

# GENERAL PROCEDURES

## ARRESTS UNDER AUTHORITY OF A WARRANT

If an officer has a warrant which he reasonably believes is legal, the officer will not be subject to damages for an illegal arrest. In most instances, the existence of a warrant will also assure that the arrest itself is legal. In executing a warrant, the officer must be sure that the person upon whom the warrant is served is positively identified as the person named in the warrant. A mistake in identity may subject the officer to a civil suit for false arrest, although good faith mistakes may constitute a defense. When an arrest is made pursuant to a warrant, the arresting officer need not have the warrant in his possession. If possible, the officer should show the warrant to the person or otherwise inform the person of the nature and contents of the warrant. The officer need not show the person the warrant if this will increase the danger of escape or other harm.

## ARRESTS WITHOUT A WARRANT - GENERAL

When arresting a person without a warrant, the member 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 member has time to inform him. However, as soon as the resistance is overcome the subject shall be informed of the reason for the arrest.

## ARREST ON PROBABLE CAUSE

### 16.1 When Probable Cause is Required

All felony arrests, whether or not pursuant to an arrest warrant, must be based upon probable cause. Even when an arrest warrant has been issued, the person arrested may later claim in court that the arrest was based on insufficient probable cause. If a court determines that probable cause was lacking, any evidence found in a search incident to that arrest will have to be suppressed. As discussed above, however, the officer will not be subject to civil damages for making an illegal arrest pursuant to a warrant that appeared valid on its face. Probable cause is not sufficient to make an arrest for a misdemeanor unless otherwise stipulated by statutory provisions.

### 16.2 Defining and Determining Probable Cause

To a large extent, probable cause is a question of common sense. Although the term lacks precise definition, it suggests either a probability, or at least a very substantial possibility, that the person to be arrested has committed a crime. In weighing the facts to determine whether probable cause exists, the officer may draw reasonable inferences that can be supported by his previous experiences as an officer; that is, the officer need not view the facts in the same manner as would a lay person not experienced in law enforcement. It must be emphasized, however,

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## CHAPTER 2

### PRISONER PROCESSING

#### VIEWING 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.

#### 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.

#### 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, 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.

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cleared for outstanding warrants. If no outstanding warrants or probable cause holds are found, the person may be released.

The officer in charge of the precinct station desk shall record the person's name, address, alleged offense, and the disposition in the desk blotter.

The officer in charge of the precinct station desk shall ensure that every reasonable courtesy is extended to the released individual so that no further inconvenience will occur. If it would not seriously hamper the efficient operation of the department, the officer in charge of the precinct station desk shall ensure that the individual is returned to the individual's automobile, to public transportation, or to the individual's intended destination if it is within the corporate limits of the city of Detroit.

## PRISONERS REQUIRING MEDICAL ATTENTION

### General

The officer in charge of the precinct station desk shall investigate any cuts or bruises discernible on a prisoner which may be of recent origin. Unconscious, insane, or injured prisoners shall not be put in a cell, nor shall a prisoner 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 such diseases. Such prisoners, including those complaining of illness or wishing to take medication, shall be sent to Detroit Receiving Hospital as soon as possible. Prisoners who appear to be mentally ill may be conveyed to the Crisis Center of Detroit Receiving Hospital for observation. Any member believing a prisoner to be "mentally ill" and in need of treatment shall confer with the staff of the Crisis Center at Detroit Receiving Hospital regarding the prisoner's condition. The Crisis Center staff may direct that the prisoner be conveyed to the Crisis Center for psychiatric evaluation. A completed Application for Admission form shall accompany the prisoner. This is the only hospital in the city of Detroit equipped for incarcerating or examining prisoners. Any prisoner who is not able to walk shall be conveyed to and from the conveying vehicle on a stretcher.

Prisoners injured through police action shall be conveyed to the hospital by officers other than those involved in the incident from which the injury was alleged to have occurred. The conveying officers shall order a court examination. A record of the hospital transfer and reason shall be made in the desk blotter.

When prisoners are returned for detention from Detroit Receiving Hospital they shall be permitted to take medication as prescribed by the hospital. If Detroit Receiving Hospital does not provide a new prescription or authorize the use of medication in the prisoner's possession, the prisoner shall not be permitted to take any medication. Prisoners shall not be given nose drops, aspirins, cold tablets, or other non-prescription medications without authorization from Detroit Receiving Hospital.

Medication which is prescribed or authorized by Detroit Receiving Hospital shall be placed in the prisoner's property envelope. Prisoners may request medication at the prescribed intervals. A supervisor shall then present the appropriate property envelope to the prisoner and allow the prisoner to take the prescribed dosage.

When it is necessary for a prisoner to be conveyed by an Emergency Medical Service Unit, E.M.S. personnel shall determine the appropriate medical facility. A member shall personally accompany all prisoners conveyed by Emergency Medical Service units. If Emergency Medical Service personnel determine that it is necessary to convey to a medical facility other than Detroit Receiving Hospital, the accompanying member shall notify the Communications Operations Section giving the extent of the prisoner's injury and the hospital to which conveyed. The Communications Operations Section shall notify the officer in charge of the precinct station desk in which the incident occurred. The officer in charge of the precinct station desk shall determine if the member should be relieved and arrange for a relief unit, if necessary. The member shall remain with the prisoner until the member has been properly relieved or until the prisoner has been transferred to Detroit Receiving Hospital.

When a prisoner, who is a patient at any other hospital, is to be transferred to Detroit Receiving Hospital, prior approval must be obtained from the administration of the hospital in which the prisoner is a patient. Members should be aware that medical procedures require physicians who refer patients for transfer to provide telephone notification to the hospital receiving the patient, prior to the transfer.

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Therefore, before the prisoner is conveyed, the member on duty at the time approval is granted for transfer shall ascertain from the hospital administration or referring physician, that Detroit Receiving Hospital has been notified.

Whenever possible, transportation will be arranged by the hospital in which the prisoner is a patient in the same manner as any other patient transfer. Emergency Medical Service Units should not be used for prisoner-patient transfers except under extreme circumstances, such as a violent prisoner where conveyance by private ambulance would not be practical. A member shall personally accompany all prisoners during conveyance.

When a prisoner is conveyed to Detroit Receiving Hospital, after having been registered, the arrest ticket and personal property shall accompany the prisoner. Likewise, they shall be returned to the precinct after treatment. If the prisoner is detained at the hospital, the arrest ticket shall be delivered to the officer in charge of the Prisoner Detention Section desk, where it will be retained until the prisoner is released from the hospital. The prisoner's personal property shall be delivered to the eighth or ninth floor detention areas where it will be retained until the prisoner is released from the hospital.

### \* 6.2 Prisoners Conveyed to Hospital - Not Registered

When an unregistered prisoner is conveyed to Detroit Receiving Hospital, the conveying member shall notify the precinct of arrest and shall provide sufficient information to enable the computer terminal operator to obtain a central booking number. The officer in charge of the precinct or unit of jurisdiction shall make a blotter entry including the pertinent information and cause an arrest book entry to be made indicating the prisoner's location and central booking number. The member on duty at the hospital shall enter the central booking number in the prisoner book and on the prisoner's print card.

When an unregistered prisoner who would normally be conveyed to the eighth or ninth floor (prisoners of homicide, sex crimes, vice, etc.) is conveyed to a hospital, the conveying member will notify the Prisoner Detention Section who will make the appropriate computer entries. The conveying member shall also notify the command of jurisdiction so that the proper arrest book and blotter entries are made.

The terminal operator who makes the prisoner entry shall notify the command in charge of the prisoner of the LEIN and NCIC responses. Clearances and notifications will be handled in accordance with procedure.

In the event that an unregistered prisoner is conveyed to a hospital other than Detroit Receiving, the prisoner's exact location shall be written in the disposition column of the arrest book. This information shall be updated when the prisoner's location is changed (transfer to Detroit Receiving, precinct, etc.).

### \* 6.3 Processing Prisoners After Emergency Treatment

Prisoner Detention Section personnel will register those prisoners who are admitted to Detroit Receiving Hospital or transferred to the eighth or ninth floor following emergency treatment. However, if the prisoner is to be discharged from police custody, discharge will be accomplished in accordance with section 34.9 of this chapter. It shall be the responsibility of the Prisoner Detention Section to update the computer prisoner file whenever a prisoner leaves the hospital (discharged from custody, transferred to precinct or unit, etc.). In cases where the prisoner is transferred to the precinct prior to being registered, the prisoner shall be processed in the normal manner.

### \* 6.4 Unidentified Prisoners

When an unregistered prisoner is conveyed to a hospital and the prisoner's identity is undetermined because of unconsciousness or other physical condition, the conveying officer shall notify the precinct or unit of jurisdiction. The officer in charge will make the necessary blotter entry and cause the computer terminal operator to make a prisoner entry transaction and obtain a central booking number. The officer in charge

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## 3 Checking Prisoners in Cells

At the beginning of each tour of duty, the precinct detention officer and the officer in charge of the precinct station desk shall check the number of prisoners as well as their general condition. This check will be made against the arrest tickets and in the presence of the detention officer who is being relieved from duty. Thereafter, the precinct detention officer will make a similar check every 30 minutes and the officer in charge of the precinct station desk will make an appropriate blotter entry. The commanding officer of the First Precinct shall establish appropriate recording procedures for the 8th and 9th floor cellblocks.

## 4 Use of Detoxification/Safety Cells

The detoxification/safety cell is designed to detain chemically impaired persons during the detoxification process or to temporarily lodge a person whose behavior requires close observation.

In police headquarters and all precinct detention areas, at least one (1) bullpen and two (2) single cells have been converted to detoxification/safety cells. These cells are to be used for prisoners who are considered high risk, in need of special watch (15 minute checks or constant supervision). High risk prisoners are suicidal or mentally ill, or in need of detoxification from alcohol or drugs.

**Monitor:** Means to place person in detoxification/safety cell and observe/check every 15 minutes for any changing or deteriorating conditions.

**Constant supervision:** Means the prisoner is to have direct one on one supervision at all times. The officer in charge shall assign one officer to guard the prisoner until such time that the prisoner leaves our custody.

All prisoners coming into the department's custody shall be screened. When any prisoner exhibits the symptoms listed below they shall be assigned to a detoxification/safety cell or transported to Detroit Receiving Hospital in compliance with the following guidelines:

### a. UNDER INFLUENCE OF ALCOHOL/DRUGS

**SYMPTOMS:** Appears to be under the influence of alcohol, barbiturates, heroin, or any other drugs, e.g., slurred speech, unsteady walk, dilated pupils, vomiting, sleepy or hyperactive eyes bloodshot or red.

**DISPOSITION:** Place in detoxification/safety cell. Monitor for deteriorating conditions. If condition worsens, convey to Detroit Receiving Hospital. If any symptoms of withdrawal appear, follow (b) below.

### b. WITHDRAWAL FROM ALCOHOL/DRUGS

**SYMPTOMS:** Visible signs of alcohol and/or drug withdrawal,

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e.g., sweating, severe shaking or nausea/vomiting, pinpoint pupils, delirium, hallucinations, serious breathing difficulties or decreased level of consciousness.

DISPOSITION: Convey to Detroit Receiving Hospital.

c. DESPONDENT (Potentially suicidal)

SYMPTOMS: Appears to be very depressed, intense guilt or shame ridden, remorseful/self-condemning, bereaved or withdrawn.

DISPOSITION: Place in detoxification/safety cell. Monitor.

If condition worsens (e.g., prisoner attempts, threatens suicide or reveals the existence of a suicide plan) convey to Crisis Center along with a completed Petition/Application. (Ref: Detroit Police Manual, Volume III, Chapter 3, Section 14).

NOTE: Prisoners who are returned from the Crisis Center certified as suicidal shall be placed in a suicide gown and placed in a detoxification/safety cell under constant supervision. Suicide gowns are available from the First Precinct desk.

d. IRRATIONAL (Mentally ill)

SYMPTOMS: Appears to be out of touch with reality, hearing voices, hallucinating, withdrawn/non-communicative or displays some form of erratic behavior.

DISPOSITION: Place in detoxification/safety cell. Monitor closely. The officer in charge shall call the Crisis Center at Detroit Receiving Hospital and follow their advice regarding a disposition. The officer in charge shall document the call with an entry in the desk blotter. If directed to do so, convey the prisoner to the Crisis Center with a completed Petition/Application. (Ref: Detroit Police Manual, Volume III, Chapter 3, Section 14).

e. FIRST ARREST

SYMPTOMS: A first time arrestee, under the influence of alcohol/drugs should be considered as a potential suicide risk, particularly if any of the symptoms under (d) above are observed.

DISPOSITION: Place in detoxification/safety cell. Monitor. Follow disposition for (d).

With the exception of the First Precinct, the officer in charge of the precinct desk shall document all 15 minute checks in the desk blotter. The commanding officer of the First Precinct shall establish appropriate reporting procedures for the 8th and 9th floor cellblocks.

### CONTACT WITH KNOWN CRIMINALS

Each time any member knowingly and intentionally has contact with or goes to a location frequented or suspected of crimes excluding by convicted criminals; or persons charged with persons known or suspected of criminal offenses of any type, including subversive activities which tend to jeopardize the security of government; he shall prepare an information report in duplicate on a PCR within 24 hours, unless such contact or visit is properly recorded on a routine report such as an activity log, interrogation sheet, routine PCR or other official department record.

When an information report is prepared, both copies shall be forwarded to the Deputy Chief of the Internal Controls Bureau. If the member preparing the report wishes to keep the information confidential, he may personally convey the report to the Deputy Chief of the Internal Controls Bureau. Failure to follow the above procedures shall be considered neglect of duty.

### TICKET SALES

No member may sell tickets for any purpose while on duty, while off duty in uniform, or in any department building at anytime without the prior written approval of the Chief of Police. Such written authorization must be carried on the person of the member while engaged in the activity. Members who have been granted permission to sell tickets shall not do so on any premises where alcoholic beverages are sold unless specific written permission has been granted by the Chief of Police.

Application for authorization shall be made in writing through channels on D.P.D. 568, and shall include the number and price of the tickets to be sold and any other pertinent data (organization, purpose, etc.). Officers whose primary duties are related to the enforcement of liquor, gambling or vice laws generally shall not be permitted to sell tickets of any kind.

### OTHER PROHIBITED ACTS

- ✓ 1. Neglect of duty.
2. Cowardice; shirking duty or responsibility during time of danger.
3. Immorality.
4. Incompetence.
5. Laziness.
6. Sleeping or lounging on duty.
- ✓ 7. Willfully making a false oral or written statement or report.

General Order 72-17(R)

8. Ignorance of rules or orders.
9. Willful disobedience of rules or orders.
10. Being absent from duty without permission.
11. Being absent from the city for more than 48 hours without leaving an emergency address.
12. Mistreatment of any person or prisoner.
13. Failing to reside within the city limits.
14. Accepting bribes of money, valuables, services, or any other form of compensation, or consideration.
15. DELETED IN ITS ENTIRETY BY GENERAL ORDER 76-45(R).
16. Participating in games of chance for stakes in department buildings.
17. Leaving post without proper relief of purpose.
18. Not properly patrolling or guarding a post.
19. RESCINDED IN ITS ENTIRETY BY GENERAL ORDER 76-50(I).
20. Engaging in a civil action or filing a complaint for damages on matters arising from duty-connected activities without providing timely notice to the Chief of Police.
21. Entering or frequenting a house or place where illegal activities are being conducted not in the performance of duty.
22. Rendering assistance or advising parties in civil matters except to prevent a breach of the peace or to quell a disturbance actually commenced.
23. Speaking slightingly of the race or nationality of any person.
24. Engaging in religious or political discussion while on duty.
25. Interfering or using the influence of one's position in elections.
26. Smoking while in uniform in conspicuous view of the public.
27. Failure to wear a complete uniform in the prescribed manner.
28. Wearing or carrying unauthorized garments, packages, umbrellas, canes or other items while in uniform.
29. Wearing any part of the uniform during periods of suspension.
30. Accepting any fee, reward, or gift of any kind from any person arrested or from any person in the arrested person's behalf while in custody. The acceptance of a reward shall be considered in the same manner as awarding a member a citation.