaces, and a search of all clothing pockets and compartments, including shoes, hats, gloves, attached packs, and any other locations where any weapon or evidence or any item which could be used as a weapon or an escape instrument could be secreted. More intensive searches of persons should be conducted out of public view; all searches will be performed with due regard for human dignity.
- D. If readily available, an officer of the same gender as the prisoner should conduct the search. Members shall touch and search prisoners or suspects of the opposite sex only as necessary to take them into physical custody and/or to determine that weapons or evidence are not being concealed. In such cases, if readily available, another officer or witness should be present.
- E. The officer shall seize all evidence, weapons and articles that could be used as a weapon or an escape instrument. Any item, which is not evidence, shall be secured and placed with the prisoner's property.
- F. If custody of the prisoner is transferred, the officer accepting custody shall re-search the prisoner.

16. TRANSPORTING PRISONERS.

- A. Whenever an officer is transporting a person in custody, that person shall be handcuffed with the hands behind the back. The handcuffs will be double-locked to prevent unnecessary injury and escape. Handcuffs may be placed in front during exceptional circumstances such as when prisoner injury or physical characteristics makes handcuffing behind the back impractical.
- B. No prisoner shall be secured to the vehicle while it is in motion except by the seat belt.
- C. All prisoners shall be transported in the rear, caged portion of the vehicle.
- D. Prisoners shall not be permitted to smoke or to have lighters or matches while in restraints and while being transported.
- E. Officers shall not stop for purposes, unrelated to the transport, at any location between the origin of transport and the destination while transporting a prisoner.

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- F. When an officer is transporting a person the gender and race are called into dispatch the starting and ending police vehicle odometer mileage shall be given to the dispatcher.
- G. Prior to a prisoner being transported or transferred to another facility, the responsible officer shall re-search the prisoner.
- H. The transporting officer shall examine the vehicle to be used for transporting a prisoner, both before and after such use, to ensure that it is free of weapons and contraband.

17. **PROCEDURE AFTER ARREST.** An officer making an arrest will transport, or cause the transportation of, the arrested individual, to the appropriate correctional or holding facility to be booked without unnecessary delay.

18. **EXECUTING WARRANTS.** In applying for and executing warrants, officers will abide by relevant statutes and department general orders concerning service of the warrant and notification of the initiating agency.

19. **ESTABLISHING IDENTITY.** Officers must exercise discretion when a violator cannot or will not provide satisfactory identification. If a citation-in-lieu of custody is issued, the officer should, to the extent possible, obtain all identifying information which could provide later assistance in the execution of an arrest warrant which could be issued for the person to be cited if the person failed to appear, as ordered by the citation. If the identity of the person to be cited for a criminal offense is not satisfactorily determined, the person shall be taken into full custody and transported to the appropriate detention facility where positive identification can most likely be effected.

20. **PRISONERS WITH ILLNESS, INJURY, OR DISABILITY.** When officers are confronted with a situation involving a sick or injured suspect or prisoner, officers will render any first aid that is necessary and obtain medical help if needed. Decisions to be made by the officer in the field, regarding emergency hospitalization of injured persons, shall be based on the seriousness of the injury and the pending charge against the arrested person. Whenever hospitalization is necessary for an injured person who is under arrest, the arresting officer must report the situation to a supervisor as soon as possible.

- 1) No prisoner shall be booked or otherwise held for interrogation or other purposes if they have injuries or illnesses that require hospitalization or attention of a health care professional. This includes obvious cases of injury or illness as well as situations in which a prisoner:
 - a. Suffers from extreme alcohol intoxication or possible drug overdose;
 - b. Exhibits symptoms of severe mental disorder; or,
 - c. Has talked about committing suicide or shown signs of being a suicide risk.

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2) If the severity of a prisoner's medical condition is unclear, or if a prisoner requests medical attention, the appropriate emergency medical agency shall be notified and their response requested. If the emergency medical response agency determines such, the prisoner shall be transported as soon as possible to the emergency medical response agency's designated emergency care provider.

a) The arresting officer, or designee, shall be responsible for the security of the prisoner during transport and while at a designated medical care facility, provided the prisoner is still in police custody at the time of transport and while at the designated medical care facility.

b) Subsequent detention of such prisoners is permitted only with approval of a physician or qualified medical care professional.

c) The nature of injuries of prisoners shall be noted on the booking form and brought to the attention of jail personnel; arresting officers shall fully describe the circumstances surrounding those injuries in their arrest report.

21. PRISONER ESCAPE.

a. Prisoner escapes shall be reported immediately to the supervisor and the agency's communications center.

b. Descriptions, identities, and offenses of escapees shall be relayed to all duty personnel as quickly as possible and to adjoining jurisdictions.

c. The supervisor shall coordinate intelligence gathering and search procedures among agency personnel and other law enforcement authorities as appropriate.

d. The supervisor shall initiate investigation of the circumstances surrounding the escape and provide a full report with recommendations to the department.

22. CITATIONS. Officers shall issue traffic and non-traffic citations in accordance with departmental general orders and state law.

23. CITATION FORMS. Electronic ticket writers will be checked out by each officer on duty prior to roll call at the beginning of the shift or detail to be worked and then checked back in and secured in the charging dock in the patrol sergeant's office for uploading and charging. Parking citations and Notice of Violation (insurance and suspended driver's license) citations will be issued by the traffic division supervisor.

24. REFUSAL TO SIGN. Officers should allow the violator every opportunity to sign the citation. The officer should explain to the violator that the signature is not an admission of guilt, only a summons to appear in court. If the violator refuses to sign the citation, take into custody and give the opportunity to post bond or be booked into jail on the charge.

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25. CITATIONS AND ARREST. If an officer makes a physical arrest on a traffic violation, it shall be the officer's discretion whether a hard copy citation is issued to the violator as well.

26. VOIDING CITATIONS. The issuing officer may void a citation prior to being issued for error, mutilated, or otherwise improperly issued. The voiding officer must write a memo explaining the reason for voiding the citation. The memo will be attached to all copies of the citation and submitted to the Shift Supervisor for approval. The citation will then be turned in with shift paperwork.

27. LOST / STOLEN CITATIONS. The officer will write a memo outlining the circumstance of the incident, including the lost or stolen citation numbers. The memo will be submitted to the Patrol Bureau Supervisor.

28. ARRAIGNMENT DATES. Officers will use arraignment dates provided by Pineville City Court. Juvenile citations court appearance date shall be marked "On Notice".

By order of

Darrell B. Basco
Chief of Police