

CHAPTER 9 ARRESTS AND PRISONER PROCESSING

CRIMES

Section 1. Crimes Defined. A crime is an act committed or omitted in violation of a public law either forbidding or commanding it. Crimes are classified as felonies or misdemeanors.

A felony is a crime which is punishable by imprisonment in a state prison.

A misdemeanor includes all offenses less than a felony. These offenses are punishable by imprisonment in the county jail or House of Correction or by a fine.

For the purpose of court procedure, misdemeanors are further classified as high or low misdemeanors. Any offense carrying a maximum penalty of more than one hundred dollars fine and/or ninety days imprisonment but less than state prison sentence is a high misdemeanor. A low misdemeanor is any offense that carries a maximum penalty up to and including one hundred dollars fine and/or ninety days imprisonment. Low misdemeanors are further classified into early session cases and offenses for which it is necessary to obtain a recommendation for a warrant.

Section 2. City Ordinances. City ordinances are laws passed by the Common Council for violation of which an officer usually does not arrest unless a warrant is secured in advance.

ARRESTS

Section 3. Arrest Defined. An arrest is the restraint of one's liberty. To arrest a person is to subject him to your control, detain him in your custody, or compel him to go with you. Whenever this has been done, whether by force or by voluntary submission on the part of the arrested person, an arrest has been effected.

An arrest may be made on any day at any time.

Section 4. Arrests Without Warrant. A peace officer may arrest a person without a warrant in the following cases:

- A. for the commission in his presence of any felony or misdemeanor. An offense is committed in the presence or view of an officer when he receives knowledge of the commission of the offense through any of his senses and not from the statements of others;
- B. when the person has committed a felony although not in the presence of the officer;
- C. when a felony has been committed and the officer has reasonable cause to believe that the person has committed it;

D. when he has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it. When an officer in good faith believes that a person is guilty of a felony and his belief rests on such grounds as would induce an ordinarily prudent and cautious man under the circumstances to believe likewise, he has such probable or reasonable cause as would justify an arrest without a warrant;

E. when an officer has received positive information either written or by telegraph, teletype, telephone, radio or other authoritative source that another officer holds a warrant for such arrest;

F. when an officer has received positive information broadcast from any recognized police or other governmental radio station or teletype providing reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it; and

G. when an officer has reasonable cause to believe that the person is an escaped convict or has violated a condition of parole from any prison or has violated a condition of probation imposed by any court or has violated any condition of a pardon granted by the executive.

Section 5. Probable Cause. There is no absolute or definite cause which shall determine probable cause. It is always a question of discretion and common sense. Mere suspicion, rumor, or anonymous information without supporting facts shall not be sufficient. Perhaps as good a method as an officer can adopt to test a question in any given case is this: Would the facts present satisfy the judicial mind of the court? If the officer in good faith thinks the facts present would, the arrest would in all probability be justified. If a warrant has actually been issued, this solves the problem and justifies the officer in making the arrest whether he has the warrant with him or not.

The rule of probable or reasonable cause applies only to arrest without a warrant involving felonies.

In a case of adultery, a warrant must be secured prior to an arrest.

Section 6. Misdemeanors. The other class of offense for which an officer may and should arrest

without a warrant is the commission of a misdemeanor in the officer's presence. This includes breaches of the peace. By the words, "committed in the presence of the officer," is meant that the officer knows of his own knowledge or from his senses and not from the statements of others that the party whom he arrests committed the act. If the officer does not know the fact without depending on information from other persons, the act is not committed in his presence within the meaning of the law. If an officer is going to arrest for a misdemeanor committed in his presence, it must be done at once. If he does not do it at that time, he cannot do it afterwards without procuring a warrant.

Relative to breaches of the peace, the disturbance or contention must be such as to affect the public at large.

Section 7. Arrest With a Warrant. If an officer holds a warrant which appears legal upon its face, this frees him from any action for illegal arrest, and also makes the arrest legal.

However, a person upon whom a warrant is to be served must be positively identified as the person named in the warrant, as a mistake in identity may make the officer liable for a false arrest.

The officer should bear in mind, however, that a warrant is not necessarily to be considered when he has a reasonable cause to believe that a felony has been committed and has reasonable cause to believe that the person whom he is about to arrest committed the crime.

When an arrest is made under a warrant it is not necessary for the arresting officer to have the warrant in his possession. If possible the officer must inform the person arrested that there is a warrant for his arrest, and after the arrest is made he shall show the warrant to the person, if required, as soon as possible.

Section 8. Persons Wanted on Warrants. When a warrant or information as to the existence of a warrant has been received for a person residing in a precinct, the officer in charge of the precinct detectives shall enter such information in the daily diary in order that all members of the command may be on the lookout for the wanted person.

Section 9. Inform Person of Reason for Arrest. When arresting a person without a warrant, the officer making the arrest shall inform the person arrested of his authority and the cause of the arrest, except when the person arrested is engaged in the commission of a criminal offense or if he

flees or if he forcibly resists arrest before the officer has time to inform him.

If the arrest is by virtue of a warrant, the officer should inform the prisoner of its nature and contents. If a request is made to see and read the warrant, the prisoner's request should be granted when it can be done without danger of his escaping. The safety of the warrant is of no consequence, for if the prisoner having obtained possession of the warrant should burn or destroy it, this would not affect the right and duty of the officer to take the prisoner before the magistrate who issued the warrant. It would be the duty of the officer to obey the command of the warrant as though he still had it in his possession.

Section 10. May Request Aid of Bystanders. In making an arrest an officer has a right to call upon bystanders for assistance when necessary. If they refuse, they may be prosecuted.

Section 11. Illegal Arrest. An illegal arrest is the unlawful restraint of a person's liberty for any length of time. If an officer arrests a person illegally, he and every person aiding in the arrest are responsible and liable in a civil action.

Section 12. Degree of Severity in Making Arrests. In making an arrest an officer must be careful not to submit his prisoner to any greater severity or indignity than is necessary to effect the arrest, and he must bring the prisoner safely to the police station. The state requires the officer to perform his duty regardless of hazard, but in the performance of this duty it requires him 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 when there is no reason to fear an escape. The officer must remember that he is responsible for his prisoner and required to do what is necessary to secure him. The officer must use his own discretion, and if he does his duty in a wise and careful manner he will be justified. While the officer is required to be as gentle and considerate as the circumstances will permit in making an arrest, he must remember that he is the 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.

Section 13. Right to Retake Prisoner. If a person is lawfully arrested and escapes or is rescued, the person from whose custody he escaped or was rescued may pursue him immediately and retake him at any time and in any place within the state

without a warrant. To retake the person escaping or rescued, the officer pursuing may use the same means as are authorized for an arrest.

Section 14. Right to Break Door. The state law authorizes the arresting officer to break open, if refused admittance, an outer or inner door of any building in which a person to be arrested is believed to be staying under the following circumstances: if the offense is a felony committed in his presence; if the peace officer has a warrant; or in case of a felony for which no warrant is required. Unless otherwise ordered by a superior officer, the department rule restricts the provisions of this paragraph to cases involving serious crimes and situations in which the officer knows that the person whom he is about to arrest is in the building.

A peace officer who has lawfully entered a building for the purpose of making an arrest may break open a door or window of the building when necessary for the purpose of liberating himself. An officer may do the same for the purpose of liberating a person who lawfully entered the building and is detained therein.

Section 15. Arrests Outside City. A Detroit police officer must obtain permission from his commanding officer before going outside the city to make an arrest. Before making such an arrest, he shall contact the police authorities having jurisdiction over the territory in which the apprehension is to be made. However, when an officer is in close pursuit of a person whom he has a lawful right to arrest, he may pursue without permission and make an arrest without obtaining permission from the authorities having jurisdiction over the territory in which the person is apprehended. After making the arrest, the officer shall notify the authorities having jurisdiction over the territory in which the person is apprehended.

When an officer is in close pursuit of a person who has committed an ordinance violation, he may also pursue him and serve a violation complaint without obtaining permission from the authorities having jurisdiction over the territory in which the person is apprehended.

Section 16. Arrests for Outside Authorities. Members must not arrest or transact police business for officers from outside the city without first being authorized by their commanding officer unless circumstances require an immediate arrest.

Upon request to the commanding officer for the arrest of any person by police authorities from outside the city, the officer in charge shall com-

municate with the control center inspector without unnecessary delay and shall be governed by his advice. If authorized to make the arrest, the officer in charge shall detail one of his officers to make the arrest.

After an arrest has been made, the prisoner shall be taken to the station and registered using "Fugitive" as the formal charge, and the type of arrest shall be misdemeanor or felony as the case may be. The control center inspector shall be notified. Female prisoners, whenever practicable, shall be registered at the women's detention quarters.

In case such an arrest was authorized by written or telegraphic communication, except State of Michigan Law Enforcement Information Network (LEIN), the Detective Division shall assume charge of the case and shall communicate through official channels with the authorities by whom the prisoner is wanted. A receipt shall be required for all prisoners turned over to police authorities outside the city. If the prisoner is being taken to another state, both the receipt and a waiver shall be required.

Officers receiving information from the State Law Enforcement Information Network (LEIN) that a warrant is outstanding for a person are required to take said person into custody. The prisoner will be taken to the precinct station and registered, using fugitive or the formal charge and the jurisdiction holding the warrant notified to pick up prisoner.

Section 17. Detention of Military Prisoners. Prisoners will be held for military authorities only under the following conditions:

- A. the prisoner must be in transit from one detention point to another;
- B. the meal ticket voucher or cash must be presented in advance to cover the cost of meals at the rate of seven dollars a day; and
- C. the prisoner will be accepted for detention not to exceed twenty-four hours.

Section 18. Persons Exempt from Arrest. The Constitution of the United States provides that senators and representatives shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same. Breach of the peace as used in the constitutional provision includes all criminal offenses. Likewise, under our state constitution, all senators and representatives are privileged from civil arrest and civil process during sessions of the legislature and for five days next before the commencement and after the termination thereof.

A state senator is not entitled to constitutional immunity from being held in contempt of court, for failure to obey an order for his appearance as a witness before a judge of the Recorder's Court conducting a grand jury proceeding for the discovery of crime under the statute.

All officers, warrant officers and enlisted men who may be in the actual service of this state or the United States, in all cases, except for treason,

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felony or breach of the peace, shall be privileged from arrest and imprisonment during the time of such actual service.

Ambassadors, ministers or legation attaches of foreign governments are not subject to arrest on any charge. Local counsels of foreign governments are not in this classification.

Section 19. Warning for Minor Offenses. All members of the department must bear in mind that invariably a polite warning to people guilty of minor offenses may be sufficient, and arrests need not be made unless the violations are willful or repeated.

Section 20. Arrests of Bus Drivers, Post Office Employees, U. S. Armed Forces Personnel, Persons Absent Without Leave from Veterans Administration Hospitals and Foreign Born Foreign Residents. When a bus driver driving a bus or when a person engaged in the delivery or collection of mail is guilty of a minor offense, he shall not be taken into custody but shall be required to report to the precinct station to which the arresting officer is attached in time to be registered and tried at the next following session of court. For a felony or serious offense, the arresting officer shall accompany the prisoner to the bus depot or to a point where he may be relieved properly. However, postal employees shall be taken to a precinct station.

D.S.R. buses shall not be detained unnecessarily for the purpose of investigating accidents at the scene. However, buses may be detained during the investigation provided the action is necessary and the coach operator has an opportunity to transfer passengers and make arrangements to assure protection of the cash box. When it is necessary to take such action, the D.S.R. dispatcher shall be notified.

When a member of the U.S. armed forces is arrested for any offense, the control center inspector shall be notified immediately by telephone and a preliminary complaint record giving the details of the arrest shall be forwarded to him.

In addition to the other pertinent information required on the preliminary complaint record, the officer shall include the offender's serial number, organization, camp or station and the extent of injuries and/or property damage, if any.

The control center inspector shall be responsible for notifying the branch of the service concerned. An up-to-date file on whom is to be notified, telephone numbers, office locations, etc. shall be kept at the control center.

Members shall be authorized to arrest armed forces personnel who may be deserters or absent

without leave upon the request of military authorities. When a reward is offered for the apprehension of such persons, the chief of detectives shall determine who is entitled to it and forward his recommendation to the superintendent.

When an officer desires to enter a military installation for the purpose of arresting a member of the armed services for violation of a state law, he shall first clear his actions through the chief of detectives. The chief of detectives shall determine if the action is necessary and shall insure that formal requirements are met.

When a person subject to the provisions of the selective service law is arrested for any cause and does not have a proper selective service registration on his person, a typewritten report including name, address, and other pertinent information regarding the subject shall be forwarded to the Special Investigation Bureau for proper disposition.

Members shall be authorized to arrest persons absent without leave from a Veterans Administration Hospital upon written request to the chief of detectives from the manager of the Veterans Administration Hospital, Battle Creek, Michigan. These persons shall be registered as fugitives and the type of arrest shall be detention. Immediately after registration, the prisoner shall be transferred to the ninth floor of Police Headquarters, and the original copy of the arrest ticket shall be delivered to the control center. Upon receiving notice that the prisoner is in custody, the control center inspector shall be responsible for relaying this information promptly to the Veterans Administration Hospital authorities, Battle Creek, Michigan by collect telephone call. A written report of the arrest shall be made at once by the arresting officers and forwarded to the chief of detectives.

The Control Center shall be notified of the arrest of any person who indicates that he was born in and resides in a foreign country.

Section 21. Confessions. Officers shall not use duress or mistreat an accused person in any way when endeavoring to obtain a confession. Persons must be informed of their rights before any custodial interrogation. Custodial interrogation is questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way. This means from the very

onset such as the time of arrest. Therefore, prior to interrogation, an arrested person must be informed of his rights as follows:

- A. that he has a right to remain silent;
- B. that anything he says can be used against him in a court of law; and
- C. that he has a right to have an attorney present during interrogation and one will be appointed for him if he is indigent.

The opportunity to exercise these rights must be afforded to the person throughout interrogation. This procedure applies to all crimes including traffic offenses charged under the state law.

When a person waives his rights, D.P.D. 342B, constitutional rights certificate of notification, shall be prepared. Each time a person is requested, another form must be prepared and the notification procedure repeated. Once the person has read the statement, he has several alternatives:

- A. he may waive his rights and questioning may commence whether or not he chooses to sign the statement;
- B. he may elect to remain silent, in which case interrogation will not take place;
- C. if he wishes a lawyer, interrogation about the person's guilt or innocence must be delayed until the lawyer is present, although other matters may be discussed in the interim; or
- D. if the person wants a lawyer but is indigent, questioning cannot take place as the department has no provisions for providing indigent persons with lawyers.

Volunteered statements of any kind are admissible. There is no requirement that officers stop a person who wishes to confess a crime or make a statement. The following confessions are admissible:

- A. those obtained after the person has waived his right to remain silent when he is fully aware that he may have a lawyer and that anything he says can be used against him in court; and
- B. confessions given freely and voluntarily without any compelling influences.

When a person has confessed to the commission of a serious crime, the officer in charge shall immediately call Detroit General Hospital and make arrangements to have the person examined by a physician to determine whether there is any evidence of physical violence having been used to obtain the confession. A written report shall be obtained from the examining physician and placed in the court file jacket.

Section 22. Disturbances in Private Homes. When a police officer is called to a disturbance involving family difficulties in a private home, he should recognize the sanctity of the home and endeavor to quell the disturbance diplomatically and restore peace without making an arrest.

In any case in which an officer suspects that a disturbance may result in the injury of any person, it is advisable for the officer to take the person causing the disturbance into custody, at least temporarily, even though it may be against the wishes of the family involved.

Section 23. Person Accusing Another. When any person charges another with the commission of a crime and insists that an arrest be made, the officer shall take the accused to a precinct station if the circumstances appear to warrant it. If the accuser is unknown to the officer he shall be required to accompany them as a complainant.

USE OF HANDCUFFS

Section 24. May Use Handcuffs When Necessary. The responsibility of an officer for the safe custody of his prisoner permits him liberal discretion in the use of handcuffs. Therefore, he may use handcuffs when he has reasonable cause to believe that their use is necessary. Whenever possible, to obtain maximum security, prisoners' hands should be cuffed behind their back when transporting from street into station and from station to headquarters cellblock or court.

Handcuffs should be used on all adult male prisoners charged with a felony. They shall be used also on those charged with a misdemeanor at the discretion of the arresting officer.

Section 25. Women and Juveniles. As a general rule handcuffs shall not be used on women or children. Handcuffs on a female prisoner or on a juvenile under the age of seventeen years may be used when necessary to overcome a potential or an actual resistance or under circumstances as will prevent injury to themselves. Officers should exercise good judgment in determining when handcuffs should be used.

Section 26. Use of Restraints on Hospitalized Prisoners. When necessary, restraining equipment shall be used to prevent the escape of hospitalized prisoners. Restraints also shall be used when a prisoner becomes violent. If the prisoner's physical condition precludes the possibility of escape or violence, restraining devices need not be employed. Officers must use their best judgment when determining whether restraints are required. When such action is taken, the officer shall report it to the commanding officer of the first precinct.

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Shackles or restraining straps shall not be used on a felon when his physical condition would prevent his escape.

Section 27. When Transferring Prisoners. Handcuffs shall be used on all prisoners being escorted between the county jail and court and on prisoners being conveyed from the county jail to the Detroit House of Correction. Handcuffs shall also be used on all prisoners accused of a felony when being conveyed in a patrol wagon from station to station and to the courts.

SEARCH AND DETENTION OF PRISONERS

Section 28. Duty to Search. The police have the power and it is their duty to search the person and/or automobile of a person lawfully arrested, the room or place in which he is arrested, and any other place to which they can obtain lawful access for articles that may be used in evidence to prove the charge on which he is arrested.

Vehicles should be searched immediately at the place where the vehicle is located whenever conditions permit. They should not be moved to the precinct station before being searched. Whenever possible, vehicles should be searched in the presence of the occupants.

Section 29. Relieve Prisoner of Offensive Weapons. After making an arrest, the officer shall take from the person arrested all offensive weapons or incriminating articles which he may have. They shall be delivered to the officer in charge at the time the person arrested is brought to the station. Any search to be made for purposes other than relieving the prisoner of offensive weapons or incriminating articles must be made in the precinct station in the presence of the officer in charge.

Section 30. Conveying Prisoner to Station. When calling for a police conveyance after having made an arrest, an officer shall, if possible, inform the police dispatcher whether the person is a male, female, juvenile, or a juvenile code violator. The dispatcher shall exercise his instructions relative to segregating prisoners who are to be conveyed in police vehicles. The officer in charge of the vehicle shall advise the arresting officer whether or not he should accompany his prisoner to the station. The arresting officer shall be governed by such advice. In case the officer does not accompany his prisoner to the station, the officer in charge of the vehicle shall convey the details pertaining to the arrest to the officer in charge of the precinct station when the prisoner is brought in.

Arrested persons shall be taken to the officer in charge of the station in the precinct in which arrested, unless otherwise ordered by competent authority. The officer in charge of the precinct station shall determine whether there is sufficient cause for detention. If a prisoner is in immediate need of medical attention the officer shall convey the prisoner directly to Detroit General Hospital (Central Branch).

Section 31. When Not Detained. If there appears to be no cause for detaining a person brought into the station, the officer in charge shall record the person's name, address, alleged offense, and disposition in the desk blotter. Before releasing the person the officer in charge shall check with the traffic warrant office and the warrant and extradition detail or the control center inspector for pending warrants.

When the desk officer decides that a person may be released pending the final investigation, he shall have a complete report made on a preliminary complaint record; one copy shall be given to the precinct inspector and two copies to the detectives for further investigation and disposition.

Section 32. When Detained. After deciding that there is sufficient evidence to warrant detention, the officer in charge shall have the prisoner properly registered on an arrest ticket.

He shall cause a complete set of fingerprints to be taken of all prisoners arrested including Golden Rule drunks and lodgers and shall notify the information desk of the arrest. When a prisoner is discharged, transferred, or sent to court the information desk shall again be notified.

A check shall be made with the Traffic Court warrant office to determine whether the prisoner is wanted on a warrant and to confirm the status of his driver's license if involved in accident investigation matters, etc.

The officer in charge shall be responsible for the proper searching of all prisoners arrested or detained at the station. Prisoners shall be searched by a designated officer in the presence of the officer in charge.

Section 33. Relieve Prisoners of Property. Prisoners shall be relieved of all articles of value, money, and of apparel which may be used to do injury to themselves. Glasses, money, jewelry and any property that they may have in their possession unlawfully or that may be used as evidence as well as any article which may be used to deface or destroy the cell block shall be placed in a sealed envelope. Extreme caution should be taken by all officers who are armed to prevent prisoners from gaining possession of guns.

Searches should be made from behind or to the side of the prisoners.

Section 34. Notify Parole Agent. When a paroled prisoner is taken into custody, the officer in charge of the station shall notify the Michigan State Parole Department without delay. If a Detective Division case, the officer in charge of the case is responsible for such notification.

Section 35. Notify Welfare Department on Non-Support Arrests. When a person is arrested on a warrant for non-support, the Welfare Department shall be notified in order that it may be represented at the trial.

Section 36. Custodial Responsibility. A member is responsible for the humane treatment and safekeeping of a prisoner in his custody. Members are strictly forbidden to make derogatory remarks or use profanity to prisoners. The officer in charge is responsible for treatment received by prisoners while in his station or unit. Under no circumstances are prisoners to be subjected to unnecessary application of force. Any complaint made by a prisoner about misconduct by officers shall be investigated by the officer in charge and reported to the commanding officer.

Section 37. Sick and Injured Prisoners. The officer in charge shall have an investigation made of any cuts or bruises discernible on a prisoner which may be of recent origin. He shall make a record of all the facts for the commanding officer. An unconscious, insane, or injured person shall not be put in a cell nor shall a person suffering from a disease which may require periodic medication such as diabetes, epilepsy, or a heart condition or those whose personal effects show evidence of those diseases. Such prisoners as well as those complaining of illness shall be sent to Detroit General Hospital (Central Branch) for examination. Any prisoner who is not able to walk shall be conveyed to and from the police vehicle on a stretcher. A record of the hospital transfer and reason shall be made in the desk blotter.

Section 38. Prisoner or Police Officer Injured Through Police Action. When a police officer or prisoner is injured through police action, the officer in charge of the unit to which the involved officer is assigned shall detail a supervisory officer to investigate the case immediately. If precinct detectives are on duty, a detective also will be assigned to collaborate with the supervisor in the investigation. The control center inspector, the Homicide Bureau and the officer in charge of the precinct in which the incident occurred shall be notified.

An initial report relating the known facts and status of the investigation shall be prepared by the officer in charge of the station at the time of occurrence. It shall contain no conclusions or recommendations for action to be taken. The original copy shall be forwarded to the district inspector or divisional commander; one copy shall be forwarded to the chief inspector and one copy shall be forwarded to the Citizen Complainant Bureau. The copies for the chief inspector and the district inspector shall be forwarded so they are delivered not later than 8:00 a.m. of the morning following the incident.

A thorough investigation shall be made of these incidents. The officer in charge shall coordinate the investigation to ensure that the efforts of uniform and detective personnel augment rather than duplicate each other. Upon completion, the officers assigned to the investigation shall prepare an investigation summary. Whenever possible, a joint investigation summary shall be prepared by the uniform and detective investigators.

The officer in charge of the station at the time of occurrence shall review the investigation summary and prepare a final report of the case. A recommendation on action to be taken will be included in the final report. The investigation summary and all other relevant records shall be attached to the final report. The commanding officer shall review the report and recommendation and either concur or make a further recommendation. He shall keep one copy.

Four copies shall be forwarded to the district inspector or divisional commander who shall ascertain that all witnesses have been interviewed and that the investigation is complete. As circumstances dictate, he shall have the authority to direct that additional investigation be made including independent investigation by departmental units under his command other than the one responsible for the primary investigation. The district inspector shall have the authority to contact the commanding officer of the Citizen Complaint Bureau directly in order to establish liaison meetings with interested parties. The commanding officer of the Citizen Complaint Bureau shall be responsible for bringing to the district inspector's attention any information relevant to the case which he may have.

If it appears that a criminal prosecution will arise out of the incident, the uniform district inspector shall establish liaison with the detective district inspector to ensure that appropriate investigation is made by the detectives.

The district inspector shall endorse the final report indicating specifically that all witnesses have been interviewed and that the investigation

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is complete. He shall make a firm recommendation regarding the necessary action to be taken. He shall keep one copy of the final report. Three copies shall be forwarded through channels to the chief inspector with either a concurrence or further recommendation made at each level.

When the final report has been approved and the case is completed, one copy shall be retained by the chief inspector for filing. One copy shall be filed in the officer's central personnel file if disciplinary action is involved, and one copy shall be forwarded to the Citizen Complaint Bureau.

In the event that a member of the Detective Division is injured or is involved in the alleged injuries of a prisoner under his control, the officer in charge of the precinct station shall immediately notify the commander of the unit to which the detective is assigned or attached. The commander shall immediately respond to the scene or detail a ranking officer to respond to the scene to assist the officer in charge of the station in the preparation of the reports as required. The final report shall be forwarded through the Detective Division channels to the chief of detectives and then to the chief inspector as required.

Should officers from different commands become involved in a single incident, the officer in charge of the precinct in which the incident occurred shall be charged with the responsibility of the investigation. The commanding officers of individuals from other units shall be notified, but they will not participate in the investigation unless disciplinary or court action is imminent. This procedure will eliminate the duplication of effort which would occur if each unit investigated the incident independently.

During the initial investigation of these incidents, the commanding officer of the officer involved shall be notified if the degree of injury is severe or if the situation otherwise warrants. If the commanding officer feels it necessary, he shall take charge of the investigation immediately and summon the precinct detective lieutenant to assist. The detective and uniform district inspectors or divisional commander shall be notified if the commanding officer and the detective lieutenant feel it is appropriate.

Whenever possible, prisoners who are injured or who complain of injury shall be conveyed to Detroit General Hospital (Central Branch) for examination and treatment by officers other than those involved in the incident.

Section 39. Cells. Cells must be kept clean and well ventilated. The doors of every cell and the corridors shall be locked carefully when prisoners

are confined. When not in use the keys shall be placed in the charge of the desk officer.

Prisoners who are charged with traffic offenses, excluding felonies, shall not be placed in cells or bullpens with felons or other non-traffic prisoners. This rule shall apply to all detention areas including the ninth floor cell block and precinct cell blocks, before and after registration.

Traffic prisoners shall be processed as rapidly as possible to assure early release on bond when possible.

Section 40. Checking Prisoners at End of Shift. At the end of each tour of duty, the officer in charge shall have a check made, against the arrest tickets, of all prisoners in his custody. The arrest tickets shall be turned over to the authorized officer coming on duty for his verification.

Section 41. Show-Up of Prisoners. Officers shall not take persons in custody back to the scene of the crime in order to have the complainant identify the suspect. This is particularly important in homicides, holdups, sex offenses, and other serious crimes. Show-up of the suspects shall be made at the station by the detectives. The complainant must pick the suspect from several other persons in the show-up.

Section 42. Use of Telephone. Unless intoxicated or otherwise incompetent, prisoners shall be permitted to use the telephone or be given other proper facilities for notifying their relatives, friends, and legal counsel. Upon request prisoners shall be given the opportunity to call a bondsman. If relatives or friends live outside the city, the prisoner will assume the expense of such notification. All telephone calls made by prisoners shall be logged in a 200 page, 8"X10" record book. It shall be the responsibility of the officer in charge to see that these calls are properly logged. No member or employee of the department shall accept a fee for rendering any services to prisoners.

Section 43. Visiting Prisoners. Only the officer in charge and matrons or doormen in charge of cell blocks shall visit the cells. Members of the department in immediate discharge of their duties may converse with prisoners. A parent, husband, or wife shall not be denied permission to see a prisoner. Prisoners shall be brought from the cell, and the visit shall take place in the presence and hearing of a matron or doorman.

Attorneys who claim to be counsel for a prisoner shall be allowed to see him if the prisoner agrees. The prisoner shall be brought from the cell to some proper place in the station where he may talk to his counsel in private.

Other visitors may be allowed at the discretion of the officer in charge.

Section 44. Notification of Parents. When an arrested person under twenty-one years of age is