

Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date June 1, 2015 (Triennial Due: August 15, 2015)		APD.SOP.3030 Arrest Procedures
Applicable To: All employees		
Approval Authority: Chief George N. Turner		
Signature: Signed by GNT		Date Signed: 5/29/15

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1. PURPOSE

To establish policy and procedure for the arrest, temporary detention, transport, and delivery of persons subject to arrest.

2. POLICY

2.1 The Atlanta Police Department will allow sworn employees appropriate discretion in determining the type of enforcement action to be taken. In determining appropriate enforcement action, officers will consider what is required by law and what is in the best interests of the City of Atlanta, and of the Department. In exercising discretion, officers will not consider prejudice based upon age, race, sex, ethnic origin, sexual orientation, position in the community, or any other social, cultural, or economic factor.

2.2 All persons who are subject to arrest will be properly searched, restrained, and transported in a manner that ensures the safety, security, and welfare of the employee(s), the general public, and the arrestee(s).



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3. RESPONSIBILITIES

- 3.1 All supervisors will ensure that sworn employees within their command comply with the requirements of this directive and will provide assistance as necessary.
- 3.2 All sworn employees will follow the requirements of this directive
- 3.3 The Training Unit will provide training necessary for compliance with this directive.
- 3.4 The Zone 6 commander will be the liaison between the Department and the DeKalb County prosecutors and courts.
- 3.5 The Airport commander will be the liaison between the Department and the Clayton County prosecutors and courts.
- 3.6 Division, section, and unit commanders will monitor the implementation of this directive in their respective commands.
- 3.7 **PRAU will contact the City of Atlanta Department of Law prior to making any revisions, amendments, or deletions in this Standard Operating Procedure.**

4. ACTION

4.1 General

4.1.1 An actual touching of a person with a hand is not essential to constitute a valid arrest. If the person voluntarily submits to being considered under arrest or yields on condition of being allowed his freedom of locomotion, under the discretion of the officer, the arrest is complete (OCGA 17-4-1).

4.1.2 Miranda Warning

1. All persons in custody must be advised of their rights prior to attempting to elicit any incriminating statements. The arresting officer must inform the arrestee of the following prior to questioning any person in custody:

You have the right to remain silent

Anything you say will be used in court as evidence against you.

You are entitled to have a lawyer now and have him or her present now or at anytime during questioning.

If you cannot afford a lawyer, one will be appointed for you without cost and he or she may be present at all times during your questioning.

You can decide at any time to exercise these rights and not answer any questions or make any statements.



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2. Any waiver of rights by a person in custody must be made knowingly and voluntarily. The arresting officer should ask the following to determine the voluntariness of any waiver of rights:
  - a. Do you understand these rights?
  - b. Do you wish to talk to us at this time without a lawyer?
3. If the suspect indicates in any manner, prior to or during questioning that he or she wishes to remain silent, or wishes an attorney, the questioning or interrogation must stop unless permission is given by his or her attorney.

#### 4.1.3 Arrests in First Amendment Situations

1. The Atlanta Police Department complies with the Constitutions of the United States and of the State of Georgia, and the Charter of the City of Atlanta giving citizens the fundamental rights of speech, press, and religion. These rights include the freedom to peaceably assemble and to engage in the following activities on public streets and sidewalks: prayer, conversation, oratory, display and/or distribution of literature, display of picket signs, reading of scriptures, singing, and chanting.
2. Consistent with these rights, the Department intends to allow the greatest tolerance for political or religious expression by a citizen. However, the Department will enforce City and State criminal laws that are violated during that expression:
  - a. Officers will respect the First Amendment rights of citizens as specified in this directive. They will be knowledgeable of State laws and City ordinances that are applicable in situations where First Amendment activity is occurring. They will be knowledgeable as to when they may lawfully intervene with regard to such activity in order to enforce the law.
  - b. City Code Section 106-81, "Disorderly Conduct" will not be used to interfere with, restrict, or deny citizens' rights of speech, press or religion, unless an actual obstruction or impediment occurs, as specified in the ordinance.
  - c. For purposes of this directive, the term "actual obstruction or impediment" applies only where both of the following elements are present: the public street, sidewalk, overpass, or public way is rendered impassable, passable but hazardous, or unreasonably inconvenient for physical passage; and there is a failure to clear such street, sidewalk, overpass, or public way after being ordered to do so by a police officer or other lawful authority.
  - d. "An actual obstruction or impediment" does not include circumstances where physical passage is possible but discomfort with the messages of a speaker causes a person to avoid the location.
  - e. Officers will not interfere with or cause the arrest for obstruction of public passages of any person who is, or appears to be engaged in, prayer, conversation, oratory, display and/or distribution of literature, display of picket signs, reading of scriptures, singing, and chanting, without the approval of a sworn supervisor.
  - f. Where an individual is speaking to another in a way which would tend to incite an immediate breach of the peace, this action will not be treated as an actual obstruction



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or impediment, as described in paragraphs b and c above but rather will be treated as fighting words (City Code Section 106-81, paragraph 6).

- g. Officers will respect the exercise of free speech rights in such public forums as the public streets, sidewalks, and parks.
- h. Specifically, the Department recognizes that citizens are exercising fundamental free speech rights when they engage in the following activities on public streets, sidewalks, and parks: prayer, conversation, oratory, display and/or distribution of literature, display of picket signs, reading of scriptures, singing, and chanting. Officers will lawfully intervene with regards to these citizens only if the citizen is violating State law or City ordinance.

#### 4.1.4 Arrest Without a Warrant

1. An arrest of a person in his or her home requires either an arrest warrant or probable cause plus exigent circumstances. Otherwise, an arrest for a crime may be made without a warrant when there is probable cause and/or if the offense:
  - a. is committed in an officer's presence or within an officer's immediate knowledge;
  - b. if the offender is attempting to escape;
  - c. if the officer has probable cause to believe that an act of family violence has been committed;
  - d. if the officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult 18 years or older who cannot protect him or herself from mental or physical abuse because of a physical or mental impairment; or
  - e. for other cause if there is likely to be failure of justice for want of a judicial officer to issue a warrant. (OCGA 17-4-20)

***\*This Subsection, 4.1.4 (1a-e), may not be deleted, revised, or amended pursuant to the May 19, 2015 Order in Calhoun, et al. v. Pennington, et al. 1:09-CV-3286-TCB. Consult the City of Atlanta Department of Law with any questions or concerns.\****

2. When affecting an arrest without a warrant, the officer should make the arrest without undue delay. Any undue delay will necessitate an arrest warrant.
3. Employees may pursue the offender anywhere within the State until the arrest is complete, provided that the pursuit is continuous and uninterrupted.

#### 4.1.5 Arrest by Warrant

1. An arrest warrant is valid anywhere in the State of Georgia and may be executed by a sworn employee at any reasonable time of the day or night.
2. An affidavit made or warrant issued for the arrest of a person accused of violating the laws of the State of Georgia must include, as nearly as practicable, the following facts:



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- a. the offense committed, including both the crime and the O.C.G.A. code section number;
  - b. the time, date, and place of occurrence, including the county in which the offense was committed;
  - c. the person against whom the offense was committed;
  - d. a statement describing the offense, including all elements of the offense.  
(OCGA 17-4-41)
3. When the offense charged is theft, the affidavit made or warrant issued will also include the following:
- a. the name of the property alleged to have been stolen;
  - b. a description of the property alleged to have been stolen;
  - c. the value of the property alleged to have been stolen; and
  - d. the name of the owner of the property and/or the person from whose possession such property was taken. (OCGA 17-4-41)

4.1.6 Arrest Procedures

1. Employees will use only that force which is reasonable and necessary to affect an arrest or restraint, and to ensure the safety of the arrestee, the officers, and others.
2. Only restraining devices issued by the Department and techniques authorized by the Training Unit will be utilized in the restraint, transportation, and detention of arrestees.
3. All persons will be treated courteously, humanely, and with regard for their legal rights.
4. Handcuffs should be used whenever a suspect is physically arrested, both at the time of arrest and during transport, regardless of the offense being charged. Handcuffs will be applied before a person is searched and should be double locked, with the arrestee's hands placed behind the back. Arrestees should remain handcuffed until placed in the custody of the appropriate detention facility personnel.
5. At the time of arrest, the arresting officer(s) will:
  - a. Identify himself or herself as a police officer, visually and/or verbally;
  - b. Inform the arrestee of the reason for their arrest;
  - c. Handcuff the person with the handcuffs "double locked";
  - d. Immediately upon handcuffing, pat down the arrestee for weapons;
  - e. As soon as reasonable and practical, but prior to being transported or placed in a vehicle or secure location, search the arrestee for weapons and/or contraband.



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#### 4.1.7 Documentation

1. The arresting officer must complete an arrest citation for each arrested person. The arresting officer must also complete an incident report for each incident. The arrest citation and incident report must be completed legibly and in their entirety.
2. Felony and misdemeanor state charges for the same arrested person may be written either on the same arrest citation or on separate citations.
3. When multiple charges arise from the same incident, all charges must be prosecuted in the same jurisdiction. All charges must be delivered with the prisoner to the jail. Also, do not combine charges resulting in physical arrest with copies of charges; if a physical arrest is made, all charges must reflect a physical arrest.
4. The arresting officer is responsible for the completion and submission of all reports and documentation, for the collection and preservation of evidence, and for necessary court appearances.
5. The watch supervisor is responsible for reviewing all completed arrest citations and their supporting documentation for completeness and legibility. The supervisor's signature will serve as verification that this review has been completed.
6. When conducting a warrantless seizure, search or frisk of a person inside any residence or commercial building or structure, officers on self-initiated calls must complete the ICIS Demographics tab under the Field Contact. In instances whereby an officer calls 9-1-1 and he or she is, in turn, the primary unit responding to said call, the ICIS Demographics tab under the Field Contact must also be completed. This requirement does not apply to officers responding to dispatched calls for service.

***\*This Subsection, 4.1.7 (6), may not be deleted, revised, or amended pursuant to the May 19, 2015 Order in Calhoun, et al. v. Pennington, et al. 1:09-CV-3286-TCB. Consult the City of Atlanta Department of Law with any questions or concerns.\****

#### 4.1.8 Property and Evidence

The arresting officer is responsible for the safety and security of the property, evidence, and contraband of the person arrested (see APD.SOP.6030 "Property and Evidence Control").

#### 4.1.9 Physical Arrest

All persons charged with a violation of state law or City of Atlanta Ordinance may be physically arrested. A physical arrest will be made if:

1. The identify 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. There is reason to believe that the person will not appear in court; or
4. There is reason to believe that the person may be wanted in other jurisdictions.



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#### 4.1.10 Copy of Charges

1. The arresting officer may issue a copy of charges to appear in court, in lieu of a physical arrest, based on the following:
  - a. The identify of the arrestee has been determined;
  - b. There is no reason to believe the arrestee poses a continued threat to the community or self;
  - c. There is no reason to believe that the arrestee will fail to appear in court based on the arrestee's place of residence, ties to the community; employment; mental condition; and personal history;
2. A copy of charges may not be used in the DeKalb County or Fulton County court system. All arrests on state charges in DeKalb County and Fulton County require a physical arrest unless unusual circumstances exist.

#### 4.1.11 Search Incident to a Lawful Arrest

4.1.12 The type of search conducted (i.e. frisk, field search or strip search, etc.) is dependent upon the situation surrounding the detention or arrest. A recognized exception to the search warrant requirement is a search incident to a lawful arrest. This exception permits an officer to perform a warrantless search during or immediately after a lawful arrest. The reason for the search is to remove any weapons the arrestee may use to resist arrest or effect an escape or to search and seize any evidence in order to prevent concealment or destruction. The Atlanta Police Department recognizes three (3) types of searches incident to a lawful arrest.

#### 4.1.13 Strip/Body Cavity Searches (CALEA 5<sup>th</sup> ed. standard 1.2.8)

1. A strip search or a body cavity search incident to a lawful arrest shall only be conducted where reasonable articulable suspicion exists that the suspect is concealing a weapon, explosive device, or contraband, and may be conducted only at a jail, correctional, or detention facility after transport. After an initial search incident to an arrest, the officer shall:
  - a. Notify his or her supervisor that the subject in the officer's custody may be concealing an unknown item and request permission to have a strip search or body cavity search conducted.
  - b. Request that a strip search or body cavity search be conducted by the Department of Corrections at the jail after transport. Searches must be conducted out of public view and by a person of the same gender. Body cavity searches must be conducted by qualified medical personnel.
  - c. Ensure that the incident report contains detailed information about the search to include: the date, place and time of the search; the justification for the search; the name of the person conducting the search; the name of any witnesses to the search; the identity of the person being searched; and the type of contraband located and where on the body found.



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2. A body cavity search that is not incident to a lawful arrest must be supported by a search warrant. If an officer has probable cause to believe that a person is concealing a weapon, explosive device, or contraband, the officer shall obtain a search warrant prior to a body cavity search.
  - a. Searches must be conducted out of public view and by a person of the same gender. Body cavity searches must be conducted by qualified medical personnel.
  - b. Ensure that the incident report contains detailed information about the search to include: the date, place and time of the search; the justification for the search; the name of the person conducting the search; the name of any witnesses to the search; the identity of the person being searched; and the type of contraband located and where on the body found.
3. A field search is the search of an arrestee at the time of arrest in order for the officer to seize any weapons or contraband. The scope of the field search shall include a frisk or pat-down of the arrestee's clothing and a search of the arrestee's pockets, socks, shoes, hair, and waistband.
  - a. If you have a reasonable articulable suspicion that the arrestee is hiding contraband or a weapon due to the type of arrest (murder, armed robbery, drug sales, etc...) or during the field search you have determined that the arrestee is concealing a weapon or other contraband, you should retrieve it immediately.
  - b. A "Strip Search" is more intrusive than a "Field Search." Officers may reasonably retrieve weapons or contraband during the "Field Search" as long as the make every effort not to expose the arrestee's undergarments, buttocks, anus, genitals, or breasts to view.
  - c. **Remember, the reasonableness of such searches will be measured by the need for the search, the efforts of the officers to protect the privacy of the suspect, the intrusiveness of the search, and the location where the search was done. Without these protections, every arrest would result in a strip search. Such intrusive searches should only be done by officers of the same sex as the suspect – absent extreme and compelling circumstances.**
4. Definitions
  - a. Strip Search: Removal or rearrangement of clothing to permit visual inspection of a person's 1) undergarments, 2) buttocks, 3) anus, 4) genitals, or 5) breasts. The following does not constitute a strip search: 1) removal or rearranging of clothing reasonably required to render medical treatment or assistance, or 2) removal of articles of outer clothing, such as coats, ties, belts or shoelaces.
  - b. Body Cavity Search: Visual inspection or manual search of a person's anal cavity or vaginal cavity.
  - c. Field Search: A search of the arrestee at the time of arrest in order for the officer to seize any weapons or contraband. The scope of this search shall include a frisk or pat-



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down of the arrestee's clothing and a search of the arrestee's pockets, socks, shoes, hair, and waistband.

4.2 Atlanta City Ordinance

4.2.1 Persons arrested for violation(s) of Atlanta City Ordinance will be transported to the Atlanta Pre-Trial Detention Center.

4.2.2 The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer.

4.2.3 The arresting officer must attend Municipal Court as scheduled or subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, he or she will notify their immediate supervisor.

1. The arresting officer will set the court date as follows:

- a. physical arrests - the next day
- b. copy of charges - between 7 and 21 days in advance

4.3 Fulton County Misdemeanor Charges

4.3.1 Persons arrested for violations of state law in Fulton County, both felony and misdemeanor charges, will be transported to the Fulton County Jail.

4.3.2 An arrest citation must be completed for each person arrested. An incident report must be completed for each incident in which a person was arrested. Both the arrest citation and a copy of the incident report must be submitted when delivering the arrestee to the Fulton County Jail. The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer. (CALEA 5<sup>th</sup> ed. Standard 70.1.6c)

4.3.3 The arresting officer must attend court as scheduled or subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, his or her immediate supervisor will be notified as appropriate.

4.4 Fulton County Felony Charges

4.4.1 Persons arrested for violations of state law in Fulton County, both felony and misdemeanor charges, will be transported to the Fulton County Jail.

4.4.2 An arrest citation must be completed for each person arrested. An incident report must be completed for each incident in which a person(s) was arrested. The arrest citation must be submitted when delivering the arrestee to the Fulton County Jail. There is no requirement to submit an incident report when delivering the arrestee if the individual is charged with a felony. The arresting officer is responsible for submitting complete and accurate documents for the



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- preservation of evidence, and for the proper presentation in court of all cases made by the officer. (CALEA 5<sup>th</sup> ed. Standard 70.1.6c)
- 4.4.3 Felony charges must have "Complaint Room" written in the upper right hand corner of the arrest citation. The incident report and all supporting documents must be faxed to the Complaint Room, using the Complaint room cover sheet, at 404.224.3260. After faxing, the arresting officer will contact the Assistant District Attorney (ADA) at 404.224.3230 to discuss the case. The arresting officer will work with the ADA and provide additional information or documentation as needed or requested.
- 4.4.4 The arresting officer must attend court as scheduled or subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, his or her immediate supervisor will be notified as appropriate.
- 4.5 DeKalb County Misdemeanor Charges
- 4.5.1 Persons arrested for violations of state law in DeKalb County, both felony and misdemeanor charges, will be transported to the DeKalb County Jail.
- 4.5.2 Persons arrested in the City of Atlanta on a DeKalb County arrest warrant must be transported to DeKalb County Jail. Fulton County Jail will no longer accept prisoners arrested on DeKalb County Warrants.
- 4.5.3 There are no copies of charges issued in the DeKalb County court system. All arrests require a physical arrest unless very unusual circumstances exist.
- 4.5.4 An arrest citation must be completed for each person arrested. An incident report must be completed for each incident in which a person(s) was arrested. Both the arrest citation and a copy the incident report must be submitted when delivering the arrestee to the DeKalb County Jail. The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer. (CALEA 5<sup>th</sup> ed. Standard 70.1.6c)
- 4.5.5 The transporting officer will deliver the arrestee to the DeKalb County Jail with an arrest citation and a copy of the incident report and complete a DeKalb County Jail Arrest Information Record. The arresting officer will return a copy of that form to the Zone 6 precinct. (CALEA 5<sup>th</sup> ed. Standard 70.1.6c)
- 4.5.6 Arrestees in need of medical attention will be transported to Grady Hospital Detention. If the prisoner is not admitted, the City of Atlanta Corrections officer will contact the arresting officer who will return to Grady Hospital Detention, pick up the prisoner, and take the prisoner to the DeKalb County Jail. If the prisoner is admitted to Grady Hospital, the officer will deliver the DeKalb County Jail Intake Form, along with a signed arrest warrant to the DeKalb County Jail. The DeKalb County Sheriff's Department will coordinate with the City of Atlanta Corrections Department and assume control and responsibility for the prisoner at Grady upon the delivery of the aforementioned paperwork.
- 4.5.7 Between the hours of 8:30 am and midnight, the arresting officer will obtain a warrant at Magistrate Court and return a copy of the warrant to the jail. Magistrates are available from 8:30 am until 4:30 pm Monday through Friday. Magistrates are also available from 5:00 pm until 7:00 pm and 8:30 pm until midnight on Monday through Wednesday and 5:00 pm until midnight on



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Thursday and Friday. The weekend schedule is 8:30 am until Noon, 1:00 pm until 5:00 pm and from 7:00 pm until midnight on Saturday and Sunday.

DeKalb magistrates' schedule	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Midnight to 8:30 a.m.	Off	Off	Off	Off	Off	Off	Off
8:30 a.m. to noon	On duty	On duty	On duty	On duty	On duty	On duty	On duty
Noon to 1:00 p.m.	On duty	On duty	On duty	On duty	On duty	Off	Off
1:00 to 4:30 p.m.	On duty	On duty	On duty	On duty	On duty	On duty	On duty
5:00 to 7:00 p.m.	On duty	On duty	On duty	On duty	On duty	Off	Off
7:00 to 8:30 p.m.	Off	Off	Off	On duty	On duty	On duty	On duty
8:30 p.m. to midnight	On duty	On duty	On duty	On duty	On duty	On duty	On duty

- 4.5.8 If the officer arrests a defendant between the hours of midnight and 8:30 am, he or she must obtain a warrant at Magistrate Court within 48 hours; otherwise the defendant will be released from jail. The DeKalb County Magistrate Court can be reached by telephone at (404) 294-2150. Morning watch officers may appear at 10:00 pm prior to going to work to obtain their warrants.
- 4.5.9 Officers are not required to attend First Appearance Hearings unless directed to do so by the DeKalb County magistrate.
- 4.5.10 When making an arrest for shoplifting, transport the witness (security guard or store representative) to a magistrate for the issuance of the warrant. A \$10.00 application fee for the warrant is required from the store representative. Afterwards, if necessary, transport the witness back.
- 4.5.11 In planned situations involving multiple arrests such as sweeps or raids, the DeKalb County Magistrate's Office requests advance notification. Special arrangements can then be made to accommodate the volume of defendants for warrants. Only general information relative to the nature of the detail will be provided.
- 4.5.12 Officers will be subpoenaed along with victims and witnesses for trial. The officer must write contact information for the victim and witnesses on the reverse side of the Affidavit for Issuance of Criminal Warrant (Warrant).
- 4.6 DeKalb County Felony Charges
  - 4.6.1 Persons arrested for violations of state law in DeKalb County, both felony and misdemeanor charges, will be transported to the DeKalb County Jail.
  - 4.6.2 Persons arrested in the City of Atlanta on a DeKalb County arrest warrant must be transported to DeKalb County Jail. Fulton County Jail will no longer accept prisoners arrested on DeKalb County Warrants.
  - 4.6.3 There are no copies of charges issued in the DeKalb County court system. All arrests require a physical arrest unless very unusual circumstances exist.



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- 4.6.4 An arrest citation must be completed for each person arrested. An incident report must be completed for each incident in which a person(s) was arrested. Both the arrest citation and a copy the incident report must be submitted when delivering the arrestee to the DeKalb County Jail. The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer. (CALEA 5<sup>th</sup> ed. Standard 70.6.1c)
- 4.6.5 The transporting officer will deliver the arrestee to the DeKalb County Jail with an arrest citation and a copy of the incident report and complete a DeKalb County Jail Arrest Information Record. The arresting officer will return a copy of that form to the Zone 6 precinct.
- 4.6.6 Arrestees in need of medical attention will be transported to Grady Hospital Detention. If the prisoner is not admitted, the City of Atlanta Corrections officer will contact the arresting officer who will return to Grady Hospital Detention, pick up the prisoner, and take the prisoner to the DeKalb County Jail. If the prisoner is admitted to Grady Hospital, the officer will deliver the DeKalb County Jail Intake Form, along with a signed arrest warrant to the DeKalb County Jail. The DeKalb County Sheriff's Department will coordinate with the City of Atlanta Corrections Department and assume control and responsibility for the prisoner at Grady upon the delivery of the aforementioned paperwork
- 4.6.7 The arresting officer must obtain an arrest warrant at Magistrate Court within 72 hours of the arrest and hold the original warrant until the First Appearance Hearing. Failure to obtain the arrest warrant within 72 hours will result in the un-bonded release of the prisoner from DeKalb County Jail. The Magistrates schedule is given in section 4.5.7.
- 4.6.8 Officers determine their own time for court appearance. Day and evening watch officers can make their First Appearance Hearing while on duty at the times listed above in the Magistrate's Court. Morning watch officers can appear at 8:30 am for their First Appearance Hearing or on the following day at 10:30 pm prior to their going on duty. Morning watch officers that are off the next day can request a re-set through a supervisor or the court appearance officer. Cases are not typically set on the officer's off-days.
- 4.6.9 The officer will present the original warrant at the First Appearance Hearing and will give input for establishing bond. If bond is given, the court notifies the officer when to appear. If no bond is given, then a preliminary hearing is set, and the officer is notified.
- 4.6.10 The arresting officer must transport DeKalb County felony defendants to court hearings. The officer must contact the jail to have the defendant ready for transport to the hearing. It is recommended that the officer call two hours before the hearing. The DeKalb County Sheriff's Deputies will coordinate the transfer of the prisoner(s), along with a criminal history. The officer will transport the prisoner(s) to DeKalb County Magistrate Court, along with an original of the signed arrest warrant, which will be delivered to the Magistrate Judge. Upon arrival at magistrate court, the officer will notify the judge and the Sheriff's deputy in charge if a prisoner presents a safety hazard or escape risk. (CALEA 5<sup>th</sup> ed. Standard 70.1.8 and 70.5.1)
- 4.6.11 Felony First Appearance Hearings occur as follows:
1. Monday through Friday at 8:30 am (maximum of four defendants) and 1:15 pm (maximum of eight defendants Monday-Thursday and a maximum of four defendants on Friday). Because of the limits on cases, officers should call ahead (404-294-2150) to reserve a time.



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2. Evening hearings are conducted Monday-Wednesday at 5:30, 9:00 and 10:30 pm and Thursday and Friday at 5:30, 7:00, 9:00 and 10:30 pm. (No maximum on the number of defendants.)
3. Saturday and Sunday hearings are conducted at 10:30 am, 2:30, 8:30 and 10:30 pm. (No maximum on the number of defendants.)

#### 4.7 Clayton County Felony/Misdemeanor Charges

4.7.1 Persons arrested for violations of state law in Clayton County, both felony and misdemeanor charges, will be transported to the Clayton County Detention Center.

4.7.2 An arrest citation, incident report, affidavit for warrant, and booking form must be completed for each incident in which a person was arrested. The arrest citation, the affidavit for warrant, the incident report, and a booking form must be submitted when delivering the arrestee to the Clayton County Detention Center. The arresting officer is responsible for submitting complete and accurate documents, for the preservation of evidence, and for the proper presentation in court of all cases made by the officer.

4.7.3 The arresting officer must attend court as scheduled or if subpoenaed. If a conflict arises, it is the responsibility of the arresting officer to contact the court and resolve that conflict. If the arresting officer is unable to contact the court, his or her immediate supervisor will be notified as appropriate.

#### 4.8 Traffic

1. The Municipal Court of Atlanta will continue to process all misdemeanor traffic charges. Persons physically arrested will be transported to Atlanta Pre-Trial Detention Center.
2. Traffic-related physical arrests involving a felony in Fulton County will be processed in the Complaint Room, and the defendant will be transported to the Fulton County Jail.
3. Traffic-related physical arrests involving a felony in DeKalb County will be processed in the Magistrate Court, and the defendant will be transported to the DeKalb County Jail.
4. See APD.SOP.4010 "Traffic" for additional information.

#### 4.9 Juveniles

Refer to APD.SOP.3190 "Juvenile Procedures".

#### 4.10 Foreign Nationals

4.10.1 The United States is obligated under the Vienna Convention, Article 42 to notify foreign Consular Officials when foreign nationals of their country are arrested or detained for an extended time while in the United States.

4.10.2 Whenever a police department employee arrests or otherwise detains a foreign national for some investigative purpose, he or she will as soon as possible:

1. Ensure the detainee/arrestee is promptly notified (e.g. prior to interrogation) of their right to have their government informed of the circumstances surrounding their detention or arrest.



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2. Notify his or her supervisor and provide them with the circumstances of the detention or arrest.
3. Contact ACIC and notify them of the arrest or detention of a foreign national. ACIC will then be responsible for notifying the foreign national's embassy or consulate. ACIC may use a Fax Sheet for Notifying Consular Officials of Arrests or Detentions (Form APD 443) to notify the appropriate consular office.
4. Include the following information in the narrative of his or her incident report:
  - a. The foreign national's country of origin
  - b. The radio number of the ACIC operator who took the foreign national's information
  - c. The date and time that ACIC was notified.

4.10.3 The arresting officer may state the following to the foreign national:

I will notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

4.10.4 An updated listing of consulates and embassies, as well as translations of suggested statements to be made to foreign nationals to be arrested or detained can be found at the Department of State web site: [www.state.gov](http://www.state.gov).

4.11 Undocumented Aliens

4.11.1 Because the Constitution of the United States guarantees equal protection to all persons within its jurisdiction, it is the policy of the Atlanta Police Department that undocumented alien status in itself is not a matter for police action.

4.11.2 The Atlanta Police Department will provide courteous and professional service to any person in the City of Atlanta, while taking positive enforcement action against all individuals who commit criminal offenses, whether they are citizens, permanent legal residents or undocumented aliens. Police services will be readily available to all persons, including the undocumented alien, to ensure a safe and tranquil environment. Participation and involvement of the undocumented alien community in police activities will increase the Department's ability to protect and to serve the entire community.

4.11.3 The Atlanta Police Department reserves the right to investigate immigration status when its officers and investigators are working with, on or for a federal agency or taskforce. The Atlanta Police Department reserves the right to detain a subject who is suspected to be an undocumented alien and notify the appropriate federal authority, when the individual has become involved in a non-immigration related investigation.



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- 4.12 Immunity from Arrest
- 4.12.1 Federal legislators are free from arrest during the term of the legislative session for any offense except those involving treason, felony, or breach of the peace.
- 4.12.2 Legislators  
(CALEA 5<sup>th</sup> ed. Standard 61.1.3)
1. The elected members of the General Assembly are free from arrest during their attendance in the General Assembly and in going thereto and there from, except for treason, felony or breach of peace. (GA Const. Art. 3, Sec. 4, Para. IX)
  2. A supervisor should be notified by radio and respond to the scene when a Legislator has been stopped for a traffic violation.
- 4.12.3 Poll officials will be free from arrest during their attendance at elections and in going to and returning from the same in all cases except for treason, felony, larceny, and breach of peace.
- 4.12.4 Foreign Diplomats/Consular Officials  
(CALEA 5<sup>th</sup> ed. Standard 61.1.3d)
1. The Department's policy is that no foreign diplomatic agent or consular officials who are claiming diplomatic immunity will be physically arrested without the on scene approval of a commander with at least the rank of major. No copy of charges will be given to a foreign diplomatic agent or consular official without the approval of a supervisor. Supervisors will consider the following before issuing their approval:
    - a. The term "diplomatic agent" refers to the head of a mission or an ambassador of a foreign government and members of the diplomatic, administrative, and technical staff of a mission and members of the family of a diplomatic agent.
    - b. The person of a diplomatic agent will be inviolable. He or she will not be liable to any form of arrest or detention. The receiving state will treat him or her with due respect and will take all appropriate steps to prevent any attack on his or her person, freedom, or dignity. (Vienna Convention of Diplomatic Relations, 23 U.S.C. §254 a et seq., Article 29-31, 23 U.S.T. 3227, p. 3240)
    - c. Whenever a person claims diplomatic immunity, a supervisor will be called to the scene.
  2. Consular Privileges and Immunities:
    - a. The receiving state will treat consular officers with due respect and will take all appropriate steps to prevent any attack on their person, freedom, or dignity.
    - b. Consular officers are not liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by an applicable judicial authority based on the position or station of the person in question.
    - c. Except in the case specified above, a consular officer will not be committed to prison or liable to any other form of restriction on their personal freedom except in the execution



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of a judicial decision of final effect. (Vienna Convention on Consular Relations, Article 41-42, 21 U.S.T. 78, P. 103)

- d. A supervisor will be called to the scene when a traffic stop is made involving a consular officer. (CALEA 5<sup>th</sup> ed. Standard 61.1.3d)
3. Verification of Status of Person for Whom Immunity is Claimed: When a person claiming diplomatic immunity is unable to produce a U.S. State Department identification card and the person's diplomatic status needs to be verified, law enforcement officials can confirm the status through a telephone call to the appropriate U.S. State Department officer, as follows:
    - a. During regular hours: The Office of Protocol, U.S. Department of State: (202) 647-1404;
    - b. After normal hours, all calls will be made to the Command Center of the Office of Security, U.S. Department of State: (202) 647-1512 or (202) 663-0812
- 4.12.5 Members of the organized militia or military forces shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at drills, parades, meetings, encampments, and the election of officers and going to, during, and returning from the performance of any active duty as such members. (OCGA 17-4-2). (CALEA 5<sup>th</sup> ed. Standard 61.1.3e)
- 4.13 Absent without leave (AWOL)
- 4.13.1 Absent without leave is not a criminal offense but a violation of the Uniform Code of Military Justice, and cannot be tried in state or local courts. If an officer is requested by military officials to assist in the apprehension of a person reported to be A.W.O.L., assistance may be provided as long as military personnel are on scene to take the person into custody and military control.
- 4.13.2 Military personnel who are A.W.O.L will be arrested when a computer or wanted check indicates that the person is A.W.O.L. or the person states that he or she is A.W.O.L.
- 4.13.3 The arresting officer will contact the appropriate military police personnel to verify the person is A.W.O.L. and then transport the arrestee to the Atlanta Detention Facility to be held for military personnel.
- 4.14 Temporary Detention Facilities
- 4.14.1 A temporary detention area is a room, space, or area for the processing, questioning, or testing of detainees where they may not be subject to the continuous control or supervision of a sworn employee.
1. Temporary detention areas may be used when employees need to detain persons for a short period of time prior to transporting that person to the appropriate correctional facility. Temporary detention areas may be used to allow officers to separate or maintain control of arrested persons, complete necessary paperwork, interview detainees, or for other legitimate and necessary purposes. (CALEA 5<sup>th</sup> ed. Standard 71.1.1)
  2. The time period for which a detainee may be held under these circumstances may not exceed two hours.



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3. The temporary detention area must have secure doors, windows, and locks and means to prevent escape through the ceiling, vents, etc. The room must be free of objects that could be used as weapons.
4. When no other suitable method of detention is available, detainees may be secured to an immovable object that is designed for such use. (CALEA 5<sup>th</sup> ed. Standard 71.3.1d, 71.3.2) Examples include: a bench (fixed to the floor) with a bar or rings to which a handcuff may be secured; or a pole (fixed to the floor) with rings to which a handcuff may be secured.
5. Each section commander whose worksites have a temporary detention area will put a fire prevention, evacuation and suppression plan into place through a command memorandum. He or she will insure that all employees become familiar with the plan and follow the guidelines to insure the safety of detainees. (CALEA 5<sup>th</sup> ed. Standard 71.4.2)
6. The watch commander will permit only employees who have been trained on the operation, supervision, security, and evacuation procedures for prisoners to use the temporary detention facilities. (CALEA 5<sup>th</sup> ed. Standard 71.2.1)

#### 4.14.2 Security

1. All employees will secure their firearm(s) in a locked desk drawer or lock-box before entering the temporary detention area. (CALEA 5<sup>th</sup> ed. Standard 71.3.3a)
2. A security inspection of the temporary detention area for contraband will be conducted at the beginning of each watch by the section or unit commander, as well as before and after each detainee is secured by the arresting or transporting officer. The arresting or transporting officer will search all detainees before placing them in the detention facility and again upon removal. (CALEA 5<sup>th</sup> ed. Standard 71.4.3)

#### 4.14.3 Operation

1. The detention area will be kept locked and access will be under the direct supervision of the watch commander. (CALEA 5<sup>th</sup> ed. Standard 71.3.1c)
2. The officer using the temporary detention area is responsible for the supervision and accountability of prisoners he or she places in the temporary detention area during that time. (CALEA 5<sup>th</sup> ed. Standard 71.3.1b)
3. No person will be held without continuous control or supervision for more than two hours. Persons needing to be held for longer than two hours must be transported to the appropriate County or City detention facility or be placed under the constant and continuous control and supervision of a sworn employee.
4. A visual observation of prisoners in the temporary detention area will be made at least every thirty minutes. (CALEA 5<sup>th</sup> ed. Standard 71.3.3e)
5. Male, female and juvenile detainees will be kept separated when being held or detained in the temporary detention facilities. (CALEA 5<sup>th</sup> ed. Standard 71.3.1e) All persons in temporary detention facilities will be provided access to water, restrooms, and other basic needs in a timely manner. (CALEA 5<sup>th</sup> ed. Standard 71.4.1)



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6. In the event that an emergency occurs in the temporary detention area, an officer will advise the dispatcher over the radio by using the appropriate signal or by pushing the panic/duress button on his or her radio. If emergency medical personnel are required, the officer will advise radio of the same. The watch commander must respond to the scene immediately. (CALEA 5<sup>th</sup> ed. Standard 71.3.3b)
7. The detention facility will be secured and all prisoners will be secured at all times. In the event of an escape, all prisoners will be accounted for, and all security doors and devices inspected to ensure proper functioning. Prisoner escapes will be reported immediately to the watch commander and to Communications. Descriptions, identities and offenses of escapees will be relayed by Communications as quickly as possible and to adjoining jurisdictions. The watch commander will coordinate intelligence gathering and search procedures among agency personnel and other law enforcement authorities as appropriate. The watch commander will initiate investigation of the circumstances surrounding the escape and provide a full report with recommendations to the Chief of Police. (CALEA 5<sup>th</sup> ed. Standard 71.3.3d)

4.15 Prisoner Identification  
(CALEA 5<sup>th</sup> ed. Standard 70.5.1)

4.15.1 Employees transporting prisoners, taking custody of a prisoner arrested by another person, or taking custody of a prisoner being held in a detention facility will ensure that that prisoner is the same person identified in the accompanying paperwork.

1. Prisoners being transported to correctional facilities will be accompanied by the proper documentation, to include incident reports, arrest tickets, state issued identification cards, etc.
2. Prisoners being transported to court or between correctional facilities will be accompanied by proper documentation, to include identification papers or materials issued by the correctional facility, state issued identification cards, etc.
3. Employees transporting prisoners for other employees will require each arresting officer to positively identify their prisoner(s) and provide necessary documentation prior to assuming custody of the prisoner.

4.15.2 Employees transporting prisoners, taking custody of a prisoner arrested by another person, or taking custody of a prisoner being held in a detention facility must be provided with information or documentation relating to the prisoners escape or suicide potential or other personal traits of a security nature if that prisoner poses any potential security problems that may be present during transport.

4.16 Prisoner Transportation

4.16.1 Prisoner Transportation Vehicles

The primary purpose and use of the Prisoner Transport Wagon is to transport arrested individuals safely and securely to a detention facility.

1. Transporting officers will thoroughly search the prisoner seating area of the transport vehicle before and after each transport of a prisoner for contraband, weapons, and property. If the transport vehicle is a patrol car, the search will include the area under the rear seat. Any



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routinely detachable article or device that can be used as a weapon will be kept in a secure section of the vehicle, out of the reach of prisoners. (CALEA 5th ed. Standard 70.1.2)

2. Each prisoner must be searched prior to being placed in the transport vehicle. (CALEA 5th ed. Standard 70.1.1)
3. Only vehicles with protective screens should be used to transport prisoners. Patrol cars with protective screens will not be used to transport more than two prisoners. Seatbelts should be used if available. (CALEA 5th ed. Standard 70.1.3)
  - a. A solitary prisoner will be seated toward the right side of the rear seat to allow the transporting officer to observe the prisoner at all times.
  - b. Assisting officers will not sit in the rear seat of a vehicle with a protective screen when transporting prisoners.
  - c. Assisting officers will not sit in the rear portion of the prisoner transport van when transporting prisoners.
4. If a prisoner has to be transported in a vehicle without a protective screen, the following precautions will be taken:
  - a. Request the assistance of another officer prior to transporting.
  - b. The prisoner will be seated toward the right side of the rear seat.
  - c. The assisting officer will sit in the rear seat directly behind the transporting officer and give special consideration to weapon retention with respect to his or her service weapon and the prisoner being transported.
  - d. Apply handcuffs and/or other restraining devices to the prisoner and fasten a seatbelt around the prisoner prior to transporting.
  - e. Unless authorized by a supervisor, transport only one prisoner at a time.

#### 4.16.2 Prisoner Restraint

Restraining devices will be used during all transports unless the prisoner's medical or physical condition makes the use of restraints unreasonable.

1. Restraining devices will not be used in a manner that intentionally inflicts pain or unnecessary discomfort.
2. Restraining devices on the wrists will be securely applied behind the back and double locked.
3. Restraining devices may be used on the legs in addition to restraining devices on the wrists, during all transports. Restraining devices cannot be used on the legs without also using restraining devices on the wrists unless a medical or physical condition makes their use unreasonable.



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4. Restraining devices should be used on the legs, in addition to restraining devices on the wrists, whenever prisoners are taken into any Department facility.
5. Prisoners will not be secured to any part of the vehicle.
6. Prisoners will not be secured to another prisoner during transport.
7. Prisoners will not be "hog tied" or restrained in any manner that is inconsistent with Department approved methods and training.
8. Additional restraining devices may be used as required or as circumstances dictate.

4.16.3 Prisoner Communication  
(CALEA 5<sup>th</sup> ed. Standard 70.1.5)

Prisoners are not permitted to communicate with anyone other than law enforcement officers during transport.

4.16.4 Prisoner Observation

Transporting officers will not leave a prisoner unattended in a motor vehicle and must maintain visual contact with the prisoner, except under the following circumstances:

1. As reasonably necessary for the prisoner to use a fully secured toilet facility.
2. To comply with the request of a health care provider.
3. During the transport when the prisoner is in the rear of a transport vehicle.

4.16.5 Law Enforcement Response while Transporting  
(CALEA 5<sup>th</sup> ed. Standard 70.1.4)

1. Other than to pick up additional prisoners, officers may not stop to provide law enforcement services unless all three of the following conditions are present:
  - a. A third party is clearly in imminent danger of suffering serious bodily harm;
  - b. The risk to the prisoner is minimal; and
  - c. Another police officer cannot respond quickly enough to prevent serious bodily harm.
2. Sworn employees that respond to emergencies while transporting a prisoner will remain aware that the possibility of diversionary tactics, whether or not instigated by persons attempting to free the detainee, may divert the transport officer and place the detainee in jeopardy or enhance chances for escape. (CALEA 5th Ed. standard 70.1.4)

4.16.6 Officer Action at Destination

Transporting officers will follow the administrative and safety procedures of the receiving facility in addition to taking the following actions:

1. Deliver the court and floor copies of the arrest citation and any other necessary paperwork to the receiving officer; verify the identity of prisoners to the receiving officer; and advise the



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receiving officer of any potential medical or security hazards. (CALEA 5<sup>th</sup> ed. Standard 70.1.6c, d, and e)

2. Remove restraining devices just prior to placing the prisoner in a cell or subsequent to the transfer of custody to the receiving officer. (CALEA 5<sup>th</sup> ed. Standard 70.1.6b)
3. Do not carry a weapon into any detention cell or restricted area. (CALEA 5<sup>th</sup> ed. Standard 70.1.6a)
4. If entering a secured facility, store firearms in a secure place. The locked trunk of a police car may be used if a specified secure firearm storage facility is not available.

#### 4.16.7 Female Prisoners

1. Before transporting a female prisoner, male transporting officers will summon a female officer so that a search of the prisoner can be conducted. If a female officer is not available, the male transporting officer should conduct the search in the presence of a witness. Male officers conducting a search on a female prisoner should use the back of their hand instead of the palms. This search is primarily to check for weapons to insure the transporting officer's safety. A more thorough search will be conducted upon arrival at the appropriate detention facility. (CALEA 5<sup>th</sup> ed. Standard 70.1.1)
2. Whenever transporting a female prisoner, the officer will advise the communications dispatcher that he or she is transporting a female prisoner, give the destination and beginning mileage of the transport vehicle, and take the most direct route to the destination. Upon arrival, advise the communications dispatcher of the ending mileage.
3. Female prisoners may not be transported with a male prisoner unless they are accomplices or companions of the male prisoner.
4. At no time will a lone male officer transport a female prisoner over an extended distance or a distance beyond the communications range of the officer's police radio. A female officer will be present on all extended trips.

#### 4.16.8 Prisoners Transported to Grady Hospital

1. When it is necessary to transport a prisoner to Grady Hospital, the transporting officer will do the following:
  - a. Notify their immediate supervisor of the prisoner transport to Grady Hospital.
  - b. Request that the dispatcher notify the Grady Detention Facility to dispatch a corrections officer to meet them upon arrival.
  - c. Communicate to the detention officer the nature of the charges against the prisoner.

#### 4.16.9 Seriously Ill or Injured Prisoners

1. Seriously ill or injured prisoners will be taken to Grady Hospital for medical examination and treatment prior to being taken to the appropriate detention facility. Unless otherwise approved by a supervisor, the arresting officer will accompany seriously ill or injured prisoners to Grady Hospital in the ambulance.



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2. Officers will consider the arrest circumstances and apply restraints after exercising due regard for the prisoner's illness or injuries. Appropriate restraints should be applied to ensure continuous custody of a prisoner, unless an attending physician has prohibited their use.
3. The prisoner will remain the transporting officer's responsibility and the officer will keep the prisoner under restraint and/or direct observation until Grady Detention has formally received the prisoner or until the prisoner has been admitted to the appropriate medical or surgical emergency clinic and Grady Detention has received the completed paperwork and accepted responsibility for the prisoner.
4. While at a hospital other than Grady Hospital, transporting officers must guard the prisoner until relieved by their supervisor.

#### 4.16.10 Handicapped Prisoners

1. Special care should be used when choosing transportation for handicapped prisoners. Officers will consider the prisoner's particular circumstances and will apply appropriate restraints, both to ensure custody and to provide for the safe transportation of the prisoner.
2. Handicapped prisoners will generally be transported in a screened car. A wagon may be used if it is more appropriate under the circumstances.
3. If the prisoner presents a security hazard, apply restraints appropriate to the level of handicap and the potential security hazard.

#### 4.16.11 Mentally Disturbed Prisoner

1. Special care should be used when choosing transportation for someone who is mentally disturbed. When transporting a mentally disturbed prisoner, the arresting officer will act as the transporting officer. If the mentally disturbed person is acting violent, the person should be transported in a prisoner transport vehicle and the arresting officer will follow the vehicle to Grady Detention.
2. Mentally disturbed persons may pose a significant threat to themselves or others. Officers must evaluate this potential and use restraining devices as needed, both to ensure custody and to provide for the safe transportation of the prisoner. Restraining straps may be used either by themselves or in conjunction with other restraining devices.
3. Mentally disturbed prisoners will be taken to the Psychiatric Emergency Clinic at Grady Hospital. They will not be transported by ambulance unless they are seriously ill or injured. If it is necessary to use an ambulance, at least one officer must accompany the prisoner in the ambulance.

#### 4.16.12 Juvenile Prisoners

1. Unless otherwise approved by a supervisor, the arresting officer will be the transporting officer of juvenile prisoners.
2. Do not transport juveniles with adults unless they are accomplices or companions of the adults. Never transport a juvenile in a prisoner transport vehicle unless a large group of



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juveniles are apprehended together or if the juvenile is too violent to be transported in a patrol vehicle.

3. Transporting officers will advise the communications dispatcher that they are transporting a juvenile prisoner, give the beginning and ending mileages of the transport vehicle, and take the most direct route to the destination. Take juveniles to the Juvenile Detention Center without delay unless they are in need of medical attention. If releasing the juvenile to his or her parent or guardian on a copy of charges, the transporting officer will also give beginning and ending mileages to the parent or guardian's residence.
4. Juveniles who are transported to Grady Hospital for treatment will remain in the custody of the transporting officer. Transporting officers will obtain a Medical Release Form from the facility, which will be given to the intake officer at the Juvenile Detention Center.
5. Transporting officers who have knowledge of juveniles who have been drinking alcoholic beverages or who are under the influence of any drug must have the juvenile examined at a medical facility prior to arrival at the Juvenile Detention Center.
6. If the juvenile is having lengthy treatment at Grady Hospital, Grady Detention will accept temporary custody of the prisoner. On completion of the treatment, Grady Detention will contact the zone of the arresting officer and custody will be returned to the arresting officer for transportation and booking into the Juvenile Detention Center.
7. Officers will not transport juveniles after the Juvenile Detention Center facility has taken custody of the juvenile.

#### 4.16.13 Prisoner Escapes During Transport

1. If an escape occurs within the City of Atlanta jurisdiction, the transporting officer will:
  - a. Notify the communications dispatcher and immediate supervisor and provide the escapee's name, description, location, direction, mode of travel, and the nature of the charges. (CALEA 5<sup>th</sup> ed. Standard 70.1.7a)
  - b. Search the immediate area and attempt to apprehend the escapee. (CALEA 5<sup>th</sup> ed. Standard 70.1.7c)
  - c. Prepare a supplement to the original arrest report, which gives the details of the escape. (CALEA 5<sup>th</sup> ed. Standard 70.1.7b)
2. The transporting officer's immediate supervisor will:
  - a. Respond to the scene and conduct a preliminary investigation.
  - b. Forward a copy of the escape report through the chain of command to the Office of Professional Standards for review and possible further investigation.
3. If an escape occurs outside the City of Atlanta's jurisdiction, the transporting officer will:
  - a. Notify the local jurisdiction's law enforcement agency by radio or telephone and provide the escapee's name, description, location, direction and mode of travel, the nature of the charges, and request assistance.



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- b. Search the immediate area and attempt to apprehend the prisoner.
  - c. Request that agency to investigate any criminal acts committed by the prisoner during the escape.
  - d. Notify his or her immediate supervisor.
  - e. Ensure that all appropriate lookouts are placed, including NCIC and GCIC.
  - f. Complete a supplement to the original arrest report giving the details of the escape and forward it to his or her immediate supervisor upon returning to the City.
4. The transporting officer's immediate supervisor will review the incident report detailing the escape and forward it through the chain of command to the Office of Professional Standards for review and possible investigation.

#### 4.16.14 Special Situations

Requests received by the Department for the transporting of prisoners from the jail for non-judicial matters, such as attending funerals, visiting hospitals and critically ill persons, or attending the reading of a will, will be forwarded to the detention facility (Atlanta Department of Corrections or the Sheriff's Office) for action. (CALEA 5<sup>th</sup> ed. Standard 70.3.3)

#### 4.16.15 Unusual Security Risks

If a prisoner being transported represents an unusual security risk, the transporting officer will notify his or her immediate supervisor. The immediate supervisor will contact the receiving agency or court to determine if any additional precautions or security measures should be taken. Unusual security risks may include, but are not limited to: prisoners who are extremely violent and pose significant danger to the transporting officer(s); prisoners who present a high risk for escape; prisoners whose transport may gather a high degree of public attention (due to their notoriety or popularity), etc. (CALEA 5<sup>th</sup> ed. Standard 70.1.8)

#### 4.16.16 Extradition or Long Distance Transport

1. For the conditions in which the Atlanta Police Department will transport prisoners due to extradition, refer to APD.SOP.5060 "Fugitive."
2. In addition to the following requirements, sworn employees transporting a prisoner over a long distance will adhere to the prisoner transportation procedures listed above.
4. During long distance transports, care will be taken when stopping for fuel and meals or for allowing the detainees reasonable opportunities to use toilet facilities. Locations should be alternated and randomly selected.
5. Sworn employees transporting a prisoner over a long distance will remain aware that the possibility of diversionary tactics, whether or not instigated by persons attempting to free the detainee, may divert the transport officer and place the detainee in jeopardy or enhance chances for escape.



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5. DEFINITIONS

- 5.1 Body Cavity Search: Visual inspection or manual search of a person's anal cavity or vaginal cavity.
- 5.2 Field Search: A search of the arrestee at the time of arrest in order for the officer to seize any weapons or contraband. The scope of this search shall include a frisk or pat-down of the arrestee's clothing and a search of the arrestee's pockets, socks, shoes, hair, and waistband.
- 5.3 Foreign national: A citizen or subject of a country other than the United States, or another person claiming the protection of a country other than the United States or a person presenting a passport or international driver's license.
- 5.4 Probable Cause: That set of facts and circumstances that would lead a reasonable and prudent person to believe that a crime has been committed or is being committed and that the person in question is involved in a significant manner. It is more than mere suspicion, but less than actual certainty.
- 5.5 Ten-County Metropolitan Area: Is comprised of the ten counties belonging to the Atlanta Regional Commission and include: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale Counties.
- 5.6 Self-initiated calls: A request for police intervention whereby an officer was not dispatched for service but rather took it upon him or herself to initiate the police intervention.
- 5.7 Strip Search: Removal or rearrangement of clothing to permit visual inspection of a person's 1) undergarments, 2) buttocks, 3) anus, 4) genitals, or 5) breasts. The following does not constitute a strip search: 1) removal or rearranging of clothing reasonably required to render medical treatment or assistance, or 2) removal of articles of outer clothing, such as coats, ties, belts or shoelaces.
- 5.8 Ten-County Metropolitan Area: Is comprised of the ten counties belonging to the Atlanta Regional Commission and include: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale Counties.

6. CANCELLATIONS

APD.SOP.3030 "Arrest Procedures", effective July 15, 2012

7. REFERENCES

May 19, 2015 Order in Calhoun, et al. v. Pennington, et al. 1:09-CV-3286-TCB

"Department of State Guidelines Regarding Foreign Nationals Arrested or Detained in the United States," October 1, 1992.

APD.SOP.3061 Methods of Clearing Crimes

APD.SOP.3161 Delivering Tickets to Municipal and Traffic Courts

APD.SOP.3160 Court Responsibilities

APD.SOP.3060 Report Writing

APD.SOP.3062 In-Vehicle Computers

Form APD 443 Fax Sheet for Notifying Consular Officials of Arrests or Detentions



Atlanta Police Department Policy Manual  
APD.SOP.3030  
Arrest Procedures



Commission on Law Enforcement Accreditation (CALEA) 5th ed. Standards 61.1.3; 70; 71