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# DETROIT POLICE DEPARTMENT MANUAL

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## INDEX



## ARTICLE I

### INTRODUCTION

The Detroit Police Department insists that the highest type of behavior be displayed by its members and employees. The Police Department demands that the utmost standards of excellence be maintained while at the same time providing the community with professional police service. In order to effectively discharge their responsibilities as law enforcement officers, members of the department shall constantly be aware of their obligations to prevent crime, to protect life and property, to suppress criminal activity, to apprehend violators of the law, to regulate non-criminal conduct and to preserve the peace.

Moreover, members must recognize their responsibility to protect and defend every individual's constitutional rights, remaining ever alert to the dangers of extra legal procedures. The viability of democratic ideals depends upon a law enforcement agency that is aware of the sensitive balance between individual freedom and collective security.

Since it is not possible to anticipate every situation that may arise or to prescribe the specific course of action requisite for each case, the exercise of common sense and good judgment by those entrusted with law enforcement must be relied upon to make the police service equitable and effective.

An understanding of human behavior and an application of common sense will go far toward the realization of the department's goals.

The articles and volumes contained herein will cancel and supersede any conflicting rules, regulations, orders or procedures as well as any conflicting written directive published previously. All members and employees of the Police Department will be governed by these regulations. Every item outlined in the table of contents is and shall be considered as an intricate part of this manual.

While any violation of the rules, regulations, orders or procedures makes a member or employee subject to disciplinary action, such discipline may or may not be invoked when, at the discretion of the Chief of Police, extenuating circumstances exist or the best interest of the department would not be served.

If any article, volume, section, sub-section, paragraph, sentence, clause or phrase of this manual, for any reason, is held unconstitutional, such decision shall not affect the validity of the remaining portions or sections of this manual. In so far as any rule, regulation, order or procedure is inconsistent with any applicable collective bargaining agreement, the conflict shall be resolved in favor of the applicable collective bargaining agreement.

WILLIAM L. HART  
Chief of Police

## ARTICLE II

### LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself (before God) to my chosen profession -- law enforcement.

# GENERAL PROCEDURES

## CHAPTER 1

### ARRESTS

#### 1. DUTY TO INVESTIGATE CRIME

An officer has a duty to investigate crime. This duty applies to any crimes which he reasonably suspects have been committed, are being committed, or are about to be committed.

#### 2. DEFINITION OF CRIME

A crime is an act committed or omitted in violation of a public law either forbidding or commanding it. Crimes are defined and classified as felonies or misdemeanors.

#### 3. CLASSIFICATION OF CRIMES

##### 3.1 Felonies

Felonies are those crimes designated as felonies by state statute. Generally, a felony is punishable by imprisonment in a state prison.

##### 3.2 Misdemeanors - General

A misdemeanor includes all offenses less than a felony. Misdemeanors are punishable by imprisonment in the county jail, in the House of Correction, by fine, or, in some cases, by imprisonment in a state prison.

##### 3.3 Simple Misdemeanors

Simple misdemeanors are punishable by a maximum of 90 days imprisonment and/or a fine of not more than \$100. These offenses are subject to the bonding schedule for simple misdemeanors.

##### 3.4 High Misdemeanors

High misdemeanors are punishable by a maximum of one year imprisonment and/or a fine, if one is provided.

##### 3.5 Circuit Court Misdemeanors

Any offense which the statutes designate a misdemeanor and which is punishable by more than one year imprisonment is a circuit court misdemeanor and shall be processed by our department in the same manner as a felony.

##### 3.6 City Ordinances

City ordinances are laws passed by the City Council. A member usually does not arrest for an ordinance violation unless a

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warrant is secured in advance. However, an arrest may be made for certain city ordinance violations such as violation of the knife or gun ordinances, misdemeanor traffic violations, etc. Arrests may not be made for civil infractions.

### 4. INVESTIGATIVE DETENTION (STOP AND FRISK)

#### 4.1 Stop and Frisk Defined

A stop is a temporary detention of an individual for purposes of investigation. Although a stop is a less severe and less extensive restraint than an arrest, it is subject to Fourth Amendment requirements. A frisk is a limited search of a person usually limited to a pat-down of outer clothing, where the primary purpose is the discovery of weapons (for the protection of the officer). Although a frisk is a less severe and less extensive intrusion than a full search, it is subject to Fourth Amendment requirements. In general, a stop or a frisk requires only a "reasonable suspicion" on the part of the officer, while a full custodial arrest or a full search requires "probable cause."

#### 4.2 Stops Based on Reasonable Suspicion

An officer need not have probable cause to stop an individual. Rather the officer need only demonstrate a "reasonable suspicion" that the individual has committed, is committing, or is about to commit a crime. To frisk an individual, an officer must demonstrate a "reasonable suspicion" that the person is armed and presently dangerous. A reasonable suspicion involves more than a hunch or a subjective feeling. Such a suspicion must be based on specific and articulable facts and on any rational inferences that may be supported by those facts. A reasonable suspicion that a person is armed may arise from the nature of the crime being investigated -- e.g., armed robbery.

#### 4.3 Limits of Valid Frisk

A frisk is a limited search, generally confined to a pat-down of the outer clothing. If during a pat-down frisk an officer discovers a bulge which he believes may be a weapon, the officer may reach beneath the outer surface of the clothing to obtain the item. The officer must be able to state in court why he believed the item could have been a weapon. If the seized item turns out not to be a weapon but instead some other kind of contraband, the officer may retain the item as possible evidence. In addition, the item, or a weapon if one is found, may itself provide probable cause to believe that the individual has committed a felony.

#### 4.4 Further Limitations on the Authority to Frisk

Since a frisk is a limited search for weapons, it should not be converted into an exploratory search for evidence. For example, if an officer feels a bulge which he suspects may be a gun, the officer, as explained above, may intrude beneath the outer

## GENERAL PROCEDURES

surface of clothing to obtain the item. If the item turns out to be a wallet, the officer should not go through the wallet looking for evidence. Absent other probable cause, looking through the wallet could only be justified if the officer had a reasonable basis for believing that the wallet contained a weapon of some kind. Again, mere hunches or speculations will not suffice.

### 4.5 Miranda Warnings

The Miranda decision does not apply to most investigatory stops. Most courts do not view questioning pursuant to such stops as "custodial interrogation". In Michigan, however, Miranda warnings must precede any questioning once the police investigation has "focused" on a particular individual. Although focus is difficult to define, it generally represents that point at which a general investigation turns into an effort directed against a particular suspect. Miranda warnings should be given once an officer feels there is sufficient evidence to make an arrest. They should be given earlier if the questioning is intended to establish probable cause to arrest the person being questioned. The warnings should be given whenever the individual is forcibly detained for questioning. Once the individual is arrested, Miranda warnings should be given immediately. When Miranda warnings are given, the officer should not interrogate the individual without first ascertaining that the subject has understood the warnings and is willing to answer questions. In the case of hearing impaired persons, the suspect must be given the opportunity to read the Miranda warnings from a printed card or sheet. No individual may be compelled to answer questions and the officer should not try to persuade the suspect to do so.

### 4.6 Obtaining Probable Cause During Stop

If the individual responds with evasive answers, furtive movements, or other suspicious conduct, such behavior may be considered in determining whether probable cause exists to make an arrest. If the individual chooses to remain silent, it is doubtful that such silence can be used to help support a finding of probable cause to make a full arrest.

### 4.7 Stops Converted Into Arrests by Length or Seriousness of Intrusion (Time Constraints For Stop)

An officer should detain an individual after a stop only long enough to reasonably determine that a crime has not been or is not about to be committed or that an arrest would be appropriate. In any event, the detention of the individual should normally not exceed 20 minutes. In general, courts will require a greater level of suspicion to justify longer stops or more intrusive stops such as moving the suspect. Stated simply, the greater the intrusion on the individual, the greater the evidence the police must have to justify the intrusion. At some point, the length of detention may be so long, or the burden imposed on the individual so great, that a court will conclude that an arrest, requiring probable cause, has occurred. Although constitutional lines cannot be drawn, officers as a matter of sound policy

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should seek to avoid (1) detentions without arrest that exceed 20 minutes; and (2) transportation of the suspect from the point of contact unless absolutely necessary. The suspect should not be taken to the police station without probable cause to arrest. If the suspect is taken to the station or detained in excess of 20 minutes the stop will be considered an arrest and the officer will then be required to establish all the elements of a lawful arrest if the suspect is to be detained further.

Officers should explain to persons stopped why they are being subjected to the initial investigative detention. Although it may seem a minor intrusion to the officer, some people suffer a great indignity whenever they are stopped by the police.

### 4.8 Conducting Frisk - General

When an officer has grounds to conduct a frisk, he obviously has the right to conduct a frisk in a safe and effective manner. This would indicate that, where the person is an occupant of a vehicle, he may be ordered to get out of the vehicle and position himself in such a manner that the frisk may be properly conducted. Ordering a person to exit a vehicle to permit a frisk, or for some other legitimate investigative purpose, is not an arrest, and is proper if it is reasonable under the circumstances. It might even be necessary for the officer to order the suspect to accompany him to some point away from the site of the original contact, to carry out some investigative function. If so, and the officer conducts himself in a reasonable manner, he has not violated any of the suspect's rights.

### 4.9 Frisk on Information from Informant

When a member relies on information from an informant to make a pat-down for concealed weapons, the member must know that the informant is generally trustworthy and that the informant has obtained his information in a reliable way. In general, a member may consider an informant reliable if: (1) the member knows the informant and (2) the informant has supplied good information in the past. It would be advisable to back up the information obtained by the officer's own observation or other information if possible.

### 4.10 Frisking Persons of the Opposite Sex

When an officer frisks a person of the opposite sex, the frisk must be limited by the bounds of propriety. In general, the frisk should be confined to a pat-down of the outer clothing, including pockets and waistbands. Handbags, briefcases, or other packages may be squeezed or temporarily removed from the individual's reach. A handbag or other package should only be opened if the officer feels a bulge which he believes may be a weapon. If the individual is arrested, all packages or belongings on the person or within the individual's immediate reach may be searched incident to the arrest.



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### 5. STOPPING AND LIMITED SEARCHING OF VEHICLES AND OCCUPANTS

#### 5.1 Stopping

Officers have the right to detain vehicles in certain cases when no traffic offense has occurred. A moving vehicle may be stopped when an officer has a reasonable suspicion that the vehicle or its occupants may be, have been, are now, or are about to be involved in serious criminal activity. When, because of an officer's observations, information and experience, he is reasonably suspicious of a particular vehicle or its occupants, he may stop it in order to investigate.

#### 5.2 Requiring Identification

When a vehicle is stopped because the vehicle or its occupants are suspected of being involved in criminal activity, the officer may request identification from all suspected occupants. The officer must be able to point out specific facts which made him reasonably suspicious that criminal activity was occurring, thus justifying further investigation.

The officer must also bear in mind that there are no statutory provisions which require the passengers to produce identification. However, the refusal to identify oneself considered with other facts might be used to establish probable cause.

#### 5.3 Frisk of Occupants

After a vehicle has been stopped, an officer may frisk any occupant of the car as long as the officer reasonably suspects that such occupant may be armed and presently dangerous or as long as the officer can articulate facts demonstrating that the frisk is reasonably deemed necessary to protect the officer's safety or the safety of others. If the vehicle has been stopped because of the officer's suspicion that an occupant has been involved, is involved, or is about to be involved in a violent crime, the violent nature of the crime should provide sufficient justification for a frisk. If the occupants are stopped for a crime that normally does not present a risk of danger or violence, the officer will have to provide a factual basis for reasonably suspecting the presence of weapons or the risk of harm.

#### 5.4 Authority to Conduct Limited Search of Vehicle

In general a vehicle may not be searched unless the officer has probable cause to believe that a weapon or evidence of a crime may be uncovered. In cases where probable cause is lacking but where a frisk of the person for weapons would be permissible, an officer may make a cursory visual inspection for weapons of areas easily accessible to the person or persons in the car. For example, the officer may look on or under the seats and open an unlocked glove compartment, as long as these areas are within reach of a person whom the officer could reasonably frisk. For legal purposes, such "limited searches for weapons" of areas

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within a subject's reach may be analogized to "frisks" of the person. It must be remembered, however, that such limited searches are searches for weapons; they cannot be used as a pre-text to justify a search for contraband or evidence of other crimes. If evidence of other crimes is found in a legitimate search for weapons, such evidence may be seized and used in court.

5.5 Scope of Limited Search of Vehicle

- \* The scope of the "frisk" or "limited weapons search" must not be broader than is necessary to protect the officer or others from the possible use of weapons. This search would generally not extend beyond the individual person or the individual's reach. However, a police officer may search the passenger compartment of a vehicle limited to those areas in which a weapon may be placed or hidden, if the officer possesses a reasonable belief that the suspect is dangerous and the suspect may gain control of a weapon. Reasonable belief must be based upon specific and articulable facts.

If the subject is outside the vehicle, a limited weapons search of the vehicle's interior would only be justified if the officer has a reasonable belief, supported by specific and articulable facts, that the subject may gain control of a weapon. When conducting a limited weapons search, the officer may not intrude into areas that could not physically contain a weapon. If an object appears to be a weapon, the officer may seize it or examine it further. No other object may be seized or examined, unless it is immediately apparent that it is contraband or evidence of a crime.

## 6. JUSTIFYING STOP OF PERSON OR VEHICLE

It is of critical importance that officers be able to testify specifically what it was about the situation which made them suspicious. It is not enough to say, "I was suspicious." Factual details must be described sufficiently so that the trial judge knows exactly what was in the officer's mind when the officer decided to take police action. Officers should include all details in preliminary complaint records and should be prepared to testify under oath as to those circumstances which attracted their attention to the defendant or the defendant's vehicle and made them suspicious.

## 7. ARREST DEFINED

The Fourth Amendment of the Constitution protects individuals against unreasonable searches and seizures. Any unconsented restraint on a person's liberty is considered a seizure for Fourth Amendment purposes. As discussed above, a temporary detention on the street of an individual for investigation is a stop and cannot be justified unless the officer can point to facts indicating a reasonable suspicion that criminal activity has taken place, is taking place or is about to take place. An arrest is a more intrusive restraint on liberty than a stop. Generally, an arrest may be defined as a taking of an individual into custody for further investigation, booking, or prosecution. An individual who has been stopped on the street for investigation will probably be considered under arrest from the point at which the facts indicate the officer intended to take the person into custody or from the point at which the officer indicated that the person was under arrest.

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### 10.2 Where Authority Ceases

The authority of a member of this department ceases at the international border which, in the case of Canada and the United States, is the mid-point of the bridge or tunnel.

### 10.3 Assistance From Canadian Law Enforcement Agencies

Members of this department have always enjoyed an excellent working relationship with Canadian law enforcement agencies and the U.S. and Canadian Customs and Immigration officials and are assured of their continued aid and cooperation. Members seeking assistance from those authorities are reminded that proper channels are open and available through the investigative commands of this department.

## 11. RETAKING PRISONERS

If a person is lawfully arrested and escapes or is rescued, the person from whose custody the person escaped or was rescued may pursue the person immediately and retake the person at any time and in any place within the state without a warrant. To retake the person escaping or rescued, the member pursuing may use the same force as was authorized for the original arrest.

## 12. ILLEGAL ARREST DEFINED

An illegal arrest is the unlawful restraint of a person's liberty for any length of time. Even if justified by sufficient cause, a restraint of an individual may be considered unlawful if executed in an unreasonable manner. An officer who restrains or arrests a person unlawfully is subject to a civil suit for monetary damages, as is every person who aids in the unlawful arrest. Officers shall bear in mind that every person has a lawful right to resist an illegal arrest.

## 13. SEVERITY IN MAKING ARRESTS

In making an arrest an officer must be careful not to subject a prisoner to any greater severity or indignity than is necessary to effect the arrest, and the officer must bring the prisoner safely to the precinct station. The state requires the officer to perform this duty regardless of hazard, but in the performance of this duty it requires the officer to be as gentle and considerate as circumstances will permit. No amount of force is too great in making an arrest if it is necessary to overcome obstinate and dangerous resistance. No measure of severity is justified where there is no reason to fear an escape. The officer must remember that the officer is responsible for a prisoner and required to do what is necessary to secure the prisoner. The officer must use discretion, and if the officer does this duty in a wise and careful manner, the officer will be justified. While the officer is required to be as gentle and considerate as the circumstances will permit in making an arrest, the officer must remember that the officer is a representative of the law to whose lawful demands all must submit. The officer is charged with the duty and armed with the power to compel submission.

### 13.1 Prohibited Holds

The following holds are prohibited from use in police action by Detroit Police Department personnel:

- a. Carotid submission hold;
- b. Bent arm submission hold; and
- c. Hammerlock with carotid hold.

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### 18.4 Misdemeanor Not Committed in Officer's Presence

If an officer does not have personal knowledge of the misdemeanor offense alleged, an arrest may not be made without a warrant, except as set forth in subsection 18.2 above, or if specifically stipulated by statute. The complainant should be advised by the member of the complainant's right to file a complaint. If a warrant is issued for the arrest of the alleged offender, the arrest may then be made.

### 18.5 Controlled Substances

Any sheriff, deputy sheriff, local or state police officer, if there is reasonable cause to believe that a violation of the Controlled Substance Act, punishable by imprisonment for one year or more has taken place and reasonable cause to believe that a person has committed or is committing the violation, may arrest that person without a warrant for that violation irrespective of whether or not the violation was committed in the officer's presence.

## 19. DOMESTIC VIOLENCE

### \* 19.1 General

Whenever a member encounters an incident involving assaultive crimes committed within the context of a domestic relationship and probable cause exists to believe that an individual is committing or has committed a crime, the member shall arrest the perpetrator under any of the following circumstances:

- a. A felony committed in the member's presence;
- b. A felony based upon probable cause; or
- c. A misdemeanor offense of domestic assault or assault and battery or domestic assault, infliction of serious or aggravated injury (aggravated domestic assault), based upon probable cause, where the perpetrator is a spouse, a former spouse, an individual with whom he or she has had a child in common, or an individual residing or having resided in the same household as the victim.

A member's decision not to arrest for domestic assault or assault and battery or aggravated domestic assault should not be based solely upon the absence of visible indications of injury or impairment nor upon the lack of consent by the victim to any subsequent prosecution. However, members shall not arrest an individual if there is probable cause to believe the individual was acting in lawful self-defense or defense of another.

Further, actions by one party may violate an existing personal protection order or condition of release on bond imposed by a court. Conditions imposed by either court order may include prohibitions against assaultive behavior or other non-assaultive conduct, e.g., entering onto the premises, removing minor children, etc. Therefore, members shall also arrest for violations of the following court orders where the named person

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is acting in violation of the order by committing a prohibited act(s):

- d. Violation of a personal protection order; or
- e. Violation of a condition of release on bond.

Where an individual within the context of domestic violence is committing or has committed a non-assaultive felony or misdemeanor crime, arrest of the violator shall be regarded as the most appropriate action. Such arrests shall be governed by the rules of warrantless arrest that apply to felony or misdemeanor offenses in general.

### 19.2 Personal Protection Orders

- \* An individual may petition a circuit court to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the victim from doing one or more of the following:
  - a. Entering onto premises;
  - \* b. Assaulting, attacking, beating, molesting, or wounding a named individual;
  - c. Threatening to kill or physically injure a named individual;
  - d. Removing minor children from the individual having legal custody of the children, except as otherwise authorized by a custody or visitation order issued by a court of competent jurisdiction;
  - \* e. Interfering with the protected person's efforts to remove children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined;
  - \* f. Interfering with the protected person at the person's place of employment or engaging in conduct that impairs the protected person's employment relationship or environment;
  - \* g. Any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence; or
  - \* h. Beginning April 1, 1996, purchasing or possessing a firearm.
- \* A personal protection order is issued by a circuit court and must contain on its face the following: a statement that the personal protection order has been entered to restrain or enjoin conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to immediate arrest and the civil and criminal contempt powers of the court, and that if he or she is found guilty of criminal contempt, he or she shall be imprisoned for not more than 93 days and may be fined not more than \$500.00; a statement that the personal protection order is effective when signed by a judge; a statement listing the type or types of conduct enjoined; an expiration date stated clearly on the face of the order; and a statement that the personal protection order is enforceable anywhere in Michigan by any law enforcement agency.

GENERAL PROCEDURES\* 19.3 Notice to the Individual Enjoined or Restrained

The individual named in the personal protection order must receive personal notice of the order prior to arrest for its violation. The fact that the individual has been personally served will be indicated in the LEIN response. Members must also confirm service to the individual with the law enforcement agency that entered the personal protection order in the LEIN system. If the entering Law enforcement agency is the Detroit Police Department, member must confirm service with the Notification & Control Unit.

If the Notification & Control Unit or the LEIN system has no record that the individual has been personally served with the order, the law requires a law enforcement officer responding to a domestic violence call alleging a violation of a personal protection order to serve the individual restrained or enjoined with a true copy of the order which may be obtained from the person protected by the order. If a copy of the order is not available at the scene, then the member must advise the individual restrained or enjoined of the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order. A member can learn the specific conduct enjoined by contacting the Notification & Control Unit or the law enforcement agency that entered the personal protection order in the LEIN system.

\* 19.4 Arrest for Violations of Personal Protection Orders

Whether presented a copy of the order at the scene or learning of its existence through a LEIN inquiry, members must contact the Notification & Control Unit or other entering law enforcement agency prior to making a custodial arrest for a violation of a personal protection order to ascertain the specific prohibited activity and if applicable, verify that notice has been served.

a. Prior Notice to Individual Enjoined or Restrained

A member, without a warrant, shall arrest and take into custody an individual when the all of the following conditions exist:

- 1) The Notification & Control Unit or other law enforcement agency has confirmed the validity and content of the order or the person protected presents the member with a copy of a valid order;
- 2) Notice to the enjoined person is confirmed, either through the Notification & Control Unit or other law enforcement agency that entered the order into the LEIN system; and
- 3) The member has probable cause to believe the individual is violating or has violated a condition of the order.

b. No Prior Notice to Individual Enjoined or Restrained

If the Notification & Control Unit or other law enforcement agency has no record that the individual restrained or

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enjoined has received personal notice of the order, the responding member shall either:

- 1) Serve the individual restrained or enjoined with a copy of the order as provided by the person protected; or
- 2) If a copy of the order is not available at the scene, advise the individual of the existence of the personal protection order and the specific conduct enjoined or restrained as instructed by the Notification & Control Unit or other law enforcement agency.

If the individual is given personal notice of the order at the scene, he or she shall be given an opportunity to comply with the personal protection order before a custodial arrest is made. Failure to immediately comply with the personal protection order shall be grounds for an immediate custodial arrest.

Regardless of whether the member serves the individual with a copy of the personal protection order or verbally advises him or her of its content, a Personal Protection Order Notification Form, D.P.D. 113A, shall be completed by the responding member. Service shall also be documented in the preliminary complaint record prepared regarding the incident. The Notification & Control Unit shall be advised of the service and shall update the LEIN system to indicate that the enjoined individual has been served.

\* **19.5 Domestic Violence Incident Report**

Members shall prepare a preliminary complaint record, regardless of whether an arrest is made, after investigating or intervening in an incident involving domestic violence or violation of personal protection orders. Commanding officers of precinct investigative operations units or other specialized commands responsible for the investigation shall forward a copy of each domestic violence report to the prosecutor's office within 48 hours after the incident is reported. A second copy of the report, with dispositions noted, whether assigned a complaint number or a miscellaneous investigation shall be forwarded to the Records/Identification Section.

At the request of a victim of domestic violence, the precinct investigative operations unit or other specialized command responsible for the investigation shall provide the victim with a copy of the Official Complaint Record, D.P.D. 18, (O.C.R.) prepared on the incident. In those instances where preparation of the O.C.R. is not required, a copy of the preliminary complaint record shall be provided. There shall be no fee collected when providing the victim a copy of either report.

**19.6 Notice of Victim Rights**

Responding members are to provide victims of domestic violence with a copy of D.P.D. 113 (rev.6/94), "Bill of Rights - Victims of Domestic Violence." The form shall be completed to include the

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reporting officer's name, badge number, precinct, precinct address and precinct investigative operations unit phone number.

Members shall assist the victim by providing or arranging for transportation to a shelter or other safe haven. If conveyance from the scene to the shelter is not feasible, the victim shall be transported to the precinct station for later conveyance. If the victim is injured, members shall follow department procedures regarding sick or injured persons.

### 19.7 Disposition of Arrested Person

#### \* a. Domestic Assault

Under Michigan law, an individual, once arrested for the misdemeanor offense of domestic assault or assault and battery or aggravated domestic assault, cannot be released on any type of bond, release slip, or personal recognizance until brought before a magistrate for arraignment or until the warrant request is denied. However, if arraignment cannot take place within 24 hours, either because court is not in session or the required investigative/court documents cannot be completed, the individual shall be held for 20 hours.

If arraignment will not occur within 24 hours, the individual shall be released after the 20 hour "cooling off period" on his/her own recognizance, issued a Release to Appear Notice, D.P.D. 294, and directed to appear in 36th District Court in accordance with the command's arraignment schedule unless the officer in charge of the precinct station desk determines that the arrested person is:

- 1) A danger to the community or him or herself;
- 2) Under the influence of alcohol or drugs; or
- 3) Wanted by police authorities to answer another charge.

If one of these circumstances is present, continued detention is warranted and the person shall be held until in a proper condition for release or until the next session of court.

Therefore, even if the victim expresses a desire not to pursue prosecution, the perpetrator must be held until such time as he or she is either arraigned, the warrant request is denied, or twenty hours have elapsed as required by law. Other than release pursuant to a lawful writ of habeas corpus, the law contains no other provisions for release.

Persons arrested on a domestic assault warrant or for other misdemeanor or felony crimes committed within the context of a domestic dispute (other than the crimes of domestic assault or aggravated domestic assault) shall be processed and/or released in accordance with current department prisoner processing procedures.



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**\* b) Personal Protection Order**

Persons arrested for violation of personal protection orders issued by any Michigan Circuit Court must be brought before the Wayne Circuit Court within 24 hours of arrest. If the circuit court is not in session during the 24 hour period, the person shall be taken for arraignment before 36th District Court during this time period. A copy of the arrest report and court order must be conveyed with the prisoner.

**19.8 Failure to Pay Child Support**

When a person violates a civil court order by refusing to pay child support and/or alimony, the person may be arrested in the following circumstances:

- a. The person fails to pay as ordered and is held in civil contempt and a bench warrant for the persons's arrest is issued; or
- b. When a warrant for non-support has been issued by a court of competent jurisdiction.

**20. ISSUING ORDINANCE VIOLATION NOTICE WHEN ARRESTING FOR ANOTHER OFFENSE.****20.1 Persons Stopped for Ordinance Violations and Subsequently Arrested for Criminal Offenses**

Officers who stop a person for a violation of a city ordinance and subsequently arrest the person for another charge, except traffic offenses or another city ordinance violation, shall prepare a violation notice charging the person with the violation of the city ordinance for which the person was stopped. The violation notice shall be issued to the defendant in the normal manner and the violation notice number shall be recorded on the preliminary complaint record for future court reference.

**20.2 Vehicle Stopped For Traffic Violation**

Whenever a vehicle is stopped for a traffic violation and one of the passengers of the vehicle is subsequently taken into custody, a violation notice shall be issued to the driver of the vehicle in order to support the validity of the original stop of the vehicle. The violation notice number shall be recorded on the preliminary complaint record for future court reference.

**21. ARRESTS FOR OUTSIDE AUTHORITIES**

Upon request from outside authorities to make an arrest, the officer in charge of the precinct station desk shall be governed by the facts presented and use the utmost discretion in those cases where no warrant has been issued. If any doubt exists, the officer in charge of the precinct station desk should consult with the commanding officer or, in the commanding officer's absence, another superior officer. The prisoner shall be processed in accordance with prisoner processing procedures.

## GENERAL PROCEDURES

### CHAPTER 2

#### PRISONER PROCESSING

#### 1. REVIEWING ARREST

When an individual who has been arrested is brought into the station, the officer in charge of the precinct station desk shall review the circumstances of the arrest and determine whether or not the arrested person should be held.

However, arrested persons brought into the station by Michigan State Police authorities shall be held and the initial charge shall be the specific charge requested by the Michigan State Police. Under no circumstances shall a Michigan State Police prisoner be discharged until the merits of the case have been presented to a Wayne County prosecutor or discharge is requested by an authorized Michigan State Police supervisor.

#### 2. CUSTODIAL RESPONSIBILITY

The officer in charge of the precinct station desk or other specialized section is responsible for the proper care and treatment of prisoners while they are in the station or command. Any complaint made by a prisoner about mistreatment or misconduct by officers shall be recorded and investigated in accordance with department procedures.

#### 3. INJURY TO PRISONER OR OFFICER RESULTING FROM POLICE ACTION

##### 3.1 Immediate Notification

When a member observes, ascertains, or is informed that a member or prisoner has sustained an injury as the result of police action, i.e., physical contact or direct confrontation between a member and prisoner or where a prisoner alleges physical assault by a member but does not complain of injury or have visible signs of injury, the member shall immediately notify the officer in charge of the station desk in which the incident occurred. Upon notification or personal knowledge of any such injury or complaint, the officer in charge of the station desk shall be responsible for the notification of the Homicide Section and the member's command if the incident involves an officer of another command.

The involved member's command will be responsible for notifying the member's commander if the situation demands such action. The Homicide Section shall have a dual assignment with the precinct of occurrence for the initial investigation of all critical injuries resulting from police action other than traffic accidents. However, the Homicide Section is not responsible for preparing the Initial Report of Injury to Officer or Prisoner, D.P.D. 271, or the summary investigation report.

Procedures for investigation and reports regarding injury to prisoners or police officers are outlined in the chapter governing police action injuries.

# GENERAL PROCEDURES

## CHAPTER 6

### JUVENILES AND SCHOOL INCIDENTS

#### 1. DEFINITION

A juvenile is any person under 17 years of age.

#### 2. INVESTIGATIVE RESPONSIBILITY

##### 2.1 General

The investigation and disposition of offenses committed by juvenile offenders shall be assigned in a manner consistent with the assignments of responsibility for offenses committed by adults unless otherwise prescribed herein.

The specialized unit having a responsibility for determining assignments in cases involving adult offenders shall also assume the responsibility for determining assignment and jurisdiction of like cases involving juveniles.

##### 2.2 Gang Related Offenses

- \* The Youth Crime Unit of the Special Crime Section shall be responsible for the prosecution of all juveniles arrested for and charged in Probate Court with gang related offenses with the exception of those arrested for homicide and/or sex crimes. In addition they shall investigate and prosecute all adults arrested by them for gang related offenses with the exception of those arrested for homicide and/or sex crimes.

In all cases involving juveniles of waivable age, where the investigation determines that sufficient evidence and probable cause exist to support a felony charge and which are gang related, a waiver request shall be submitted by the Youth Crime Unit. In all felony cases which are gang related where a waiver is not requested because of the juvenile's age or the waiver request has been denied, a petition for an official Juvenile Court hearing shall be filed by the Youth Crime Unit.

The officer in charge of the precinct station desk shall notify the Youth Crime Unit, Gang Information Desk, whenever any juvenile is arrested for a gang related activity. The Youth Crime Unit shall be responsible for determining whether the investigation will be conducted by them and prosecuted as gang related or will be investigated and prosecuted by the precinct or specialized section having jurisdiction. The officer in charge of the precinct station desk shall forward by department mail one copy of all preliminary complaint records relating to gang activities, gang information or gang arrests, submitted to the desk, to the Youth Crime Unit. In addition, the officer in charge of any section

## GENERAL PROCEDURES

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responsible for criminal investigation shall ensure that a copy of all other reports regarding gang activities or gang information are forwarded to the Youth Crime Unit by 10:00 A.M. daily. An assignment copy of all official complaint records which are gang related shall also be forwarded to the Youth Crime Unit.

Under no circumstances shall any member of this department, except those members assigned to the Youth Crime Unit, affix language, indicating that an individual was arrested for a gang related offense, to documents prepared for presentation to Probate Court, i.e., application for petition, waiver, etc. Such indications shall be the sole prerogative of the Youth Crime Unit.

### 2.3 Child Abuse and/or Child Neglect

\* The Youth Section, Child Abuse Unit shall be responsible for completing investigations and obtaining criminal warrants in child abuse and/or child neglect cases.

\* Officers responding to or discovering a case of suspected child abuse and/or child neglect shall contact Child Abuse Unit personnel and be guided by their advice regarding further action. If no one is available from the Child Abuse Unit, the supervisor on duty at the Youth Administration Unit desk shall be contacted for advice regarding future action. No child shall be removed from the custody of an adult, relative, or social worker unless prior approval is obtained from Youth Section personnel. Therefore, the above notifications must be made from the scene or from the nearest telephone.

The Child Protection Law, Public Act 238, effective October 1975, makes it mandatory for officers to report immediately any case of actual or suspected child abuse and/or child neglect to the Department of Social Services. They must be notified by telephone by dialing 256-9661.

A preliminary complaint record shall be prepared by the responding officer listing the names of both Youth Section and Department of Social Services personnel notified. The PCR shall also contain the following specific information:

- a. Name of the child;
  - b. Child's date of birth;
  - c. Description of the child abuse and/or child neglect;
  - d. Name(s) and address(es) of parent's, guardians, and (if different) the person(s) with whom the child resides; and
  - \* e. Any additional information requested by the Youth Section or by Social Services at the time of verbal notification.
- \* The responding officers shall forward a copy of the PCR to the Youth Section, Child Abuse Unit, and shall forward a copy of the PCR to the Department of Social Services at Children and Youth Services, Intake and Referral Unit, 801 W. Baltimore, Detroit, Michigan, 48202, before the completion of their tour of duty.

### 3. ARREST AND DETENTION

Juveniles shall not be detained, transported or incarcerated with persons 17 years of age or older. When a juvenile is taken into custody, a preliminary complaint record shall be prepared detailing the facts that led to the apprehension.

If a parent or legal guardian appears on the scene of a juvenile arrest and expresses a desire to accompany the juvenile and the officers to the precinct station, the request shall be given every consideration when circumstances permit. However, the extension of this courtesy shall be governed by the facts of the immediate situation.

Juveniles in the company of an adult who has been arrested may be released at the scene provided the juveniles are not involved in any criminality, are not wanted on other charges, would not be in violation of a curfew ordinance if released, and are within reasonable proximity of their homes; otherwise, the

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**GENERAL PROCEDURES**

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juveniles shall be conveyed home or to the precinct station where notification of a parent or legal guardian will be made to provide a proper escort for the juvenile.

**4. NOTIFICATION OF PARENT OR GUARDIAN**

Whenever a juvenile is arrested or taken into protective custody it shall be the responsibility of the officer in charge of the precinct station desk to immediately notify the parent or legal guardian and the Youth Administration Unit, Operations Desk. In those situations where a juvenile was arrested, the Youth Administration Unit shall advise the officer in charge of the precinct station desk as to the juvenile's record and whether or not the juvenile is wanted. In the event the situation warrants the release of the juvenile, the officer in charge of the precinct station desk will be responsible for obtaining a clearance from the Identification Section. However, if unusual circumstances exist, as determined by the officer in charge of the precinct station desk with the approval of the commanding officer or the field duty officer, juveniles detained for misdemeanor offenses or ordinance violations may be released to a parent or legal guardian prior to obtaining a clearance. The parent, legal guardian or custodian shall be advised that a driver's license or two other pieces of identification will be required for proper identification. If this identification is unavailable, the identity of the parent, legal guardian or custodian shall be verified by an adult licensed driver. An appropriate entry shall be recorded in the desk blotter.

When a juvenile is to be sent to a detention facility for admission, it shall be the responsibility of the officer in charge of the case to notify the parent or legal guardian of the admission and preliminary hearing.

**5. FINGERPRINTING AND PHOTOGRAPHING**

\* As an aid in arriving at an identification, all juveniles 8 years of age and older detained for a Part I crime shall be triple printed and photographed. Additionally, all juveniles 12 years old or older detained for any crime or ordinance violation shall be fingerprinted and photographed.

Juveniles shall be fingerprinted on Juvenile Fingerprint Arrest Card, D.P.D. 179A, by the precinct detention officer at the time of detention. Juvenile fingerprints will be facsimile transmitted to the Identification Section and then mailed to the Identification Section the same as adult fingerprints. The precinct detention officer shall give priority to processing juvenile offenders and transmitting their prints whenever possible or as circumstances permit.

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If records indicate it is a second or subsequent detention, the parent or legal guardian may be issued an ordinance violation notice for violation of the parental responsibility ordinance, provided sufficient proof of prior knowledge exists. If records indicate it is a third or subsequent detention, an application for petition for an official Juvenile Court hearing shall be filed by the officer in charge of the case.

A copy of all preliminary complaint records pertaining to the detention will be forwarded to the precinct Youth Section officer and it shall be that officer's responsibility to advise the Youth Administration Unit of the particulars of the detention and the disposition of the case.

### 15. FELONY VIOLATIONS

If there is probable cause to believe that a juvenile has committed a felony, the juvenile shall be arrested and conveyed to the precinct station. The officer in charge of the precinct station desk shall cause the circumstances of the arrest to be investigated by the precinct Youth Section officer and/or the investigative operations investigator to determine the sufficiency of evidence to support further detention. Where evidence to support a charge is ascertained to be substantive, the officer in charge of the case will contact the officer in charge of the Youth Administration Unit and inform him of the details of the case as a result of the preliminary investigation. Depending upon the seriousness of the offense, prior record, and age of the juvenile, the officer in charge of the Youth Administration Unit will determine if the juvenile will be sent to the Wayne County Youth Home or released to a parent, guardian or custodian pending receipt of a juvenile court appearance notice.

An application for a petition for an official Juvenile Court hearing will be filed in all felony cases where evidence of probable cause exists.

If the juvenile is to be sent to the Wayne County Youth Home the officer in charge of the precinct station desk shall follow the procedures set forth in Section 7 of this chapter.

If a juvenile 15 or 16 years of age is arrested for any of the following: murder, robbery, breaking and entering, any sex crime, or any act of violence, which if committed by an adult, would constitute a felony, provided sufficient evidence of probable cause exists to support the charge; provided further, that subsequent investigation discloses evidence or information which warrants submission of a waiver request; a request for waiver of jurisdiction from Juvenile Court to Recorder's Court shall be prepared by the precinct investigative operations section or specialized investigative sections in conjunction with the Youth Section.

## GENERAL PROCEDURES

When the results of the initial investigation do not warrant a charge being lodged against the juvenile or if the juvenile is to be released pending further actions on order of the officer in charge of the Youth Administration Unit, such release shall be made in accordance with the procedures set forth in Section 8 of this chapter.

A copy of all preliminary complaint records relating to the case will be forwarded to the precinct youth officer and it shall be that officer's responsibility to advise the Youth Administration Unit of the circumstances and disposition of the case.

### 16. OBTAINING A WAIVER OF JURISDICTION

All requests for a waiver of jurisdiction shall be handled by the officer in charge of the case in accordance with the following guidelines:

- a. Five copies of the Investigator's Report, D.P.D. 467, and five copies of the police witness list shall be prepared by the officer in charge of the case. The officer in charge of the case shall also prepare five copies of the juvenile's police and court records on Inter-Office Memorandum, D.P.D. 568. Juvenile Court records may be obtained in Room 301 at Juvenile Court. In the event the juvenile has not been admitted to the Wayne County Youth Home, the officer in charge of the case shall prepare a Complaint Form for Petition, JC-01, completing only the top portion of both sides of the form. The remainder of the form shall be left blank.
- b. The above papers shall be presented to the Assistant Prosecuting Attorney in Juvenile Court who shall make the determination regarding the request for waiver of jurisdiction.
- c. Should the request for waiver of jurisdiction be denied, the officer in charge of the case shall be guided by the disposition rendered by the Assistant Prosecuting Attorney and the procedure regarding petition for regular Juvenile Court hearing shall be followed.
- d. Should the request for a waiver of jurisdiction be recommended, the Assistant Prosecuting Attorney will file a motion requesting the court to waive jurisdiction. A copy of the recommendation and a notice to appear will be forwarded to the officer in charge of the case. The officer in charge of the case shall respond to the appropriate court at the appointed date and time with the evidence and relevant information necessary to substantiate the waiver request.
- e. If a waiver of jurisdiction is granted, the court will present the officer in charge of the case with two copies of the court's waiver of jurisdiction order and turn the juvenile over to the custody of the officer in charge. The juvenile shall be immediately taken to the appropriate cellblock of the Headquarters Building for registration.

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- f. The officer in charge of the case shall immediately request a warrant and shall include in the warrant request the legal papers proving that a waiver of jurisdiction has been granted by the court.
- g. Thereafter, officers shall follow normal procedures as in the case of an adult charged with a felony offense.

### 17. CURFEW VIOLATIONS

Minors 17 years of age, or juveniles observed in violation of the curfew ordinance shall be stopped and investigated. Discretion should be used in cases where, in the officer's judgement, it is a bonafide emergency or when the individual is within sight of the individual's residence or other location where the individual is visiting, provided the individual can be released to a parent, legal guardian or custodian at that address.

All other juveniles, or minors 17 years of age, observed in violation of the curfew ordinance shall be arrested. Minors 17 years of age shall be arrested and conveyed to the precinct station. They shall be registered for the curfew violation and issued an ordinance violation notice for immediate arraignment.

Juveniles arrested for violation of the curfew ordinance shall be conveyed to the precinct station where they shall be issued an ordinance violation notice. A preliminary complaint record shall be prepared. The officer in charge of the precinct station desk shall be responsible for the notification of the juvenile's parent, legal guardian or custodian and obtaining a clearance from the Identification Section before release of the juvenile. However, if unusual circumstances exist, as determined by the officer in charge of the precinct station desk with the approval of the commanding officer or the field duty officer, the detained juvenile may be released to a parent or legal guardian prior to obtaining a clearance.

### 18. SECOND OFFENSE CURFEW VIOLATIONS

In cases of apprehension of juveniles for second offenses of curfew violation, officers may issue ordinance violation notices to parents of offending juveniles under City Ordinance, Chapter 33, Article 3, Section 6.

### 19. NO OPERATOR'S LICENSE

#### 19.1 Conveyance to Precinct Station

When a juvenile is found driving without a valid operator's license, the juvenile shall be taken to the precinct station desk where the officer in charge of the station desk will give the juvenile an opportunity to contact any party who may be in a position to bring the juvenile's license to the station.

#### 19.2 Valid License Produced at Station

If a valid license is produced, the Youth Administration Unit shall be called for a record clearance before the juvenile is released. In these cases, no violation notice shall be issued



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for failing to have a valid license in immediate possession. However, a violation notice may be issued to the juvenile for any other violation committed.

### 19.3 Valid License Not Produced at Station

If a valid license cannot be produced, the officer in charge of the station desk shall direct the apprehending member to issue the juvenile the misdemeanor copy of a violation notice for not having a valid license in immediate possession. The Youth Administration Unit shall be called for a record clearance and the juvenile shall be released to a parent, legal guardian or custodian.

In the event the parent, legal guardian or custodian cannot be contacted or in other aggravated circumstances, an application for petition shall be prepared in addition to the ordinance violation notice. The application for petition and juvenile defendant shall be conveyed to the Wayne County Youth Home.

### 20. JUVENILES OPERATING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED SUBSTANCE

Juveniles are subject to the same rights and obligations as adults with respect to the taking of chemical tests. Therefore, the same procedures shall be followed. Juveniles found to be operating a vehicle under the influence of alcohol and/or controlled substance shall be processed in accordance with the procedures set forth in Section 14, "Misdemeanor Violations".

### 21. RELEASING NAMES OF JUVENILES

Michigan state law provides that any person may recover up to \$1,500 in a civil action against the parents of an unemancipated minor who has willfully or maliciously destroyed property, or who has willfully or maliciously caused bodily harm or injury to a person.

Complainants who request the names of juvenile offenders shall be directed to make such requests in writing to the commanding officer of the Youth Section. If the request appears to be legitimate, the citizen may be furnished with the requested information.

### 22. RESPONSIBILITY FOR HANDLING SCHOOL INCIDENTS

\* Except for firearms offenses occurring in and around public or private schools in the city of Detroit, which shall be handled by the Youth Crime Unit of the Special Crimes Section, the precinct in which the school is located is responsible for handling and investigating school incidents occurring at any school within their jurisdiction. Each precinct shall be responsible for working with the Security Section of the Board of Education and for notifying the proper commands within the department regarding school incidents in their precinct.

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**GENERAL PROCEDURES**

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\* A school incident that requires immediate police assistance, i.e., outsiders inside the school, a disturbance in progress, arrests or detentions which are inevitable, etc., is classified as an emergency school incident. Emergency school incidents will be handled by police personnel assigned to that school, or by personnel who are dispatched to the scene. The Youth Crime Unit of the Special Crimes Section shall be notified of any arrests and detentions made regarding firearms offenses occurring in and around public and private schools in the city of Detroit, and persons arrested or detained shall be conveyed to the Special Crimes Section.

Rumor-type incident information coming to the attention of the Board of Education will be reported directly to the officer in charge of the precinct station desk at the concerned precinct. The information shall be reported to the officer in charge of the precinct who shall assign a ranking officer to direct police personnel in an investigation of the information.

Department personnel responding to or otherwise receiving information relative to school incidents of any nature, occurring in and around public or private schools in the city of Detroit, shall communicate all available details to the Youth Crime Unit of the Special Crimes Section, as soon as possible. The name of the Youth Crime Unit member to whom the information is given shall be noted on the preliminary complaint record and/or in the desk blotter. A copy of the preliminary complaint record shall be forwarded to the Youth Crime Unit.

### 23. SCHOOL INCIDENTS REPORTED BY CITIZENS

Department personnel receiving a telephone call from a citizen concerning an emergency situation as described above, shall accept the information and then immediately contact the emergency service operator for police service.

When department personnel not assigned to the concerned precinct receive a request from a citizen concerning a rumored or potential school incident, they shall transfer the call to the concerned precinct. When an emergency service operator receives a call from a citizen concerning a rumored or potential school incident, the caller shall be given the telephone number of the concerned precinct and told to call that precinct, since the emergency service operator cannot transfer calls. Calls received at the concerned precinct station from citizens reporting a rumored or potential school incident will be handled by the officer in charge of the precinct station desk who shall obtain all of the pertinent information from the citizen and shall then contact the principal or assistant principal of the concerned school by telephone to ascertain whether police service is actually needed. It will be the responsibility of the officer in charge of the precinct station desk to evaluate the situation and determine the best course of action for the department to follow. If circumstances necessitate, the officer in charge of the precinct station desk shall notify the officer in charge of the precinct or the designated ranking officer that handles school situations, of the information received and the action taken. The officer in charge of the precinct station desk shall also make the appropriate entry in the desk blotter.

## GENERAL PROCEDURES

### 24. SCHOOL INCIDENTS REPORTED BY BOARD OF EDUCATION PERSONNEL

In emergency situations when an officer of the department is on the school premises at the time, the principal or assistant principal will attempt to locate the officer and inform the officer of the situation. If the officer is located and can handle the situation, the officer shall do so. If the problem requires additional assistance, the officer shall request this assistance via radio. If the officer cannot be located quickly, the principal or assistant principal will personally call the emergency service operator, provide identification and request immediate police service. The zone dispatcher will notify the officer in the school of the problem and dispatch additional units, if the situation warrants it.

In emergency situations when no department personnel are on the school premises, the principal or assistant principal will personally call the emergency service operator, provide identification and request immediate police service.

When rumor-type incident information comes to the attention of the school principal or assistant principal, the principal or assistant principal shall personally call the officer in charge of the precinct station desk at the concerned precinct. It will be the responsibility of the officer in charge of the precinct station desk to evaluate the situation and determine the best course of action for the department to follow.

The officer in charge of the precinct station desk shall inform the officer in charge of the precinct of all calls received from Board of Education personnel regarding such rumored or potential incidents, and of any police action authorized. The officer in charge of the precinct station desk shall also make the appropriate entry in the desk blotter.

### 25. ARRESTING PERSONS 17 YEARS OF AGE AND OVER FOR VIOLATION OF CITY SCHOOL ORDINANCES

If feasible, a school official shall be notified before an individual is removed from the interior of any school building. Officers making arrests for violations of city school ordinances shall convey the defendant to the concerned precinct.

\* A preliminary complaint record and request for traffic warrant shall be prepared in accordance with department court procedures. Under no circumstances shall an ordinance violation notice be issued to a defendant for a school related offense. Officers acting on a school complaint must endorse, as a complainant, a school official or teacher who has personal knowledge of the incident. An officer may be a complainant only if the officer witnesses the violation.

When an adult is to be charged under a city school ordinance, the specific act of the violation shall be used. General terms, such as creating an improper diversion, etc., shall be avoided.

## GENERAL PROCEDURES

### 26. APPREHENSION OF JUVENILES FOR VIOLATION OF CITY ORDINANCES ON SCHOOL PROPERTY

#### 26.1 Precinct Responsibilities

\* A school official shall be notified before a juvenile is removed from the interior of any school building. If the juvenile is apprehended outside of the building such notification is not needed. All juveniles apprehended for violations of city ordinances on school property, other than school related firearms offenses, shall be conveyed to the precinct station and brought before the officer in charge of the precinct station desk who shall review the arrest and contact the Youth Section officer. In the event of an arrest or detention for school related firearms offenses the Youth Crime Unit of the Special Crimes Section shall be notified immediately. Those arrested or detained shall be conveyed to the Special Crimes Section without delay.

A preliminary complaint record shall be prepared, including the disposition of the juvenile, e.g., juvenile released to parent/guardian, sent to Wayne County Youth Home, etc. Officers acting on a school complaint must endorse, as a complainant, a school official or teacher who has personal knowledge of the incident. An officer may be a complainant only if the officer witnesses the violation. When a juvenile is to be charged under a city ordinance, the specific act of the violation shall be used. General terms, such as creating an improper diversion, etc, shall be avoided.

Under no circumstances shall an ordinance violation notice be issued for violations of city school ordinances, knife ordinances, gun ordinances or destruction of city property (buses).

#### 26.2 Youth Section Responsibilities

\* Except for school related firearms offenses, in which case the Youth Crime Unit of the Special Crimes Section shall be notified immediately and the juvenile conveyed to the Special Crimes Section without delay, the precinct Youth Section officers shall take charge of juveniles arrested for school related offenses. The precinct Youth Section officer shall contact the officer in charge of the Youth Administration Unit desk, who shall check the juvenile's record and determine if the juvenile should be released to a parent or guardian, petition filed, admitted to the Wayne County Youth Home, etc.

If a juvenile arrested for a school related offense resides in a precinct other than that of the precinct of arrest, the precinct Youth Section officer shall contact the juvenile's precinct of residence to determine if the juvenile had any previous contacts for such violations.

A standard Youth Section record card shall be prepared or updated in all instances of violations. Juveniles apprehended for a school related offense shall have their names entered in the Youth Section Apprehension Book, with the notation, "School Related Offense".

The Youth Section shall maintain a file containing a copy of each preliminary complaint record prepared following the apprehension of a juvenile for a violation of a city ordinance on school property.