

# **East Georgia State College Police Department Policy Manual Standard Operating Procedures**

**Adopted by President's Cabinet 11/26/19**

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**1.00**

Subject:  
**General Provisions**

Authorized By: **Chief Mack Seckinger**

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

- A. This Policy Manual establishes a system of written directives to guide the actions of East Georgia State College Police Department (EGSCPD) employees.
- B. Establishes a method of distribution and revision of the Manual.
- C. Establishes each employee's accountability for the Manual, both in content and in care.

**II. RULES AND REGULATIONS**

**A. Overview**

- 1. Establishment of the Manual - An Operations Manual is hereby established. All personnel are responsible for knowing, understanding and conforming to the Manual's contents. Any questions about this Manual shall be brought to the attention of the employee's immediate supervisor.

This Manual provides only internal EGSCPD guidance. It is not intended to, does not, and may not be relied on to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. No limitations are hereby placed on otherwise lawful actions that the EGSCPD may undertake.

This Manual is intended to be comprehensive. When the contents of this Manual conflict with earlier EGSCPD statements, policies, procedures or rules, the Manual will control. Should a situation arise upon which an EGSCPD policy or procedure predating this Manual relates to a subject not covered by the Manual, the prior statement controls, but this situation should be brought to the attention of the Director of Public Safety / Chief of Police.

This Manual is a composite of current policies, procedures and rules pertaining to the EGSCPD. All existing manuals, orders, or other regulations that are in conflict with

the contents of this Manual are hereby revoked. Those orders and regulations that are not revoked shall remain in effect.

Any section, sub-section, item, clause, or phrase which is found to be in contravention of the laws of the State of Georgia, the University System of Georgia Board of Regents (BOR), East Georgia State College, the United States, or the decisions of the Courts of this State or the United States Supreme Court shall be null and void. All other section, sub-sections, items, clauses and phrases shall remain in full force and effect.

2. Contents of the Manual - The Manual was written to emphasize safety issues, areas of high liability, prosecutorial conviction requirements, and the overall efficiency and effectiveness of general agency operations. Additional requirements pertaining to specialized areas within the EGSCPD will be addressed at a divisional level. Noted deficits in training programs will be addressed through memoranda (see Section E below).
3. Each chapter starts with purpose statements, listing the main areas to be addressed. This is followed by a rules and regulations section that further clarifies and gives additional direction to the purpose statements.

Procedures to be followed are then presented as topic specific "standard operating procedures" (SOPs).

- B. Responsibility / Distribution - Copies of the Manual shall be issued by serial number to all personnel of the East Georgia State College Police Department, and shall remain the property of the Agency.

Each employee shall be responsible for the maintenance and care of his/her Manual and shall update his/her Manual as revisions, deletions and additions are made.

Distribution shall be through the shift supervisor who will maintain the distribution log. Employees shall initial the distribution log after receiving each addition, revision, or deletion to the Manual.

Supervisors shall conduct periodic inspections of their subordinates' Manuals to ensure they are current and in proper order.

Additions / Deletions / Revisions - Other clarifications and changes to this Manual will be in the form of general orders, special orders, memoranda and standard operating procedures. (GLECP Std. 2.1c)

C. General Orders (GLECP Std. 2.1a)

Purpose: To provide written directives from the Director of Public Safety / Chief of Police announcing changes in EGSCPD rules and regulations. General orders will remain in effect until rescinded by a subsequent General Order. General Orders are consecutively numbered. They will state the year and Order number (Example: 1996-01).

D. Special Orders (GLECP Std. 2.1b)

Purpose: To provide self-canceling or temporary written directives by the Director of Public Safety / Chief of Police or his/her designee. Special Orders include the effective dates and the date of issue. Special orders are normally used to affect the status of individuals or to change assignments.

E. Memoranda

Purpose: To disseminate general information from the Director of Public Safety / Chief of Police or his/her designee.

F. Standard Operating Procedures (SOPs)

Purpose: To provide written directives from the Director of Public Safety / Chief of Police which explain the specific procedures to be followed under certain circumstances. Standard Operating Procedures will remain in effect until rescinded or updated.

G. Manual Review/Re-evaluation (GLECP STD 2.1d)

The Manual shall be reviewed at least annually in order to ensure that it is consistent with current statutory and case law and EGSCPD practices. Only the Director of Public Safety / Chief of Police or his/her designee shall have the authority to issue, modify or approve changes to this Manual. Revisions to the Manual shall be distributed in accordance with the established method of distribution as outlined above in section B.

H. Legal Review

All policies, procedures and other types of formal communications that relate to high liability areas (e.g., use of force, pursuits/evoc, search/seizure/arrest, off-duty conduct, care/custody/control/restraint of prisoners, domestic violence, sexual harassment/discrimination, property/evidence, dealing with the mentally ill, internal affairs, selection/hiring/promotion, special operations) will be submitted to the East Georgia State College Legal Counsel prior to adoption. (GLECP STD 2.1e)

### **III. FORMS CONTROL**

The Director of Public Safety / Chief of Police or the Assistant Chief of Police will develop, modify, and manage all forms used by EGSCPD. Forms should be easy to use, should have a consistent format, and should support and reinforce any corresponding written directives. An identifying number (Form number) will be assigned to each form and the form shall show the date of creation or latest revision.

### **IV. DEFINITIONS**

Policy Manual: Compilation of the standard operating Procedures and special orders of the East Georgia State College Police Department, as issued by the Director of Public Safety/Chief of Police

### **V. CANCELLATION:**

This directive cancels “Chapter 1-General Provisions” currently in use

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**2.00**

Subject:  
**Mission and Goals**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. MISSION**

To strive for excellence and integrity in providing a safe and secure environment and instilling confidence in the East Georgia State College community.

To enforce laws and campus policy, to serve the public, to prevent and detect criminal activity, and to reduce the fears of the public through community interaction and education.

To promote growth and development for the members of the Department.

**II. POLICY**

The vision of the East Georgia State College Police Department is to become a recognized state benchmark in innovation and professional policing. The Department seeks to be a leader in the profession by providing quality service through collaborative working partnerships within the community. The Department will establish a comprehensive approach to policing and emergency preparedness, providing leadership and coordination with local, state, and federal agencies to promote a safe and secure campus.

**III. PURPOSE**

The primary purpose (mission) of a law enforcement agency is to maintain social order within prescribed ethical and constitutional limits, while providing professional law enforcement services. To attain this, the EGSCPD enforces the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. The EGSCPD recognizes that no law enforcement agency can operate at its maximum potential without supportive input from the students, faculty, staff, and visitors it serves. The EGSCPD actively solicits and encourages the - cooperation of all students, faculty, staff, and visitors to reduce and limit the opportunities for crime and to facilitate the maximum use of resources.

To accomplish the mission of the East Georgia State College Police Department, the following 11 goals are established:

A. Protection of Life and Property

To provide services that contributes to the preservation of life, the protection of property, and the safety of the college community.

B. Prevention, Detection and Investigation of Criminal Activity

1. To prevent crime through aggressive patrol that limits the opportunity for a crime to occur, and through education of students, faculty, staff, and visitors that reduces the likelihood of them becoming victims.
2. To provide a thorough, appropriate, and efficient investigation of criminal activity.
3. To apply effective measures against crime and related activities.

C. Apprehension of Offenders

To provide for the expeditious and prudent apprehension of suspected violators of the law, regardless of his/her status in the community, by thorough, appropriate, and efficient investigations.

D. Maintenance of Public Order

To maintain peace and public order and to assist during times of natural or technological occurrences or disasters.

E. Recovery of Property

To secure and maintain an inventory of all property, evidence, lost and recovered/stolen property being held by the East Georgia State College Police Department; thereby ensuring that all property and evidence is available when needed.

F. Training of Officers

To design and implement a training program to fill the training needs of officers, and to promote a high rate of proficiency in the officers of the Agency. Also, to address career development goals of agency personnel.

G. Compliance with Ethical Standards

To ensure the integrity and adherence to professional standards of the Agency by processing and investigating all complaints against Agency personnel.

H. Traffic Control

To provide for the safe and effective flow of both vehicular and pedestrian traffic and the

investigation of traffic related crashes.

I. Community Service

To provide the resources necessary for assisting students, faculty, staff, and visitors under special non-criminal circumstances. The Agency's management system will plan, staff, coordinate and control resources in support of community oriented policing. Further, the Agency's community relations/crime prevention objectives are shared by all personnel.

J. Agency Administration

To provide management, administration, and support required for the operation of the Agency. The Agency will develop a Management Information System (MIS) to be used to prepare reports for selected Agency components and activities. The MIS will provide information regarding workloads of the Administrative, Patrol and Criminal Investigation Divisions. In addition, the MIS will monitor processing times, resources used, performance and productivity

To develop an accounting system for the internal monitoring of all fiscal activities, including accounting and auditing procedures covering funds used in undercover operations and paying informants.

K. Agency Evaluation

To develop a performance instrument to periodically evaluate the Agency's overall performance in meeting its acknowledged goals and objectives. Deficiencies noted by the evaluation instrument will be identified and remedial plans developed and implemented to correct all deficiencies.

**IV. DEFINITIONS**

None

**V. CANCELLATION**

This directive cancels "Chapter 2 – Departmental Goals".

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**3.00**

Subject: **Organization  
& Administration**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

- A. Establishes the general responsibilities and duties of the EGSCPD's personnel.
- B. Establishes EGSCPD operational guidelines, the chain of command, and duties attached to positions in the Agency.
- C. Identifies other personnel management topics which should be addressed in the Manual.
- D. Establishes a standard operating procedure for evaluating work performance.

**II. RULES AND REGULATIONS**

**A. General Responsibilities**

Within the jurisdiction, officers of the EGSCPD shall always take appropriate action to:

- 1. Protect life and property;
- 2. Preserve the peace;
- 3. Prevent crime;
- 4. Detect and arrest violators of the law; and
- 5. Enforce all federal, state and local laws and ordinances coming under the Agency's jurisdiction.

**B. Duty Responsibilities**

Officers of the EGSCPD are always subject to duty, although they may periodically be relieved of its routine performance. They shall always respond to the lawful orders of superior officers and other proper authorities, as well as calls for law enforcement assistance from citizens. Proper law enforcement action must be taken whenever required. All officers are accountable for their use of delegated authority. Even when assigned special duty, officers are expected to exercise their law enforcement authority as necessary.

### C. Discharge of Duties

1. All officers and employees of the EGSCPD shall discharge their duties with calmness and firmness in a professional manner. They shall assist and protect each other in the maintenance of peace and order and in the performance of all of their duties.
2. Officers and employees of the EGSCPD who may have questions concerning the performance of their duties shall direct such questions to their immediate supervisor.

### D. Command Responsibility (GLECP Stds. 2.3 & 2.6)

1. A commanding officer has responsibility and accountability for every aspect of his/her command. Within policy guidelines and legal constraints, the commander has the authority to coordinate and direct assigned personnel and other allocated resources to achieve organizational objectives. The commander must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to achieve the highest level of performance possible.
2. Upon a change of command, the commanding officer being replaced has a duty to lend his/her full assistance in making the command transition as smooth and orderly as possible. Orientation of the new commanding officer should include information concerning unique problems of the command and assistance in continuing community and professional contacts relative to the command.

### E. Chain of Command (GLECP Std. 2.3)

Organizationally, the number of persons who report to the Director of Public Safety / Chief of Police is limited. To ensure unity of command, clearly defined lines of authority must be drawn so that there is a formal, structural relationship between each employee and the Director of Public Safety / Chief of Police. Each employee must be aware of his/her relative position in the organization. This includes understanding to whom he/she reports and likewise, who reports to him/her. Employees should strive always to operate within the chain of command and to keep their supervisors informed as to their activities. As depicted in the Agency's Organization Chart, each employee is accountable to only one supervisor at any given time. The Director of Public Safety / Chief of Police is available (by appointment) to any employee of the EGSCPD.

### F. Assignment of Rank

The number of ranking positions in the EGSCPD will be as specified and required by the organizational structure. Ranked positions are defined as those positions above the rank of Officer, and may include the positions of Corporal, Sergeant, Lieutenant, Captain and Major. Appointments of individuals to these positions will be made by the Director of Public Safety / Chief of Police in accordance with the EGSCPD's promotional practices.

## G. Flexibility of Organization

The ability of the EGSCPD to make organizational adjustments to meet changing needs is essential in obtaining the maximum benefit from the expenditure of assigned resources. To ensure stability and continuity, the basic EGSCPD structure should not be changed without a demonstrated need or to satisfy temporary requirements. There must be continuous monitoring to ensure that department organizational needs are being met. In addition, each commanding officer has the responsibility to maintain the organizational viability of his/her command through constant evaluation.

## H. Organization

Any organization, including a law enforcement agency, cannot function without an organizational structure that assigns responsibilities and functions to specific individuals or groups of individuals. Each person employed by the EGSCPD is responsible and accountable for assigned functions and tasks. The function of an employee holding supervisory responsibilities is to see that persons under his/her supervision are performing their tasks. That responsibility is accompanied by commensurate authority and each employee is accountable for the use of delegated authority.

## I. Agency Structure

### 1. Executive

- a) The Director of Public Safety / Chief of Police will be responsible to the President of East Georgia State College. The Director of Public Safety / Chief of Police shall formulate department policies, administer rules and regulations and insure that all general and special orders are understood and enforced.
- b) EGSCPD operates under the direct supervision of the Director of Public Safety / Chief of Police. The Director of Public Safety / Chief of Police shall designate an Officer in Charge. In the absence of the Director of Public Safety / Chief of Police, the Officer in Charge shall be regarded as the Director of Public Safety / Chief of Police's representative and his/her commands obeyed.
- c) The EGSCPD is organized into three divisions - the Uniform Patrol Division, the Criminal Investigation Division, and the Support Services Division. Each division performs separate and distinct activities which are interrelated. (A description of the Agency's rank structure and employees' work responsibilities follows.)

### 2. Uniform Patrol Division

- a) The Uniform Patrol Division shall be commanded by an officer with the rank of Sergeant. The number of shift supervisors per shift shall

be based on workload demands. When two ranking officers are on duty, the highest ranking officer shall be responsible for deciding who supervises the patrol activities

Duties and responsibilities of personnel are as follows:

- i. Patrol Division Commander is directly responsible to the Chief of Police for the following:
  - (a) Providing overall supervision for all officers and employees under his/her command, subject to a higher authority;
  - (b) Ensuring employee compliance with the EGSCPD's policies, procedures and regulations;
  - (c) Ensuring employee compliance with the EGSCPD's personnel management system;
  - (d) Evaluating the Division's productivity, including the annual performance evaluations of employees;
  - (e) Maintaining Division records;
  - (f) Preparing and monitoring the Division's budget;
  - (g) Making shift assignments;
  - (h) Keeping the Division personnel updated on changes on both the law and operational policies and procedures;
  - (i) Scheduling employees' training;
  - (j) Making recommendations to the Chief of Police on the status of vehicles (maintenance), communications equipment, and manpower assigned to the Division; and
  - (k) Coordinating with the Criminal Investigation Division Commander for manpower allocations for special operations.
  - (l) Provide direct supervision to his/her subordinates.
  - (m) Informing the Chief of Police of any changes in the status of his/her Division including:
    - (i) absences (authorized and unauthorized);
    - (ii) injuries/accidents involving shift personnel;

(iii) equipment malfunctions/repairs needed; and

(iv) any incident which could potentially bring adverse public reaction or discredit to the Agency.

(n) Monitoring statistics and directing selective enforcement at targeted crime and traffic areas as applicable;

(o) Conducting roll call as follows:

(i) conduct inspection of personnel;

(ii) brief watch on current information affecting operations;

(iii) assign patrol zones; and

(iv) supervise vehicle check before departure.

(p) Acting as primary back-up to his/her patrol officers;

(q) Maintaining information on the whereabouts of his/her patrol officers;

(r) Taking and completing assignments when his/her patrol officers are engaged in other activities;

(s) Advising and assisting patrol officers in all phases of law enforcement;

(t) Serving as the exclusive authority on his/her shift for "calling out" the Chief of Police and/or CID personnel in emergency situations;

(u) Reviewing all reports generated by his/her shift for accuracy, completeness, and conformity to reporting procedures;

(v) Keeping shift personnel updated on the changes in law and in operational policies.

ii. Patrol Officer - Works directly under the supervision of the Patrol Sergeant. A patrol officer is responsible for carrying out all lawful orders of his/her supervisor in a timely, accurate and thorough manner. A patrol officer is charged with the following tasks:

(a) Responding to and handling calls for service;

- (b) Conducting preliminary and/or full investigations of crimes, offenses, incidents and unusual conditions;
- (c) Directing traffic and enforcing federal and state criminal statutes and local ordinances;
- (d) Providing emergency services;
- (e) Conducting preventive patrol. This includes making person and property inquiries and inspections focused on preventing crimes and accidents, maintaining public order, and discovering hazards; and
- (f) Promptly preparing thorough, complete and accurate reports of all occurrences and incidents.

### 3. Criminal Investigation Division

The Criminal Investigation Division (CID) shall be commanded by an officer with the rank of Sergeant. The Division Commander will be responsible for all CID employees.

Duties and responsibilities of personnel are as follows:

- a) CID Division Commander - Directly responsible to the Chief of Police for the following tasks:
  - i. Providing overall supervision for all officers and employees under his/her command, subject to a higher authority;
  - ii. Ensuring employee compliance with the Agency's policies, procedures and regulations;
  - iii. Ensuring employee compliance with the Agency's personnel management system;
  - iv. Evaluating the Division's productivity and employee performance;
  - v. Maintaining Division records;
  - vi. Preparing and monitoring the Division's budget;
  - vii. Organizing, evaluating and making case assignments;
  - viii. Keeping Division personnel updated on changes in law and operational policies;
  - ix. Scheduling employee training;
  - x. Making recommendations to the Director of Public Safety /

Chief of Police on the status of the equipment and manpower assigned to the Division; and

- xi. Coordinating with Patrol Division Commander for manpower allocations for special operations.
- xii. Assigning and supervising investigators' caseload;
  - (a) Coordinating crime scene activity;
  - (b) Keeping apprised on unsolved cases and persons sought;
  - (c) Keeping investigators updated on changes in law and operational policies;
  - (d) Reviewing all reports generated by his or her shift for accuracy, completeness, and conformity to reporting procedures;
  - (e) Evaluating employee productivity, including annual performance evaluations.

**NOTE: When the CID Division Commander also serves as an investigator, his/her duties will include the following:**

- (f) Conducting investigations into criminal activity within the jurisdiction;
  - (g) Locating/interviewing/interrogating victims, suspects, and witnesses;
  - (h) Making arrests for violations of laws or ordinances (either on-scene apprehension or by warrant);
  - (i) Maintaining records of investigations and preparing detailed offense and case reports;
  - (j) Assisting prosecuting attorneys in preparing cases for court; and
  - (k) Cooperating with local, state, and federal law enforcement officials in investigating criminal offenses.
- b) Investigation - An investigator is expected to conduct investigations and to make routine duty work decisions independently, although technical and legal advice is available from a supervisor. The tasks assigned to investigators are as follows:
- i) Apprehension activity - occurs during preventive patrol and in

response to calls for service. Investigators may be called to investigate any crime. However, they should initially respond to calls involving homicides, forcible rapes, armed robberies, aggravated assaults, and sexual assaults.

- (a) Conducting preliminary investigations, interviews, inquiries;
- (b) Collecting evidence and maintaining the chain of custody;
- (c) Administrative activity, such as evaluating and managing caseloads, providing service to the public and other activities not associated with assigned cases; and
- (d) Follow-up activities, such as arrests, reports, and preparation for court.

#### 4. Support Services Division

The Support Services Division provides support services for the EGSCPD, especially communications and records maintenance. The Support Services Division shall be commanded by the Assistant Chief of Police. The Communications Center shall be supervised by Terminal Agency Coordinator, who reports directly to the Commander of the Support Division. Functions and work units of the Support Services Division include:

- a) Communications Center - All citizen calls for assistance are received here, and then dispatched to the appropriate units. This center also monitors VHF frequencies of public service agencies on a full-time basis. Constant contact is maintained with the Georgia Crime Information Center (GCIC) and the National Crime Information Center (NCIC) via a computer terminal.
- b) Records Unit - Master Case Files are maintained by this unit. The monthly Uniform Crime Report to the FBI is generated here. Further, this unit handles the physical security and records of all property under custody of the Agency.
- c) Equipment Maintenance - All requests for repairs of vehicles, radios and other equipment are coordinated by Support Service Division personnel.
- d) Research/Planning and Crime Analysis - The activities included with this function include: developing long-range plans, goals and objectives that include: anticipated workload and population trends, anticipated personnel levels and anticipated capital improvements and

equipment needs; analyzing crime; providing technical assistance to other units within the EGSCPD; conducting special studies; analyzing proposed legislation; developing and suggesting plans for improving law enforcement services; reviewing and evaluating the EGSCPD's operations; performing a central role in preparation of the EGSCPD's budget; identifying potential sources of grants and preparing proposals; and disseminating appropriate findings to the Director of Public Safety / Chief of Police and other EGSCPD personnel.

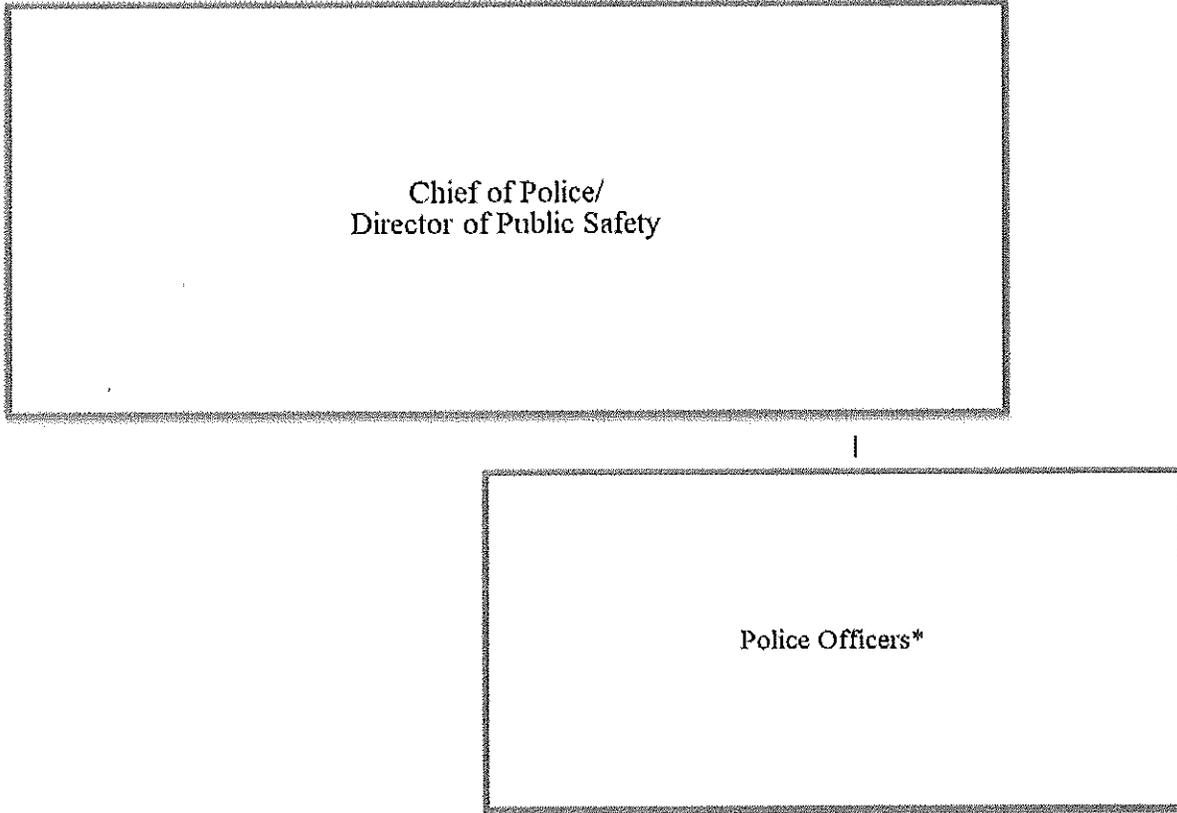
Duties and Responsibilities - The Commander of the Support Services Division is directly responsible to the Director of Public Safety / Chief of Police for the following:

- a) Providing overall supervision for all officers and employees under his/her command, subject to a higher authority;
- b) Ensuring compliance of his/her employees with the Agency's policies, procedures and regulations;
- c) Ensuring compliance of his/her employees with the Agency's personnel management system;
- d) Evaluating the Division's productivity, including annual employee performance evaluations;
- e) Maintaining Division records;
- f) Preparing and monitoring the Division's budget;
- g) Making duty assignments;
- h) Keeping Division personnel updated on changes in law and operational policies;
- i) Scheduling employee training;
- j) Making recommendations to the Director of Public Safety / Chief of Police on the status of equipment and manpower; and
- k) Performing the activities associated with research/planning and crime analysis functions.

For a description of duties with respect to records management, see Chapter 14 Records and Information Management.

For a description of duties with respect to communications, see Chapter 15.

J. Organization Chart



III. DEFINITIONS

None

IV. CANCELLATION

This directive cancels "Chapter 3 – Organization and Administration" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**3.01**

Subject:  
**Hiring Practices**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE:**

The purpose of this policy is to outline and direct the hiring process and practices for employment as a sworn member of the East Georgia State College Police Department..

**II. POLICY:**

The policy of the EGSCPD is to hire only those persons qualified for employment in law enforcement. We seek the highest level of professionalism and integrity by our members and recognize that this commitment begins with the selection of candidates for this agency.

**III. PROCEDURE: (GLECP Std. 3.2)**

- A. The department shall provide each applicant with a step-by-step checklist outlining the process by which this agency selects individuals for employment as a sworn law enforcement officer.
- B. The checklist shall include all requirements that must be met prior to consideration for employment by the agency, i.e., U.S. Citizenship, educational level attained, valid driver's license, POST Certification where applicable and pre-application.
- C. The department shall provide each applicant with a declaration of anti-discrimination with respect to the hiring process. Each applicant must apply online using the College-prescribed application.
- D. All questions on the application must be answered completely and truthfully.
- E. Any determination by the department that an applicant has been deceptive in a response, either verbally or in writing, during the hiring process shall be immediate grounds for dismissal from the process.
- F. Any determination by the department that a candidate who has been hired was deceptive during the hiring process shall be grounds for termination from the agency.
- G. Each applicant must provide documentation of the essential requirements, i.e., driver's license, social security card, high school and college diplomas, DD214, proof of citizenship, etc., upon submission of the application.

- H. Each applicant must sign prescribed waivers with respect to prior medical, psychological, credit, education, & criminal history, including sealed and juvenile records.
- I. Each applicant must sign an affidavit indicating whether they have ever been the subject of a domestic restraining or protective order or whether they have ever been previously convicted of a domestic violence related offense.
- J. Each applicant who successfully passes, at the level prescribed by this agency, the written examination (if required), will proceed to the background examination process. This process may include: **(GLECP Std. 3.3d)**
  - 1. Verification of applicant's responses in the written application.
  - 2. Applicant's driving history.
  - 3. Criminal History check of applicant including checks in all former states of residency. **(GLECP Std. 3.4b)**
  - 4. Survey law enforcement agencies in locales where applicant has resided or known to frequent. This survey should include a CAD inquiry of the applicant's former residences during the period of the applicant's residency.
  - 5. Credit History report.
  - 6. Check of National Database that registers officers who have been de-certified by a state POST.
  - 7. References listed as well as "removed" references (background investigator may ask the listed references for the identities of additional persons who know the applicant, allowing the investigator to speak to persons who have knowledge of the applicant but who were not listed by the applicant). **(GLECP Std. 3.4 c)**
  - 8. All former employers, to the extent possible, may be interviewed.
  - 9. Un-named persons known to the applicant, such as neighbors, former neighbors, school officials etc. may be sought out and interviewed.
  - 10. In cases where form letters have been sent out to references but have not been returned, the investigator shall make every effort to contact that individual, either face-to-face or by telephone, to make an inquiry as to the applicant's suitability for employment by the agency.
  - 11. If the applicant has already been through the basic academy for POST certification, interviews of staff members that had direct contact with the applicant may be conducted. **(GLECP STD 3.4a - verification of qualifying credentials)**
  - 12. Following the background investigation, the investigator shall compile a background summary and make a recommendation with respect to the

applicant's suitability for employment with the agency. In cases where the investigator is recommending that the applicant not be considered for employment, the investigator shall provide specific, detailed information as to the reasons supporting the recommendation.

13. The agency may require polygraph or voice stress testing for each candidate applying for the position of law enforcement officer following the background investigation but prior to the oral interview process **(GLECP Std. 3.3e)**
14. Following the successful completion of the background investigation, each remaining applicant shall undergo an objective interview. Each applicant interviewed shall be asked the same group of specific questions. Follow-up questions for clarification may be asked by the interviewer(s). Additionally, interviewers shall be provided with the applicant's background investigation prior to the interview so that questions relating to the background may be incorporated into the interview process. **(GLECP Std. 3.3c - oral interview)**
15. Once all applicants have been interviewed, the interviewer(s) will make recommendations to the Chief of Police with respect to which applicants should be considered for employment.
16. The agency will not consider persons for hire where the background examination, interview, polygraph, voice stress, or any other portion of the application process puts the agency on notice that the candidate has a propensity to engage in conduct that could harm a member of the public.
17. Conditional offer of employment - Prior to medical and psychological exams, it is necessary under federal law to make a conditional offer of employment to the candidate. A conditional offer essentially holds that if the candidate passes the medical and psychological exam, they will be hired by the agency.
18. Medical Examination - A licensed, medical practitioner who is familiar with the job tasks of a law enforcement officer will conduct this exam. **(GLECP Std. 3.3a - covers 18-19)**
19. Drug screening shall be conducted on all candidates who have received a conditional offer of employment. **(GLECP Std. 3.3a - covers 18-19)**
20. The medical examination will include a review of the candidate's medical history of injury/illness that may impact the candidate's ability to meet the job task of a law enforcement officer. This review of medical records is limited to review by the doctor who will determine whether the candidate is medically cleared for a position with this agency.
21. Psychological Testing - Each applicant who has received a conditional offer of employment shall undergo the prescribed psychological testing to determine his/her suitability for the law enforcement profession. **(GLECP Std. 3.3b)**

#### **IV. DEFINITIONS**

None

#### **V. Cancellation**

This directive cancels "S.O.P. 3-1 Hiring Practices" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
3.02

Subject:  
Personnel Issues

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**S.O.P. 3-2 PERSONNEL ISSUES**

The Agency abides by the personnel practices established and promulgated by the local governing authority that designates \_\_\_\_\_ as the hiring authority. The Agency's Director of Public Safety / Chief of Police is responsible for \_\_\_\_\_. Further, the personnel practices address the following: organization, definitions, selection, performance appraisal, leave and benefits, employment rules, progressive discipline, grievance and appeals, separations, classification plan, compensation plan, records and working environment.

**ATTENTION CEO: Due to the diversity of local government personnel management systems, this S.O.P. is provided in OUTLINE FORM ONLY. It includes a listing of personnel management topics which should be addressed in the Agency's Manual. Of course, the provisions of the Manual should be in compliance with your jurisdiction's personnel policies and procedures.**

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**ATTENTION CEO: Background investigations on potential employees should include: identifying the purpose of the investigation, identifying potential sources of information, using the information collected, controlling the distribution of collected information, and purging the records.**

**ATTENTION CEO: An Agency policy should be developed that regulates the release of employment information. (OCGA 35-8-8-c)**

**ATTENTION CEO: Much of the information contained in a government employee's personnel file is subject to the Open Records Act (OCGA 50-18-70).**

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**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
3.03

Subject:  
**Performance Appraisal  
System**

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. POLICY**

The primary purpose of performance appraisal is to identify how well employees are doing their work and how they can improve their performance. Performance appraisal can also be used in determining salary increments; as a factor in determining order of lay-offs; as a basis for training and promotion, demotion, transfer or dismissal; and for other purposes as set forth in regulations.

**A. PERIOD OF EVALUATION (GLECP Std. 3.7)**

All newly appointed and promoted employees, except temporary workers, shall be evaluated at the end of 6 month(s) of service, and annually thereafter. Employees shall also be evaluated at the time of separation.

**B. MERIT INCREASE**

An employee shall not be eligible for a merit raise until the performance appraisal has been completed.

**C. EVALUATION**

Performance appraisal reports shall be prepared by each employee's immediate supervisor and reviewed by the Director of Public Safety / Chief of Police or his/her designee. A supervisor who is leaving his/her position may be required to prepare performance appraisal forms on all those employees under his/her supervision who have not yet been evaluated within the previous six months.

**D. REVIEW WITH EMPLOYEE**

The Director of Public Safety / Chief of Police or his/her designee shall discuss each performance appraisal with the employee being evaluated. If an employee disagrees with any statement in an appraisal, he/she may submit, within ten days following the conference with his/her supervisor, a written request for review through the chain of command. If an employee still disagrees with the evaluation, he/she may file a grievance (see S.O.P. 6-2 Grievance).

**ATTENTION CEO: The content or rating of a performance appraisal is non-grievable except when the employee can show illegal discrimination, capriciousness in its administration, or that it is not job related.**

**ATTENTION CEO: For the State of Georgia Law Enforcement Certification Program (GLECP) – Standard 3.8 requires the agency to have a written directive that defines the agency’s evaluation system and includes, at a minimum: a. measurement definitions; b. procedures for use of forms; c. rater responsibilities; and d. rater training. When an officer is promoted into a supervisory position, part of the transition/probationary training should include how to properly evaluate an employee.**

**E. PERFORMANCE EVALUATION CONFIDENTIALITY**

A performance appraisal shall be confidential and shall be made available only to the employee evaluated, the supervisor(s) involved, the Director of Public Safety / Chief of Police and/or the governing authority's Chief Administrative Officer.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
3.04

Subject:  
Audits & Inspections

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

### **I. PURPOSE**

Some law enforcement operations and tasks have a high risk, high liability potential. These law enforcement operations must be undertaken in a consistent, methodical manner in an attempt to undertake the necessary law enforcement operation/task, yet reduce the liability potential. This liability potential can be reduced when the agency can document that the procedures in place were consistently followed. A law enforcement agency must conduct formalized, regular audits and inspections of these high risk, high liability operations and tasks.

### **II. POLICY**

This agency will conduct audits and inspections of designated law enforcement operations and tasks on a both a scheduled and unannounced frequency.

### **III. PROCEDURE**

The following operations and tasks shall be audited and inspected by a person/unit designated by the Director of Public Safety / Chief of Police. This person/unit shall be directly responsible to the Director of Public Safety / Chief of Police. The person(s) conducting the audit/inspection shall use the formal checklist to ensure that all relevant areas on concentration are addressed in the audit/inspection. The ultimate purpose for these inspections is to ensure that operation/task is being conducted consistent with agency policy/procedure and the law. Scheduled inspections shall enlist and involve the personnel of the unit/function being inspected, unless there is an indication that this would inhibit the process of the audit/inspection. Unannounced audits/inspection shall be conducted at the direction of the Director of Public Safety / Chief of Police. The following operations/tasks shall be audited/inspections on the following schedule:

**III. THE PROCESS OF THE INSPECTION/AUDIT** - Shall respect the dignity of all agency personnel and conducted in a professional manner.

### **IV. WRITTEN REPORT**

Each audit/inspection shall be recorded in writing.

A. Specific examples of positive and negative issues, if observed, shall be identified.

B. This report shall be forwarded directly to the Director of Public Safety / Chief of Police.

#### **VI. FOLLOW-UP REQUIREMENTS**

Each audit/inspection report that identified a deficiency or area of concern shall result in a follow-up audit/inspection within one month of the discovery of the deficiency.

#### **VII. MAINTENANCE OF AUDIT/INSPECTION REPORTS**

All reports of audit/inspections shall be maintained in a secure location for a minimum of five (5) years or longer where required by state law.

**EAST GEORGIA  
STATE  
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Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**3.05**

Subject:  
**Crime Analysis**

Authorized By: **Chief Mack Seekinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

Crime analysis is a law enforcement function whereby data relating to crime is collected, collated, analyzed and disseminated. This data is generated primarily from records and reports from within the agency. Crime analysis represents a system utilizing regularly-collected information on reported crimes and criminals to prevent and suppress crime and to apprehend offenders. Crime analysis is a scientific process in that it involves the collection of valid and reliable information, employs systematic techniques of analysis and seeks to determine, for predictive purposes, the frequency with which events occur and the extent to which they are associated with other events. Crime analysis shall be a function of the Director of Public Safety / Chief of Police's Office.

**II. PROCEDURES**

**A. Source Documents (GLECP Std. 6.5a)**

The East Georgia State College Police Department's incident reports, supplemental reports, and follow-up investigations and reports shall serve as the primary source documents from which crime analysis data is extracted. All personnel of the East Georgia State College Police Department will assist in this function by gathering complete and accurate data to be used for crime analysis.

**B. Analysis (GLECP Std. 6.5b)**

The crime analysis function will identify and analyze methods of operation of criminal activity and provide crime pattern recognition. The Crime Analyst will collect data from arrest files, incident reports, arrest reports, U.C.R. data and field interrogation data. These programs will include data identifying the frequency of crime by crime type, geographic, temporal and chronological factors, victim and target descriptors, modus operandi information, suspect descriptors, physical evidence information and suspect vehicle descriptors.

**C. Documentation Regarding Distribution of Crimes**

The crime analysis report shall document the temporal (time-related) and geographic distribution of selected crimes. As an example, the crime analysis report shall make note of burglaries which have occurred in a specific area (beat, subdivision, street) and/or in certain time frames (i.e., between 9 am – 1 pm (0900 – 1300 hours), Tuesdays.)

Pin maps may also be utilized for additional documentation of temporal and geographical distribution of certain crimes. Pins and flags of various colors are used to readily display the locations of the crimes by type.

D. Distribution of Information

Crime analysis information will be disseminated to affected units on a timely basis as needed/requested by the unit to include monthly, quarterly and annual reports which are distributed to all Division and Shift Commanders. This allows for immediate accessibility by supervisors to assist in the identification of both criminal and traffic enforcement priorities.

E. Feedback

In an effort to ensure the relevancy and usefulness of processed data, feedback shall be supplied by the personnel to whom the crime analysis information was provided. This feedback may be informal or formal and is necessary to evaluate the effectiveness of the crime analysis and reporting function. The Director of Public Safety / Chief of Police will be briefed during staff meetings and by internal memos.

**EAST GEORGIA  
STATE  
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Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
3.06

Subject:  
Promotional Process

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**S.O.P. 3-6 PROMOTIONAL PROCESS**

**ATTENTION CEO: Because of the liability involved with the development of a promotion system, it is usually best to work with the local government's Human Resources Department when developing a promotional policy. If there is intent to seek State Certification, be certain to review all applicable Standards that address the promotional process.**

**I. POLICY**

The East Georgia State College Police Department shall use only those promotional procedures which test all eligible personnel in a uniform and non-biased manner. All elements of the promotional process shall be job-related and non-discriminatory.

**II. AUTHORITY AND RESPONSIBILITY**

The Director of Public Safety / Chief of Police is vested with the authority and responsibility for administering the department's role in the promotion process to include performing appropriate administrative and liaison activities to carry out the process. The Director of Public Safety / Chief of Police will be responsible for the design and the administration of the measurement instruments and criteria that are used in determining the skills, knowledge, and abilities of employees for positions. This will include providing source material if a written test is given and interviewing and arranging for assessors if an assessment center is utilized. The Director of Public Safety / Chief of Police will maintain the primary responsibility for any oral interviews and administration of the probationary periods.

**I. JOB RELATED AND NON-DISCRIMINATORY CRITERIA (STD 3.9)**

All elements of the promotional process will be job-related and non-discriminatory. It must be ensured that candidates are evaluated by a promotional process that measures traits or characteristics that are a significant part of the job being sought. These traits will normally be identified through a job-task analysis and published in the "skills, knowledge, and abilities" section of the job description for that rank.

**A. Eligibility Criteria**

Criteria and procedures for developing eligibility lists for promotional purposes are established by the Director of Public Safety / Chief of Police. The relative value of each of the criteria will be determined by the Director of Public Safety / Chief of Police. The announcement posted for the promotional process shall list the criteria to be used. These criteria and procedures are as follows:

1. Years in Law Enforcement

Experience as a law enforcement officer is directly job-related as a tool to measure one element or proficiency.

2. Post-Secondary Education

Studies have shown that law enforcement officers with college experience usually perform better than officers without that experience regarding written communication skills and interpersonal skills.

3. Advanced/Specialized Training

The more advanced/specialized training that an officer possesses, the better equipped he/she will be to handle the supervisory responsibilities of directing and leading.

4. Most Current Performance Appraisal

Past performance, rated on the most current performance appraisal, shall be a good indicator of future performance.

5. Assessment Center Exercises

The assessment center exercises measure certain dimensions necessary for proper performance at various levels of supervision and management.

6. Oral Board

All candidates within the same promotional range shall be asked a series of standardized, job-related questions in the same order.

#### IV. PROMOTIONAL PROCEDURES

##### A. Promotional Opportunity Announcements

Whenever there is a vacancy or forecasted vacancy for a supervisor position, and a decision to fill the position(s) is made, a written announcement will be posted and/or distributed to all affected employees. This announcement will include:

1. A description of the positions or job classifications for the existing vacancies;
2. A description of eligibility requirements; and
3. A description of the process to be used in selecting personnel for the vacancies.

##### B. Evaluation of the Promotional Potential of Personnel (GLECP Std. 3.10a)

Three to five years of progressive law enforcement and supervisory experience in a law enforcement environment, or any equivalent combination of education, training, and experience which provides the necessary knowledge, skills, and abilities for the vacant position is required to be promoted.

Only those persons who have at least two years in grade may participate in the promotional process for the next highest rank. All eligible personnel who wish to assess for any promotion shall provide a letter to the Director of Public Safety /

Chief of Police containing the below-listed information which shall be used to evaluate the promotional potential of the candidate:

1. Law enforcement experience;
2. Number of hours and description of advanced/specialized training, excluding basic training and in-service training; and
3. College/university credits.

***Note:** If there are not adequate personnel who meet the requirements as specified above, the Director of Public Safety / Chief of Police is authorized to modify the requirements to provide an adequate number of personnel to compete in the process, or appoint someone to the position*

**C. Written Tests (GLECP Std. 3.10b)**

**ATTENTION CEO: When written tests are used, they should be job- specific and produced by an independent and unbiased entity.**

**D. Oral Interviews (GLECP Std. 3.10d)**

If oral interviews are to be conducted as part of the promotion process (other than those in the assessment center), they will include standardized questions to be asked of each candidate and standardized rating scales to assess a defined set of personal behaviors.

**ATTENTION CEO: The same applies to oral interview questions as written tests above.**

**E. Assessment Centers (GLECP Std. 3.10c)**

Assessment centers may be used as part of the promotional process. The use of assessment centers shall measure the following dimensions: perception, decisiveness, judgment, oral communication, written communication, leadership, and organizing and planning. All candidates being assessed shall be given orientation materials detailing the assessment center procedures prior to going through the center. Whenever an assessment center is used, the following standards will be used as criteria:

1. Measures dimensions, attributes, characteristics, qualities, skills, abilities, or knowledge specified in a written job task analysis;
2. Uses multiple assessors who are thoroughly trained prior to participating in a center;
3. Uses techniques designed to provide information which is used in evaluating the dimensions, attributes, or qualities previously determined;
4. Uses multiple assessment techniques, one of which may be a simulation;
5. Uses simulation exercises that have been pre-tested prior to use to ensure that the techniques provide reliable, objective, and relevant information and that the exercises are job-related;
6. Bases judgments resulting in an outcome on pooled information from assessors and techniques;
7. Announces the dimensions to be evaluated in a written directive;

8. Uses a form or forms to record and document the observations of assessors at each stage of the process; and
9. Provides participants, upon request, with written rationale and information concerning the dimensions, ratings, and recommendations of the center.

**ATTENTION CEO: If an assessment center is used, the function should be conducted by an independent and unbiased entity as above.**

F. Eligibility List

The Director of Public Safety / Chief of Police shall publish a list of the persons eligible for promotion to each rank. This list may be either in rank order or may be bracketed. Eligibility lists will be valid for one year.

**V. REVIEW AND APPEAL PROCESS (GLECP STD 3.10e)**

Employees are permitted to review and appeal adverse decisions concerning their eligibility for appointment to promotional vacancies. Procedures for the review and appeal of adverse decisions are as follows:

- A. All candidates are permitted to review the written results of scored elements of the selection process of any of their own work product. They shall not be permitted to examine the papers or tests of other candidates. Examination and review must take place within one week after notification of results under the supervision of the Director of Public Safety / Chief of Police.
- B. Any of the promotional procedures or portions of the procedures may be appealed through the College's grievance procedures.

**VI. RE-APPLICATION, RE-TESTING, OR RE-EVALUATION ON SUSTAINED OR SUCCESSFUL APPEALS (GLECP Std. 3.10f)**

If a candidate is successful in his/her appeal of a portion of the promotional process, the following general guidelines for remedy will be applied:

- A. If the appeal is sustained on an error in scoring which may be corrected (i.e., an error on a mathematical calculation), the scores of all persons tested will be examined for accuracy, corrected as needed, re-calculated, and lists corrected, if needed.
- B. If the appeal is sustained on an uncorrectable error which only affects a small portion of one particular test (such as one or two questions on a written test), that portion affected by the appeal will be eliminated, all scores recalculated, and promotion lists corrected, if needed.
- C. If the appeal is sustained on an uncorrectable error which affects a major portion of a particular test, the Director of Public Safety / Chief of Police will make a determination of one of the following:
  1. If the Director of Public Safety / Chief of Police (or the testing administrator) is of the opinion that the overall test battery is still valid without the appealed test, the single promotional test will be eliminated, all scores recalculated, and promotion lists corrected, if necessary; or
  2. If the Director of Public Safety / Chief of Police (or the testing administrator) is of the opinion that the overall test battery is no longer valid without the appealed test, all test scores will be eliminated and the entire battery of tests will be re-scheduled and re-administered.

**VII. DETERMINING PROMOTIONAL ELIGIBILITY FOR VACANCIES WHERE LATERAL ENTRY IS PERMITTED (GLECP Std. 3.10f)**

Lateral entry for supervisory positions will not be permitted to the East Georgia State College Police Department.

**VIII. SECURITY OF PROMOTIONAL MATERIAL (GLECP Std. 3.10h)**

Assessment Centers for promotion purposes are conducted by a private contractor. The contractor is charged with developing the assessment criteria as well as maintaining the security of the information and materials. The assessment criteria are not shared with anyone within the agency prior to completion of the assessment center.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**4.0**

Subject:  
**Training**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. PURPOSE**

- A. Meets State and Agency training requirements and needs.
- B. Establishes and maintains access to a comprehensive training program at the Agency level which will complement available state level training.
- C. Accomplishes efficiently and effectively Agency tasks through better trained, more professional personnel.
- D. Provides training which is consistent with law enforcement responsibilities and requirements.
- E. Provides remedial training when applicable.

## **II. RULES AND REGULATIONS**

### **A. Training Support**

Support shall be made available to implement the training program. At a minimum, this shall include:

- 1. Training aids and resource materials;
- 2. Approved training related expenses; and
- 3. Adequate manpower to allow time off for training.
- 4. As Training Coordinator, the Chief will oversee the Training Unit.

### **B. Training Unit**

The training function of the EGSC Police Department shall be coordinated through the Training Officer. The Training Officer shall have the responsibility and authority to carry out approved training functions. Activities assigned to this position include:

- 1. Assessing training needs and identifying training resources;

2. Implementing/coordinating training programs;
3. Developing and testing new training formats;
4. Analyze programs to determine budgetary needs;
5. Scheduling training and notifying staff;
6. Conducting program evaluation/validation;
7. Maintaining training records; and
8. Attend periodic training for training officers.

### C. Validation of Training

After determining what kind of training programs currently exist, the validation of those training programs shall be completed, prior to authorizing employee attendance. Validity is typically established by meeting the following criteria:

1. The training programs shall be based on job related criteria which are established through task analysis. It shall be determined how the training programs were developed.
2. The content of training programs shall be clearly stated in written lesson plan format with objectives stated in terms of performance standards. Each objective must be accompanied by a quantifiable criterion of success which can be measured by a valid testing method.
3. The student's ability to comprehend and learn shall be established through testing which relies on the measurement of quantifiable performance objectives.
4. The instructor shall be qualified in terms of detailed subject knowledge and experience, as well as the ability to effectively deliver information to trainees. Both of these factors are of equal importance when selecting who should be selected as Instructors.
5. An evaluation of the relationship of training effectiveness to job performance shall be conducted through follow-up procedures. This ensures that all relevant knowledge, skills, and abilities are addressed.
6. Does it include a Code of Ethics and is it consistent with EGSCPD's policy and procedure manual?

### D. Training Program Documentation and Evaluation

Documentation must be maintained for each of the above areas. The Training Officer must be able to show what was taught, to what level of proficiency, by whom, and to whom. Only through such documentation can challenges be

defended and EGSCPD prove that the duty to train has been met. At a minimum, evaluation of the overall EGSCPD Training Program shall be conducted on an annual basis. The evaluation process should afford management an opportunity to ensure that the program meets the needs of the Agency and provides the basis for planning future training programs. The Training Officer shall prepare the Annual Report, for approval by the Training Coordinator.

#### E. Professional Development

Professional development is encouraged at all levels of the organization. Command Staff and supervisors shall attend professional meetings, seminars and similar work-related activities. This will enable him/her to stay abreast of current management techniques, trends and litigation which impacts EGSCPD's operations.

All members of the department are encouraged to pursue higher education courses of formal instruction.

### III. **Definitions**

None

### IV. **Cancellation**

This directive cancels "Chapter 4 – Training" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**4.01**

Subject:  
**Training Directive**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

### **I. Purpose**

The purpose of this policy is to direct continuous training for the members of the EGSCPD as well as the essential documentation of said training.

### **II. Policy**

It is the policy of the EGSCPD to provide officers with continuous training on the recurring, high risk, critical tasks that an officer will face.

### **III. High Risk Critical Tasks**

These tasks include:

- A. Tasks that the Chief of Police knows to a moral certainty that officers will face and;
- B. The task is made easier with training or the Chief of Police knows that officers have historically made mistakes; and
- C. The wrong decision with respect to the task will lead to a physical or a constitutional injury.

### **III. Procedure**

Each member of the agency will receive an annual block of training on each of the high-risk critical tasks in law enforcement including:

- A. Use of force (Response to Active Resistance) to include qualification/certification of any weapons or special equipment the officer may utilize. **(GLECP Std. 1.15)**
- B. Pursuit **(GLECP Std. 1.12)**
- C. Emergency operation of vehicles
- D. Search and seizure/Arrest **(GLECP Std. 1.13a)**
- E. Care, custody, restraints and transportation of prisoners **(GLECP Std. 1.13b)**
- F. Domestic violence & Agency Employee involve Domestic Misconduct

**(GLECP Std. 1.13c)**

- G. Off-duty conduct of officers/ Off-duty paid details **(GLECP Std. 1.13e)**
- H. Sexual harassment/ External Sexual Misconduct by Officers **(GLECP Std. 1.13f)**
- I. Selection and Hiring **(GLECP Std. 1.13g)**
- J. Complaints and internal affairs investigations **(GLECP Std. 1.13h)**
- K. Special Operations: SWAT; Narcotics, High Risk Warrants Service **(GLECP Std. 1.13i)**
- L. Dealing with mentally ill, emotionally disturbed persons, and persons with a diminished capacity **(GLECP Std. 1.13j)**
- M. Property and evidence **(GLECP Std. 1.13d)**

**V. Documentation**

All training shall be documented in the following manner by the Training Officer:

- A. Each officer shall have a training file that indicates the training programs received by the officer to include:
  - 1. Subject matter of the training
  - 2. Date of the training
  - 3. Number of hours
  - 4. Proficiency scores where applicable
  
- B. EGSCPD files will contain a lesson-plan and outline of each in-house training session which indicates the following:
  - 1. Subject matter
  - 2. Lesson plan
  - 3. Course objectives
  - 4. Course content
  - 5. Handout Material
  - 6. Dates training was given
  - 7. Instructor of training

- C. The Training Officer will also retain as part of EGSCPD records, documentation relating to any external program an officer attends as part of continued training.
- D. The Training Officer will maintain a file on all training required by state mandate and shall document that training in accordance with this policy.

**VI. Definitions**

None

**VII. Cancellation**

None

**EAST GEORGIA  
STATE  
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Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**4.02**

Subject:  
**Staff Training**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. INTRODUCTION**

Training should start prior to actual job assignment and follow an employee throughout his/her career. Training offers substantial benefits to both the Agency and the employee. Training prepares employees to act correctly and decisively under a broad spectrum of circumstances. Further, training increases employee efficiency and effectiveness while promoting cooperation and unity of purpose.

## **II. STAFF TRAINING - GENERAL**

The Training Officer shall be responsible for:

- A. Keeping apprised of training resources and scheduling training to meet the requirements for law enforcement personnel as set forth by the Georgia Peace Officer Standards and Training Council (GA POST Council or POST), applicable law, and Agency policy;
- B. Using national, state, and local resources in developing and providing staff training;
- C. Developing and maintaining an in-service, in-house training program to address specific needs of the EGSCPD and to ensure those skills requiring qualification and re-qualification are kept current;
- D. Ensuring that training records stay current, complete and accurate;
- E. Providing a general orientation to all new sworn personnel prior to duty assignment; and
- F. Assist the Chief in selecting appropriate personnel for Georgia Peace Officer Standards and Training Council (GA POST Council or POST) instructor certification training.

## **III. ORIENTATION TRAINING**

- A. Orientation training shall provide new employees knowledge and understanding of the following:
  - 1. His/her job descriptions;

2. Organizational structure and the chain of command;
  3. EGSCPD operational policies and procedures;
  4. Layout and organization of the EGSCPD's jurisdictional area; and
  5. The EGSCPD's legal basis and scope of authority. (OCGA 20-8-2)
- B. Prior to duty assignment, all new personnel will participate in general orientation training to familiarize him/her with the EGSCPD.
- C. During orientation, each employee will be issued a copy of the EGSCPD's Policy and Procedure Manual and will be responsible for keeping it current and in good condition. The manual is EGSCPD property and must be returned upon the employee's voluntary separation or termination.

#### **IV. FIELD / PREPARATORY TRAINING**

The training provided to newly hired, promoted or transferred employees is a continuation of the selection process. During this time, efforts are made to identify employees possessing the ability to perform the job assignments. As part of this training, emphasis is placed on developing the knowledge, skills and abilities necessary to successfully conduct specific job assignments. This training should continue until the employee has satisfactorily demonstrated the ability to perform all routine aspects of the particular job or assignment. Field training shall be provided to employees prior to any assignment.

#### **V. FIELD TRAINING OFFICER PROGRAM**

- A. The EGSCPD shall maintain a Field Training Officer (FTO) Program. The program shall include a formal selection and training process for Field Training Officers.
- B. The Field Training Officer Program should be reviewed by the EGSCPD's Training Officer to ensure consistency and quality.
- C. The Training Officer shall be responsible for the administration of the program and will make recommendations with regard to training objectives.

#### **VI. FIELD / RECRUIT TRAINING**

- A. Field Training Officer Program (FTO Program) (**GLECP Std. 6.14a**)

A structured training program of specific length designed to instruct and evaluate personnel in the accomplishment of specific law enforcement tasks.

1. Standard FTO Program - This program is eight weeks in length, but may be extended as needed. It is specifically designed for those who have less than two years total law enforcement career experience.
2. Abbreviated FTO Program: This program is four weeks in length, but may be extended as needed. It is specifically designed for those Trainees who have

more than two years law enforcement career experience.

B. Trainee

Personnel assigned for training in the FTO Program. This individual is assigned for the specific purpose of being trained and evaluated in the performance of law enforcement tasks.

A. Field Training Officer (FTO)

Personnel who have been selected to act as trainers in the FTO Program.

B. Field Training Officer Supervisor (FTO Supervisor)

Personnel selected to act as a trainer, evaluator, and/or supervisor in the FTO Program, usually a patrol sergeant.

C. Field Training Officer Coordinator (FTO Coordinator)

Personnel selected to act as a trainer, evaluator and coordinator in the FTO Program.

D. Evaluation

A formalized written and oral process structured to determine a Trainee's skill, ability and knowledge in the performance of specific law enforcement tasks. This may include written tests, skill performance tests, daily observations and/or verbal communications. All evaluations must be documented.

E. Daily Observation Report

This is a departmental form which has been developed to document the skill, ability, and knowledge of a Trainee in the performance of specific law enforcement tasks. These reports are scored each training day by the FTO to provide a written record of a Trainee's progress in the FTO Program.

F. Chain-of-Command (**GLECP Std. 6.14c**)

Officers (FTOs and Trainees) will follow the department's published chain-of-command in routine matters. Trainees will report to their assigned FTO in administrative matters directly relating to the FTO Program. FTOs and other personnel will report to the Uniform Division Commander. When in doubt, all personnel will follow their normal chain-of-command.

**VII. SELECTION OF FTOs (GLECP Std. 6.14b)**

A. The Chief of Police (or designee) will determine a specific number of officers to act as FTOs, based on the prevailing needs of the department. When there is a vacancy for the position of FTO, the Chief will advise the Uniform Division Commander. The Uniform Division Commander will post a memorandum in a prominent place in the department advising of the vacancy for a minimum of ten days. The memorandum will provide applicants with the position's requirements. Officers may apply for the vacancy through their chain-of-command. Applications will be forwarded to the Uniform Division Commander, who will determine if they meet the position requirements. All who meet the requirements will be interviewed by the Uniform Division Commander. The Chief will then select the best qualified candidate(s) for the position(s).

B. When an officer is selected to act as an FTO, they will be scheduled to attend the

next available FTO Training Program at a law enforcement academy. It is recommended that each FTO maintain a liaison with academy staff personnel and attend in service training related to FTO areas. This is in order to keep current on changing procedures, laws and practices that are being taught by the academy. **(GLECP Std. 6.14d)**

- C. Upon completion of the basic Field Training Officer course, the FTO will be approved to wear the designated uniform insignia to denote this position.
- D. Requirements for candidacy for the position of FTO:
  - 1. Two years law enforcement experience;
  - 2. Above average performance appraisals;
  - 3. Recommendation by immediate Supervisor(s);
  - 4. Demonstrated ability to teach;
  - 5. Above average interpersonal skills;
  - 6. A minimum of six months with the EGSC Police Department;
  - 7. Above average communications skills (written and oral);
  - 8. Georgia POST certified peace officer;
  - 9. Good working knowledge of departmental SOP;
  - 10. Good working knowledge of patrol procedures.

## **VIII. THE FIELD TRAINING OFFICER PROGRAM**

The Field Training Officer Program is designed to produce an officer who can work in a solo capacity in a safe, skillful and professional manner. The program is divided into two phases: (1) Training, and (2) Evaluation. The Training phase is subdivided into cycles of specific length.

### **A. Standard FTO Program**

The Standard FTO Program is a total of eight weeks or 320 hours.

#### **1. Training (GLECP Std. 6.14e)**

The first six weeks of the program are utilized for training. A Trainee will be assigned to work with a specific FTO for four week increments (or cycles) during the first eight weeks. The Trainee will rotate from watch to watch in order to gain knowledge and skills specific to each watch. The FTO will fill out in detail a Daily Observation Report (DOR) to document the Trainee's progress.

#### **2. Evaluation**

During the last two weeks of the program, the Trainee will work with an FTO for the specific purpose of being evaluated. The FTO will fill out a DOR at the end of the evaluation phase to document a Trainee's success or failure at performing specific law enforcement tasks.

### **B. Abbreviated FTO Program**

The Abbreviated FTO Program is a total of four weeks or 160 hours.

1. Training

The first three weeks of the program are utilized for training. The Trainee will spend one week on each watch in order to gain knowledge and skills specific to each watch. The FTO will fill out in detail a DOR to document the Trainee's progress.

2. Evaluation

During the last week of the program, the FTO will fill out a DOR during the evaluation phase to document the Trainee's success or failure at performing specific law enforcement tasks.

C. At the conclusion of either the Standard or Abbreviated FTO Program, the FTO who is assigned to evaluate the Trainee's success or failure will advise the Uniform Division Commander as to the status of the Trainee. A Trainee who is evaluated as successful will be graduated from the program and assigned. All documentation of work performance will be forwarded to the Uniform Division Commander for final review and submission to the Chief of Police. **(GLECP Std. 6.14g)**

D. A Trainee who is not evaluated as successful will not be graduated from the program at that time. The FTO will provide to the Uniform Division Commander documentation as to the specific reason preventing graduation. The Uniform Division Commander and Chief of Police will then determine which course of action may be taken:

1. That the Trainee's employment with the department be terminated.
2. That the Trainee be transferred to alternate duty from Uniform Patrol.
3. Recommendation that the Trainee be provided with specific additional training in the area(s) which are deficient. If the third alternative is selected, the Trainee will meet with the Uniform Division Commander and Chief Executive Officer. During the meeting the Trainee will be advised of the decision to provide additional training. The Trainee will also acknowledge that they must meet departmental standards within a specific time frame or be subject to recommendation for termination of employment by the Chief Executive Officer. All documentation of work performance will be forwarded to the Uniform Division Commander upon final completion of all training for final review and filing.

If a Trainee is provided with additional training and does not meet departmental standards within specific time limits, the Uniform Division Commander will provide the Chief Executive Officer with all documentation of work performance. The Chief Executive Officer will make the final determination in that event.

## **IX. RESPONSIBILITY OF FTOs:**

All personnel who are selected to work in this program have an inherent need to be held accountable for their actions in relation to the training function. Any FTOs conduct and actions directly reflect on the department as a whole. It is the responsibility of all FTOs to ensure that, to the best of their ability, that their conduct and actions shall be exemplary.

Furthermore, any failure on the part of any FTO to diligently and responsibly train and evaluate their assigned Trainee shall be termed dereliction of duty. Upon determination of such dereliction, that FTO shall be restricted from performing such duty, and any other disciplinary action may be taken, as may be appropriate.

#### **X. SPECIALIZED UTILIZATION OF THE FTO PROGRAM**

It may be necessary from time to time for personnel, other than newly hired department personnel, to undergo training in the FTO Program. Instances that would require this would be:

- A. An officer assigned to CID for six or more months;
- B. An officer out due to illness for an extended period;
- C. An officer out on a leave of absence for an extended period;
- D. An officer assigned to undercover or deep cover for six or more months;
- E. An officer assigned to Uniform Patrol Division from another departmental division or section (such as Administration or Communications);
- F. An officer who has failed to perform satisfactorily in their job performance for six or more months.

When an officer is assigned to training for a specialized purpose, it will be with the approval of the Chief, through the Departmental Training Officer. The assignment is not an option, but a direct order. Any officer who has been assigned and does not wish to engage in the training may file a written grievance within five days of assignment through their chain-of-command stating their reason for requesting to be released from assignment to the program. The decision of the Chief is final.

#### **XI. FTO EVALUATION FORMS (GLECP Std. 6.14f)**

All sworn personnel in the FTO Program will be evaluated utilizing the departmental prescribed criteria and forms.

#### **XII. PREPARATORY TRAINING**

- A. The selection of employees for specialized tasks is normally based on demonstrated abilities in field assignments.
- B. Within 5 days of assignment, personnel transferred into a specialized unit or promoted shall undergo a period of structured on-the-job training.
- C. Other required training, including in-service training, shall be scheduled as soon as possible and in no case later than 1 months after promotion or re-assignment.

#### **XIII. BASIC TRAINING**

The Basic Training Course, as prescribed by Georgia Peace Officer Standards and Training Council (POST), shall be provided to applicable employees prior to their assuming any law enforcement duties or responsibilities.

#### **XIV. ON THE JOB TRAINING**

It is the responsibility of all officers to share with other officers the skills and knowledge necessary to perform their duties. Supervisory and Command Staff of all ranks have the responsibility to train subordinates to perform assigned tasks, and to familiarize them with their job responsibilities.

#### **XV. ROLL-CALL TRAINING**

The Training Officer shall establish and develop a roll call training program for the Department. The main goal of this training is to keep officers apprised of changes in the law, policies, procedures and other Department matters.

Roll Call Training should be conducted by supervisory officers assigned to the shift. Supervisors should ensure that all personnel receive training and that personnel absent from roll call sessions receive the same instructions at a later date. Supervisory officers should provide feedback to the Training Officer concerning the effectiveness and value of the Bulletin.

#### **XVI. IN-SERVICE TRAINING**

In-service training shall provide employees with continuous and on-going instruction designed to enhance, refresh and update job related knowledge, skills and abilities. A minimum of 20 hours of in-service training is required of all sworn personnel each year (defined as within a twelve month calendar year period of employment). Officers who fail to meet minimum annual training requirements will be removed from enforcement duties.

**Personnel will be compensated for participation in approved in-service training scheduled during off-duty hours. Personnel should be tested in all areas of in-service training received.**

#### **XVII. ADVANCED / SPECIALIZED TRAINING**

All Agency employees may apply for advanced or specialized training using the EGSCPD Training Request Form. Requests shall be submitted through the chain of command for approval. If a request is denied, an explanation shall be provided to the requesting officer.

Personnel completing advanced or specialized training may be reassigned to meet Department needs as specified by the Chief of Police. Application of, and participation in, advanced or specialized training is voluntary; however, certain specialized assignments may require specialized training prior to assignment, transfers or promotions.

Personnel unwilling to attend, or who fail to successfully complete, advanced or specialized training shall be denied reassignment opportunities.

**XVIII. Definitions**

None

**XIX. Cancellations**

This directive cancels "S.O.P. 4-1 Staff Training" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**4.03**

Subject:  
**Training Attendance**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. INTRODUCTION**

Frequently changing laws and community profiles create a need for constant updating of training content. Recent court action has served to emphasize this and reinforce the need for training of law enforcement personnel. When the failure to train reflects a "deliberate" or "conscious" choice by the Law Enforcement Agency or the local government, the basic requirement for liability under Title 42 Section 1983 has been established.

**NOTE: For reference see City of Canton, Ohio v. Harris 57 U.S.L.W. 4270. (February 28, 1989).**

Mere access to training alone is insufficient; training must be utilized. No training program can be successful without the support of the Agency and the participation of its employees. In order to ensure the participation of Agency employees, the following procedures should be followed.

## **II. SCHEDULING OF TRAINING**

Scheduling and notification of departmental in-service training shall be handled on a regular and predictable basis. This allows instructors and students to plan and prepare properly.

## **III. NOTIFICATION PROCEDURE**

- A. Notification of classes shall be in writing and should be forwarded in the following manner:
  - 1. All notifications should originate with the Training Officer.
  - 2. The original of each notification is to be forwarded to the Division Commander and a copy to the Shift Supervisor.
- B. In the event an employee cannot attend a course, the following procedure shall be followed:
  - 1. The employee shall submit a memorandum through the chain of command to the Training Officer stating the reasons for his/her absence.

2. Trainees' requests for excused absences from scheduled training shall be approved or denied by the Division Commander.
3. The Training Officer shall compile a list of those officers who fail to attend scheduled training and shall forward this list to the Division Commander.
4. The Training Officer shall contact both the employee and his/her supervisor to arrange make-up classes.
5. In the event an employee fails to attend training and alternative arrangements are not made, a memo indicating the officer's failure to attend required training shall be forwarded to:
  - a) Chief of Police
  - b) Division Commander / OIC
  - c) Employee's immediate supervisor
  - d) Employee
  - e) Training files
  - f) Personnel files

#### **IV. STUDENT REIMBURSEMENT**

Students will be reimbursed for **approved** out-of-pocket expenses, including travel expenses, associated with training in accordance with the EGSCPD's policy.

#### **V. DOCUMENTATION OF PARTICIPATION**

Upon completion of a class outside the EGSCPD, the trainee shall provide the Training Officer with a copy of any certificate received. The Training Officer shall be responsible for:

- A. Placing documentation of training successfully completed in each employee's file;
- B. Notifying the employee's Division Commander, in writing, if the employee did not successfully complete the training;
- C. Placing a letter in the employee's file in the event an employee fails to successfully complete a training course. This letter shall remain in file until the course is successfully completed;
- D. The Division Commander and the Training Officer shall jointly design a remedial training program to assist the employee in gaining the necessary information;
- E. For personnel having difficulty with any program of instruction at any level of training and for personnel who show a lack of understanding in the application of

EGSCPD policy and procedures, the Department will provide or obtain remedial training; and

**NOTE: Remedial training is personalized training designed to correct a specific deficiency which is usually identified either by testing or other evaluation during training or by a supervisor evaluating an employee during routine job performance. (GLECP Std. 6.15)**

- F. Each officer is responsible for meeting the minimum training requirements for retraining or recertification by attending the necessary training classes in the following areas: firearms, including secondary or back-up weapons; use of force; CPR; first aid; AED; criminal law; criminal procedures; and emergency and defensive driving. However, the training officer will provide assistance to officers in scheduling and arranging classes.

## **VI. TRAINING RECORDS**

- A. Comprehensive training records shall be maintained which document:

1. Scheduling and notification
2. Attendance
3. Job relatedness
4. Course content and performance objectives
5. Test scores (including copy of test instrument)
6. Instructor roster/qualifications

The Training Officer shall maintain these records for all agency initiated classes. The Training Officer shall also verify, that the same information is maintained by all training institutions where employees attend. In the event this information is not maintained, the Training Officer shall initiate necessary steps to obtain it.

- B. Training records shall be released to agency personnel with a legitimate need to know, the Georgia Peace Officer Standards and Training Council, the employee, and law enforcement agencies conducting pre-employment investigations. Any other release shall be in response to a signed release form. Upon release to anyone outside the agency, a memo shall be sent the employee notifying him/her of this action.

## **V. Definitions**

None

## **VI. Cancellation**

This directive cancels "S.O.P. 4-2 Training Attendance" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.00**

Subject:  
**Conduct**

Authorized By: **Chief Mack Seekinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

- A. Establishes standards of conduct for employees of the East Georgia State College Police Department.
- B. Establishes a standard operating procedure governing outside employment.
- C. Establishes a standard operating procedure governing sexual harassment.
- D. Establishes a standard operating procedure governing the receipt of civil process served on either the EGSCPD or its employees.

**II. RULES AND REGULATIONS**

A. General

- 1. Oath of Office - Prior to assuming sworn status, all peace officers shall take the Agency's oath of office that includes provisions to enforce the law and uphold the Constitutions of the United States and Georgia. It states:

"I, (name), a citizen of the State of Georgia and being an employee of the University System of Georgia and East Georgia State College Police Department, and the recipient of public funds for services rendered as such employee, do hereby solemnly swear and affirm that I will support the Constitution of the United States, the Constitution of Georgia and the rules, regulations and policies of East Georgia State College Police Department."

- 2. Code of Ethics - The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of the Agency. It states:

*"As a law enforcement officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.*

*I will keep my private life unsullied as an example to all;*

*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 in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement."*

3. Commendations - The EGSCPD expects a very high level of professional conduct from all employees. EGSCPD employees frequently perform their duties in a manner exceeding the highest professional standards. The official commendation of such performance and the arrangement of appropriate publicity are to be provided by the EGSCPD. This gives full public recognition to those employees who have brought honor to him/her self and to the EGSCPD.

#### B. Standards of Conduct

1. Violation of Law - The violation or attempted violation by an employee of any Federal, State, County, or Municipal Law is prohibited.
2. Insubordination - An officer's failure or refusal to obey a lawful order issued by a supervisor is prohibited.

In those instances when an officer receives a conflicting order from a supervisor, it is the responsibility of the officer to inform the supervisor of the conflict. It is then the duty of the supervisor to clarify the order for the officer.

Officers shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, officers shall request the issuing supervisor to clarify the order or to confer with a higher authority.

3. Possession or Use of Alcohol - Employees shall not possess or use alcoholic beverages while on-duty other than in an authorized capacity.

4. Possession Or Use of Controlled Substances - The possession or use of controlled substances by an employee while on or off duty is prohibited.

**NOTE: An exception to this policy applies to drug enforcement officers who may possess controlled substances in an authorized capacity.**

Other than in the performance of their duties, officers may possess and ingest prescribed controlled medications under the guidance of a licensed physician or dentist and with the knowledge of their immediate supervisor. While on-duty, an employee is not to use or be under the influence of any medication that impairs or compromises his/her ability. If an officer is using a medication that impairs or compromises his/her ability to perform his/her regularly assigned duties and responsibilities, the officer may be assigned, at the supervisor's discretion, to a "light duty" assignment.

If reasonable suspicion exists for believing an employee is in violation of this rule, he/she will be ordered to submit to blood and/or urine testing. Failure of an employee to submit to a blood and/or urine testing will result in an adverse action being taken for insubordination.

5. Payment of Debts - Employees are expected to meet their civil monetary obligations. In addition, employees are not to establish any financial relationships that present a conflict of interest or compromise the image of the EGSCPD.
6. Prohibited Association, Frequenting - Except as required in the performance of their duties, employees of the EGSCPD are prohibited from frequenting places that may compromise the EGSCPD's image. In addition, officers shall not associate with persons or organizations which would be detrimental to the image of the EGSCPD. This includes persons who are under criminal investigation or indictment, or who have an open and notorious reputation in the community for felonious activity.
  - a) Subversive Organizations - No officer or employee shall knowingly become a member of, or be connected to, any subversive organization, as defined by the U.S. Department of Justice, except when necessary in the performance of duty and then only under the direction of the Chief of Police.
  - b) Allegiance to Organizations - Members of the Agency shall refrain from joining or affiliating with any organization, association, or group, whose constitution or bylaws in any matter exacts allegiance which would prevent a full performance of their law enforcement duty.
7. Public Criticism - Complaints regarding EGSCPD operations should be resolved through internal grievance procedures. Under no circumstances shall an employee of the EGSCPD publicly criticize the department's policies, operations, or staff in a defamatory, obscene, unlawful, or untruthful manner. Criticism that tends to impair the operation of the EGSCPD by reducing organizational efficiency and discipline is also prohibited.
8. Confidential Information - Employees are not to discuss confidential operations of the Agency with persons outside the organization without the permission of their supervisor. For purposes of this Section, all EGSCPD documents and orders are to

be considered confidential unless otherwise directed by a supervisor. This Section does not apply to orders that must by law, rule or regulation be communicated to others.

9. Political Use of Official Position - Employees shall not use their official position for political purposes. This section does not prohibit employees from exercising their constitutional rights as citizens to vote, expressing opinions privately, being a delegate or member of a political caucus, or taking part in political polls.
10. Political Involvement - Employees may not become candidates for political offices within the geographical jurisdiction of the EGSCPD. Prior to becoming a candidate; however, an employee may request a leave of absence without pay from the EGSCPD. During his/her campaign, an employee may not represent him/her self as a member of the EGSCPD.
11. Professional Image - Employees of the EGSCPD are to work diligently to maintain a professional image. Any behavior that would reflect negatively on the department or would violate the public trust is prohibited.
12. Unauthorized Persons in Vehicles - Persons who are not government personnel, prisoners, or on official (authorized) business are not permitted to ride in EGSCPD vehicles.
13. Altering Records - Stealing, altering, forging or tampering with any police record, report or citation is prohibited. The removal of any record, card, report, letter, document, or other official file from the EGSCPD, except by process of law or as directed by the Chief of Police or a supervisor, is prohibited. Unless properly authorized, the obtaining or duplicating or attempting to obtain or duplicate information from EGSCPD files, sources or reports is prohibited.
14. Sick Leave Reporting - Whenever an officer becomes ill and cannot report for work he/she is to notify his/her supervisor. The use of sick leave without just cause, or the furnishing of any false information regarding an officer's physical condition, may result in disciplinary action.
15. Absence from Work - Absence from work without permission is prohibited. Employees claiming physical or mental incapacity relating to their employment may be requested to submit to an examination by an EGSCPD designated physician. Failure to honor such a request may result in disciplinary action.
16. Residence Telephone and Address - The EGSCPD shall maintain a listing of each employee's address and telephone number. It is the responsibility of each officer to maintain a phone at his/her residence (landline or cellular) and to notify the department of any changes in address or phone number.
17. Gifts and Gratuities - Employees shall not solicit or accept any gifts or gratuities. In addition, employees are to immediately report to the Chief of Police any solicitation or acceptance of gifts, gratuities, or bribes by other employees of the EGSCPD.
18. On and Off Duty Conduct - Engaging in conduct, on or off-duty, that tends to bring

the EGSCPD into disrepute or impairs the operation or efficiency of the EGSCPD is prohibited.

19. Job Related Gains - Buying, receiving, or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case is prohibited, except as may be specifically authorized by the Chief of Police.
20. Solicitation of Favorable Acts - Employees are not to solicit anyone to intercede with EGSCPD promotions, assignments or disciplinary proceedings.
21. Abandonment of Duty Assignment - Employees are not to leave their duty assignment unless properly relieved or dismissed by the oncoming officer or a supervisor.
22. Internal Investigations - Employees are to cooperate with all internal investigations by answering questions, responding to lawful orders, presenting materials and making statements.
23. Participation in Civil Matters - Employees are not to give any deposition, affidavit or appear as a witness in a civil matter stemming from their official duties without a proper judicial summons and the knowledge of the Chief of Police.
24. Leaving Jurisdictional Limits - Officers are not to go beyond the jurisdiction's limits while on duty, unless in the performance of their duties or upon the direct order or permission of a supervisor.
25. Use of Private Vehicles - Employees are not to use private vehicles for official purposes unless directed and authorized to do so by a supervisor.

### **III. DEFINITIONS**

**LAWFUL ORDER** - Any order of a supervisor requiring the performance of a certain duty by an officer, provided it is not proscribed by law or EGSCPD rules and regulations.

### **IV. CANCELLATION**

This directive cancels "Chapter 5 – Conduct" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.01**

Subject:  
**Ethics**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

Law enforcement employees, representing government, bear the heavy responsibility of maintaining their own conduct, and the honor and integrity of the government entity that they represent. It is the purpose of this policy to provide additional guidance to the standards of conduct embodied in the law enforcement officer's code of ethics, the East Georgia State College Police Department's mission statement and core values so that employees of this department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

**II. POLICY**

This Department will maintain the highest standard of integrity by never violating the community's trust. All departmental employees must recognize that they are held to a higher standard than the private citizen because, in addition to representing the EGSCPD, they also represent the law enforcement profession worldwide and East Georgia State College. Conduct, on and off duty, must be beyond reproach. EGSCPD employees must avoid any conduct that might compromise the integrity, morale, operations or efficiency of the Department.

**III. PERSONAL CONDUCT**

- A. Oath of Office: All sworn employees will take and abide by an oath of office before assuming sworn status. The oath of office is administered by the Director of Public Safety / Chief of Police or his representative.
- B. In addition to the provisions of this policy, under Georgia Law, "Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years."
- C. All sworn officers shall abide by the Law Enforcement Code of Ethics.
- D. Abuse of position: Employees shall not use their departmental position, identification card, or badge for:
  - 1. Personal or Financial gain

2. Obtaining privileges not otherwise available except in performance of official duty
3. Avoiding consequences of illegal acts
4. Employees shall not under any circumstance solicit any gifts, service, gratuity, discount, or anything of value where there is any direct or indirect connection between the solicitation and their Departmental membership, without the expressed written permission of the Director of Public Safety / Chief of Police.
5. Employees shall not accept any gift, service, gratuity, discount or anything of value, the acceptance of which might tend to influence directly or indirectly their actions in any law enforcement business; or which might tend to cast an adverse reflection on the Department or any employee thereof.

#### **IV. ASSOCIATING WITH CRIMINAL ELEMENT**

No employee, except in the discharge of duty, may knowingly associate with persons engaged in unlawful activities.

#### **V. VIOLATIONS OF ETHICAL STANDARD**

Ethical conduct violations will be investigated by the appropriate authority to determine the validity of complaints and to report findings as prescribed by existing policies and procedures.

#### **VI. EMPLOYEE RESPONSIBILITIES**

Employees must exercise judgment, initiative, and sound reasoning in all official transactions; strive for efficiency and effectiveness, exercise restraint in difficult situations, seek self-improvement through formal and informal training, and assist fellow officers whenever possible. In situations where no written directive or supervisory guidance is available, employees are expected to analyze the situation and react in accordance with the mission statement and the core values of this agency.

In the performance of their duty, officers are called upon to make difficult decisions and must exercise discretion in situations where rights and liabilities are affected by conduct and judgment. Decisions are not made easily and involve choices which may cause hardship or discomfort. Law enforcement officers must be faithful to their oath of office, the mission statement of the EGSCPD, the principles of professional law enforcement service, and the objectives of the Department. In the discharge of duty, they must not allow personal motives to govern decisions and conduct.

#### **VII. CONDUCT UNBECOMING AND OFFICER**

The conduct of a public employee, on and off duty, reflects upon the Department. Employees must avoid conduct which might discredit themselves or adversely affect the morale, operations or efficiency of the EGSCPD.

#### **VIII. COURTESY**

Effective law enforcement depends on a high degree of cooperation between the

Department and the public. While the urgency of a situation might preclude ordinary social amenities, discourtesy under any circumstance is indefensible. Employees shall be courteous and civil to the public and others, avoiding harsh, violent, profane, or insolent language or manner, and shall maintain objective attitudes regardless of provocation.

**IX. ATTENTION TO DUTY**

As most law enforcement work is performed without close supervision, responsibility for proper performance of duty lies primarily with the officer. An officer has a responsibility for the safety of the community and his or her fellow officers, and discharges that responsibility by faithful and diligent performance of duty.

**X. FINANCIAL OBLIGATIONS**

Employees should avoid incurring financial obligations which are beyond their ability to satisfy.

**XI. DEFINITIONS**

**ETHICAL CONDUCT:** In the context of this policy, ethical conduct means the duty of all employees to conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules and values published by the EGSCPD.

**XII. CANCELLATION**

None

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.02**

Subject:  
**Off Duty Employment**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

The purpose of this policy is to establish guidelines governing Extra Duty Employment and Off Duty Employment by employees of the East Georgia State College Police Department.

**II. POLICY**

It is the policy of this Department to allow employees the opportunity to perform extra duty details within the scope of their job classifications and to allow them to engage in outside employment which does not conflict with their official duties.

**III. PROCEDURES**

A. Extra Duty Employment - Performance of law enforcement duties not within regularly scheduled hours, provided within the jurisdictional boundaries of EGSCPD or provided to another law enforcement agency within their jurisdictional boundaries, and has received prior approval by the Chief of Police.

1. Application Process - The Department will establish an application process for outside groups wishing to hire off duty officers for their events on campus, that will ensure compliance with all elements of this policy concerning Extra Duty Employment. The application must be approved prior to members of this agency accepting a detail and the application process will include the following:

a) A fee schedule that will specify the hourly rate charged to the applicant, any administrative fee, use of equipment, and any additional insurance.

b) The number of officers required to safely handle the detail.

c) All fees paid in connection with Extra-Duty Employment will be paid directly to this agency and the agency will compensate the officers in accordance with their respective overtime rates.

2. Appearance - Officers shall comply with all departmental regulations concerning uniform standards and personal appearance during any Extra Duty Employment.

3. Schedule - The Department will assign a supervisor to coordinate the Extra Duty Employment program. The supervisor will ensure that all officers interested in working, are provided an equal opportunity for assignment via a rotating list or other mechanism to ensure fairness in the assignments.

4. Limitations - The following are examples of limitations upon Extra Duty Employment that would not be approved:

a) Officers are not permitted to work more than 32 additional hours per week unless approved in writing by their chain of command.

b) Officers shall not be eligible while on sick leave or within (8) eight hours of a sick leave.

c) Officers who are under suspension, relieved of duty, or placed on administrative leave are not eligible for extra duty assignments.

d) Officers who have not completed the FTO program are not eligible for assignment.

5. Prohibitions - Approvals will not be issued for the following types of details:

a) Events where alcohol is served, unless the event has received prior approval from the President of the College, to serve alcohol.

b) Private Clubs requiring bouncers or related duties.

c) Private security agencies or private investigation agencies.

d) Body guard or escort services for transporting merchandise.

e) Adult entertainment Establishments.

f) Any use of Departmental personnel that is not in the best interest of the department. (***Best interest determinations rest with the Director of Public Safety / Chief of Police***)

6. Approval

Approval to engage in any extra duty employment at another law enforcement Agency, will be submitted through the employee's chain of command, requiring final approval by the Director of Public Safety / Chief of Police. Permission can be withdrawn at any time.

7. Annual Approval

An officer who has obtained written approval for extra duty employment at another law enforcement Agency must re-submit the application for approval on an annual basis.

B. Off-Duty Employment: Employment of a non-law enforcement nature in which vested law enforcement powers is not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty. This section applies to sworn and non-sworn employees.

1. Permission Form

The Department will develop an Off Duty Employment Request Form which will be utilized whenever an employee seeks to engage in employment during their off duty hours. The form will at a minimum contain the following information:

- a) Description of the type of work to be performed, i.e. teaching, sales, construction, etc., and information concerning the potential employer.
- b) Maximum number of hours per week employee will engage in the outside employment, (no more than 24 hours should be approved).
- c) Statement indicating that no aspect of the employment could be considered questionable in nature such as placement in compromising situations, use of law enforcement powers, or have the potential to bring discredit to the Department.
- d) Statement indicating the services rendered will not be connected with security work, investigations, or collection or repossession of property and will not involve any law enforcement duties.

2. Prohibitions - Approvals will not be issued for the following types of off duty employment:

- a) Locations where alcohol is served.
- b) Private Clubs requiring bouncers or related duties.
- c) Private security agencies or private investigation agencies.
- d) Body guard or escort services for transporting merchandise.
- e) Adult entertainment Establishments.
- f) Any use of Departmental personnel that is not in the best interest of the department. (**Best interest determinations rest with the Director of Public Safety / Chief of Police**)

3. Approval

Approval to engage in any outside employment will be submitted through the employee's chain of command, requiring final approval by the Director of Public Safety / Chief of Police. Permission can be withdrawn at any time.

#### 4. Annual Approval

An employee who has obtained written approval for outside employment must re-submit application for re-approval on an annual basis.

**Note: Officers who receive rent reimbursement as a courtesy officer shall fall within all of the provisions of this policy.**

### IV. RULES AND REGULATIONS

A. Applications - An outside employment application form must be submitted for outside employment. All requests for outside employment must be approved by the Division Commander and the Director of Public Safety / Chief of Police. The Director of Public Safety / Chief of Police retains the authority to approve or disapprove all applications for outside employment.

B. Supervision - Any employee engaged in outside employment shall conduct him/her self in an appropriate manner. Any conduct during outside employment which, if it occurred during duty status hours would result in disciplinary action, may result in termination of the approved outside employment.

C. Accountability - All outside employment is subject to investigation. If it is determined that the outside employment is not appropriate, the officer's supervisor will be notified.

**NOTE: The Director of Public Safety / Chief of Police reserves the right to require any employee to discontinue any outside employment.**

### V. DENIAL / REVOCATION OF OUTSIDE EMPLOYMENT APPLICATIONS / PERMITS

Applications for outside employment that do not meet the requirements of these regulations will be denied. If an application is denied or is later revoked, the officer's or employee's supervisor will be notified immediately.

If an employee's application for outside employment is denied, the employee's supervisor will put the reasons for refusal in writing to the employee and send a copy to the Director of Public Safety / Chief of Police.

An officer whose outside employment application is denied by his/her supervisor or whose outside employment authorization is revoked may appeal the action, **in writing**, to the Director of Public Safety / Chief of Police.

A supervisor may recommend an employee's outside employment authorization be revoked, if it is found that the outside employment is interfering with the employee's regular duties.

### VI. OUTSIDE EMPLOYMENT HOURS

The number of hours employees may engage in outside employment are subject to review and approval by the Director of Public Safety / Chief of Police.

## **VII. DEFINITIONS**

**EXTRA-DUTY EMPLOYMENT** - Performance of law enforcement duties not within regularly scheduled hours, provided within the jurisdictional boundaries of EGSCPD or provided to another law enforcement agency within their jurisdictional boundaries, and has received prior approval by the Director of Public Safety / Chief of Police.

**OFF-DUTY EMPLOYMENT** - Employment of a non-law enforcement nature in which vested law enforcement powers are not a condition for employment. The work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty. This section applies to sworn and non-sworn employees.

## **VIII. CANCELLATION**

This directive cancels "S.O.P. 5-1 Outside Employment" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.03**

Subject:  
**Off Duty Action**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

The purpose of this order is to adopt safety directives and guidelines for dealing with the carrying of firearms while in an off-duty status and for dealing with an officer's duty and responsibility to take action in response to criminal activity while in an off-duty status.

**II. POLICY**

A member may carry a firearm while off-duty in accordance with state and federal law.

**III. PROCEDURE**

- A. It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his service weapon. However, any weapon that an officer chooses to carry must be inspected, approved, test-fired and registered with the department armorer. A shell casing and bullet from the weapon shall be maintained by the department armorer for identification purposes.
- B. If an officer is going to carry a personally owned firearm under his or her authority as a law enforcement officer, the officer shall be required to meet the Georgia qualification standards for law enforcement firearms with the personally owned firearm.
- C. Under Federal Law, sworn officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). Officers should be aware that while this law exempts officers from laws prohibiting such possessions, it does not give officers law enforcement powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction; thus the officers rules of engagement are extremely limited.
- D. Officers shall refrain from carrying firearms when contemplating the consumption of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the circumstances that the officer will be undertaking.
- E. A member of the EGSCPD, who becomes aware of an incident that poses a threat of serious bodily harm or death to some individual, shall take "action" to minimize the risk of serious bodily harm or death. "Action" under this provision is fulfilled by reporting the incident and shall not require the officer to place him or herself in a position of peril. An

officer who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this policy.

#### **IV. PROCEDURE FOR OFF-DUTY ACTION**

- A. First, go to a safe location and call 911.
- B. Second, when you encounter a situation off-duty that seems to require law enforcement action, you must consciously evaluate whether your involvement is necessary or desirable, given the circumstances. How important and urgent is the need for your intervention?
- C. A number of circumstances may impact your decision to get involved in any situation. First, you may be alone, with family members or other non- law enforcement personnel. Second, it is unlikely that you will have all of the necessary law enforcement equipment while off-duty, for example; pepper spray, baton, handcuffs or radio. It must be recognized that the force continuum as well as threat assessment is changed due to this lack of equipment. You may be faced with multiple suspects or unaware of hidden suspects. There may also be environmental factors working against you such as: lack of cover, crowds of civilians, darkness, etc. Your intervention may actually spark an escalation of violence. Therefore, your best plan of action may be to:
  - 1. Gather accurate intelligence like a good witness until uniformed, on-duty officers arrive.
  - 2. Remember, you have **NO LEGAL OR DEPARTMENTAL** obligation to get involved, especially if such intervention places you in a position of peril or such intervention requires that you behave recklessly, carelessly or in a suicidal manner.
  - 3. While department policy mandates that you "take action" when witnessing a serious crime, calling law enforcement and monitoring the situation from a **SAFE** vantage point fulfills that obligation.
  - 4. Most survival-conscious officers have trained themselves **NOT** to intervene while off-duty **UNLESS** their life or the life of another innocent party is **IMMINENTLY** in danger. In other words, you should only consider intervention when deadly force would be justified. You should not intervene just to make an arrest while off-duty. The decision to take action, beyond simply reporting, is a personal one and is not a requirement of the EGSCPD.
  - 5. If you decide you must get involved, attempt to have someone call 911 to advise the operator that an off-duty officer is on scene. Have the caller inform the operator if you are armed. If possible, have them describe you and your clothing. This will affect the mindset of the responding officers. When uniformed law enforcement officers arrive, have your badge out and visible (If you carry your badge while off-duty, some officers carry only their photo credentials). Do not rely on showing your identification as a means of providing any protection. At a distance, in dim light and under stress, your badge may not be seen. Or, the identification may not be given credibility if the responding officers do not recognize you personally.
  - 6. Some trainers advise officers to hold their badge next to their gun for the best

chance of being seen because the eyes of the responding officers are most likely to go immediately to your drawn firearm. You are probably safer to RE-HOLSTER your gun when other officers arrive, unless doing so would put you and the responding officers or innocent civilians, in jeopardy. Until the responding officers sort out who is who, your gun is your greatest personal liability.

7. If you have cover, maintain it. You can communicate verbally from there.
8. Make your hands visible. Having responding officers see that you are unarmed and non-threatening will work to calm them and protect you.
9. Verbally identify yourself as a law enforcement officer—not once and not in a normal tone of voice, but repeatedly and very loud. Keep shouting out: “POLICE! DON’T SHOOT! OFF-DUTY OFFICER!” until you get acknowledgment and directions as to what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking may prevent responding officers from hearing you initially.
10. When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
11. When carrying a firearm off-duty (including finishing or beginning a tour of duty), it shall be concealed from public view by an outer jacket, shirt, sweater etc. If an off-duty officer’s firearm is observed and prompts the response of law enforcement or security officials, the off-duty officer should respond in a manner consistent with this policy.
12. Finally, the most important rule of all: If you have a gun in your hand, NEVER, EVER turn toward an on-duty officer.

**NOTE: Plainclothes Officers should be aware that the same recognition issues applying to off-duty officers also apply to plainclothes officers and while rules of action are different, the rules with respect to protective steps, i.e. movements, identification etc. remain the same.**

## V. DEFINITIONS

None

## VI. CANCELLATION

None

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.04**

Subject:  
**Sexual Harassment,  
Sexual Discrimination**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**ATTENTION CEO: See GLECP Std. 1.13f Critical Tasks is an ALL personnel requirement signifying that both sworn and non-sworn (civilian) personnel receive this training annually.**

### **I. PURPOSE**

The purpose of this policy is to prohibit sexual harassment and discrimination within this agency. The policy also provides for the reporting and department response to sexual harassment or discrimination.

### **II. POLICY**

It is the policy of this department to prohibit sexual harassment or sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of sexual harassment and discrimination.

### **III. DEFINITIONS**

A. **SEXUAL HARASSMENT** - Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

B. **Two Types of Sexual Harassment**

1. **QUID PRO QUO HARASSMENT:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor. Examples:
  - 1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- 2 Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - 3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. HOSTILE WORK ENVIRONMENT: A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct. Examples:
- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

#### C. Sexual Harassment Progression

##### 1. Non-Physical

- a) Pressure for Dates
- b) Sexual Jokes
- c) Teasing
- d) Remarks
- e) Questions
- f) Suggestive Looks/Gestures

##### 2. Physical/Non-Physical Intimidation

- a) Sexual Favors
- b) Pinching
- c) Touching
- d) Phone Calls
- e) Blocking
- f) Cornering
- g) Sending Materials of Sexual Nature

### 3. Physical/Bodily Harm

a) Sexual Assault

b) Attempted Sexual Assault

### D. Sexual Discrimination

The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees unless such disparate treatment is necessary based upon some bona-fide occupational qualification i.e. undercover assignment where a male is necessary due to the nature of the infiltration.

## IV. PROCEDURE

Supervisors and all employees have an obligation to provide a work environment free of all harassment. This includes taking steps to insure that the agency is in a position to control prohibited harassment whether it is done by supervisors, co-workers or non-employees (such as vendors working with the agency or supplying services).

### A. Reporting Requirements

1. All employees within the agency have an obligation to promptly report violations of this policy. This would include sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment that the employee experiences, witnesses, or otherwise has knowledge of.
2. The department shall promptly investigate all complaints regarding harassment or discrimination regardless of their origin.
3. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may by-pass the chain of command in order to report the harassment or discrimination.
4. Once an allegation is made steps should be taken to separate the involved employees while an investigation into the allegations is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against their choice. The supervisor is required to immediately stop any conduct which might continue or aggravate the allegation(s).
5. All allegations of sexual harassment or sexual discrimination shall be documented and forwarded up the chain of command to the Chief of Police.
6. All complaints of sexual harassment or discrimination shall be immediately and thoroughly investigated.
7. The alleged victim of the sexual harassment shall be kept informed of the progress of the investigation.

8. At the conclusion of the investigation, the alleged victim and the accused employee should be informed of the conclusions reached by the investigation.
9. Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with this agency.
10. No employee shall be retaliated against for reporting allegations of sexual harassment or discrimination.

B. Training

The department shall conduct annual training regarding sexual harassment and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall be documented to ensure that all employees received the training.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.05**

Subject:  
**Sexual Misconduct**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. PURPOSE**

Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. When an officer abuses this authority for sexual purposes, and violates another person, the officer not only commits a crime against the victim, but damages the credibility and trust of the entire law enforcement community with the public. The purpose of this policy is caution all officers that any violation of the public trust involving sexual misconduct will result in severe consequences including prosecution to the fullest extent possible.

## **II. POLICY**

It is the policy of this Department to train all of their officers concerning the potential for criminal sexual misconduct within law enforcement, how to recognize it, and the requirements for reporting any violation to the appropriate authorities.

## **III. DEFINITIONS**

- A. **CRIMINAL SEXUAL MISCONDUCT:** The abuse of authority by a law enforcement officer for sexual purposes that violate the law.
- B. **SEXUAL MISCONDUCT:** Any sexual activity while on-duty or stemming from official duty. Sexual misconduct includes but is not limited to use of official position and official resources to obtain information for purposes of pursuing sexual conduct.
- C. **INTIMATE PART:** Genital area, inner thigh, groin, buttocks or breasts of a person.
- D. **ACTOR:** The person accused of sexual assault.
- E. **SEXUAL CONTACT:** Any contact for the purpose of sexual gratification of the actor with the intimate parts of a person not married to the actor.

## **IV. PROCEDURE**

- A. Sexual activity of any nature while on duty is prohibited.
- B. Sexual Misconduct is prohibited and shall be disciplined up to and including termination.
- C. Any contact for the purpose of sexual gratification of the actor with the intimate parts of a

person while on duty is prohibited.

- D. A law enforcement officer shall not engage in sexual contact with another person who is in the custody of law and such officer has supervisory or disciplinary authority over such other person. This conduct is prohibited in O.C.G.A. 16-5-5.1 and is a felony.

E. Training

All sworn officers of this department including supervisors will receive specific training about the elements of sexual misconduct involving law enforcement officers. The training will also include all elements of this policy.

F. Reporting Requirements

Any employee of this Department, who is made aware of any violation of this policy, is required to report the violation to their supervisor. The supervisor will immediately contact the Internal Affairs Section, or the command level personnel having Internal Affairs responsibility who will immediately initiate an investigation in accordance with their established investigative policy. The investigation will involve other investigative elements of the Department as necessary and any forensic evidence will be protected and processed immediately. The accused officer's supervisor will not attempt to resolve a complaint of this nature with the complainant, and is required to make immediate contact with Internal Affairs or the command level personnel having Internal Affairs responsibility.

G. Discipline

1. Any officer found to be in violation of the provisions of this policy shall be disciplined up to and including termination and criminal charges where established.
2. Any employee having knowledge of a violation of this policy, who fails to report said violation shall also be disciplined up to and including dismissal, and criminal charges if appropriate.
3. If the violation involves supervisory personnel, the reporting officer will notify the appropriate command level officer and will not be strictly held to his or her chain of command.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.06**

Subject:  
**Domestic Violence**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**ATTENTION CEO: GLECP Std. 1.13c Critical Tasks requires that all personnel receive annual training on Domestic Violence.**

**I. PURPOSE**

Law enforcement agency employees come from the community. They may become involved in domestic matters. Because they are law enforcement employees and their status is usually known to other persons in the community and they are representatives of the law enforcement agency, the agency must take positive steps to ensure that these domestic matters do not adversely affect the employee's ability to perform, or compromise the conduct of agency missions, or create moral, operational or efficiency problems for the agency. The agency is dedicated to providing assistance for the employee during these critical times so that the employee may resolve the situation and return to being a productive member of the agency without these types of personal and family concerns.

**II. POLICY**

It is the policy of this agency to deal directly and positively with any employee involved in acts of domestic misconduct. The ultimate mission of the agency is to assist the employee to resolve these family/relationship problems, to ensure that these acts do not adversely affect the employee or the agency during the period of resolution, and to provide the agency with a safe work environment.

**III. DEFINITIONS**

- A. **DOMESTIC MISCONDUCT:** The agency defines this type of conduct very broadly. This definition may be broader than State law, but it is intended to assure the continuation of positive performance within the agency by the involved employee and other members of the agency. A domestic relationship involves any employee who is or has been married to the other party, involves any member of the employee's household, who is living or has lived with the other party, has had a child with the other party, or is or has engaged in an intimate relationship with the other party. Misconduct refers to any physical assault or battery, vandalism, stalking, intimidation, coercion, or criminal act against a party within this form of domestic relationship.
- B. **COLLATERAL MISCONDUCT:** Any conduct by another member of the law enforcement agency to assist another agency employee in the continuation of the act of domestic misconduct. This would also include any actions designed to shield the employee or impair the ability of the agency to be informed of the domestic misconduct.

- C. SERVICE OF COURT PAPERS: Any documents from a judicial proceeding which are designed to assist in ameliorating the domestic misconduct or curtailing specific actions by the parties involved in the domestic misconduct.
- D. SELF-REPORTING: It is the responsibility of the employee to provide the agency with specific notice whenever he/she is involved in any acts of domestic misconduct. This is specifically true whenever the employee is the subject of any judicial proceeding concerning these types of acts, whether the employee is the person complained of or the victim.
- E. ADMINISTRATIVE NO-CONTACT ORDERS: These are written orders by a supervisory employee, preferably Internal Affairs or Professional Standards, and served upon an agency employee designed to curtail any further domestic misconduct.
- F. INTERNAL AFFAIRS/PROFESSIONAL STANDARDS would include those persons designated with internal affairs responsibility in agencies that do not have full-time IA/Professional Standards positions.

#### IV. PROCEDURE

The agency shall take immediate action when notified of any act of domestic misconduct involving an employee of this agency.

- A. When the incident occurs within the jurisdiction of this agency:
  1. Assign the call for response by two uniformed officers and a supervisor.
  2. The supervisor will assure that any violence is curtailed, all parties are protected, and any required medical assistance is provided.
  3. The supervisor shall ensure that all evidence is properly recorded and collected.
  4. Once the incident is contained, the supervisor shall call for a response by an agency's domestic violence investigator.
  5. The criminal investigator, or the supervisor if no investigator responds, is responsible for the criminal investigation, if warranted. The supervisor of the investigating officer shall respond to oversee the conduct of the investigation.
  6. The supervisor shall notify Internal Affairs at the earliest moment.
  7. The decision to arrest an agency employee involved in domestic misconduct shall be the responsibility of the on-scene supervisor with consultation with Internal Affairs. When probable cause exists, the employee shall be arrested and processed the same as any civilian.
- B. The supervisor, domestic violence investigator, or, in not done by these persons, the Internal Affairs person shall take immediate steps to ensure that there is no continuation of the domestic misconduct.

1. Ensure that victim advocate assistance is offered and provided when necessary.
2. Ensure that an immediate safety plan is discussed with the victim of the domestic misconduct and assist in any manner to ensure this continued safety.

C. Internal Affairs shall be responsible for:

1. Issuing an administrative no-contact order to the agency employee if warranted.
2. Ensuring that the appropriate assignment decision is made regarding the agency employee.
3. Ensuring that the criminal investigation has been conducted in a reasonable manner.
4. Developing and/or implementing any necessary safety plan to ensure employee safety.
5. Conducting the administrative investigation of the incident and any collateral employee misconduct. The agency shall be listed as the complainant.

D. When the incident involving domestic misconduct occurs in a jurisdiction other than that of this agency:

1. The agency person notified of this incident shall immediately notify Internal Affairs.
2. Internal Affairs shall make immediate contact with the involved agency to ensure that our agency is kept on notice of the progress of the investigation.
3. Internal Affairs shall ensure that the employee and the persons involved are aware that the agency will assist them during this process.
4. Internal Affairs is responsible for determining whether an administrative no-contact order is warranted and will be responsible for serving this upon the agency employee, when necessary.

E. Service of court orders:

1. Internal Affairs shall facilitate, when requested, the service of any court orders employees.
2. Internal Affairs shall be responsible for the determination regarding any assignment limitations involving the employee who is subject to the court order.

F. Conviction of a crime of domestic violence: When a sworn employee is convicted of a crime of domestic violence that brings in the provisions of 18 U.S.C. 922(g)(9) law, the employee shall be terminated as not being able to function completely with the job classification for which s/he was hired.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
5.07

Subject:  
Internal Affairs /  
Citizens Complaints

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## I. PURPOSE

It is imperative that the East Georgia State College Police Department operates in a degree of transparency and is responsive to complaints alleging employee misconduct and external concerns regarding the operation of the Department. Members of the public should be provided with a reasonable avenue for any redress of grievances they may have with the service received by law enforcement employees and the conduct of the EGSC Police Department. This policy provide members of the Department with the procedures for the acceptance of complaints, the initiation of the administrative investigative process, the process for conducting a fair and reasonable investigation, the proper methods for adjudication of these administrative investigations, and the methods for the administration of fair, reasonable and defensible discipline.

## II. POLICY

The EGSC Police Department will accept and document all complaints alleging employee or Department misconduct for the following principle reasons:

- A. To ensure that complaints alleging employee or agency misconduct are accepted and investigated in a consistent and reasonable manner to uncover the truth of the allegations;
- B. To identify areas of misunderstanding by the complaining citizen;
- C. To identify employees whose attitude, behavior and/or performance is in need of correction and supervisory intervention;
- D. To protect agency employees and the Department from erroneous complaints; and
- E. To identify Department policies, training and/or practices in need of reevaluation, clarification and/or correction.

## III. DEFINITIONS

- A. **COMPLAINT OF EMPLOYEE MISCONDUCT:** A complaint is an allegation from any source of an act or omission by an agency employee, which if proven true, would be considered misconduct or a violation of agency policies, rules or regulations.

**Note: Complaints regarding the validity of traffic citations or parking tickets are not considered complaints for this definition and the party should be referred to**

**the proper court for resolution.**

- B. **COMPLAINT OF AGENCY DISSATISFACTION:** A complaint from an external source of dissatisfaction with a Department policy or practice
- C. **PUBLIC CONCERNS REGARDING LAW ENFORCEMENT OPERATIONS NOT AMOUNTING TO A COMPLAINT:** A concern expressed by a member of the public which does not meet the agency's definition of a complaint, but must be documented by the agency employee receiving the information from the member of the public

#### **IV. PROCEDURE (GLECP Std. 2.7)**

- A. Sources for complaints: A complaint can originate from any of the following sources:
  - 1. Individual aggrieved person
  - 2. Third party
  - 3. Anonymous
  - 4. Agency employee
  - 5. News media
  - 6. Governmental agency
  - 7. Of civil claim
  - 8. Complaints can be made by members of the public:
    - a) In person
    - b) By telephone
    - c) By letter
    - d) Email
- B. **EGSC PD employee responsibilities:** Whenever a law enforcement employee becomes aware of a citizen's complaint meeting the above complaint definition or becomes aware of misconduct of another law enforcement employee, he/she shall:
  - 1. Immediately notify an on-duty or on-call supervisor and ensure that follow-up to the complaining person will not be delayed.
  - 2. If a supervisor cannot be made available or the party making the complaint refuses to wait for the supervisor, the employee will gather all available information regarding

the complaint and contact numbers.

3. The employee shall ensure that this information is given to a supervisor at the earliest moment during the employee's duty shift.
  4. Failure to follow these acceptance provisions will result in disciplinary action against the involved employee.
- C. Supervisor's responsibilities: Whenever a supervisor becomes aware of a person requesting to make a complaint or an incident which will likely result in a complaint or administrative investigation, the supervisor shall conduct an immediate preliminary investigation including:
1. Conduct a tape-recorded interview with the complaining person attempting to ascertain each and every allegation of misconduct alleged. The complaining person can refuse to be tape-recorded. In these cases the supervisor shall continue to interview the complainant and note the refusal on the completed Complaint Form. Should the allegations not amount to a complaint consistent with the agency definition of a complaint, the supervisor will advise the party that his/her dissatisfaction will be recorded and forwarded for agency review.
  2. The supervisor accepting the complaint, or if the incident is an occurrence likely to result in a complaint or administrative investigation and no specific complaining person is present, the supervisor shall respond to the scene of the law enforcement encounter/incident and:
    - a) Determine the identity of persons involved, witnesses, other law enforcement agency's personnel and agency employees.
    - b) Ensure that proper evidence is collected and/or documented.
    - c) Ensure that all reasonable documentation and physical evidence is maintained. This includes law enforcement reports, communications/dispatch information, MDT transmissions, medical documentation, and video recording of any portion of the law enforcement involvement.
    - d) Ensure that all necessary medical treatment is provided and documentation is preserved.
    - e) Prepare the Complaint Form and obtain a Complaint number.
    - f) Notify all persons consistent with the specifics of the incident.
- D. The complaint initiation process is not incumbent on cooperation of the complaining person. In the event that the complaining person refuses to cooperate with the investigation or there is no identifiable complainant and the information known to the supervisor satisfies the agency's definition of a complaint, the complainant will be listed as EGSC Police Department.
- E. Classification of complaints: Complaints and administrative investigations will be classified by the agency and assigned specific numbering (employee misconduct,

internal, risk management, traffic accident, critical incident and non-complaint). The agency will maintain specific investigative and reporting protocols for each classification of complaint.

- F. Processing the complaint: It is the responsibility of the Internal Affairs unit/person to process the complaint for investigation.
  - 1. Assign the complaint the appropriate control number
  - 2. Log the complaint into the record management system
  - 3. Ensure that the complainant receives a letter notifying that the complaint has been received and will be assigned for investigation
  - 4. Assign the investigation to the appropriate agency employee for investigation
  - 5. Assign the investigation a due date for completion within 30 days. Extensions of this due date must be submitted in writing for approval by the person in charge of the Internal Affairs process and made part of the final investigative report.
  
- G. Investigative procedures: The employee assigned to conduct the administrative investigation shall:
  - 1. Evaluate the allegations contained in the Complaint Form, listen to the tape recording of the complainant, if available, and consult with the person accepting the complaint or learning of the allegation(s)
  - 2. Obtain all law enforcement reports, communications/dispatch records, MDT transmissions, video recordings, and other law enforcement documents
  - 3. Determine the specific allegations of the complainant and identify any other possible agency violations, whether alleged by the complainant or not.
- H. Conduct interview normally in the following sequence:
  - 1. Complaining person
  - 2. Other public witnesses
  - 3. Agency witnesses
  - 4. Accused employees
  
- I. Disposition
  - 1. The investigating person will prepare the investigative report and submit it through the chain of command for adjudication and disposition. The investigator is a fact finder only and is not expected to make findings or recommendations.
  - 2. The adjudication person will make a recommendation for the disposition findings for each allegation using the following classifications using the burden of proof of a

preponderance of the evidence:

- a) Sustained: there was a preponderance of evidence to prove the allegation
- b) Not Sustained: there was not sufficient evidence to either prove or disprove the allegation
- c) Exonerated: the actions of the employee were consistent with the law and Department policies, rules, regulations and practice
- d) Unfounded: the allegation did not occur
- e) Policy and/or training deficiency: the allegation occurred but was the fault of deficiencies in Department policy and/or training and cannot be accountable to the employee involved
- f) These disposition recommendations shall be forwarded through Internal Affairs or the designated person for review and concurrence. The final authority for the disposition is the Chief of Police or his designee. Both Internal Affairs and the Chief of Police are responsible to ensure that the investigation and the final recommendation are consistent with the investigation and the practice of the Department.
- g) When allegations are sustained, the specific charges and processing will be conducted according to the personnel practices of the Department.

J. Role of Internal Affairs or the designated person

1. Internal Affairs shall prepare the letter to the complainant following the conclusion of the investigation and the disposition of the complaint advising the person that the matter has been resolved.
2. Internal Affairs is responsible for the quality control of the complaint and administrative investigation process and shall:
  - a) Review all final complaint investigations to ensure that they are consistent with the practices of the Department
  - b) Maintain records of the process
  - c) Maintain the completed investigative and adjudication files in a secure, confidential manner
  - d) Conduct an annual audit of the process
  - e) Maintain statistical documentation regarding the process and prepare any overall reports consistent with the directions of the Chief of Police.
  - f) Alert the Chief of Police to any noticeable trends requiring that may require specific supervisory direction, policy review or training evaluation.

- g) Prepare an annual review of all complaints received by the agency. **(GLECP Std. 2.7c)**

K. When criminal allegations involving a member of the agency are identified, the Chief of Police and Internal Affairs shall be notified immediately:

1. Crime within agency jurisdiction: the appropriate criminal investigation unit will investigate the criminal aspect unless the agency elects to have the investigation conducted by an outside entity. The administrative investigation will be conducted by internal affairs and is not dependent on the conclusion of the criminal investigation. Normally the initiation of a personnel complaint and the start of the administrative investigation will proceed concurrently with the criminal investigation.
2. Crime outside agency jurisdiction: Internal Affairs will:
  - a) Develop and maintain liaison with the involved agency and
  - b) Conduct the administrative investigation the same as it would if the incident had occurred within this agency's jurisdiction.

**EAST GEORGIA  
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**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.08**

Subject:  
**Early Intervention  
System**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

### **I. PURPOSE**

A comprehensive Personnel Early Intervention System is an essential component of good discipline in a well-managed law enforcement agency. The Early Intervention System is a supervisory tool and not a disciplinary process. The early identification of employees exhibiting symptoms of stress or other behavior that could pose a liability to the community, the Department, or the officer must be detected as soon as possible. When appropriate, an intervention consisting of a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.

### **II. POLICY**

The Department will establish an Early Intervention System to identify agency employees who may require agency intervention efforts. The system should identify patterns of behavior that might be symptomatic that an individual employee requires an intervention. The system should review at a minimum:

- A. Complaints
- B. Incidents involving use of force
- C. Shooting incidents
- D. Use of sick leave
- E. Preventable accidents
- F. Domestic misconduct incidents
- G. Civil litigation
- H. Performance Evaluations
- I. Commendations

### **III. DEFINITIONS**

**EARLY INTERVENTION SYSTEM (EIS):** A data based management tool designed to

identify officers whose performance exhibits potential problems, and then to provide interventions, usually counseling or training, to correct those performance problems. Early Intervention Systems have emerged as an effective mechanism for enhancing accountability within law enforcement agencies.

#### **IV. PROCEDURE**

- A. The Early Intervention System will be maintained by either the Internal Affairs Section of the department, the Human Resources Section or designated department employee.
- B. The Department will establish thresholds in each of the indicated categories in Section II of this document. It is recommended that the nature of the assignment of the officer be considered when establishing the threshold and that first-line supervisors and a cross section of the agency be involved in establishing realistic thresholds.
- C. The review of the data will generate periodic reports identifying officers who have met the established thresholds triggering the Early Intervention System. These reports should be prepared on a monthly, quarterly, and annual basis or more frequently if the data is available on line.
- D. It will be the responsibility of the identified officer's chain of command, to recommend, in writing, the appropriate action initiated to correct any deficiency that might be identified. The recommended actions could include the following:
  - 1. No further action required. The officer's actions that triggered the EIS have been thoroughly reviewed and do not indicate any concern for corrective action.
  - 2. Supervisory Counseling
  - 3. Periods of observation in the field by the first line supervisor
  - 4. Peer Counseling
  - 5. Referral to the Employee Assistance Program
  - 6. Referral to psychological services
  - 7. Referral for remedial training
  - 8. Re-assignment
  - 9. Referral for anger management training
  - 10. Referral for stress reduction training
  - 11. Other action as deemed appropriate

#### **V. PROCESS**

Once the recommended action plan is discussed with the officer, and approved by the chain of command, the intervention will be engaged, and reported back in writing to the entity

charged with the responsibility of maintaining the system. A follow-up component will be established in the action plan to ensure the behavior that triggered the intervention is no longer a concern.

**EAST GEORGIA  
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**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.09**

Subject:  
**Allegation / Inquiry /  
Commendation Report**

Authorized By: **Chief Mack Seekinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. INTRODUCTION**

The Allegation / Inquiry / Commendation Report form (AIC) shall be used to record allegations of employee misconduct, inquiries concerning Agency policy, procedures or tactics, and employee commendation information received from outside the Agency.

## **II. OVERVIEW**

### **A. Allegations of Employee Misconduct**

1. Allegations of employee misconduct shall be recorded on the AIC Report form. The Agency will investigate all allegations received.
2. The information recorded shall be used to begin an investigation into the events surrounding the allegation.
3. Based upon the allegation received and preliminary investigations, allegations shall be classified as either "formal" or "informal." The primary difference in classifying the allegation is the manner in which the investigation will be pursued.

### **B. Formal Investigation**

A formal investigation shall be conducted on all serious allegations of misconduct, or where an alleged breach of the law has occurred, or civil litigation is anticipated. Depending upon the nature and complexity of the allegation, the investigation will be classified as a formal investigation by the Division Commander with the approval of the Chief of Police. The investigator assigned to a formal investigation should obtain tape recorded statements from all employees involved.

### **C. Informal Investigation**

An informal investigation is conducted on less serious allegations of misconduct. These involve less serious instances of misconduct and demand less intensive investigation. Usually, formal statements or interviews will not be used, since information is obtained from reports.

## **III. INQUIRIES**

- A. An inquiry is defined as citizen contact with the Agency concerning questions about

policies, procedures, or tactics used by the Agency.

- B. When a citizen questions the actions of an Agency employee and it is determined by the receiving supervisor that the employee acted within prescribed Agency policy, procedure or tactics, the matter shall be handled as an inquiry.
- C. The supervisor receiving the inquiry shall obtain all pertinent details from the citizen.
- D. The supervisor receiving the inquiry shall make every attempt to explain to the citizen the reasons a particular policy, procedure or tactic is utilized by the Agency.
- E. All information concerning the inquiry shall be documented on the AIC Report form, including the nature of the inquiry and the response to the citizen. Any related reports or documentation concerning the inquiry shall be attached to the AIC Report form.
- F. If the citizen is dissatisfied with the explanation, the supervisor shall inform the Division Commander who shall contact the citizen to explain Agency procedure concerning the incident.
- G. If the supervisor or Division Commander receiving the inquiry determines that the employee has not acted within prescribed Agency policy, procedure or tactics, the AIC Report form shall reflect the matter as an allegation of employee misconduct, and the supervisor shall complete the form as appropriate.

#### **IV. COMMENDATIONS**

- A. Any commendation given to an employee of the Agency shall be documented appropriately on the AIC Report form.
- B. Specific information about the reporting party and necessary details shall be documented along with an attachment of any pertinent written reports or documentation.
- C. The AIC report of a commendation shall be processed through the Division Commander's Office with a copy of the report placed in the employee's personnel file, Division Commander's file, and with the Chief of Police

#### **COMPLETION OF THE AIC REPORT BY SECTION NUMBER**

- Section 1** Check the block that describes the type of report being completed.
- Section 2** Check the block that describes the manner the information was received.
- Section 3** Enter the date the report was completed.
- Section 4** Enter the time the report was completed.
- Section 5** The AIC report form number shall be entered by the Division Commander.
- Section 6** A brief synopsis of the complaint for use in inquiry or allegation of misconduct only.

- Section 7** Location of occurrence of the alleged misconduct, subject of inquiry or commended acts.
- Section 8** Date and time of occurrence.
- Section 9** Names of involved employee(s) or the Law Enforcement Agency if the allegation or commendation is directed toward the Agency in general.
- Section 10** List the names of the reporting party, the PA (person alleged misconduct against), if different from reporting party, witnesses and arrestees if applicable.
- Section 11** Check "Yes" if a memorandum has been requested and "No" if it has not.
- Section 12** Check "Yes" if a tape of the original complaint is included and "No" if it is not.
- Section 13** Check "Yes" if the reporting party has had any known previous contacts with the Agency. This may be determined by requesting a records check through the records section.
- Section 14** Check "Yes" if any copies of related reports are attached.
- Section 15** Place the related case report number(s) in this block if applicable.
- Section 16** Written explanation of the situation as described by the reporting party.

**NOTE: When recommending an officer for a commendation, this section should be completed with an explanation of the reason(s) the officer should be recognized. Attach additional sheet as necessary.**

- Section 17** Signature and employee number of interviewer.
- Section 18** Signature of the reporting party, if applicable.
- Section 19** Total time spent by the interviewer on the interview and records search.
- Section 20** To be completed by Administrative Division personnel only.
- Section 21** Classification determined by the Division Commander.
- Section 22** The appropriate page number and total number of pages shall be entered in this section.

**EAST GEORGIA  
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**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**5.10**

Subject:  
**Receipt of Civil Process**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. INTRODUCTION**

With increasing frequency, persons at all levels of government are being sued and held individually liable. Whether this arises as a direct result of an "official action" or an incident outside the scope of employment, it impacts the employee and Agency. The following procedure addresses the processing of civil papers served on the Agency and/or its employees:

### **A. Acceptance of Civil Process**

All civil process (subpoena, notice of law suit, complaint, or summons) shall be served on and accepted only by the employee named on the process. If only the jurisdiction is named, the process server shall be informed that service may be made only to the designated official.

### **B. Employee Receipt of Civil Process**

Any employee who receives a civil process to appear as a defendant or witness in any civil action related to any circumstances arising from the performance of his/her duties shall immediately make one photocopy of the entire civil process and hand deliver the copy to the Division Commander. The civil process shall be handled as any other incoming subpoena.

### **C. Duties of the Division Commander Upon Receiving Copies of Civil Process:**

1. Notify the Chief of Police of the civil process;
2. If the civil process is the result of a work related activity and lists the employee as a defendant, the Division Commander shall immediately notify Chief of Staff's Office. The copy of the entire civil process shall be hand carried to the Chief of Staff Attorney's Office.
3. Obtain copies of all Agency reports and documents about the action; and
4. Ensure the file is complete, review it with the Chief of Police and forward the file to the Chief of Staff Attorney's Office and the Chief of Police of the Chief of Staff.

**NOTE: If the Chief of Police determines there may be misconduct by the Agency or an employee, the case shall be investigated. The Chief of Staff Attorney's Office will**

**determine whether the Chief of Staff has any legal interest in the matter and will return its recommendations to the Chief of Police.**

**D. Procedure When Civil Suit is Likely**

When an employee has reason to believe that he/she may be sued due to circumstances arising from the performance of his/her duties as a Chief of Staff employee, but has not been served civil process, he/she shall immediately notify his/her supervisor by memorandum. The memorandum shall outline his/her actions in the incident and his/her reasons for believing a civil suit will result. The supervisor shall then forward the memorandum and related reports to the Division Commander who shall notify the Chief of Police.

**E. Civil Process Arising from Non-Official Actions**

When any employee has reason to believe that he/she may be sued due to circumstances not arising from the performance of his/her duties as a Chief of Staff employee, but the legal action may have an effect on his/her employment or have an adverse effect on the Agency, he/she shall immediately notify his/her supervisor.

**F. Procedure when an Employee Starts a Civil Suit Related to Employment with the Chief of Staff**

When an employee plans to start any civil action resulting from his/her employment with the Chief of Staff, he/she shall notify the Chief of Police.

**EAST GEORGIA  
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**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
6.00

Subject:  
**Discipline / Grievances /  
Appeals**

Authorized By: <b>Chief Mack Seckinger</b>	Effective Date: <b>August 16, 2016</b>
Signed By:	Date Signed:

**I. PURPOSE**

- A. Establish guidelines pertaining to discipline.
- B. Establish guidelines for employee appeals.
- C. Establish guidelines for employee grievances.

**II. DEFINITIONS**

- A. **ADVERSE ACTION** - An action taken by the appointing authority or designee, for cause, that results in a disciplinary suspension without pay, disciplinary salary reduction, disciplinary demotion, or disciplinary dismissal.
- B. **ADVERSE AFFECT** - The results of an action or decision that is not an adverse action but which deprives the employee of incomes or the opportunity to earn more income.
- C. **APPOINTING AUTHORITY** - The person who has the authority to hire and discharge all employees covered by EGSC personnel policies.
- D. **DESIGNEE** - The person or persons to whom the appointing authority delegates certain authority for the administration of the College. The Chief of Police is the Designee for proposing Adverse Actions.
- E. **GRIEVANCE** - A grievance is a claim initiated by an employee alleging that his employment or productivity has been adversely affected by unfair treatment, unsafe or unhealthy working conditions, erroneous or capricious application of Agency policies and procedures, or illegal discrimination.
- F. **HEARING** - Appeal hearings with the hearing officer.

**III. RULES AND REGULATIONS**

**ATTENTION CEO: Due to the diversity of local government discipline, grievance and appeal procedures this section is provided in OUTLINE FORM ONLY. It includes a listing of items or topics which should be addressed in the Agency's Manual. Of course, the provisions of the Manual should be in compliance with your jurisdiction's personnel policies and procedures.**

- A. **DISCIPLINE**

1. Progressive Discipline
2. Causes of Actions
3. Types of Actions
4. Reprimands
5. Oral Reprimand
6. Written Reprimands
7. Adverse Action
8. Suspension Without Pay
9. Salary Reduction
10. Demotion
11. Dismissal
12. Notification of Response
13. Notice of Proposed Adverse Action
14. Employee Response to Proposal
15. Notice of Final Action
16. Postponement of Deadlines
17. Emergency Action

## B. GRIEVANCE

1. Grievance Procedures
2. Purpose
3. Definition
4. Filing
5. Steps
6. Notification and Scheduling
7. Hearing
8. Review and Reporting
9. Non-grievable Areas
10. Post Procedures

## C. APPEAL

1. Appeal
2. Purpose

3. Reasons
4. Filing
5. Hearing
6. Representation
7. The Decision
8. Further Appeal

**EAST GEORGIA  
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**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
6.01

Subject:  
**Disciplinary Procedures**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

## **I. PURPOSE**

All members of the East Georgia State College Police Department are members of a team working together with a primary objective of serving the community. Members who fail to follow the necessary rules and regulations governing conduct not only penalize themselves but do a disservice to all members of the Department. The code of conduct rules are not intended to restrict the privileges of anyone but are designed to ensure the rights and safety of all members and to provide working guidelines to encourage equitable and businesslike conduct.

## **II. SCOPE**

This code of conduct shall apply to all Department personnel acting in an official or an unofficial capacity and shall be in accordance with East Georgia State College Police Personnel Policies.

## **III. POLICY**

It is the policy of the East Georgia State College Police Department to administer discipline in fairness to the employee and the agency. Discipline may be administered in a positive, corrective or punitive manner. The functions of discipline are:

- A. Positive
- B. Corrective
- C. Punitive

## **IV. RESPONSIBILITY**

A. Supervisors at all levels in the law enforcement department are responsible for the administration of discipline. First-line supervisors have the continuing opportunity to observe employee conduct and appearance and must administer discipline where it will be most effective, whether positive, corrective or punitive. First-line supervisors are authorized to take the following disciplinary measures.

1. **Positive:** Positive discipline is designed to stimulate the morale of the employee. Rewards such as time off with pay, awards and letters of commendation are positive forms of discipline.

a) Letter of Commendation: May be presented to employees for their performance in any of the following instances:

- i. Employee's action results in the arrest of persons for major felonies.
- ii. Employee's action results in the rescue of citizen(s) from personal injury/death.
- iii. Employee's action results in the rescue of another officer from personal injury/death.
- iv. Employee has demonstrated personal involvement in law enforcement/community programs.

Watch Commanders or employee's supervisor shall submit a written request for a commendation to be given. Requests will be made to the Chief of Police describing the incident, the employee's performance and reasons why a commendation is recommended.

- b) Merit Increases: Merit increases will be based upon satisfactory job performance. Supervisors who evaluate the employee's job performance may recommend an employee for a merit increase. Employees who are eligible for a merit increase are those whose overall job performance meet or exceed a rating of "meets expectation".
- c) Time Off with Pay: The Chief of Police may authorize time off with pay to an employee who has devoted extra time for special or exemplary projects.

2. Corrective: Corrective discipline is progressive and includes training and counseling. This discipline is appropriate in those cases involving minor duty infractions that can be corrected through proper counseling or training.

a) Counseling: A supervisor should use counseling as a function of discipline in cases involving infractions. Criteria used to determine the necessity of counseling as opposed to other discipline may include:

- i. Employee's past work record (including disciplinary record, attendance, job performance evaluations, etc.).
- ii. Employee's attitude (toward work place, supervisors and other employees).
- iii. The severity of the offense in relation to Department guidelines governing offenses.

Supervisors who utilize counseling as a form of discipline shall document the conditions that prompted the counseling session and the corrective action expected. Results should be forwarded to the Watch Commander or next level of supervision for review and a copy of the documentation forwarded to the Office of Professional Standards.

- b) Training: A supervisor should use training as a function of discipline in those areas involving minor infractions usually of a procedural nature in Department policy. Examples of areas that training may be used as a function of discipline include radio procedures, firearms qualifications and report writing, etc. Criteria used to determine necessity of training as opposed to other forms of discipline include:
  - i. The effectiveness of training in a particular area to improve productivity.
  - ii. The ability of the employee to respond to re-training in specific areas.
  - iii. The employee's work performance record to include attendance, disciplinary records, etc.

Supervisors who utilize training as a form of discipline should document the employee's short comings, deficiencies, or lack of expertise and either take immediate steps to re-train in deficient areas or schedule for training.

Documentation shall be forwarded to the Watch Commander or next level of supervision for review.

3. Punitive: Punitive discipline shall include:

- a) Supervisory Counseling: A spoken or written warning or indication of disapproval concerning a specific act, infraction, or violation of a policy or procedure that is usually given by the immediate supervisor and is noted for the record but does not become part of an employee's personnel record.
- b) Written Reprimand: A written statement concerning a specific act, infraction of a policy or procedure that is made part of the employee's personnel record.
- c) Suspension: The placing of a non-exempt employee in leave without pay status for a specified time, not to exceed ten (10) days, for a specific infraction, act or violation of a policy or procedure without the Chief of Police's approval. Suspensions that exceed ten (10) days must be approved by the Chief of Police with an administrative hearing to be held within three days.
- d) Suspension - Pending Investigation of Charges or Trial: The placing of an employee on administrative leave with pay pending investigation of charges and/or trial for job related offenses.
- e) Demotion: The movement of an employee from one position or class to another with a lower grade level assignment.
- f) Dismissal: The removal of an employee from College service for cause.

An immediate or higher level supervisor is delegated the authority to immediately relieve an employee from duty if the retention of such employee will cause or continue a disruption of the work force and, within one work day, shall submit a recommendation for appropriate disciplinary action to the Department head.

First-line supervisors may immediately suspend any employee for the balance of ten work days with an administrative hearing to be held within three days under any of the following conditions:

- i. Employee is intoxicated.
  - ii. Gross insubordination or misconduct.
  - iii. Any violation of criminal law.
  - iv. Gross negligence involving potential loss of life.
  - v. Any violation of Department rules or regulations that would submit the violating employee to immediate dismissal.
- B. Corrective and punitive disciplinary action against an employee shall be initiated promptly when it is evident that such action is necessary to maintain an orderly and productive work environment. Except in cases of theft or serious violations of policy or procedure that creates a health or safety risk, disciplinary actions must be progressive in severity. The severity of the action shall be determined after consideration of the nature and gravity of the offense, its relationship to the employee's assigned duties and responsibilities, the employee's work record and other relevant factors.
- C. Patrol supervisors who suspend an employee under any of the conditions listed above must notify the Watch Commander immediately and submit a written report. Other division supervisors shall notify their next level supervisor.
- D. In addition to the authority given above, a supervisor may suspend an employee up to ten days without prior approval of the Chief of Police. Any suspension over ten days must require approval of the Chief of Police with an administrative hearing to be held within three days.
- E. Whenever the circumstances warrant termination, the Chief of Police or his/her designee will have the authority to impose such disciplinary action.
- F. In all cases of demotion, suspension and dismissal, an employee shall receive written notice of such disciplinary action at least three working days prior to the effective date, except in cases listed in IV-A-3 above.
- G. An officer suspended for a period of four (4) days to ten (10) days may be required to surrender his/her departmental issued weapon(s), badge, and identification card at the discretion of the shift/unit supervisor. It will be mandatory for an officer suspended for more than ten (10) days to surrender his/her departmental issued weapon(s), badge and identification card.

The standard charging document shall contain the reasons for the actions with specific charges, the effective date and appeal right. A letter of dismissal will be sent to the affected employee with a copy of the violations attached. At the time of termination, the employee will surrender all departmental issued clothing and equipment. If the employee successfully appeals his/her termination, clothing and equipment will be re-issued.

When a dismissal is made the employee shall also receive a statement of the status of fringe and retirement benefits after dismissal and a statement as to the content of the officer's employment record relating to the dismissal.

## **V. APPLICATION OF DISCIPLINARY MEASURES**

Employees of the law enforcement department are expected to abide by and may be disciplined for violation of EGSC rules and regulations or rules and regulations of the law enforcement department.

Recognizing that each instance of misconduct differs from somewhat similar actions in many respects, department supervisors and the Chief of Police retain the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Rules and regulations in this policy are not to be construed as a limitation upon the retained rights of supervisors and the Chief of Police but are to be used as a guide.

The rules and regulations provide recommended progressive penalties to apply for specific offenses; however, the recommended penalties may be modified by the Chief of Police or his/her designee, including a lesser or more severe penalty, when extenuating circumstances are found.

We know that most employees will perform their jobs properly, comply with rules and regulations of the College, and follow good common sense in performing their duties. However, in some instances, disciplinary action may be necessary. When disciplinary action is taken, it can be in several forms such as supervisory counseling, written reprimand, suspension without pay, demotion and dismissal. The specific circumstances of a violation will determine the level of action that is to be taken. Your work record and performance on the job will be taken into consideration, as well as the nature of the violation. Some reasons for disciplinary action are:

- A. Being convicted of a crime.
- B. Too much lost time.
- C. Being absent without leave.
- D. Excessive tardiness or abuse of sick leave.
- E. Inefficiency.
- F. Abuse of College property.
- G. Giving false statements to supervisors, officials or the public.
- H. Violation of College ordinances, State laws, administrative guidelines or department rules.
- I. Drinking of alcoholic beverages while working or being intoxicated on the job.
- J. Discovery of a false statement in an employment application which had not been detected previously.
- K. Acceptance of gratuities in conflict with the Personnel Policies.
- L. Refusal to be examined by a College designated physician or psychologist when so

directed.

M. Political activity in conflict with Personnel Policies.

N. Borrowing College equipment for personal use without permission.

O. Insubordination.

P. Conduct on or off the job unbecoming to a College employee who brings discredit to the College or the law enforcement department.

Q. Other violations of College policies or department rules.

## **VI. DISCIPLINARY RECORDS**

All disciplinary records shall be in written form and retained in the employee's file for a minimum period of three years. After such time the employee may submit a written request to the Chief of Police for consideration of removal of disciplinary actions regarding written reprimands and chargeable accidents. Any disciplinary action above a written reprimand shall remain indefinitely in the employee's file. If the request is approved, the disciplinary record will be removed from the employee's file and destroyed by shredding or burning. Personnel files shall be maintained in the Chief of Police's Office and Human Resources Department.

## **VII. APPEALS**

If an employee has a work-related complaint and wants to file a grievance, the employee should refer to the Grievance Procedures.

If the imposed discipline results in an action above a written reprimand, the employee may appeal through the procedures outlined in the East Georgia State College Personnel Policy Manual. Verbal and written reprimands are not eligible for appeal.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**7.00**

Subject:  
Uniform / Dress Code

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**I. PURPOSE**

- A. Establish rules and regulations regarding the EGSC PD uniform, equipment and personal appearance.
- B. Establish employee accountability for the EGSC PD uniform and equipment.
- C. Establish an EGSC PD dress code and employee personal appearance guidelines.

**II. RULES AND REGULATIONS**

**A. General**

- 1. Sworn employees will wear the designated uniform when reporting for duty, while on duty, and during any authorized special assignment. When the uniform is worn, care shall be taken that it fits well, is neat, clean, properly pressed, and that all leather and metal items are polished and in presentable order.
- 2. Civilian employees will maintain a professional appearance at all times.
- 3. Employees of the Department shall be neat in appearance and well groomed. Male employees will be clean shaven. (Mustaches are allowed, see Section S. 6.)
- 4. While wearing the uniform, employees shall maintain a professional appearance.
- 5. Under no conditions will a part of the official uniform be intermixed with the wearing of civilian clothes.
- 6. Off duty officers shall not wear the uniform or any EGSC PD issued equipment, except to and from work, unless prior authorization is received from the Chief of Police. EGSC PD uniforms and equipment shall not be used on any non-EGSC PD part time employment.
- 7. Female employees wearing civilian clothing will wear skirts/dresses that reflect professional standards in length and design. Dress slacks or pant suits are permissible.

8. When necessary, the Chief of Police may prescribe other types of clothing to be worn.

#### B. Uniform Shirt

1. The uniform shirt will be long or short sleeved according to the season. Shirts will be clean and pressed and will not be frayed or torn. The date for changing seasonal shirts will be at the discretion of the Chief of Police.
2. Uniform shirts for all officers below the rank of Lieutenant will be navy in color. Officers of the rank of Lieutenant or above will wear navy uniform shirts. The Chief of Police will determine the style and type of material for uniform shirts.
3. No alterations will be allowed on the length of the sleeves on short sleeved shirts. Long sleeves will be such that when the arms are extended perpendicular to the ground, the edge of the cuff extends only to the area immediately below the wrist bone and above the junction of the wrist with the hand.
4. All buttons, except the collar button on short sleeved shirts, will be buttoned.
5. Personal items will not be carried in the pockets of the shirt. Official credentials and pens are permitted.
6. Undershirts will be either v-neck or crew neck and the color will be either black, blue or white.
7. Non-uniform articles will not show above the uniform collar or protrude from the pockets.

#### C. Uniform Shirt Accessories - The only authorized uniform shirt accessories are:

1. Badge – The Department issued badge is to be worn in the slot provided on the outermost garment and clearly visible at all times.
2. Name Plate – The Department issued name plate is to be a shiny metallic finish, clutch type, engraved with employee's name, inset with black color. The name plate shall be clean and polished and worn centered parallel with the seam at the top of the flat of the right breast pocket. The name will always be discernible.
3. Collar Insignias - The Department issued collar insignia is to be worn just inside the seams at the corner of the collar perpendicular with the collar corner. On an open collar, this will place the insignia at a 45 degree angle. On winter shirts, it will be parallel with the ground.
4. Awards - Pins designated and approved by the Chief of Police indicating E.M.T. Training, firearms, etc., will be worn on the right/left pocket flap, parallel to the top of the pocket 1/4 inch below the seam. The finish will be of the appropriate color.

5. Official EGSC PD Patch – The Department issued patches will be displayed on both shoulders of all uniform shirts and jackets and centered one inch below the shoulder seam.
6. Sergeant and Corporal Chevrons – The Department issued chevrons will be displayed on both shoulders of the appropriate ranking officers. On short sleeved shirts, the bottom points of the chevron will be one-eighth of an inch above the seam stitching on the arm, the top point will be centered below the EGSC PD patch. On a long sleeve, the peak point of the chevron will be centered five and one-half inches below the shoulder seam.
7. Whistle and Snake Type Whistle Chain – The Department issued whistle and chain will be in appropriate metallic finish, the chain will be worn on the right shoulder button under the epaulet falling down into the inside of the right pocket.
8. Tie/Dickey – The Department issued tie or dickey will be worn with the long sleeve shirt. Officers may decide which they prefer to wear. The tie shall be worn at all funerals and anytime that a full dress uniform is required
9. Tie Bars or Tacks – Department issued tie bars or tie tacks will be in an appropriate finish will be worn in the center of the tie and worn one inch below the third shirt button.
10. Flag - A small metal American Flag is optional and may be worn parallel to and one-half inch from the right side of the name plate. The size shall not exceed five-eighth inch by one-half inch.

#### C. Uniform Trousers

1. Department issued uniform trousers will be navy in color and must be clean, pressed and tailored.
2. Trousers will be tailored so that the front crease breaks one quarter of an inch before touching the shoe. Trousers should fit so that the side pockets do not appear gaping (correct size). All pocket buttons will remain buttoned and must be replaced when necessary.
3. Bulky objects will not be carried in the pockets. No objects will protrude from the pockets.

#### E. Uniform Belt

The Department issued under belt worn with these trousers will be a black leather or Velcro type, one and one-half inches wide, with the appropriate finish buckle.

#### F. Uniform Headgear

1. The Department issued uniform hat must be worn at all times except: inside a vehicle, when indoors or under cover, when standing roll call or other inspections, or as personal courtesy dictates.
2. Hats will be worn squarely on the head with the lower edge of the sweatband located one inch above the eyebrows.
3. Department issued hat braids and hat badges, of appropriate color, will be worn on the hat.
4. The uniform hat brim is not to be altered.
5. The uniform hat chin strap will be worn around the back of the head and above the ears. If the chin strap is used it will be worn immediately under the point of the chin.
6. The Department issued ball caps may be worn during designated functions, upon the authorization of the Chief of Police.

#### G. Uniform Footwear

1. Shoes will be plain toe, either "vinyl" or leather and black in color.
2. Footwear with buckles will not be worn with the uniform.
3. Shoes shall be clean and highly polished, and will be kept in good repair.
4. The heels of the footwear will not be over one inch in height. Shoes without heels will not be worn with the uniform.
5. Boots may be worn by officers assigned to special assignments or by approval of the Chief of Police.
6. Navy or black socks will be worn. If white socks must be worn for medical reasons, they will be worn under black socks.

#### H. Uniform Leather Gear

1. All uniform personnel will wear the Department issued two and one half inch width black gun belt with appropriate buckle, either basket weave leather or nylon. The gun belt will have upon it the following items;

2. Security style holster – The Department issued holster is to be worn on the right or left trouser seam. The butt of the firearm will be to the rear.
3. Magazines and case – The Department issued magazines (2) and double case are to be worn on the forward portion of the belt, between the holster and the belt buckle. Each officer will carry a minimum of 14 rounds of ammunition in each magazine. Only one magazine case will be worn.
4. Handcuffs – The Department issued handcuff case with handcuffs inserted properly for immediate use, are to be worn to the rear of the side seam of the trousers.
5. Four Department issued black belt keeper straps will be used to attach the under belt to the duty belt.
6. Department issued walkie-talkie holders will be fastened to the duty belt. Holders for ASP batons, flashlights, Tasers, and OC spray will be fastened to the gun belt.
7. No other accessories will be permitted on the gun belt, without the approval of the Chief of Police.

I. Uniform Inclement Weather Gear - Optional according to weather conditions.

1. All rain gear will be issued by the department.

During foul weather, the proper rain cover will be worn over the uniform hat to prevent water damage.

2. The Department issued winter jacket will be blue with the following worn appropriate to rank:
  - a) Gold or silver buttons;
  - b) Sergeant and corporal chevrons to be worn on both sleeves one half inch below the EGSC PD patch.

- c) The metal rank insignia of Lieutenant and above will be worn parallel to the shoulder seam and five-eighths inch from the shoulder seam to the nearest bar or insignia;
    - d) The winter jacket will not be worn with summer uniform.
  - 3. Gloves, if worn, must be black leather or black fabric; when working traffic, gloves will be orange/white/yellow.
- J. Special Uniforms - Uniform specifications for special ceremonies and tactical sections will be announced by Command Memorandum.
- K. Excluded Items - The following items are excluded from use by Department personnel:
  - 1. No dangling earrings or any type of ornament will be affixed to the ear, while in uniform. Females with pierced ears may wear small post earrings.
  - 2. The use or the possession of the hard metal flashlight is prohibited.
  - 3. Personal ornaments or excessive jewelry shall not be worn while in uniform nor shall they be affixed to any part of the uniform, unless authorized by the Chief of Police.
  - 4. Any emblem or patch denoting a special squad to be worn on the uniform must receive prior approval from the Chief of Police.
  - 5. No political material or any type of flag other than designated in section C-10 may be worn on the uniform.
- L. Firearms
  - 1. Uniform Officers
    - a) A Glock model 22 semi-automatic pistol is Department issued for all sworn personnel. When not in use, it is to be snapped in the holster.
    - b) The Department issued firearm and ammunition shall be carried by all sworn personnel.
    - c) Permission to carry a backup handgun must be authorized by the Chief of Police. Use of a backup handgun will require recording the serial number, make and model in the personnel file of the individual officer. The officer is also required to qualify on the firing range with his/her backup handgun. When the officer makes a written request to carry a backup handgun, the officer must specify where the handgun will be worn.
- M. Other Equipment

1. Department issued handcuffs with a minimum of one key are required. If officers wish to carry a second set of handcuffs, they are required to provide those and they must be approved by the Chief of Police.
2. Taser, OC Spray, and ASP Baton will be issued by the Department to officers who are authorized to carry those weapons.

N. Criminal Investigation Division (CID) Dress Code

1. An investigator shall dress in civilian clothes and shall keep him/herself neat and clean. The general appearance shall be business-like and always presentable when in public.
2. Whenever investigators are in the public view or appear before any official body or court, they shall dress in a professional manner. Coats may be omitted during very hot weather, and the service weapon may be exposed under these limited conditions.

**NOTE: If the weapon is exposed, the officer's badge must also be exposed/visible.**

3. Ties will be worn by CID personnel.
4. No blue jeans or jogging suits will be worn on duty, unless approved by the Chief of Police.
5. All CID members shall keep their hair cut in a conservative manner. Male investigators may wear a trimmed mustache that does not come below the corners of the mouth. No handle bar type mustache will be allowed.

**NOTE: Upon approval of the Chief of Police, officers assigned to special details may be exempted from the Department's grooming policy.**

6. CID personnel will be required to carry their firearms and handcuffs whenever on duty unless prior approval is given. Whenever CID personnel are in contact with the public, he/she should not carry his/her firearms in an open exposed manner without prior approval.
7. Investigators must carry hand held radios when away from the office or their Department vehicle unless the nature of the investigation prohibits it.

O. Court Dress - The following attire will be appropriate in court:

1. Uniform or coat and tie with dress slacks for males, and appropriate business-like dress for females.

P. Inside Dress - While assigned to office duty, sworn officers may be exempt from wearing those articles which are not necessary for that duty, upon approval of the Chief of Police.

Q. Civilian Personnel - Office personnel should dress in a business-like manner. There shall be no blue jeans, bare feet, halter tops, shorts, tank tops, or tennis shoes worn while on duty.

R. Department Issued Equipment – Sworn personnel shall utilize Department equipment only for its intended purpose and in accordance with established Departmental procedures. Personnel shall not abuse, damage, or lose Department equipment. All Department equipment including uniforms or Policy and Procedures manuals, shall be maintained in proper order. Officers must properly care for assigned equipment and vehicles. Officers are responsible for damaging or causing damage to it due to neglect or carelessness. Officers may not alter or repair Departmental equipment without proper authorization from the Assistant Chief of Police.

All personnel shall immediately report to their immediate supervisor, any loss or damage to Departmental property assigned to or used by them. The immediate supervisor will be notified of any defects or hazardous conditions existing in any Department equipment or property. Supervisors will conduct an investigation, to determine the facts of any loss or damage. **Any lost, stolen or damaged Department property requires an Incident Report to be completed.** Lost, stolen, or damaged equipment may subject the individual to reimbursement charges and disciplinary action.

S. Turning in Equipment upon Termination or Resignation - When any employee resigns or is terminated, all EGSC PD issued property will be turned into the Assistant Chief of Police. This must be done before the issuance of a final pay check.

T. Hair - Hair regulations for the Agency follows:

1. The hair will be neatly groomed and worn in such a manner as to not hang over the forehead under the regulation head gear. Hair will always be neatly groomed.
2. The hair at the back of the head may be worn in a full style. No hair will be allowed to extend over the collar.
3. The hair on the top of the head may be worn in a full style provided the regulation head gear is not hindered by the hair from sitting squarely on the head. The head gear cannot be supported solely by the hair.
4. Sideburns are permitted, provided they do not extend below the middle of the ear. Sideburns cannot be worn in a flared style. The base will have a precise, horizontal line.
5. The hair should not cover or touch the ears or extend below the normal hairline. "Corn-rowing" of the hair is not permitted while in uniform.
6. A mustache is permitted provided it does not extend below the corners of the

upper lip. It cannot turn upward or be worn in a twisted manner. It can/cannot be of a "handle bar" style, and cannot be waxed on the ends. The upper lip must be exposed. The mustache cannot be worn so thick that it extends over one-fourth inch outward.

7. Wigs or hair pieces may be worn only to cover natural baldness or to cover physical disfiguration. When worn, wigs will conform to hair regulations.
8. Female uniform officers are required to wear their hair to comply with the standards of the Agency. Female officers are permitted to wear their hair pinned up during duty hours.
9. Beards and ponytails are not permitted.
10. Members of the Investigative Division are required to comply with all rules regarding hair styles.
11. Exemptions from the above rules require prior written authorization from the Chief of Police.

#### **T. Body Armor (GLECP Std. 5.2)**

Police officers, due to the nature and danger of their occupation, need all the protection that is available to them. Soft body armor can offer substantial protection to vital areas of the human body from assaults by firearms. Recognizing this need for additional protection, each officer will be issued soft body armor.

Officers are required to wear their body armor, which includes the front and back ballistic panels, any time they are in uniform performing patrol duties including extra duty work. Those assigned to office duty or attending court will have the option of wearing body armor. Those assigned to the Criminal Investigation Division shall have their body armor immediately available when in the field. Body armor is most effective if concealed from public view. When exigencies of the situation allow, every effort will be made to cover the vest with an outer garment.

The department will keep records of issuance, conduct evaluations of new body armor products and continue to seek the best available threat level protection for the officers. Because body armor only offers protection when worn, comfort and weight will be among the factors considered when deciding on the type of armor to purchase and issue. Each set of soft body armor will be replaced as soon after its expiration date as possible.

Employees are required to care for and maintain their body armor as recommended by the manufacturer. Soft body armor is subject to line and equipment inspections by supervisors.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
8.0

Subject:  
Arrest

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

- A. Establishes Agency guidelines for arrest procedures.
- B. Identifies those individuals exempt from normal arrest procedures.
- C. Establishes a standard operating procedure for taking a suspect into custody.
- D. Establishes a standard operating procedure for processing juvenile offenders.
- E. Establishes a standard operating procedure for taking confessions and conducting interrogations.

**II. RULES AND REGULATIONS**

- A. Arrest Without a Warrant

**NOTE: An arrest without a warrant must be based on probable cause.**

In the state of Georgia, officers may make an arrest without a warrant in the following instances:

1. When an offense is committed in the officer's presence or within his/her immediate knowledge;
2. When an offender is attempting to escape;
3. When an officer has probable cause to believe an act of family violence has been committed as specified under OCGA 19-13-1;
4. When for other cause there is likely to be a failure of justice for want of a judicial officer to issue a warrant;
5. To prevent the commission of a felony (This exception should only be utilized when the criminal act is imminent.);
6. Upon receiving information from a law enforcement officer who observed an offense being committed, provided such information would constitute the

basis for arrest had it been committed in the arresting officer's presence. (The warrant issued must list the name of each officer(s). If more than one officer is involved, they should all be present when charges against the offender are heard); and

**NOTE: All of the above exceptions are based on timeliness; if enough time has passed for a warrant to have been obtained, an arrest without a warrant may not be upheld.**

7. Outside of the time restriction, a seventh exception is noted, that of a fugitive arrest based on belief that a warrant exists in the jurisdiction from which the suspect fled. An officer has limited power to arrest without a warrant beyond the boundaries of his/her jurisdiction except for when the officer is in hot pursuit that is continuous and uninterrupted (an officer may temporarily lose sight of the suspect). No officer shall arrest any person without a warrant when he/she knows that he/she is without reasonable cause to arrest such person.

#### B. Arrest with a Warrant

**NOTE: The execution of arrest warrants shall only be conducted by sworn officers who are in compliance with the Georgia POST Council. "...require all sworn officers to complete the POST mandated training prior to routine assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest." (GLECP Std. 1.6)**

1. Jurisdiction - An arrest warrant may be issued in any county in Georgia, even for a crime committed in another county. Once issued, a warrant may be carried from one county to another. The warrant may be served in any county of the state regardless of where it was issued.
2. Contents - A valid arrest warrant must contain specific information as required by statute, court decisions and the Uniform Rules of the Superior, State and Magistrate Courts. Such information includes:
  - a) The authority under which the warrant is issued; **(GLECP Std. 4.4c)**
  - b) Identification of the person who is to execute the warrant, generally addressed: "To any sheriff, deputy sheriff, coroner, constable, marshal, or police officer"; **(GLECP Std. 4.4e)**
  - c) Identification of the person to be arrested; **(GLECP Std. 4.4d)**
  - d) The name of the offense committed;
  - e) The date and place of occurrence of the offense, including the county in which it was committed;
  - f) Identification of the victim; and
  - g) A description of the offense, including all of the elements of the

offense.

h) In addition, when the offense charged is a theft, the warrant must contain:

- (1) A description of the property alleged to have been stolen;
- (2) Identification of the owner of the stolen property;
- (3) The value of the stolen property; and
- (4) The person from whose possession it was taken.

**NOTE: Without strict compliance with the above, the warrant may not be valid. GLECP Std. 4.4 requires the following: a. date and time received; b. nature of document; c. source of document (issuing court); d. name of defendant; e. officer assigned for service; f. date assigned for service; g. court docket number; and h. date process expires. GLECP Std. 4.5 also covers the attempted service of or the execution of legal process documents.**

3. No officer shall arrest any person under color of a warrant unless he/she reasonably believes a valid felony warrant exists and that the person described in the warrant is before him/her.

#### C. Procedure When Making an Arrest

When a lawful arrest cannot be made except with a warrant, the arresting officer should have the warrant in his/her physical possession at the time of the arrest, or so near at hand that it can be exhibited upon demand.

**NOTE: An officer making a lawful arrest has the right to use whatever force is reasonably necessary to accomplish the arrest, but no more than is necessary to take the suspect into custody (see Chapter 11 - Use of Force).**

#### D. Alternatives to Physical Arrest

What is reasonable in terms of appropriate law enforcement action or what constitutes probable cause varies with each situation. The particular facts and circumstances may justify an investigation, a detention, a search, an arrest, or no action at all. In some cases, when the offense is of a minor nature, a verbal warning or other action may be taken. The requirement that legal justification be present imposes a limitation on an officer's action. In every case, an officer must act reasonably within the limits of his/her authority as defined by statute and judicial interpretation.

#### E. Immunity From Arrest

Federal and state laws provide that under certain circumstances, individuals may be immune from arrest. With the limited exception of certain diplomatic officials, immunity from arrest does not preclude prosecution of the individual for the offense

for which immunity from arrest is claimed.

**NOTE: For details regarding diplomatic and consular immunity see S.O.P. 8.5 Diplomatic and Consular Immunity, Request for Asylum / Defection.**

**NOTE: Supervisors should be immediately advised of the arrest of any person identified in this section – “E. Immunity from Arrest”.**

1. Members of Congress

U.S. Senators and Representatives are free from arrest during their attendance at Congress and in going to and from sessions of Congress except for "treason, felony, or breach of the peace."

2. Members of the Georgia General Assembly

The members of the Georgia General Assembly are free from arrest during their attendance at the General Assembly and in going to and from sessions except for "treason, felony, or breach of the peace."

3. Others Exempt from Civil Arrest

a) Georgia National Guard

Members of the Georgia Army National Guard and the Georgia Air National Guard are privileged from arrest, except in cases of treason, felony, or breach of the peace, under the following circumstances: 1) while attending drill; 2) during parades; 3) when attending meetings, encampments, and election of officers; and 4) while going to, during and returning from the performance of active duty.

**NOTE: National Guard officers are no longer elected but are appointed the same as other officers of the armed forces.**

In any incident in which a person asserts immunity based on membership in the National Guard, a full report of the incident will be submitted. It is the policy of this Agency that all incidents in which a member of the National Guard asserts immunity from arrest will be reported to the Adjutant General of the Georgia National Guard for appropriate action under the Georgia Code of Military Justice.

b) Poll Officers

Registrars and deputy registrars appointed by the board of registrars or board of elections of the county or the Secretary of State are immune from arrest on primary and election days, except for fraudulent misconduct of duty, felonies or breach of the peace.

**NOTE: O.C.G.A. 21-2-215 only refers to registration officials, not poll officers.**

c) Voters

Citizens are immune from arrest on Election Day while voting.

d) Witnesses

A person who has been subpoenaed as a witness is immune from arrest on civil process while going to or returning from court. A person asserting immunity as a witness should be able produce either the subpoena or a court order in the case of witnesses appearing under the Uniform Act to Secure the Attendance of Witnesses as proof of his/her status. Verification may be requested from the Clerk of the Court that issued the subpoena.

### III. DEFINITIONS

- A. ARREST - The restraint of the liberty of a person to come or go as he pleases, no matter how slight. An individual has been arrested when he is not free to go, regardless of whether formal words of arrest are used.
- B. ARREST WARRANT - A written judicial command to arrest a particular individual and to bring the arrestee promptly before the magistrate issuing the warrant or other appropriate judicial officer. Oral or telephone warrants do not exist.
- C. INVESTIGATIVE DETENTION - An investigative detention occurs when an officer, based on his/her natural senses, experience, and good judgment suspects that criminal activity may be occurring and has reasons that he/she can express to support his/her suspicion. He/she may then detain a subject briefly to investigate his/her suspicions. He/she may frisk the subject's outer garments if there is reason to believe the subject has a weapon.
- D. PROBABLE CAUSE - Those facts and circumstances which would lead a reasonable and prudent person to believe that a crime has been committed, or that the suspected person has committed an offense.
- E. WITHIN THE OFFICER'S IMMEDIATE KNOWLEDGE - When, by seeing, hearing, or using any of the other senses, the officer has personal knowledge of the commission of a crime. This is equivalent to "in the officer's presence". This excludes reporting of a crime by any third party other than another law enforcement officer who has direct knowledge of OCGA 17-4-20 (arrests).

### IV. CANCELLATIONS

This directive cancels "Chapter 8 – Arrests" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**8.01**

Subject:  
**Resv**

Authorized By: **Chief Mack Seekinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

**Reserved for future use**

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
8.02

Subject:  
Processing of Juvenile  
Offenders

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

To establish standards and procedures concerning contact, release, intake, detention and referral of juveniles by officers of the East Georgia State College Police Department.

**II. JURISDICTION**

When a crime is committed by a child 16 years of age or younger and juvenile investigations are initiated by a law enforcement agency, officers shall conduct all phases of the investigation including bringing the case to the Juvenile Court for adjudication and disposition. Juvenile Courts in Georgia have exclusive original jurisdiction over juvenile matters and shall be the sole court for initiating action, except in cases where a life sentence may be imposed. When a life sentence may be imposed, the superior court has concurrent jurisdiction. For the offenses of murder, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual battery, and armed robbery with a firearm, the superior court has exclusive jurisdiction.

**III. DEPRIVED, ABUSED AND NEGLECTED CHILDREN (GLECP Std. 5.30b)**

Any officer having contact with a child who is endangered by his surroundings must first place the child under his protection by removing the child to a safe place. When the juvenile is alleged to have been harmed and the injury is not life threatening, he / she will be taken to a local hospital for proper treatment. If the injury is life threatening, he / she will be transported to the closest available emergency / trauma center by EMS.

After the child is safe, the officer must contact a Juvenile Intake Officer for approval to detain the child. If approval is granted, the officer will be advised where to take the child.

A juvenile complaint form, which will be provided by the Juvenile Intake officer, should be filled out by the officer when a deprived child is taken into custody. No pickup order or warrant is needed to remove a child from dangerous surroundings. The officer will be required to leave a completed incident report with the personnel the child is released to. A copy of the complaint form should be obtained and filed with the officer's report.

**NOTE: Remember that probable cause that the child may be at risk has to exist in order to take the child into safekeeping.**

Pursuant to OCGA 19-7-5, Police Officers having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made to a child welfare agency providing protective services. To comply with this requirement, officers will be required to fax a copy of the incident report to DFACS Intake at (404) 370-5094 as soon as

possible. A copy of the fax cover sheet will be filed with the officer's report as documentation that the notice was provided.

#### **IV. CHILD ABUSE PROTOCOL (GLECP Std. 5.28)**

Each county in the state is mandated to have in place a child abuse protocol filed with the Division of Family and Children Services (DHR), a copy of which shall be furnished to each agency in the county processing the cases of abused children OCGA 19-15-2. This protocol details the procedures to follow regarding the handling of abused and physically neglected children under the age of 18 years.

Further the protocol should specify the circumstances under which law enforcement officers will and will not be required to accompany child abuse investigators from the county's Department of Family and Children Services (DFACS) when these investigators investigate reports of child abuse.

A copy of the Emanuel County and Bulloch County Child Abuse Protocol is included at the end of this policy.

#### **V. JUVENILE FOLLOW-UP INVESTIGATIONS (GLECP Std. 5.29)**

When conducting follow-up investigations of incidents involving the abuse, neglect, or molestation of children, interviews with the victim shall be conducted by individuals from a Child Protection Center (CPC) who have received specialized training in:

- A. interviewing and report writing techniques;
- B. dealing with child victims of sexual abuse;
- C. dealing with child victims of physical neglect and abuse;
- D. familiarity with the use of anatomically correct dolls/drawings; and
- E. the use of taping and recording devices.

#### **VI. JUVENILE PROCEDURES**

It is the policy of the East Georgia State College Police Department that all personnel dealing with juvenile offenders will use the least coercive among reasonable alternatives consistent with procedures of the Department, State and local law. Youthful offenders may be dealt with by officers in one of three (3) ways:

- A. Outright release of youth to parents / legal guardian with only an admonishment, warning or friendly advice; **(GLECP Std. 5.31a)**
- B. Issuance of a written citation / summons to appear in court in lieu of taking into custody. **(GLECP Std. 5.31b)**
  - 1. Law enforcement officers may issue a copy of charges in lieu of taking the child into custody. In most situations involving juveniles when a parent or legal guardian is available to take charge of the child, the interest of the juvenile is best served by releasing the juvenile to the parent or guardian. Major felonies and situations involving violence will require taking the child into custody.
  - 2. On minor traffic violations, the juvenile may be release on a copy of charges. Otherwise, the defendant's copy of the charges shall be given to the parent or legal guardian. The officer will explain in detail the charges involved, and advise the child and/or parent/legal guardian that he/she will be notified by juvenile authorities as to

the court date or other related actions. Prior to release, the officer should first contact the juvenile authorities to ascertain if a pick-up order is outstanding.

3. When an officer charges a juvenile with an offense for which charges are brought without taking custody of the juvenile, it shall be the arresting officer's responsibility to furnish the juvenile authorities (or juvenile officer) with a copy of the incident report and the juvenile complaint form (a mandated form) along with the court copy of the citation.

C. Referral to the appropriate juvenile court or authorities. **(GLECP Std. 5.31c)**

When an officer has reason to take a juvenile into custody for alleged non-criminal behavior (a status offense), every effort will be made to release said youth to parents or guardian and issue a copy of charges when necessary. **(GLECP Std. 5.30a)**

If an officer feels a juvenile should be held, they must contact a Juvenile Court Intake Officer for the final decision. Intake Officers are on-call 24 hours a day and their telephone numbers are available through the E-911 Center. Every effort should be made to contact an Intake Officer from the scene, if this is not possible, the juvenile can be transported to Juvenile Intake and the officer can speak with the Intake Officer there.

1. Physical Detention

The taking of a child into custody is not an arrest, except for determining its validity under the law.

- a) A child may be taken into custody:
  - i. Pursuant to an order of the court;
  - ii. Pursuant to the laws of arrest;
  - iii. If there are reasonable grounds to believe that child is suffering from illness or injury or is in immediate danger from his surroundings and that his removal is necessary (a deprived child);
  - iv. If there are reasonable grounds to believe that the child has committed a delinquent act or to believe he is an unruly child; or
  - v. If there are reasonable grounds to believe that the child has run away from his parent(s), guardian or other custodian.
- b) A child taken into custody shall not be detained or placed in shelter care prior to the hearing unless:
  - i. His detention or care is required to protect the person or property of others or the child;
  - ii. The child may abscond or be removed from the jurisdiction of the court;
  - iii. He has no parent(s), guardian, or custodian or other person able to provide supervision and care for him and return him to court when required; or
  - iv. An order for his detention or shelter care has been made by the court.
- c) Procedures on Taking Child into Custody - OCGA 15-11-47 **(GLECP Std. 5.30d)**

An officer taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:

- i. Release without bond the child to his/her parent(s), guardian, or other custodian upon their promise to bring the child before the court when required;
- ii. Deliver the child to a medical facility, if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact a juvenile court intake officer;
- iii. Bring the child immediately before the juvenile court or promptly contact a juvenile court intake officer who will determine if the juvenile will be detained or released;
- iv. Bring the child who is suspected of committing a delinquent act before the superior court of the county where the delinquent act occurred if the act is an act over which the superior court has exclusive or concurrent jurisdiction;
- v. Bring the child to any suitable place or facility designated or operated by the court for juvenile detention.

**NOTE: In all cases, the officer must be sure that a juvenile's parents or guardians are contacted as soon as possible and are advised of the juvenile's situation and location. The officer taking the juvenile into custody is responsible for seeing that all attempts to contact the parents are made. (GLECP Std. 5.30f)**

d) Procedures Involving Felonies with Exclusive Superior Court Jurisdiction

- i. The superior court shall have exclusive jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed any of the following offenses:
  - (a) Murder;
  - (b) Voluntary manslaughter;
  - (c) Rape;
  - (d) Aggravated sodomy;
  - (e) Aggravated child molestation;
  - (f) Aggravated sexual battery; or
  - (g) Armed robbery if committed with a firearm.
- ii. An officer taking into custody a juvenile (13) years of age or older who is suspected of committing one of these offenses, shall immediately transport the child to the Regional Youth Development Center.
- iii. The officer shall obtain criminal warrants for the juvenile from Emanuel or Bullock County Magistrate Courts.

## VII. JUVENILE TRAFFIC PROCEDURES

### A. Juvenile Traffic Offenses

Juvenile traffic offenses, (OCGA 15-11-73) apply to those individuals under the age of 16 and the arresting officer will follow standard procedures for the processing of juveniles.

Exceptions: Those violations which include any offense under OCGA 40-5-54; OCGA 40-5-70; driving under the influence of alcohol or drugs; possession of a controlled substance or marijuana; or any other offense for which driving privileges may be suspended or revoked for an adult. Any offense under these Codes is an act of delinquency.

On minor criminal and traffic offenses, the law enforcement officer should make every effort to release the juvenile to his / her parents or legal guardians and issue a copy of charges when necessary. If a copy of traffic charges is issued, it will be marked "JUVENILE" in the court section. The juvenile will be told by the officer that he/she will be notified of the court date by the Emanuel or Bullock County Juvenile Court.

**B. Driving Under the Influence**

A juvenile arrested for DUI who is sixteen years of age and possesses a Georgia Driver's License is subject to the Georgia Implied Consent Law, and will be given the same rights as an adult. After the test is completed, the arresting officer will follow standard procedures as outlined in the Georgia Code for the processing of juveniles.

A juvenile without a valid driver's license, who is arrested for DUI, regardless of age, is not subject to the Georgia Implied Consent Law and cannot be given a blood or breath test without obtaining permission from the parent (s) or legal guardian.

**VIII. FINGERPRINTING PHOTOGRAPHS OF JUVENILES (OCGA 15-11-83) (GLECP Std. 5.30e)**

Every child charged with an act which would be a felony if committed by an adult, other than those status offender crimes as defined in OCGA 15-11-2, shall be fingerprinted and photographed upon being taken into custody.

Fingerprints and photographs of children shall be taken and filed separately from those of adults by law enforcement officials to be used in investigating the commission of crimes and to be made available as provided in this article and as may be directed by the court.

Fingerprint files and photographs of children may be inspected by law enforcement officers when necessary for criminal justice purposes and for the discharge of their official duties.

The Emanuel or Bullock County Sheriff's Office booking area will be used for obtaining the fingerprints and photographs required by OCGA 15-11-83. The E-911 Center will be notified ahead of time to insure that the booking area is vacant prior to a juvenile being brought inside. As soon as the juvenile is processed

**IX. JUVENILE RECORDS (OCGA 15-11-82)**

Records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under Juvenile Code Section 15-11-30.2 or in the interest of national security, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection nor shall their contents be disclosed to the public.

With the consent of the court, inspection of the records and files is permitted by:

**A. A juvenile court having the child before it in any proceedings.**

- B. Counsel for a party to the proceedings.
- C. The officers of public institutions or agencies to whom the child is committed.
- D. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.

Exception: Any law enforcement records and files involving an offense over which the superior court shall have exclusive jurisdiction as provided in paragraph (2) of subsection (b) of Code Section 15-11-28 shall be kept and reported in the same manner as the records and files of adults. These offenses are:

- A. Murder;
- B. Voluntary manslaughter;
- C. Rape;
- D. Aggravated sodomy;
- E. Aggravated child molestation;
- F. Aggravated sexual battery; or
- G. Armed robbery if committed with a firearm

## **X. DEFINITIONS**

- A. CHILD/ JUVENILE - any individual who is:
  - 1. Under the age of 17 years,
  - 2. Under the age of 18 years, if alleged to be a "deprived child" as defined by Title 15.
- B. DELINQUENT ACT - an act designated a crime by the laws of this state or by the laws of another state if the state, under federal laws, or by local ordinance. Failing to appear as required by a citation issued with regard to a violation of Code Section 3-3-23.
- C. DEPRIVED CHILD - a child who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health or morals; has been placed for care or adoption in violation of law; has been abandoned by his parents or other legal custodian; or is without a parent, guardian or custodian.
- D. RESPONSIBLE ADULT - one who is 18 years of age or older, will provide supervision for the juvenile until the parent/guardian is located and the juvenile is released to them, will make the parent/guardian aware of the juvenile's apprehension and release by law enforcement, and will ensure that the juvenile will appear in court when notified by the court.
- E. STATUS OFFENDER - a juvenile who is charged with or adjudicated of an offense which would not be a crime if it were committed by an adult. Such offenses shall include, but are not limited to, truancy, running away from home, incorrigibility, and unruly behavior.
- F. UNRULY CHILD - a child who is habitually and without justification truant from school; is habitually disobedient of the reasonable and lawful commands of his parent, guardian or custodian; who runs away from home; wanders or loiters about the streets of any city, or in or about any highway or any public place, between 12 midnight and 5 a.m.; patronizes

any bar where alcoholic beverages are being sold, unaccompanied by such child's parent, guardian or custodian, or possesses alcoholic beverages; has committed an offense applicable only to a child.

All other terms and definitions relating to juvenile operations are found in the Juvenile Proceedings Code, OCGA, Title 15, Chapter 11, and Section 2 (15-11-2). Officers should refer to this code whenever a question arises concerning juveniles that are not covered in this policy.

## **XI. CANCELLATION**

This directive cancels "S.O.P. 8-2 Processing of Juvenile Offenders" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
8.03

Subject:  
Transporting and  
Restraint of Prisoners

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

The purpose of this policy is to structure the handling, transportation and holding of persons who are in custody and to establish responsibility for the safety and security of those in custody, the general public and department employees who may come into contact with those in custody

**II. SCOPE**

This policy shall apply to all law enforcement officers involved in the transport, or transfer, of prisoners to or from any detention center.

**III. POLICY**

The safety and security of persons who are in police custody is a constant requirement with great responsibilities attached. When handling persons in custody, the officers involved should remember that each situation is different. The use of an officer's discretion, the thoughtful consideration of what is right and appropriate, in accordance with Departmental policy is an essential part of effective law enforcement. When complying with these directives, officers should consider many factors. These factors include but are not limited to:

- A. The physical condition of the person in custody;
- B. The seriousness of the offense for which the person is in custody;
- C. The age and sex of the person in custody;
- D. The disposition toward violence displayed by the person in custody;
- E. The urgency of the situation or the presence of a crowd;
- F. The number of persons in custody.

**IV. PREPARING FOR PRISONER TRANSPORTS**

At the beginning of each tour of duty, every officer who may become responsible for the transport of any prisoner must inspect all approved equipment and vehicles for safety and function.

Each officer will be responsible for having on his person all normally issued equipment and having that equipment in good operational order. This equipment will include but not be limited to the following: Issued communication device(s), issued firearm and issued restraint device(s). In the event that any personal equipment is found to be in poor condition or is not available for use, the deficiency will be reported to the officer's supervisor and the deficiency will be corrected before the officer is made available for assignment.

**All vehicles used to transport any persons in custody will be thoroughly searched prior to being operated, before and after each transport situation.** After the vehicle is searched prior to being operated, the vehicle operator will also conduct a visual safety and equipment inspection. (GLECP Std. 5.8)

## V. STANDARD PRISONER TRANSPORTATION

For standard prisoner transportation, the following procedure will be followed:

- A. Before taking custody of the prisoner, the transporting officer will ascertain that the prisoner has been, as well as conditions permit, properly identified and that all necessary documents accompany the prisoner. If positive identification of the prisoner cannot be made prior to the transporting officer taking custody, the jail personnel will be immediately notified of such for appropriate action.
- B. The physical condition of the prisoner will be checked and medical attention will be provided before transport should it be necessary.
- C. **All prisoners will be handcuffed behind the back with palms facing outward, the handcuffs checked for tightness and proper fit and double locked, and then thoroughly searched by the transporting officer before being placed in the transport vehicle. (GLECP Std. 5.7, 5.10)**
- D. **All prisoners will be secured with approved restraints (seatbelts) in accordance with stated policy.** Officers will not utilize any unauthorized restraining devices, regardless of the physical or mental condition of the prisoner.
- E. All prisoners will be transported in a marked patrol vehicle equipped with a security screen or other barrier designed to separate the officer(s) from the persons being transported and which has had the door handles and window cranks removed or made inoperative. If the security barrier has any portion that is moveable, that portion will be closed and locked. (GLECP Std. 5.12)
- F. Any extra weapons or tools that could be used as weapons by a prisoner will be appropriately secured in the trunk or as far from the prisoner area of the vehicle as possible.
- G. The transport vehicle operator will be responsible for having each passenger use the vehicle safety restraints (seatbelts) as far as circumstance permits.
- H. The prisoner will be placed behind the security barrier in such a manner so that the prisoner's actions may be observed by the officer(s).

- I. The interior of the transport vehicle will be lighted to facilitate viewing of the prisoner unless safety concerns dictate otherwise.
- J. Normally, a maximum of two (2) nonviolent prisoners will be transported at anytime and these prisoners will be secured with restraints. If only one set of restraints is available, they will be secured together with the left hand to left hand or right hand to right hand. **(GLECP Std. 5.10)**
- K. An adult and a juvenile will normally not be transported in the same vehicle, at the same time. If circumstances force the transportation of a juvenile with an adult, such transport will be approved by a supervisor and only under the following conditions. The adult is:
  - 1. An immediate relative of the juvenile;
  - 2. Non-threatening to the juvenile.
  - 3. Whenever possible, juveniles will be transported separately.
- J. Female and male prisoners will normally be transported separately. If circumstances force the transportation of a male and female prisoner together, such transport will be for immediate relatives and / or they were arrested in relation to the same incident and are non-combative (they must have traveled together to the location if not related).
- K. When walking a prisoner from one location to another, the officer will walk behind the prisoner and off to the side so that the officer's firearm will be on the side away from the prisoner. The officer will be close enough to the prisoner to maintain control and prevent attack or escape.
- L. The transporting officer will notify Communications at the beginning of the transport as to the number and sex of the prisoners and destination. If the prisoner is of the opposite sex or a juvenile the starting mileage and destination will be transmitted to dispatch and the time will be noted by dispatch.
- M. The officer will take the safest, most direct route to the final destination.
- N. The officer will be especially watchful of the prisoner at all stops that traffic signals or conditions require.
- O. No side trips or unauthorized stops will be permitted. Should an emergency arise in the path of the transport, the officer will contact their supervisor for advice before taking action that would halt the transport. Life threatening emergencies will take priority over transportation situations. **(GLECP Std. 5.9)**
- P. No person other than officers and prisoners will be permitted in a law enforcement vehicle without prior approval of a supervisor.

Should any non-prisoner be approved to be in the transport vehicle, all baggage, purses and packages will be removed from that person and that person will be searched. Should that person create an emotional or violent environment in the vehicle, that person will not be transported.

Q. Normally, a prisoner will not be allowed to communicate with anyone other than Department employees after being taken into custody by the transporting officer. If, in the opinion of the transporting officer, it becomes necessary that the prisoner be allowed to communicate with another, the following guidelines should be used:

1. The prisoner must be nonviolent.
2. The prisoner must be seated in the rear of the transport vehicle.
3. Communications will be made with only one person at a time in the vicinity of the transport vehicle.
4. The communication will either be made through the protective screen or through an open door to the prisoner holding area with the officer standing between the communicating parties at all times in such a manner so as to prevent contact between the two and to prevent escape.
5. Communications will be halted immediately if the prisoner becomes violent, overemotional, attempts to escape or attempts to injure himself.
6. Once the transport vehicle leaves the original location of pickup, no communications will be allowed with outside parties unless an overriding emergency arises.
7. If the prisoner requests to communicate in private with legal counsel, this activity should be accomplished at a proper holding facility as field conditions and prisoner security do not provide conditions for this activity.

R. Department personnel shall keep any prisoner(s) within "line of sight," which means keeping the prisoner located where you can visually observe his/her actions.

## VI. **COMPLETING A PRISONER TRANSPORT**

Upon arrival at the final destination, the transporting officer will:

- A. Notify the E-911 Center of arrival at the destination and if the prisoner is of the opposite sex or a juvenile the ending mileage will be given to radio;
- B. Turn off the transport vehicle, remove the prisoner and lock the transport vehicle;
- C. Prior to entering any area where other prisoners are present, the transporting officer will secure his weapon in a provided locker, will lock his weapon in the trunk of his patrol car or will surrender his weapon under the procedure used at the destination;
- D. Leave the prisoner handcuffed until inside a secured area;
- E. The prisoner will be searched again;
- F. If the destination normally requires that prisoners be placed in a holding cell, this function will be completed;
- G. The transporting officer will deliver the necessary documents that accompany a prisoner

and will await acknowledgment and signature from booking or intake personnel that the prisoner has been accepted for holding or processing;

H. Any necessary information regarding the prisoner, including identifying scars, marks, tattoos, law enforcement I.D. numbers and notations of violent, suicidal or escape potential will be noted in the documentation that accompanies the prisoner; and

I. **The transport vehicle will be searched before going back into service.**

## **VII. COURTESY TRANSPORTATION SITUATIONS**

A. When transporting a non-prisoner, the individual will be subject to standard searching procedures before being allowed to enter the transport vehicle. The subject may refuse the search; however, the courtesy transport will not take place unless the individual submits to searching procedures.

B. No person will be allowed in the front seat of the transport vehicle or in front of the security barrier without prior approval of a supervisor.

C. Communications will be advised of the starting location, the final destination, reason for transport, the number and sex of those being transported and if any are juveniles at the beginning of the transport.

D. If anyone being transported is of the opposite sex or a juvenile, the odometer reading will be given at the beginning and at the end of the courtesy transport. The E-911 Center will respond with the time in both instances. Should the E-911 Center fail to respond properly, the information will be restated until a proper response is received.

E. It is emphasized that all due care will be taken in the operation of the transport vehicle and the safest, most direct route will be taken.

## **VIII. TRANSPORTING INJURED NON-PRISONERS**

In most circumstances, an officer will summon Emergency Medical Services to transport any injured person that may be encountered. If a situation arises in which it becomes necessary for an officer to transport an injured person, the patient will be stabilized as much as possible. If possible, the patient will be placed in the rear of the vehicle with another party to tend the patient.

## **IX. EMERGENCY SITUATIONS (GLECP Std. 5.9)**

A. No provision of this policy will prevent an officer from taking appropriate action in a life threatening emergency that may occur during any transport.

B. It is emphasized that all due care should be taken to safeguard the well-being of anyone being transported as well as to prevent the escape of those in custody before leaving the transport vehicle unattended. The precautions to be considered include, but are not limited to, the following:

1. Lock the transport vehicle;

2. Park the transport vehicle in a safe location, preferably off the roadway;
3. Use appropriate emergency lighting to avoid exposing the transport vehicle to traffic hazards and to facilitate location by other emergency vehicles;
4. Remove the keys from the transport vehicle once it is safely parked out of traffic;
5. Illuminate the interior of the transport vehicle to facilitate viewing of the prisoner;
6. Summon assistance immediately;
7. Return to the transport vehicle as soon as assistance arrives; and
8. Resume the transport as soon as possible.

#### **X. PRISONER TRANSPORTATION IN NON-SCREENED VEHICLES**

Prisoners will be transported in vehicles that are not equipped with protective barriers only by detectives. These transports will be in compliance with standard procedures with the following exceptions and additions:

- A. Only when such transportation is made necessary by investigative need; otherwise, a patrol car equipped with a screen will be summoned.
- B. Prisoners may be transported from the Emanuel or Bulloch County Jail to Emanuel or Bulloch Magistrate court by a detective in a non-screened vehicle. All other transports shall require either two detectives present or a screened vehicle.
- C. The prisoner will be restrained either by handcuffs with his hands behind his back or by the use of an approved prisoner restraint belt with wrist restraints. **(GLECP Std. 5.10)**
- D. If the prisoner is an escape risk, that prisoner will additionally be restrained by the use of leg shackles.
- E. No more than one prisoner will be transported in a non-screened vehicle at any time with the exception of juvenile prisoners who have been charged with non-violent crimes. In such juvenile prisoner instances, the juveniles will be restrained in the prescribed manner.
- F. All doors of the transport vehicle will be locked at all times when the vehicle is in transit.
- G. The prisoner will be seated in the rear seat of the vehicle on the passenger side of the vehicle.
- H. The second transporting officer will be seated either behind the driver (1 prisoner) or in the passenger side front seat (2 juvenile prisoners) turned to face the prisoner as circumstances demand.
- I. The second transporting officer (the non-driver) will closely observe the prisoner at all times.

## XI. NON-STANDARD PRISONER TRANSPORTATION

### A. Prisoners of the Opposite Sex

Female prisoners will be handled in the same manner as male prisoners with the following exceptions:

1. A female prisoner will be searched by a female officer, if circumstances permit.
2. If it is not practical or possible for a female officer to search a female prisoner, the male officer will search the outer garments of the female prisoner. The officer will check any items in the prisoner's pockets. The officer will have the search witnessed by another officer or video recorded. The officer will remove any items carried by the prisoner such as a purse. These items will be searched and will be transported in an area secure from the prisoner.
3. If the prisoner is charged with a violent crime or is behaving violently or is believed to be armed, the prisoner will be searched thoroughly in compliance with policy with a witness present if possible.
4. Prior to leaving the location at which the prisoner was taken into custody, the transporting officer will give the mileage shown on the transport vehicle odometer. Upon arrival at the final destination, the officer will give the ending mileage. In each instance, the E-911 Center will respond with a reading of the time. If the E-911 Center does not respond with the time, the officer will restate the transport information and will request a time reading from the E-911 Center.

The same procedures will apply for female officers handling male prisoners.

### B. Juvenile Prisoners

Juvenile prisoners will be handled in the same manner as adult prisoners with the following exceptions: **(GLECP Std. 5.7)**

1. Handcuffing a juvenile prisoner will be the option of the transporting officer if the juvenile is charged with a non-violent crime and is under the age of sixteen (16).
2. Searches of juvenile prisoners should be made in the presence of a witness if circumstances permit and by officers of the same sex as the prisoner if possible.
3. Searches of juvenile prisoners should be as limited as possible, but sufficient so as to provide the location of any weapons or large contraband.
4. At all times when handling a juvenile prisoner, the transporting officer should take appropriate action to identify and be in the presence of witnesses as much as is practical so as to avoid accusations of improper conduct.

### C. Transport of Sick or Injured Prisoners **(GLECP Std. 5.11)**

If a prisoner becomes sick or injured incidental to his arrest, the arresting or transporting officer should seek medical attention at that time. The officer may transport the prisoner

to a medical facility or have the prisoner transported by ambulance. Any prisoner transported by ambulance should be accompanied by an officer.

A prisoner becoming sick or injured after incarceration may be transported either by ambulance or by law enforcement vehicle only to the medical facility.

**D. Handicapped and Physically Impaired Prisoners (GLECP Std. 5.10, 5.11)**

When handling handicapped or physically impaired individuals who are in custody, extra care must be exercised by the transporting officer. Therefore, exceptions to standard transport policy may be made.

Physically impaired prisoners are those prisoners that have an obvious physical disability or impairment. It is the duty of the transporting officer to treat these individuals with appropriate restraint of action while providing for security and safe transport.

The transporting officer will determine if a physically impaired prisoner who uses supporting devices (crutches, canes, walkers, etc.) is of such a disposition so as to use the device as a weapon. Normally, the physically impaired prisoner will not be restrained and will be allowed to use supporting devices to move to and from the transporting vehicle. During transport, supporting devices will normally be removed from the prisoner and placed in a secure area.

If a physically impaired prisoner is violent, supporting devices will be removed from that individual. If the prisoner is not ambulatory without the devices, that individual will be assisted to and from the transport vehicle by the transporting officer who will take care to ensure that the prisoner will not have the opportunity to gain access to the officer's weapon and will not escape. It may become necessary to restrain a violent, non-ambulatory prisoner and transport that individual in an ambulance to a holding facility. In such a case, the officer should follow the policy for ambulance transports of mentally impaired prisoners.

**E. Mentally Impaired Individuals**

1. Prior to taking custody of a mentally impaired individual, the transporting officer must make certain that they are fully informed in detail as to the following:
  - a) The type of mental disorder and exact type of abnormal behavior displayed by the individual.
  - b) Detailed knowledge of any words, statements or actions that might trigger any abnormal behavior.
  - c) The disposition toward violence that may suddenly be displayed toward the officer or toward the individual himself.
  - d) The name, relationship and location of any person perceived as a threat by the individual; and, why that other person is perceived as a threat.

- e) The name and location of previously visited mental health care facility.
- f) The type, location and last time known to have taken any medications (take a sample or the prescription bottle if available).
- g) The relative ability of the individual to communicate coherently and follow instructions.
- h) Any real or imagined physical injuries.
- i) The circumstances why the individual came into police custody.
- j) Anything that might have in the past soothed the individual.
- k) The name of any law enforcement officer that may have had contact with the individual in the past and any information that may have been gained from that encounter.

Information of the type outlined can govern the transporting officer in the treatment of mentally impaired individuals and reduce the chances for violence.

1. Proper documentation must be present and examined in detail for compliance with existing law prior to any transport. In the absence of proper documentation, the transporting officer must make absolutely certain that the situation complies with the requirements of the Georgia Mental Health Act before taking the individual into custody.
2. Restraining Mentally Impaired Individuals

The transporting officer must take care and the time to make certain that the method of restraint chosen is appropriate to any potential conditions that may be presented by the individual. Many forms of mental impairment can cause behavior that varies widely and instantaneously. The transporting officer must know the extent to which the abnormal behavior may become violent, produce loss of muscle control, cause a desire for the individual to injure himself or cause convulsive behavior. The officer must then provide appropriate restraint to minimize the chance for injury to the individual, Department employees and the public. If necessary, the arresting officer should attempt to loop the handcuffs between a belt or belt loop.

3. Transporting Mentally Impaired Individuals

When deciding what type of restraint is appropriate, the officer should consider what type of transport vehicle would be most appropriate. In most cases, the transport vehicle will be a marked patrol car, a police prisoner transport van or an ambulance.

- a) Marked Patrol Cars

If a marked patrol car is the vehicle of choice, the person in custody should be restrained with issued handcuffs behind the back in such a manner that the individual is able to sit up in the rear of the car.

Should leg restraints be required, only the "HOBBLE" or leg shackles, which shall be applied in the same manner as handcuffs, shall be used. "Flex cuff" or other approved restraints will be used only in case of emergency when no other devices are available. Sufficient space between the wrist and the device (as with handcuffs up to the first joint on the index finger) will be insured by the officer putting the restraints on.

**NOTE:** *Removing any "Flex-cuff" type product presents a hazard of cutting the wearer; therefore, "Flex-cuff" restraints will be removed only with approved cutting tools such as bolt cutters or heavy metal cutters. Due to the potential of losing control of the cutting device and injuring the wearer, a knife will not be used to remove "Flex-cuff" type products.*

No individual will be restrained in such a manner so as to choke or restrict breathing at any time.

No individual will be restrained in such a manner so that his / her legs and hands will be pulled up behind his back or in such a manner that it will be necessary for the individual to be transported in the prone position in a patrol car.

Should further restraint be necessary in a patrol car, an additional law enforcement officer will be placed in the rear seat with the restrained individual. The additional officer should unload his weapon and give it to the transporting officer before getting in the rear with the individual.

b) Police Prisoner Transport Vans

When transporting a mentally impaired individual in a police van or wagon, the individual will normally be restrained in the same manner as in a patrol car.

Should it become necessary to transport an individual in a prone position, that individual should be placed in a comfortable position on the floor of the prisoner holding area with an attendant to prevent injury.

No officer will ride in the rear of a prisoner transport van with a loaded weapon.

c) Transports in Ambulances

If a mentally impaired individual requires medical attention, is catatonic or needs to be totally immobilized for any reason, the individual should be restrained to a stretcher and transported in an ambulance. This will include those who are restrained in a strait jacket.

The individual should be restrained in such a manner that breathing is not impaired and only to the minimum extent that will prevent the danger of injury to himself or others.

When a mentally impaired individual is transported in this manner, a law enforcement officer should ride in the ambulance with the individual and a law enforcement officer should follow the ambulance in a law enforcement vehicle.

All transportation of mentally impaired individuals will be made in compliance with the communication notification rules for the transport of female and juvenile prisoners.

Upon arrival at a mental health facility, the transporting officer will not enter any secured area in possession of a firearm and should use standard procedures for delivering a prisoner to a holding facility.

## **XII. EXTRADITION AND LONG TERM PRISONER TRANSPORTATION**

In the event it becomes necessary for officers of the East Georgia State College Police Department to transport prisoners over long distances (more than 50 miles); standard transportation procedures will be followed with the following exceptions and additions:

- A. For long-term transportation, the prisoner will be restrained by the use of a prisoner restraint belt with wrist restraints and leg shackles.
- B. If meals and rest stops are to be permitted en route, these stops will be of duration and at irregular intervals.
- C. During any stops, the prisoner will be accompanied at all times by at least one (1) officer.
- D. No long-term transportation will be conducted without at least two officers as transporting officers.
- E. If the prisoner is allowed to use the restroom during any stop, an officer will examine the facility for security and potential escape routes prior to the entry of the prisoner. If necessary, one hand will be released from the restraint while the other hand remains restrained. The leg shackles will also remain in place. At least one officer of the same sex as the prisoner will remain with the prisoner and keep the prisoner in view at all times. The second officer will provide security against escape from a location that will be determined by the conditions.
- F. If meals are permitted, precautions similar to those described for restroom stops will be followed. It is recommended that, if practical, the prisoner be fed in the vehicle while the vehicle is stopped.
- G. Officers are reminded that long-term transportation's are extremely dangerous and present great opportunity for escape since these situations usually involve the most wanted and dangerous prisoners. All precautions should be taken and the officers must remain alert at all times.

## **XIII. GUIDELINES FOR PRISONER SEARCHES**

The purpose of a prisoner search is to provide for the detection of weapons, contraband or any items which might be used to aid an escape. Each officer that takes custody of a

prisoner is required to complete a prisoner search that is as thorough as circumstances permit. It is required that all items in the possession of a prisoner be thoroughly examined. Any item which is contraband or which can be used as a weapon will be removed from the prisoner and disposition of the property will be made in accordance with applicable policy. Any handbag, luggage, pack, duffel bag or other container in the possession of a prisoner will be removed, thoroughly searched and retained by the officer during prisoner transportation. It is the policy of the East Georgia State College Police Department that all prisoner searches and prisoner restraining will be accomplished as humanely as possible with the safety of the prisoner, the public and the law enforcement officer under consideration at all times. Any use of force beyond the minimum required in searching and restraining of prisoners is strictly prohibited.

A. General Prisoner Search Procedure

1. The prisoner should normally turn his / her back to the officer.
2. The officer should remain a safe distance from the prisoner while the prisoner assumes the proper position.
3. The officer should remember to be in a position to prevent escape at all times.
4. The officer should closely observe the suspect before approaching to see that the suspect's hands are open and clear and to look for any unusual bulges in the suspect's clothing that might be a weapon or contraband.
5. If the suspect is holding anything, the suspect should be instructed to place or drop the item while facing away from the officer and to step back from the item.
6. After the suspect has assumed the proper position, the officer should approach cautiously from the rear if possible.
7. No suspect will be approached until the officer who conducts the search has holstered his / her firearm.
8. The officer should place appropriate restraint devices on the prisoner before the search commences to ensure the safety of the prisoner, the officer and the public.
9. While searching the suspect, the officer should maintain his/her balance to control the prisoner's movements and to react to any sudden movements by the suspect.
10. The officer should attempt, at all times, to keep his/her head and body behind the body of the suspect to lessen the chance of attack.
11. The prisoner will have appropriate restraint devices applied prior to being placed in the transport vehicle unless specified otherwise elsewhere in this section.

**XIV. RESTRAINT DEVICES (GLECP Std. 5.10)**

The purpose of restraint devices in prisoner transport situations is to reduce the chance of attack by the prisoner and to reduce the chances for escape. Restraint devices will be applied using methods and procedures approved and taught in instructional classes. Only

those restraint devices that are approved by the EGSC Police Department will be used by any officer.

The restraint devices that are approved for use by officers are issued handcuffs, leg restraints, prisoner restraint belts, Flex-cuffs, strait jackets and medical restraints for use on injured, ill, mentally or physically impaired prisoners. Restraint devices not issued by the EGSC Police Department will be submitted to the Uniform Division Commander for inspection and recommendation for approval by the Chief of Police prior to use.

Devices such as rope, cord, plastic tubing and other items not normally issued for use as approved restraints will not be carried or used for prisoner restraint purposes. Prisoners will not be restrained to any object (such as an automobile) or in such a manner or condition that the prisoner's safety is placed at unnecessary risk. No prisoner will be restrained in such a manner as to restrict breathing or cause choking.

Normally, restraining devices issued by the EGSC Police Department have the capability of being double locked. This feature prevents the restraint devices from "cinching" or becoming tighter on the prisoner. To prevent unnecessary injury to prisoners, restraint devices so equipped will be double locked. Officers will further check handcuffs for proper fit by inserting his/her index finger, up to the first joint, between the device and the prisoner's wrist.

## **XV. MEDICAL FACILITIES**

Prisoners that are transported to medical facilities will be transported in compliance with procedures that are applicable to the prisoner's physical injury, illness, mental or physical impairment as described in this section.

- A. While at the medical facility all restraints shall remain on the prisoner. The only exception to this policy is when a request is made by hospital staff to have them removed. This shall only be for the purpose of examination, X-rays or other hospital procedures. If possible, all restraints shall not be removed at the same time.
- B. If a prisoner is admitted to a healthcare facility, the transporting officer's supervisor will be notified. The supervisor will consider the seriousness of the situation or crime the prisoner was involved in, the availability of manpower, the situation surrounding the injuries to the prisoner, the seriousness of the injuries and the anticipated length of stay in the facility when deciding upon the following actions.
  1. Release the prisoner at the medical facility on a notice to appear in court. (Misdemeanor only)
  2. The officer may be advised to wait until relieved. The officer's supervisor will advise the next shift's supervisor of the need for relief at the medical facility.
  3. Make arrangements with Emanuel or Bulloch County S.O. to assume responsibility for guarding the prisoner if the circumstances meet their requirements.
- C. The officer shall stay with the prisoner at all times. Visitors shall only be allowed with prior approval from a department supervisor. The prisoner shall not be allowed any incoming or outgoing telephone calls. All meal trays shall be inspected and utensils

accounted for by the escorting officer.

- D. It is the responsibility of the escorting officer to control the prisoner's behavior, as well as the security of the room and safety of the hospital staff.

## **XVI. ESCAPE OF A PRISONER DURING TRANSPORT**

It is the responsibility of each officer who takes custody of any prisoner to take all prudent and reasonable action to prevent the escape of the prisoner. In the event of an escape of a prisoner while being transported, the transporting officer shall follow the procedures below:

- A. If the escape occurred within radio range of Emanuel or Bulloch County, the officer shall immediately notify Emanuel or Bulloch County E-911 Center via radio. If not within radio range, the E-911 Center shall be notified as soon as possible.
- B. If the escape occurred outside of the City of Swainsboro or Statesboro, the transporting officer shall notify the agency in whose jurisdiction the escape occurred. This notification shall be accomplished in a timely manner in order to initiate a search for the escapee.
- C. The E-911 Center and/or assisting agency shall be provided with the following information:
  - 1. Escapee's name and charges
  - 2. Physical description (including tattoos, scars, marks, etc.)
  - 3. Clothing description
  - 4. Direction of travel when last seen
  - 5. Type of weapon involved, if any
  - 6. Any other pertinent information
- A. All pertinent information shall be passed on to the local agency and other available law enforcement agencies in the area.

## **XVII. DEFINITIONS**

None

## **XVIII. CANCELLATION**

This directive cancels "S.O.P. 8-1 Taking Suspects Into Custody" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
8.04

Subject:  
Confessions and  
Interrogations

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

## **I. INTRODUCTION**

To many authorities interrogation is the most important part of an arrest/investigation since it offers the possibility of determining, by the statement of the suspects themselves, whether they committed a particular crime. The techniques to be utilized to interrogate suspects are outside the scope of this S.O.P. The purpose of these procedures is to ensure that confessions are obtained voluntarily. This will allow such statements to be used at trial. Any involuntary statement, regardless of whether it is true or false, is non-admissible in court.

## **II. VOLUNTARINESS**

No attempt will be made to obtain a statement by force, threats, or promises. Whether an accused person or a suspect will cooperate is left entirely up to that individual. If he indicates at any time prior to or during questioning that he wishes to remain silent, or that he wants an attorney present, all interrogation must cease. Any confession induced by the officer "by the slightest hope of benefit or remotest fear of injury" will not be admissible in court OCGA 24-3-50.

## **III. DETERMINATION THEREOF**

The court uses two general standards in determining voluntariness. These standards are "inherently coercive" or not the result of "free and unconstrained choice." Failure to pass either of these standards renders a statement inadmissible.

A. Elements of an Inherent Coercion include, but are not limited to:

1. Physical abuse or the threat of such abuse;
2. Extended periods of interrogation without break or access to the outside;
3. Unwillingness to permit the accused access to an attorney, family or friends, especially when an individual has made some effort to make contact with such persons;
4. Severe physical conditions under which the accused is interrogated.

B. A statement may be ruled inadmissible under the Free and Unconstrained Choice Doctrine when the interrogation practices used overpower the accused's ability to act in a self-determined matter. Circumstances and actions which may violate this doctrine

include, but are not limited to:

1. Failure to notify the accused of the charge(s);
2. Age, intelligence, experience of the accused;
3. Physical condition of the accused;
4. Overt force, physical abuse, use of weapons, number of officers present;
5. Threats and psychological pressure;
6. Deprivations of food, sleep, medication;
7. Isolation, incommunicado interrogations;
8. Duration of questioning;
9. Use of trickery, ruse, or deception;
10. Failure to advise the accused of his rights;
11. Promises of leniency or other inducements;

**It must be noted that the presence of any one or more of these factors will not necessarily make a statement involuntary. Rather the Court will examine the "totality of circumstances" at the time the statement was obtained. (GLECP Std. 4.2c)**

#### **IV. MIRANDA WARNINGS AND WAIVER (GLECP Std. 4.2c)**

The language for the proper warning of rights and waiver contained on the Agency's Waiver of Rights Form is as follows:

##### **A. Warning**

1. That I have the right to remain silent and not make any statements at all nor incriminate myself in any manner whatsoever.
2. That anything I say can and will be used against me in a court or courts of law for the offense or offenses concerning which this statement is herein made.
3. That I have the right to talk to a lawyer and have him present with me while I am being questioned.
4. That if I am unable to hire a lawyer I can request and receive appointment of a lawyer by the proper authority, without cost or charge to me, to be present and advise me before and during this statement.
5. That I can decide at any time to exercise these rights and not answer any questions or make any statements.

B. Waiver

1. I understand each of the above rights that have been explained to me.
2. Having my rights in mind, I wish to waive these rights and talk voluntarily of my own free will and accord.

Before a statement can be admitted into evidence, the State must prove that the suspect fully understood the warning and freely decided to answer questions. A suspect who remains silent after receiving warnings has not agreed to be questioned. When possible, a signed waiver shall be obtained.

C. Request for a Lawyer by an Accused

1. If, at any point, the accused requests to speak with an attorney, all questioning must cease. Questioning by law enforcement officers related to the offense(s) may not be resumed unless the accused initiates the questioning by requesting to speak with the officer. The officer must fully document any offer by the accused to speak with officers after invoking the right to counsel. Only routine, administrative questions not related to the offense(s) may be asked after the accused has invoked his/her right to counsel.
2. If the accused says anything that suggests or implies that the accused wants to speak to a lawyer, questioning concerning the offense must cease. The officer may ask the suspect only questions that will determine whether or not the accused is invoking the right to counsel. Only if the accused states clearly and unequivocally that he/she does not want a lawyer, may questioning continue. Documentation of this is vital. The following are examples of equivocal requests for a lawyer:

Accused: "I guess I'm going to see a lawyer sometime."

Accused: "When do you think I'll get to see a lawyer?"

Accused: "My wife informed me to go and get a lawyer."

Officer Response: "Do you want a lawyer now?"

Only if the accused's answer clearly indicates that he/she does not want a lawyer will questioning concerning the crime, continue.

3. If during the booking process the accused has completed an Application for Appointment of Counsel and Certificate of Financial Resources form (as required by USCR 29.3) and marks the form to request a court appointed lawyer, the accused has invoked the right to counsel and questioning must cease.

D. Identification of Investigator - In addition to being given the Miranda Warnings, the accused shall be advised of the names and official identity of the interrogating investigator(s) and the nature of the inquiry.

E. Interpreters - When there is doubt of a person's ability to use and understand the English

language, and an officer is not qualified in the principle language of the person, the officer will contact his/her supervisor for assistance. The supervisor will be responsible for obtaining a qualified interpreter. Any confession made without an interpreter may result in the statement being rendered inadmissible in court. This policy shall also apply to those persons who are hearing impaired.

**NOTE: For hearing impaired assistance, contact the Department of Human Resources, Georgia Interpreting Services Network at 1-800-228-4992 or 404-657-5932**

F. Documentation of Statement by Accused

1. **Whenever possible, any statement made by the accused should be recorded on either audio or video tape. The recording should include the accused's waiver of rights at both the beginning and end of the tape.** A transcript of all recorded statements will be made and included in the case file.
2. If is not possible to record the accused's statement, the officer must fully document the content of the statement.
3. Whenever possible, the accused should be asked to sign any written statement in which a confession or admission of guilt is contained.
4. Georgia law requires that the State furnish the defendant with a copy of any statement made while in custody. Failure to provide the defendant or his/her attorney with a copy of the statement renders the statement inadmissible.

**NOTE: No later than 10 days prior to trial, the State is required to disclose to the defendant, or his/her defense counsel, and make available for copying any relevant written or oral statement made by the defendant to a person who the defendant knew to be a law enforcement officer, whether before or after the arrest. This includes those portions of written reports that contain the substance of relevant oral statement made by the defendant. OCGA 17-16-4(a). Failure to disclose a defendant's statement can result in the court imposing sanctions, including barring the use of the statement at trial or taking direct action against the officer(s) involved or the Agency. OCGA 17-16-6.**

- G. Questioning About Similar Crimes - When interviewing subjects and suspects, consideration should be given to including questions as to any knowledge they may have of unresolved cases of a similar type.

**NOTE: The failure to take a defendant before a magistrate or judge for a first appearance hearing within a reasonable time period could result in the criminal charge(s) being dismissed. (GLECP Std. 4.2b)**

V. DEFINITIONS

None

## **VI. CANCELLATION**

This directive cancels "S.O.P. 8-3 Confessions and Interrogations" currently in use.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
8.05

Subject:  
Prevention of Blood  
Borne Diseases

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. INTRODUCTION**

It is the purpose of this policy to provide officers with guidelines for preventing the contraction of the AIDS virus, hepatitis B and other blood borne pathogens.

It is the responsibility of the EGSC PD to take all reasonable measures to allow its employees to perform their duties in a safe and effective manner. The safe performance of daily operations is threatened by the AIDS and hepatitis B viruses that can be contracted through exposure to infected blood and several types of bodily secretions. Therefore, it is the policy of this agency to continuously provide employees with information and education on prevention of these diseases, provide up-to-date safety equipment and procedures that will minimize their risks of exposure and to institute post-exposure reporting, evaluation and treatment for all members exposed to these diseases.

**II. PROCEDURES**

**A. General Disease Prevention Guidelines**

1. East Georgia State College's exposure control plan provides the overall strategy for limiting exposure to FLU Pandemic and Infectious Diseases and responding to potential exposure incidents. The plan is contained in the EGSC Emergency Action Plan and is available for review by all employees.
2. The EGSC PD subscribes to the principles and practices for prevention of HIV and HBV exposure as detailed in the "universal precautions" prescribed by the CDC and the federal regulations of the Occupational Safety and Health Administration. Where otherwise not detailed in this policy, officers shall be guided by these practices and procedures.

**B. Workplace Controls and Personal Protective Equipment**

1. In order to minimize potential exposure, officers should assume that all persons are potential carriers of HIV or HBV.
2. When appropriate protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may carry the HIV or HBV virus.
3. Officers shall use protective gear under all appropriate circumstances unless the officer can demonstrate that in a specific instance, its use would have prevented the

effective delivery of health care or police department services or would have imposed an increased hazard to their safety or the safety of another person.

4. All such instances shall be reported by the officer and shall be investigated and appropriately documented to determine if changes could be instituted to prevent similar occurrences in the future.
5. Disposable gloves shall be worn when handling any persons, clothing or equipment with bodily fluids on them.
6. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields or chin-length face shields, shall be worn whenever splashes, spray, spatter or droplets of potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated.
7. Gowns, aprons, lab coats, clinic jackets or other outer garments shall be worn as determined by the degree of exposure anticipated.
8. Plastic mouthpieces or other authorized barrier/resuscitation devices shall be used whenever an officer performs CPR or mouth-to-mouth resuscitation.
9. All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care and should be considered contaminated items.
10. Leather gloves or their protective equivalent shall be worn when searching persons or places or dealing in environments, such as accident scenes, where sharp objects and bodily fluids may be encountered.
11. Searches of automobiles or other places should be conducted using a flashlight, mirror or other devices where appropriate. Subsequent to a cautious frisk of outer garments, suspects should be required to empty their pockets or purses and to remove all sharp objects from their person.
12. Needles shall not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand.
13. Needles shall be placed in East Georgia State College provided, puncture-resistant, leak proof containers that are marked as bio-hazardous when being collected for evidence, disposal or transportation purposes.
14. Officers shall not smoke, eat, drink or apply makeup around bodily fluid spills.
15. Any evidence contaminated with bodily fluids shall be completely dried, double bagged and marked to identify potential or known communicable disease contamination.

#### C. Custody and Transportation of Prisoners

1. Officers shall not put their fingers in or near any person's mouth.
2. Individuals with bodily fluids on their persons shall be transported in separate

vehicles from other persons. The individual may be required to wear a suitable protective covering if he is bleeding or otherwise emitting bodily fluids.

3. Officers have an obligation to notify relevant support personnel during a transfer of custody when the suspect has bodily fluids present on his person, or has stated that he has a communicable disease.
4. Suspects taken into custody with bodily fluids on their persons shall be directly placed in the designated holding area for processing.
5. Officers shall document on the appropriate arrest or incident form when a suspect taken into custody has bodily fluids on his person, or has stated that he has a communicable disease.

#### D. Housekeeping

1. Supervisors and their employees are responsible for the maintenance of a clean and sanitary workplace and shall conduct periodic inspections to ensure that these conditions are maintained.
2. All supervisory personnel shall determine and implement written schedules as appropriate for cleaning and decontamination based on the location within the facility or work environment, the type of surface or equipment to be cleaned, the type of soil present and the tasks and procedures to be performed in the area.
3. All equipment and environmental and work surfaces must be cleaned and decontaminated after contact with blood and other potentially infectious materials as provided in this policy.
4. Any protective coverings used in laboratory, evidence custody or enforcement operations for covering surfaces or equipment shall be removed or replaced as soon as possible following actual or possible contamination.
5. Bins, pails and similar receptacles used to hold actual or potentially contaminated items shall be labeled as bio-hazardous, decontaminated as soon as feasible following contamination as well as inspected and decontaminated on a regularly scheduled basis.
6. Broken and potentially contaminated glassware, needles or other sharp instruments shall not be retrieved by hand but by other mechanical means and shall not be stored in a manner that requires that they be retrieved manually.
7. Officers shall remove clothing that has been contaminated with bodily fluids as soon as practical and with as little handling as possible. Any contacted skin area shall be cleansed in the prescribed fashion.
8. Contaminated laundry and personal protective equipment shall be bagged or containerized at the location where it is used in Agency approved leak proof containers but shall not be sorted, rinsed or cleaned at that location.
9. EGSC PD personnel working with the GBI's crime laboratory shall adhere to policy

and procedures contained herein but shall refer to and also adhere to special safety procedures established for the laboratory workplace.

10. Only employees specifically designated by the Chief of Police or Assistant Chief of Police shall discard actual or potentially contaminated waste materials. All such disposal shall conform to established federal, state and local regulations.

#### E. Disinfection

1. Any unprotected skin surfaces that come into contact with bodily fluids shall be thoroughly washed as soon as possible with hot running water and soap for at least 15 seconds before rinsing and drying.
2. Alcohol or antiseptic may be used where soap and water are unavailable.
3. Disposable gloves should be rinsed before removal and hands and forearms should then be washed.
4. Skin surfaces shall be washed and mucous membranes flushed as soon as feasible following the removal of any personal protective equipment.
5. Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
6. All open cuts and abrasions shall be covered with waterproof bandages before reporting to duty.
7. Disinfection procedures shall be initiated whenever a person with bodily fluids on his person is transported in an Agency vehicle.
8. A supervisor shall be notified and the vehicle taken to the service center as soon as possible.
9. Affected vehicles shall be immediately designated with the posting of an "Infectious Disease Contamination" sign upon arrival at the Police Department and while awaiting disinfection.
10. Service personnel shall remove any excess bodily fluids from the vehicle with an absorbent cloth, paying special attention to any cracks, crevices or seams that may be holding fluids.
11. The affected areas should be disinfected using hot water and detergent or alcohol and allowed to air dry.
12. All law enforcement vehicles taken to a service center for scheduled washing and routine maintenance shall, as part of that routine, be cleaned in the interior with an approved disinfectant.
13. Non-disposable equipment and areas upon which bodily fluids have been spilled shall be disinfected as follows:

14. Any excess bodily fluids should first be wiped up with approved disposable absorbent materials.
15. A freshly prepared solution of one part bleach to 10 parts water or a fungicidal/mycobactericidal disinfectant shall be used to clean the area or equipment.

#### F. Supplies

1. Supervisors are responsible for continuously maintaining an adequate supply of disease control supplies in a convenient location for all affected personnel in their unit. This includes, but is not limited to, ensuring that:
  2. Personal protective equipment in appropriate sizes, quantities and location are available;
  3. Hypoallergenic gloves and other materials are available for those who are allergic to materials normally provided, and cleaning, laundering and disposal, as well as repair or replacement of these and other items is provided; and
  4. First aid supplies and disinfecting materials are readily available at all times.
5. All EGSC PD vehicles shall be continuously stocked with the following communicable disease control supplies.
  - a) Personal protective equipment in appropriate size and quantity for affected personnel to include face and eye protective devices, coveralls, disposable gloves and booties, leather gloves, puncture-resistant and leak-proof containers for needles and other sharp objects, barrier resuscitation equipment and leak-proof plastic bags.
  - b) Liquid germicidal cleaner
  - c) Disposable towel (70 percent isopropyl alcohol)
  - d) Waterproof bandages
  - e) Absorbent cleaning materials
6. Officers using supplies stored in their vehicles are responsible for ensuring that they are replaced as soon as possible.
7. **Officers are required to keep disposable gloves in their possession while on duty.**

#### G. Vaccination, Exposure, Evaluation and Treatment

1. All officers of this Agency who have been determined to be at risk for occupational exposure to the hepatitis B virus shall be provided with the opportunity to take the HBV vaccination series at no cost within 10 working days of assignment to an occupationally exposed duty. The vaccination shall be provided if desired only after the officer has received required EGSC PD training, has not previously received the

vaccination series and only if not contraindicated for medical reasons.

2. Any person who has unprotected physical contact with blood or other bodily fluids of another person while in the line of duty shall be considered to have been potentially exposed to HBV and/or HIV.
3. In cases of exposure, a supervisor shall be contacted who shall complete appropriate duty injury and medical forms and shall take appropriate steps to document the means and circumstances under which the exposure occurred.
4. Immediately after exposure, the officer shall proceed to the designated health care facility for tests of evidence of infection and treatment of any injuries.
  - a) The Agency shall ensure continued testing of the officer for evidence of infection and provide psychological counseling as determined necessary by the health care official.
  - b) The officers shall receive a copy of the health care provider's written opinion within 15 days of the evaluation and information on any conditions resulting from the exposure that require further evaluation or treatment.
  - c) Unless disclosure to an appropriate Agency official is authorized by the officer or by the state law, officer's medical evaluation, test results and any follow-up procedures shall remain confidential.
5. Any person responsible for potentially exposing a officer of the Agency to a communicable disease shall be encouraged to undergo testing to determine if the person has a communicable disease.
  - a) The person shall be provided with a copy of the test results and a copy shall be provided to the exposed Agency officer. The officer shall be informed of applicable state laws and regulations concerning the disclosure of the identity and infectious status of the source individual.
  - b) Criminal charges may be sought against any person who intentionally exposes a officer of the Agency to a communicable disease.
6. Officers who test positive for HIV or HBV may continue working as long as they maintain acceptable work performance and do not pose a safety and health threat to themselves, the public or other officers of the Agency.
  - a) The EGSC PD shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the EGSC health care officials.
  - b) The EGSC PD may require an employee to be examined by the EGSC health care officials to determine if he/she is able to perform his/her duties without hazard to him/herself or others.
7. All officers of the EGSC PD shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

#### H. Record Keeping

1. The EGSC Human Resources Department shall maintain an accurate record for each employee with occupational exposure that includes information on vaccination status; the results of all examinations, tests and follow-up procedures; the health care professional's written opinion; and any other germane information provided by the health care professional.
2. These health care records shall be retained in a secured area with limited access for the duration of the member's employment plus 7 years and may not be disclosed or reported without the express written consent of the member.

#### I. Training

1. The EGSC PD training coordinator shall ensure that all employees of the Agency with occupational exposure are provided with a complete course of instruction on prevention of blood borne diseases prior to their initial assignment.
2. All affected employees shall receive annual refresher training and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.
3. All trainees shall have access to applicable federal and state regulations pertaining to the regulation of blood borne pathogens.
4. The training coordinator shall ensure that complete records are maintained on employee training to include information on the dates and content of training sessions, names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions. These records shall be maintained for a period of three years from the date of training.

### III. DEFINITIONS

A. **BODILY FLUIDS:** Blood, semen and vaginal fluids or other secretions that might contain these fluids such as saliva, vomit, urine or feces.

B. **PERSONAL PROTECTIVE EQUIPMENT:** Specialized clothing or equipment worn by officers for protection against the hazards of infection. This does not include standard issue uniforms and work clothes without special protective qualities.

C. **UNIVERSAL PRECAUTIONS:** Procedures promulgated by the Centers for Disease Control (CDC) that emphasize precautions based on the assumption that all blood and bodily fluids are potentially infectious of the AIDS (HIV) and hepatitis B (HBV) viruses.

#### IV. CANCELLATION

None

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
8.06

Subject:  
Diplomatic and  
Consular Immunity

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

## I. INTRODUCTION

Federal and state laws provide that under certain circumstances, individuals may be immune from arrest. With the limited exception of certain diplomatic officials, immunity from arrest does not preclude prosecution of the individual for the offense for which immunity from arrest is claimed.<sup>1</sup> In all cases in which immunity is claimed, an officer has the right to detain the person long enough to verify that the person is entitled to the immunity claimed.<sup>2</sup> This can usually be done by examination of official identification cards. The officer may also request that the dispatcher contact the appropriate government agency to verify the individual's status.<sup>3</sup>

In all cases in which a person asserts immunity from arrest, the detaining officer will immediately notify his or her immediate supervisor.<sup>4</sup>

Under no circumstances will an officer permit a person who is entitled to immunity from arrest to continue to operate a motor vehicle or boat if the officer has probable cause to believe that the person is under the influence of alcohol or drugs.<sup>5</sup>

## DIPLOMATIC AND CONSULAR IMMUNITY

Under Federal law, diplomatic and consular officers, members of their official staff, officials of international organizations such as the United Nations and family members of such officers will be accorded their respective privileges, rights and immunities as provided by the Treaties and laws of the United States.<sup>6</sup>

<sup>1</sup>E.g. *Agan v. State*, 203 Ga. App. 363 (1992); see also *Sanders v. City of Columbus*, 140 Ga. App. 441 (1976). The fact that one is employed by a foreign government's diplomatic service does not automatically confer immunity from arrest or prosecution on that individual - they must be granted diplomatic or consular status by the receiving national government. *United States v. Kostadinov*, 734 F. 2d 905, 910 (2d Cir. 1984); 23 U.S.T. 3227; 22 U.S.C. § 254 et seq.

<sup>2</sup>Verification of status from the U.S. State Department is the only method which will confirm that the individual claiming diplomatic or consular immunity is actually entitled to the immunity claimed. See e.g. *Hale v. State*, 214 Ga. App. 899 (1994) (defendant identified himself as a Swiss diplomat).

<sup>3</sup>Under international law, detention of an individual while awaiting verification of their claim of diplomatic immunity, does not constitute an arrest. U.S. Department of State, GUIDANCE FOR LAW ENFORCEMENT OFFICERS, PERSONAL RIGHTS AND IMMUNITIES OF FOREIGN DIPLOMATIC AND CONSULAR PERSONNEL, 15 (1988) (HEREAFTER CITED AS "STATE DEPT. GUIDANCE").

<sup>4</sup>Requiring a patrol officer or investigator to resolve issues of immunity at the point of a detention is fraught with risks as it requires a dispassionate evaluation of all of the facts and the authority needed to insure that proper verification procedures are followed.

<sup>5</sup>State Dept. Guidance, p. 3, 15 - 16.

<sup>6</sup>*Vienna Convention on Diplomatic Relations*, 23 U.S.T. 3227; *Vienna Convention on Consular Relations*, 21 U.S.T. 77; *Convention on Privileges and Immunities of the United Nations*, 21 U.S.T. 1418; *The Diplomatic Relations Act*, 22 U.S.C. § 254a - 258a; *International Organizations Immunities Act*, 22 U.S.C. § 288, et seq. *Treaties between the United States and other nations are not codified as part of the United States Code but are published in a separate publication, UNITED STATES TREATIES AND OTHER INTERNATIONAL*

All officers will treat these officials with the utmost courtesy and respect that befits their distinguished position if, for no other reason, that the treatment which foreign diplomatic and consular officials receive from this Department can directly affect how U.S. diplomatic and consular officials are treated in the foreign country.<sup>7</sup>

It is a well established principle of international law that persons enjoying such privileges and immunities are to respect local laws and regulations. Any incident involving persons claiming diplomatic or consular immunity or a family member of a diplomatic or consular official will be reported immediately through the chain of command. It is the policy of this Department to report all such incident to the U.S. Department of State for such diplomatic action as may be appropriate.<sup>8</sup>

Because diplomatic and consular immunity may be waived or withdrawn by the foreign government, it can never be ascertained with certainty at the investigative stage that a person asserting immunity will continue to enjoy that immunity when his or her government is confronted with allegations of criminal conduct or that the accused will not later become subject to prosecution.<sup>9</sup> Therefore, all serious incidents, (i.e., felonies, DUI's and misdemeanors involving death or serious bodily harm) involving persons with diplomatic or consular immunity will be referred to the District Attorney for prosecution.

Where, however, a person entitled to diplomatic or consular immunity presents a clear, present and actual danger to him or herself or others or it is apparent that a serious crime may be committed, a law enforcement officer may take such reasonable actions necessary to protect public safety and the person entitled to immunity or to halt the illegal activity. This naturally includes the power to defend yourself from personal harm.<sup>10</sup> In all such cases a supervisor must be called and the United States Department of State contacted immediately. (See G. Procedures on page 5.)

## II. DIPLOMATIC IMMUNITY

- A. Under Federal law, heads of a mission (usually called the Embassy) of a foreign government to the United States and the United Nations Headquarters in New York, members of the diplomatic, administrative and technical staff of the mission and members of their family household are "not liable to any form of arrest or detention."<sup>11</sup> Generally, this does not extend to United States citizens who are employed by an embassy.
- B. Persons entitled to diplomatic immunity are entitled, by law, to be treated with "due respect" and "appropriate steps (must be taken) to prevent any attack on his person, freedom, or dignity."<sup>12</sup>

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AGREEMENTS (U.S.T.). NONETHELESS, THESE TREATIES ARE PART OF FEDERAL LAW AND ARE BINDING ON THE STATES. U.S. CONSTITUTION, ART. VI, § 2; *BALDWIN V. FRANKS*, 120 U.S. 678, 7 S.Ct. 656, 30 L.Ed. 766 (1887); *CAMP V. SELLERS & CO.*, 158 GA. APP. 646, 648 - 649 (1981).

<sup>7</sup> State Dept. Guidance, 15.

<sup>8</sup> State Dept. Guidance, p. 20.

<sup>9</sup> State Dept. Guidance, 17; See also *In re Grand Jury Proceedings, Doe No. 700*, 817 F.2d 1108, 111 (4th Cir. 1987); *United States v. Guinand*, 688 F. Supp. 774 (D.C. 1986).

<sup>10</sup> State Dept. Guidance, 16.

<sup>11</sup> 23 U.S.T. 3227; 23 U.S.C. § 254a, et seq.

<sup>12</sup> 23 U.S.T. 3227.

- C. Under normal circumstances, this means that a person who establishes that he or she is entitled to diplomatic immunity (see Verification of Status on page 7), cannot be arrested or tried for any criminal offense unless such immunity is expressly waived by the foreign government. As indicated above, immunity continues only as long as the person is accredited as such to the United States.<sup>13</sup>

### III. CONSULAR IMMUNITY

- A. In addition to members of their embassy staff, foreign governments may with the approval of the United States, establish consular offices to provide consular services to their foreign nationals in the United States and to represent them in trade matters. Under Georgia Law, officials of the Atlanta office of the Coordination Council for North American Affairs of the Republic of China (also known as Taiwan) are entitled to the same protections and immunities as career consuls.<sup>14</sup>

There are two types of consular officials, career consuls and honorary consuls.

1. Career consuls are normally full time employees of the foreign government.<sup>15</sup>
2. Honorary consuls may be a citizen of the foreign government who has residency in the United States or a United States citizen.<sup>16</sup>

- B. In the absence of a specific treaty, consular officials are not entitled to diplomatic immunity,<sup>17</sup> but they are entitled to consular immunity which is more limited than diplomatic immunity.<sup>18</sup>

Career consular officers entitled to consular immunity

1. Included are consul-generals, deputy consul-generals, consuls, vice consuls and consular agents who are official representatives of a foreign government accredited to the United States.
2. "Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority."<sup>19</sup> A "grave crime" is a felony offense that endangers the public safety<sup>20</sup> and a warrant is required.
3. Career consular officers are subject to criminal prosecution by the courts of this State

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<sup>13</sup> State Dept. Guidance, 17; *United States v. Kostadinov*, 734 F.2d at 911 - 912.

<sup>14</sup> O.C.G.A. § 50-1-2.

<sup>15</sup> State Dept. Guidance, 7 - 8.

<sup>16</sup> *Id.*

<sup>17</sup> *Hall v. Coppel*, 7 Wall (74 U.S.) 542, 19 L.Ed. 244, 247 (1869).

<sup>18</sup> State Dept. Guidance, 7.

<sup>19</sup> 21 U.S.T. 78.

<sup>20</sup> State Dept. Guidance, 9; see also *Gerritsen v. de la Madrid Hurtado*, 819 F.2d 1511, 1517 (9th Cir. 1987).

except for acts performed which are within the scope of consular duties.<sup>21</sup>

#### C. Honorary consuls

Honorary consuls are not entitled to immunity from arrest or detention. They are subject to the civil or criminal jurisdiction of the courts of this State unless they were performing official acts in the exercise of their consular function.<sup>22</sup>

#### D. Family members

Family members of consular officers are not entitled to immunity but will be treated with appropriate courtesy and respect. Incidents involving family members of consular officials will be reported through channels the same as for consular officials.<sup>23</sup>

#### E. Consulates and Consular Premises

1. Consulates and consular premises are inviolable. This means that law enforcement and other government officials cannot enter that portion of the consular premises "which is used exclusively for the work of the consular post except with the consent of the consular post, or his designee or the head of the diplomatic mission of the sending state."<sup>24</sup> Consulates are required to be clearly marked. If, in the case of an honorary consul, the consular premises are within a building or office used for other purposes, only that portion of the structure which is clearly marked cannot be entered.<sup>25</sup>
2. In the event of a fire or other emergency, the consent of head of the consular post is assumed and officials may enter for the purpose of dealing with the emergency.<sup>26</sup> Any emergency entry into a consulate will be immediately reported to the EGSC Police Department Chief of Police, the District Attorney and the U.S. State Department by telephone.
3. Except in an actual emergency, the decision to enter a consulate for law enforcement purposes, without the consent of the head of the consular post will be made only by the EGSC Police Department Chief of Police, after consultation with the District Attorney and the United States State Department. The Agency will strictly abide by the guidance received from the State Department.
4. A violation of this section may result in the prosecution of the officer under 18 U.S.C. § 112.

#### F. Diplomatic and Consular Pouches

1. A diplomatic or consular pouch is a container (of any size) used to transport official

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<sup>21</sup> 21 U.S.T. 78; see *People v. John Doe*, 421 N.Y.S.2d 1015 (N.Y. 1979); *State v. Killen*, 39 Or. App. 365, 592 P.2d 268(1979); *Silva v. Superior Court*, 52 Cal. App.3d 295, 281, 125 Cal. Rep. 78, 86 - 87 (1975).

<sup>22</sup> *Id.* at 8; e.g. *Agan v. State*, 203 Ga. App. 363 (honorary consul convicted of bribery).

<sup>23</sup> *Id.*

<sup>24</sup> *Vienna Convention on Consular Relations*, Art. 31, ¶ 1.

<sup>25</sup> *Id.*, Art. 61.

<sup>26</sup> *Vienna Convention on Consular Relations*, Art. 31, ¶ 1.

communications (including equipment needed for communication). It is required to be clearly marked as such.<sup>27</sup>

2. A diplomatic or consular pouch will not be opened by any officer under any circumstance. If an officer has probable cause to believe that a diplomatic or consular pouch is being used in furtherance of crime, all of the facts will be report to his or her supervisor who will contact the U.S. State Department Bureau of Diplomatic Security.

#### G. Procedures

1. In all cases where a person who is known to be entitled to or asserts diplomatic or consular immunity, the person will be treated with the courtesy and respect that befits their distinguished position and a supervisor contacted immediately. It is the duty of the supervisor to contact the United States State Department immediately to verify the person's status and seek official guidance.<sup>28</sup> (See Verification of Status on page 7.)
2. Career consular officials may only be arrested for a felony pursuant to a warrant issued by judge.<sup>29</sup>
3. Traffic violations
  - a) Under international law, the issuance of a traffic citation does not constitute an arrest or detention. Therefore, the officer on the scene may, after ascertaining that the official has the proper credentials (See 8. Verification of Status on page 7), based on the nature of the offense issue a warning or citation.<sup>30</sup>
  - b) A copy of the citation along with a report of the incident will be forwarded through the chain of command to the United States Department of State, Washington D.C. 20520.<sup>31</sup>
4. Traffic Accidents
  - a) If a motor vehicle involved in an accident (1) was operated by a person who has verified diplomatic or consular status or (2) bears diplomatic or consular motor vehicle license plates issued by the United States Department of State, a copy of the accident report, together with a copy of any traffic citations issued to the person entitled to diplomatic or consular status and the report of the incident will be forwarded through the chain of command to:

#### OFM Diplomatic Motor Vehicle Office

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<sup>27</sup> *Vienna Convention on Diplomatic Relations*, Art. 27; *Vienna Convention on Consular Relations*, Art. 35.

<sup>28</sup> Each department should consider establishing the minimum rank which the supervisor must have to make decisions regarding immunity. For example the Atlanta Police Department requires that all incidents involving claims of immunity be handled by a major or higher ranking officer. Atlanta Police Department, *FIELD MANUAL*, Ch. 6, p. 16.

<sup>29</sup> 21 U.S.T. 78, Art. 41. T.I.A.S. 6820, at p. 27.

<sup>30</sup> State Dept. Guidance, 16; see also, Leich, *Contemporary Practice of the United States Relating to International Law, Motor Vehicles: Traffic Citations*, 79 *Amer. J. of Int'l L.*

1044, 1048 - 1049 (1985).

<sup>31</sup> *Id.*

3507 International Place, N.W.  
Washington, D.C. 20008

- b) Vehicles issued Department of State license plates are required to be covered by liability insurance.<sup>32</sup>
5. Driving Under the Influence and other Offenses Where the Safety of the Official or Public is Involved
- a) The primary consideration in DUI cases and other more serious offenses is to insure that the official is not a danger to their self or the public. At best these are sensitive situations and the officer must treat the official with respect and courtesy.<sup>33</sup> If it is necessary to restrain the official to prevent him or her from harming themselves, or others (including the officer). (See the procedures outlined in 6. Protection of Officials from Harm to Themselves or Others; Preventing Further Criminal Activity on page 7.)
  - b) If the supervisor determines that a diplomatic or consular official is a danger to them self or others, the supervisor may direct that:
    - i. The official be taken to the station or another location
    - ii. Where he/she may recover sufficiently to drive safely;
    - iii. The official be taken to a telephone to call someone to drive them home;
    - iv. A taxi be called for the official;
    - v. The official be taken home.<sup>34</sup>
  - c) In cases involving a motor vehicle or boat operated by a person asserting diplomatic or consular immunity who the officer believes to be intoxicated, the officer may ask the individual to perform field sobriety tests the same as any other driver while awaiting verification of the status claimed.<sup>35</sup>
  - d) If the incident involves a person entitled to diplomatic immunity, the supervisor will contact the United States Department of State, Office of Protocol by telephone immediately and advise them of the situation. A full written report will be submitted within 24 hours through channels to:

Office of Protocol  
Department of State  
Post Office Box 2976  
Washington, D.C. 20520

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<sup>32</sup>22 U.S.C. § 254e (Supp. 1994).

<sup>33</sup>State Dept. Guidance, 16.

<sup>34</sup>Id.

<sup>35</sup>U.S. Dept. of State, "RECOMMENDED PROCEDURES FOR SERIOUS/ARRESTABLE TRAFFIC OFFENSES."

- e) For consular officials, a full report will be submitted, through channels, to the United States Department of State, Office of Protocol.

6. Protection of Officials From Harm to Themselves or Others; Preventing Further Criminal Activity

- a) If a person asserting or entitled to diplomatic or consular immunity presents a clear, present and actual danger to him or herself, or others, an officer may take such reasonable actions as may be necessary to protect public safety and the person entitled to immunity or to prevent further illegal activity.
- b) If it is necessary to physically restrain a diplomatic or consular official (i.e. handcuff), the officer will, after taking appropriate action, explain to the official why he or she is being restrained and that they will be released from restraint as soon as they no longer are a danger to their self or others.
- c) The responding supervisor will immediately contact the U.S. State Department, in the event a diplomatic or consular official must be restrained. (See 8. Verification of Status at the bottom of this page.) The supervisor will also report the incident through the department chain of command and notify the District Attorney.
- d) Use of excessive force or use of force where there was no clear, present and actual danger to the person entitled to immunity or others may result in the prosecution of the officer under Federal law.<sup>36</sup>

7. Possession of Contraband

- a) If a person asserting diplomatic or consular immunity, is in possession of contraband (i.e., controlled substances), the officer may seize the contraband. (See D. Diplomatic and Consular Pouchers on page 4.)
- b) Any such seizure will be immediately reported to a supervisor. The supervisor will contact the District Attorney and the United States Department of State, Office of Protocol by telephone immediately and advise them of the situation. A full written report will be submitted within 24 hours through channels to:

Office of Protocol  
Department of State  
Post Office Box 2976  
Washington, D.C. 20520

8. Verification of Status

- a) Persons claiming diplomatic or consular immunity are required to produce satisfactory evidence of their official status.
  - i. The United States Department of State issues identification cards to

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<sup>36</sup>18 U.S.C. § 112.

diplomatic officials, consular agents and officials of international organizations accredited to the United States.<sup>37</sup> On the back of these cards is an explanation of the immunity to which the official is entitled and telephone numbers which may be called to verify status.

- ii. Honorary consuls may be issued identification cards by the Georgia Secretary of State.
- iii. The United States Department of State issues motor vehicle operator permits (driver's licenses) to persons entitled to diplomatic or consular immunity and functions similarly to the Georgia Department of Public Safety with regard to these licenses.<sup>38</sup> Driver's licenses issued by the Department of State will not be relied on as conclusive proof of the immunity of the bearer.<sup>39</sup>

**NOTE: U.S. State Department driver's licenses have a hologram over a portion of the photograph. It will turn dark if tampered with.**

- iv. The United States Department of State issues motor vehicle plates (license tags) for vehicle operated by persons entitled to diplomatic and consular immunity.<sup>40</sup>
  - (a) These tags are red white and blue in color. The status of the vehicle is indicated by a letter code:
    - D = diplomatic vehicle
    - S = diplomatic staff vehicle
    - C = consular vehicle
  - (b) Information regarding the vehicle and registered owner is available through NLET the same as out-of-state license plates. Use State code "US".
  - (c) In addition, the Georgia Department of Revenue may issue consular license plates for vehicles registered and operated in Georgia by career or honorary consuls.<sup>41</sup>
  - (d) License plates issued by the Department of State or the State of Georgia will not be relied on as conclusive proof of the immunity of the bearer but only as an indication that the vehicle may be operated by someone entitled to diplomatic or consular immunity.<sup>42</sup>

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<sup>37</sup> 7 Digest of Int'l L., § 8, p. 108.

<sup>38</sup> 22 U.S.C. § 254e; 22 C.F.R. § 151.9.

<sup>39</sup> U.S. Dept. of State, "Recommended Procedures for Serious/Arrestable Traffic Offenses," p. 12.

<sup>40</sup> 22 U.S.C. § 2404.

<sup>41</sup> O.C.G.A. § 40-2-64.

<sup>42</sup> U.S. Dept. of State, "Recommended Procedures for Serious/Arrestable Traffic Offenses," p. 12.

- v. In any situation in which an official asserting immunity cannot produce satisfactory evidence thereof, or the officer wishes to confirm the status claimed, the United States Department of State should be contacted:

(a)Regular Hours:

Diplomats & families: 202-647-4510  
Diplomatic employees & families: 202-647-1405  
Consular personnel & families: 202-647-1404  
International Organizations: 202-647-1402

(b)After hours: All: 202-647-7277

- vi. Verification of Department of State Drivers Licenses and motor vehicle registrations may be obtained through NLET (State Code is "US") or by calling:

Registrations: 202-895-3532  
Driver Licenses: 202-895-3512  
After hours: 202-647-7277

#### H. Official Guests of the United States

Official Guests of the United States are foreign nationals who are in the United States and are so designated by the U.S. Secretary of State.<sup>43</sup>

**NOTE: Except at large events such as the Olympics, persons designated as Official Guests of the United States may be accompanied by a representative of the U.S. State Department.**

##### 1. Official Guests can include:

- a) Foreign government officials;
- b) Olympic athletes, coaches and trainers;
- c) Members of the International Olympic Committee accredited to the Games;
- d) Members of national Olympic committees accredited to the games;
- e) Members of international sports federations accredited to the games;
- f) Immediate family members of official guests; and
- g) Foreign officials accredited to the games.

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<sup>43</sup>By law, only the United States Secretary of State may designate a foreign national as an "Official Guest of the United States", 18 U.S.C. § 1116(b)(2); 22 C.F.R. § 2.2, 2.4, although it is common practice for state and local governments and some private organizations to honor individuals by referring to them as "official guests." However only foreign nationals who are formally designated by the U.S. Secretary of State as an Official Guest of the United States are covered by 18 U.S.C. §§ 112, 878, 970 1116, 1117 and 1201.

2. Official Guests do not have immunity but will be treated with courtesy and respect. A superior officer should be contacted immediately for any incident involving an Official Guest. The supervisor will, in turn, contact the District Attorney's office or, in the case of misdemeanors, the Solicitor of State Court.
3. The superior officer will submit a report of any incident in which a person designated as an Official Guest of the United States is involved (either as an accused, victim or witness) through official channels to:

United States State Department  
101 Marietta Street, N.W.  
Suite 1010  
Atlanta, Georgia 30303  
404-331-3521 or 331-3522 or 331-3523  
or contact 202-647-7277

4. Verification of an individual's status as an Official Guest may be obtained from:

U.S. State Department 404-331-3521  
After hours: 202-647-7277

#### I. Diplomats, Consuls or Official Guests as Victims or Witnesses to a Crime

1. If a diplomat, consul or official guest of the United States is a victim of a crime, the officer will immediately contact a supervisor.
2. It is the responsibility of the supervisor to immediately contact:
  - a) In the case of diplomats and official guests<sup>44</sup>, the regional office of the F.B.I. and the U.S. State Department command post by phone at 202-663-0812. The F.B.I. has primary jurisdiction over offenses committed against diplomats and official guests.<sup>45</sup> The District Attorney should also be contacted.
  - b) In the case of a consul, the District Attorney and the U.S. State Department. If the consul is a career consul, the F.B.I. should also be contacted.
3. If a diplomat, career consul or official guest is a witness to a crime, a supervisor will be notified.
  - a) A person entitled to diplomatic or consular immunity may not be detained as a witness but the officer should promptly obtain the witness's name and a telephone number where the official may be contacted later.
  - b) The supervisor will notify the District Attorney in writing as soon as possible that one of the witnesses is a diplomat, consul or official guest. Any interviews with the witness will be coordinated through the District Attorney's office.

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<sup>44</sup>18 U.S.C. § 112.

<sup>45</sup>18 U.S.C. §§ 1116, 1117 and 1201.

4. By law, diplomats and consuls can appear as a witness only with the prior consent of their government.<sup>46</sup>

#### J. Arrests of Foreign Nationals

Citizens of other nations who reside in or are visiting Georgia are subject to Georgia law. Except as indicated below, foreign nationals who are arrested will be treated in the same manner as U.S. citizens.<sup>47</sup>

1. If the foreign national who is arrested is in possession of a passport, visa, boarder crossing card, resident alien card or alien registration card, the arresting officer shall make a photostatic copy of the documents and attach them to the arrest/booking report.<sup>48</sup>
2. By law, if a citizen of the following countries is arrested, the supervisor or his/her designee will notify the nearest consulate or the embassy of the arrest and the accused will be told that his or her embassy or consulate has been contacted.<sup>49</sup> Notification will be made at the time the accused is booked.

*Albania, Antigua, Armenia, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Brunei, Bulgaria, Peoples Republic of China, Republic of (Taiwan), Costa Rica, Cyprus, Czech Republic, Dominica, Fiji, The Gambia, Republic of Georgia, Ghana Grenada, Guyana, Hungary, Jamaica, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Malaysia, Malta, Mauritius, Moldova, Mongolia, Nigeria, Philippines, Poland, Romania, Russian Federation, St. Kitts/Nevis, St. Lucia, St. Vincent/Grenadines, Seychelles, Sierra Leone, Singapore, Slovak Republic, South Korea, Tajikistan, Tanzania, Tonga, Trinidad/Tobago, Turkmenistan, Tuvalu, Ukraine, United Kingdom (including Anguilla, British Virgin Islands, Hong Kong, Bermuda, Montserrat, and the Turks and Caicos Islands), U.S.S.R. (Although the U.S.S.R. no longer exists as a national entity, many citizens of its successor states still carry passports issued by the former U.S.S.R.), Uzbekistan, and Zambia.*

3. Citizens of other countries should be permitted to contact his or her country's embassy or the nearest consulate. The accused will be informed of this right at the time of the arrest but no later than during booking at the jail.<sup>50</sup> The Appendix contains a list of the current foreign embassies and consulates and their phone numbers.
4. The officer who contacts an embassy or consulate on behalf of an accused foreign

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<sup>46</sup>Vienna Convention on Diplomatic Relations, Art. 32; Vienna Convention on Consular Relations, Art. 44; see *United States v. Wilburn*, 497 F.2d 946 (5th Cir. 1974) (vice-consul has right to elect whether or not to testify in state judicial proceedings).

<sup>47</sup>*Hirsiades v. Shaughnessy*, 342 U.S. 580, 586, 72 S.Ct. 512, 96 L.Ed.2d 586, 597 (1951); *Wong Wing v. United States*, 163 U.S. 228, 237, 16 S.Ct. 977, 41 L.Ed 140, 143 (1895).

<sup>48</sup>Photocopying of passports, visa and other documents of identification by which foreign nationals may enter or remain in the United States for law enforcement purposes is authorized by 18 U.S.C. § 1546(c).

<sup>49</sup>U.S. Dept. of State, *Memorandum, Notice for Law Enforcement Officials on Detention of Foreign Nationals*, (April 20, 1993). Compliance with these treaty obligations regarding notification "is essential to insure that similar notice is given to U.S. diplomatic and consular officials when U.S. citizens are arrested or detained abroad."

<sup>50</sup>*Id.*

national will note the date, time and the name of the person who received the call at the embassy or consulate in a supplemental report and place it in the case file.<sup>51</sup>

5. If the accused foreign national is a juvenile who is not accompanied by a parent or legal guardian, the Immigration and Naturalization Service will be notified at the same time as the Juvenile Court. It is the responsibility of the Immigration and Naturalization Service to contact the embassy of the accused juvenile's nation.
6. If the foreign national is unable to communicate in English, a supervisor will be contacted and every effort made to obtain a translator. Miranda warnings must be translated before a questioning can begin.<sup>52</sup> The investigating officer will include the name, address, telephone number and relationship of the translator to the victim/witness in the Incident Report or Supplemental Report.
7. During major events such as the Olympics, international sporting events, or international conferences, if a foreign national who is officially connected with the event is arrested, the District Attorney or his/her designee (Solicitor in misdemeanor cases) should be immediately contacted by telephone and provided with oral summary of the incident. The prosecuting attorney will advise the supervisor of any special procedures which should be followed.
8. If a foreign national is arrested for a felony, the U.S. Immigration and Naturalization Service (INS) will be notified and provided with the name of the accused and the nature of the charges.<sup>53</sup> By law, the INS is required to notify the appropriate consulate or embassy if one of their citizens has been taken into custody by I.N.S.<sup>54</sup> Contact INS at:

U.S. Immigration and Naturalization Service  
77 Forsyth Street, Suite G-89  
Atlanta, Georgia 30303  
Phone: 404-331-2765

#### K. Foreign Nationals as Victims or Witnesses to a Crime

1. If a foreign national is a victim or witness in a crime, the investigating officer will determine if the individual anticipates traveling out of the State of Georgia within the next 6 months. If the foreign national indicates that they will be traveling out of Georgia or the officer has reason to believe that the individual may depart the State, the District Attorney's office will be immediately contacted in order that the testimony of the individual may be taken by video tape.<sup>55</sup>
2. If the foreign national is unable to communicate in English, a supervisor will be contacted and every effort made to obtain a translator. The investigating officer will include the name, address, telephone number and relationship of the translator to

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<sup>51</sup> *Id.*

<sup>52</sup> See *De La Fe v. United States*, 413 F.2d 543 (5th Cir. 1969).

<sup>53</sup> The arrest of a foreign national for a violation of the laws of this State does not automatically lead to the deportation of the individual. In most misdemeanor cases, the only action INS will take is to notify the appropriate embassy or consulate if the individual is not released on bond.

<sup>54</sup> 8 C.F.R. § 242.2.

<sup>55</sup> O.C.G.A. § 24-10-130 (b)(3).

the victim/witness in the Incident Report or Supplemental Report.

L. Defection and Requests for Asylum

1. Defections and requests for political asylum by foreign nationals are highly sensitive and may affect the relations between a foreign government and the United States as well as the treatment of U.S. citizens who travel outside the United States. It is the policy of this Department that all officers will handle any request for asylum or a defection with speed, tact and resolution.
2. If an officer is approached by a foreign national who: (1) requests asylum in the United States, or (2) indicates that he or she wants to defect to the United States, the officer will:
  - a) Contact his or her immediate supervisor and request the supervisor come to scene immediately. If communication is by non-secure means (i.e., radio) do not indicate the reason;
  - b) Take the person into protective custody and permit no one to interfere with the situation. It is important that the officer protect the person from harassment or forceful repatriation.
  - c) Release the person only to the supervisor or a representative from a Federal agency approved by the supervisor.
  - d) Prepare a written report on the incident.
3. A supervisor, upon learning that a foreign national has approached an officer and (1) requested asylum in the United States; or (2) indicated that he or she wants to defect to the United States, the supervisor will:
  - a) Immediately contact by secure means (not radio):

U.S. Immigration and Naturalization Service  
77 Forsyth Street, Suite G-89  
Atlanta, Georgia 30303  
Phone: 404-331-2765 or 404-331-2762 (24 hour number)
  - b) Take the person into protective custody and transport the person to a secure location designated by INS or to headquarters.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
9.00

Subject:  
Search and Seizure

Authorized By: Chief Mack Seckinger	Effective Date: August 16, 2019
Signed By:	Date Signed:

**I. POLICY**

To establish guidelines for the East Georgia State College Police Department officers in controlling search and seizure of property and persons through an overview of existing laws. It shall be the policy of the department to conduct searches of persons, places and things pursuant to established state and federal laws governing search warrants and/or warrantless searches. Law enforcement officers shall have due regard for the protection guaranteed under the provisions of the Fourth Amendment to the U.S. Constitution. The following procedures shall address search and seizure policy and shall cite major case law and/or state statutes where applicable.

**II. EXECUTION OF A SEARCH WARRANT**

**A. When a Search Warrant can be Executed**

The search warrant may be executed at any reasonable time, day or night; a reasonable time depends on the facts in each individual case (OCGA 17-5-26). A search warrant must be served within ten (10) days from date of issuance. If the warrant is served, a "duplicate copy shall be left with any person from whom any instruments, articles, or things are seized; or if no person is available, the copy shall be left in a conspicuous place on the premises from which the instruments, articles, or things were seized". Any search warrant not served within ten (10) days from the date of issuance shall be void and will be returned to the court of the judicial officer who issued the warrant (OCGA 17-5-25)" A written return of all instruments, articles, or things seized shall be made without unnecessary delay before the judicial officer named in the warrant or before any court of competent jurisdiction. An inventory of any instruments, articles, or things seized shall be filed with the return and signed under oath by the officer executing the warrant" (OCGA 17-5-29).

Upon application of the search warrant, the officer shall obtain three copies. The first copy shall be left with the magistrate after the warrant is approved. The second copy shall be left pursuant to the previous paragraph above, and the final copy shall be returned to the Magistrate's Court upon completion of the search.

**B. Force Used in the Execution of a Search Warrant**

1. An officer has a right under a lawful search warrant to use all necessary and reasonable force to get into any building, dwelling or other area described in a search warrant (OCGA 17-5-27).
2. Unless the search warrant contains a no-knock provision, an officer is

required to give oral notice to the person or persons inside, if any, of the identity of the officer and of the fact that the officer has a search warrant to search the premises (OCGA 17-5-27).

3. If the person or persons inside refuse to acknowledge an officer's notice, or if an officer cannot determine if anyone is present inside, or if it is unoccupied, an officer can then use reasonable force to gain entrance (OCGA 17-5-27).
4. Any action taken by the officer should be recorded as to each action taken prior to making a forced entry, such as: "... knocked on door, identified myself by position and advised I have a search warrant for the premises and no one responded to my call and so entrance was gained." The purpose of the record is that the officer will have to testify in court concerning the reason for his actions. (Jackson v. State, 129 Ga. App. 901; 1973).
5. Whenever force is used in order to gain entry into a premise or place, and any amount of damage occurs, the superior officer in charge of the search shall insure that all damage is documented and photographs taken if necessary.
6. The appropriate amount of time that the officer should allow will depend on the conditions of each search.

#### C. Locations/ Persons to be Searched, Pursuant to a Search Warrant

1. Officers shall be limited to search in areas particularly described by the search warrant.
2. Officers shall also be limited to searching only for those items particularly described in the search warrant.
3. Officers shall be limited to searching individuals named or described in the search warrant. Officers should have more descriptive information than "a male," "a white female," etc., if the officer is to list an individual on the warrant to be searched.
4. In the execution of the search warrant, the officer executing the same may reasonably detain and/or search any person in the place at the time:
  - a) To protect himself from attack; or
  - b) To prevent the disposal or concealment of any instruments, articles, or things particularly described in the search warrant (OCGA 17-5-28).

#### D. Personnel Executing Search Warrants

1. Supervisory Personnel
  - a) Prior to the execution of a search warrant, an officer of supervisory rank or detective should have reviewed the affidavit and warrant and the circumstances of its issuance to ensure that requirements of law are being met and that all the necessary elements are present even though the warrant may have already been signed by the appropriate authority. All search warrants and affidavits obtained by any officer should, if at all possible, be reviewed first by a supervisor or detective prior to review and approval by a magistrate.
  - b) When appropriate, the District Attorney's Office will be consulted prior to, during and after the service of search warrants for advice,

recommendation, or for any other purpose the officer deems appropriate (e.g., preparation for prosecution).

- c) An officer of supervisory rank or detective shall be present at the execution of any search warrant along with other personnel as needed. If possible, the supervisor is to be from the unit concerned; if unavailable, a Sergeant or higher ranking officer from another Unit shall assist.

## 2. Assigned Officers

All involved personnel shall conduct themselves in a professional manner by:

- a) Restricting their actions in such a manner as is consistent with the scope of the warrant;
- b) Whenever possible, leaving property not seized in an orderly fashion (or as found) and insuring that it is not left in an unreasonable state of disorder or destroyed;
- c) Insuring all evidence seized is documented on the inventory and forwarded to the Evidence Room and/or Crime Lab.

**NOTE:** Items considered to be illegal and/or contraband are not to be destroyed without either the appropriate order of the court or, in cases where prosecution is not to follow, by proper documentation.

## E. Obtaining and Execution of a No Knock Search Warrant

1. To gain entrance to any building or dwelling without giving notice, a search warrant must contain a no-knock provision. This provision should be in the body of the affidavit.
2. A no-knock provision cannot be based upon a mere suspicion, but rather must be predicated upon probable cause from an investigation and/or informant. The following would be examples of probable cause for a no-knock provision:
  - a) A reliable informant or other source provided information concerning a suspect who kept evidence in a bathroom, such as drugs, and would destroy the evidence when the officer knocked on the door (*Scull v. State*, 122 Ga. App. 696).
  - b) A reliable informant or other source provided information concerning a suspect who kept firearms next to a door, and when an officer knocked on a door, the suspect would shoot **through a door in an attempt to kill or harm the officer** (*Jones v. State*, 127 Ga. App. 137).
3. Since an officer has a right to use necessary and reasonable force it is also a responsibility of an officer to obtain the correct address and location of property or premises to be searched. Searching the wrong person or premises could lead to prosecution and/or civil liability of an officer.

## III. SEARCHES WITH AND WITHOUT A WARRANT

### A. Search with a Warrant

The following is required of all search warrants and search warrant affidavits:

1. Issuance

The warrant must be issued by a judicial officer authorized to hold a court of inquiry (OCGA Section 17-5-21).

2. Probable Cause

The judicial officer must find probable cause that the place to be searched contains items connected with criminal activity. (Berger v. New York, 388 U.S.41) The officer must swear or affirm under oath that the facts presented for establishing probable cause are true. Probable cause is defined as "what facts and circumstances within an officer's knowledge would lead a reasonable man to believe that an offense has been committed or is being committed and/or that a particular individual has committed or is committing the offense."

3. Description

The warrant must describe with sufficient particularity the person or the place to be searched and the items to be seized (OCGA 17-5-23). If a place can be easily identified by a street number or address, then no further information shall be necessary; however, an officer may elect to give a physical description of the place to be searched. Also by giving a legal description by giving directions from the closest major intersection.

**NOTE:** A warrant may be issued based on an affidavit containing only hearsay where the reliability of the informant is established and the underlying factual circumstances are described.

B. Search without a Warrant/ Incident to Arrest

1. Scope

A search incident to a lawful arrest must be limited in scope to the arrestee's person and the area "within his immediate control." (Chimel v. California, 395 U.S. 752; 1969).

2. When authorized

A search incident to an arrest shall be authorized for the following reasons:

- a) For the security of the officer
- b) To secure items that might aid in an arrested individual's escape
- c) To prevent the destruction of instruments or fruits of a crime

3. Nature

A search incident to a lawful arrest must be concurrent in time and place with the arrest.

4. Booking or Administrative Searches

A custodial search of an arrested individual during booking is justified as an administrative search. A custodial search of the arrestee's person may be

justified as either an administrative search or as an inventory procedure. Once an officer has taken any property discovered during the search into his control, a further non-contemporaneous search is no longer an incident of the arrest.

**C. Consent Search (GLECP Std. 4.1a)**

1. Voluntariness

The law enforcement officer obtaining consent to search has the burden of proving that the defendant's consent to a warrantless search was given freely and voluntarily.

2. Test

The voluntariness of a person's consent is measured by the totality of the circumstances.

3. Consent after Arrest

If the consenting party is in custody, the voluntariness of the consent is still measured by the totality of the circumstances, although courts will analyze the relevant factors more critically.

4. Third Party Consent

Consent for a warrantless search may be given by a third party who shares control of (or has common authority over) the premises or items to be searched. Areas belonging exclusively to parties not present or not giving consent shall not be searched.

**D. Exigent Circumstances (GLECP Std. 4.1e)**

1. Justification

A warrantless search is permitted when there is both probable cause and exigent circumstances. The ultimate test is whether there is such a compelling necessity for immediate action that proceeding without a warrant is justified.

2. Exigent Circumstances Defined

Hot pursuit, a fleeing suspect, imminent destruction of evidence, or other situations in which speed is essential to the accomplishment of lawful law enforcement action are examples of exigent circumstances.

**E. Crime Scene Search (GLECP Std. 4.1d)**

*Mincey v Arizona* 437 U.S. 385 (1978) The Supreme Court ruled there is no crime scene exception to the search warrant requirement. This means that the general rule with regard to Crime Scene is "Get a search warrant!"

There are many exceptions to this rule and some of them are the following:

1. When the defendant does not possess a reasonable expectation of privacy in the premises, a search warrant is not necessary. (The defendant is a trespasser; no warrant is required)
2. When the search is conducted for the purpose of finding dead or injured crime victims or when rendering aid to a victim, no warrant is required.
3. When evidence is being protected during the time it takes to obtain a search warrant, no warrant is required to enter the crime scene.
4. No warrant is required to enter the crime scene in order to find the perpetrator who may still be present on the scene.
5. A crime scene search may be made without a warrant if:
  - a) It is an emergency and there is reasonable belief that there is imminent danger to person. In an emergency crime scene search, contraband in plain view may be seized. If evidence is scene which is not contraband, it is best to get a warrant before seizing it.
  - b) A homicide victim is the sole occupant.
  - c) The scene is a public place.

#### **IV. STOP AND FRISK (GLECP Std. 4.1b)**

##### **A. Grounds for a Stop**

To lawfully stop an individual, the law enforcement officer must have a reasonable suspicion that the person stopped is involved in criminal activity.

##### **B. Grounds for a Frisk**

To lawfully frisk an individual, the law enforcement officer must have a reasonable belief that the person stopped is armed and/or dangerous. In the case of the self-protective search for weapons, he must be able to point to particular facts from which he reasonable inferred that the individual was armed and/or dangerous. The frisk must be limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby. (Terry v. Ohio, 392 U. S. 1) Officers are reminded that a frisk is not a "search."

##### **C. Nature of a Frisk**

The frisk for weapons must be only a limited intrusion of a person (pat down). Pockets cannot be entered during a pat down unless the officer feels an object which is consistent with a weapon in its size, shape, or feel or unless by plain feel it is clearly identifiable as contraband.

##### **D. Search after a Frisk**

Feeling an object which might be a weapon will justify a more extensive intrusion to obtain the suspected weapon. An officer may enter pockets to dispel the alarm that a weapon is present.

#### **V. VEHICLE STOPS**

##### **A. Significance of Stop**

A "seizure" occurs whenever a vehicle is stopped, even though the purpose is generally limited and the detention quite brief; therefore, the Fourth Amendment applies.

**B. Grounds for Stop**

There must be reasonable suspicion to justify an investigatory stop of an individual vehicle. Law enforcement officers do not have an unrestricted right to stop people, either pedestrians or drivers.

**C. Vehicle Roadblocks**

Vehicles may also be stopped at general roadblocks which serve legitimate law enforcement purposes. If the purpose of the roadblock is legitimate, (e.g., to check drivers licenses and proof of insurance), and if an attempt to stop all vehicles and not randomly stop vehicles, and if evidence of other crimes is observed, the officer has the right to take reasonable investigative steps. Vehicle roadblocks shall be prohibited unless approved by a uniform watch commander.

**D. Initial Intrusion**

Law enforcement officers may take reasonable actions to protect themselves after a lawful stop of a motor vehicle. An officer may prefer to ask the driver or passengers of a vehicle to step out of the vehicle or remain inside, at his discretion. Law enforcement officers may consider external factors such as weather, crowds, etc., prior to asking anyone to step out of their vehicle. (Maryland v Wilson; US v Sanders; Brendlin v. California)

**E. Further Intrusion**

If a law enforcement officer has a reasonable belief that a person stopped is presently armed and dangerous, he may conduct a limited protective search of the vehicle and frisk of the person.

**VI. VEHICLE SEARCHES**

**A. Arrest of Occupant**

If a person is arrested after his vehicle is stopped, areas of the vehicle accessible to him may be searched incident to the arrest if the officer can articulate a reasonable belief that the vehicle contains evidence of the offense of arrest. If there is no reasonable belief that evidence of the offense might be present, no search shall be done. However, if the vehicle is being impounded, a thorough inventory will be conducted as a matter of department policy.

**B. Exigent Circumstances (GLECP Std. 4.1c)**

The mobility of motor vehicles often constitutes exigent circumstances authorizing a warrantless search. The "automobile exception" to the warrant requirement demonstrates a willingness of courts to excuse the absence of a warrant when spontaneous searches are required of a vehicle. (Gondor v. State, 129 Ga. App. 665; 1973)

**C. Standard**

To search under exigent circumstances, the law enforcement officer must have probable cause to believe the vehicle contains items subject to seizure.

**D. Time and Place of Search**

If probable cause and exigent circumstances existed originally, law enforcement may search the vehicle after towing it to the impound lot without securing a search warrant.

## **VII. CONTAINER AND LUGGAGE SEARCHES**

### **A. Standard**

Containers generally may only be searched pursuant to a warrant based on probable cause.

### **B. Automobiles**

A law enforcement officer who has legitimately stopped an automobile and who has probable cause to believe contraband is located somewhere within the car may conduct a warrantless search of the vehicle, including compartments and containers within the vehicle whose contents are not in plain view. (U. S. v. Ross, 456 U. S. 798, 31 CrI 3051; 1982)

### **C. Inventory**

Closed containers may be opened during a personal effects inventory. (Ill. v. Lafayette, 162 U.S. 640, 33 CrL 3183; 1983)

## **VIII. INVENTORY OF VEHICLES STD 4.1f**

### **A. Seizure of Vehicle**

For an inventory of a vehicle to be valid, law enforcement custody of the vehicle must be lawful. An inventory of a vehicle is not a search. An inventory is a departmental policy designed to insure that valuable possessions within a vehicle under law enforcement custody are accounted for. Any items illegal to possess which are found

### **B. Justification**

The inventory must be conducted only to fulfill the law enforcement care taking function of securing the contents of the vehicle.

### **C. Nature of Inventory**

The search must be a routine part of standard law enforcement procedures for impounding vehicles, rather than a pretext for an investigatory search, and may not extend to locked luggage or other similar repositories of personal effects. It shall be standard operating procedure for East Georgia State College law enforcement officers to inventory all impounded vehicles.

## **IX. PLAIN VIEW DOCTRINE STD 4.1g**

### **A. In order for the Plain View Doctrine to apply:**

1. The law enforcement officer must be at a location where he has a legal right to be;
2. The seized items must appear on their face to be incriminating, and;
3. The items seized must be plainly visible to the law enforcement officer.

## **X. ABANDONMENT**

### **A. Act**

Abandonment is a voluntary relinquishment of control of property, i.e., disposing of, denying ownership.

B. Implications

Abandoned property is not protected by the Fourth Amendment. Officers may seize abandoned property without probable cause and without a warrant. Whether or not property has been abandoned is a question of intent, which must be shown by clear, unequivocal and decisive evidence.

## XI. CURTILAGE

A. The Curtilage Doctrine

Curtilage is afforded the same Fourth Amendment protections as is the home. Generally speaking, curtilage has been held to include all buildings in close proximity to a dwelling, which are continually used for carrying on domestic purposes; or such places as are necessary and convenient to a dwelling, and are habitually used for family purposes (including a patio).

B. The Open Field Doctrine

The Fourth Amendment protections do not extend to the "open fields" surrounding the curtilage and the home.

C. Legitimate Expectation of Privacy

The determination of whether Fourth Amendment protections will be extended to items seized from the curtilage or open fields focuses on whether the person challenging the search has a legitimate expectation of privacy in the place which was searched.

## XII. GREATER INTRUSION SEARCHES

A. Exterior Intrusion

Intrusions on the body's surface (swabbing, hair samples, retrieval of evidence from the mouth, etc.) are governed by the Fourth Amendment. Such searches are permissible as long as they are conducted in a reasonable manner and are justified under the circumstances (e.g. probable cause to search).

B. Interior Intrusion

Certain intrusions into the body (e.g., stomach pumping, surgery) have been held to be in violation of the Fourth Amendment (*Rochin v. California*, 342 U.S. 165; *Winston v. Lee*, 470 U.S. 753). Hence, only under the most exigent circumstances and only pursuant to a search warrant, could such a procedure be allowed. However, other more common interior intrusions, such as blood tests, may be conducted without a warrant if the setting and procedures are reasonable, as when blood is drawn by a doctor in a hospital (*Schmerber v. California*, 384 U.S. 757). Probable cause must exist in all cases.

## XIII. MOTOR VEHICLE FORFEITURE

**ATTENTION CEO: Laws related to seizures and forfeitures are subject to constant change. Consult with your District Attorney before implementing any portion of Chapter 9. Because of recent changes, properties can be seized or forfeited for a**

**variety of criminal offenses (e.g., pornography, drugs, RICO, habitual violated, etc.). Again, check with your district attorney to verify that proper procedures are followed for seizures and forfeitures. See OCGA 16-13-49 and 16-14.**

#### A. INTRODUCTION

It is the policy of this Agency to utilize to the fullest extent the forfeiture provisions available in state and federal drug laws.

#### B. PURPOSE

The purpose of this policy is to direct the seizure and forfeiture of motor vehicles used during the commission of a felony involving transportation, facilitation of transportation, concealment, manufacture, or protection of controlled substances.

#### C. DEFINITIONS

1. SEIZURE OF MOTOR VEHICLES - Any assertion of dominion and control over a vehicle by a law enforcement officer or agency pursuant to suspected criminal acts that interferes with the full possessory rights of the vehicle title owner constitutes a seizure.
2. FORFEITURE OF MOTOR VEHICLES - Forfeiture is the procedure by which title to seized property is finally transferred to the seizing agency. Forfeiture can be obtained through a final order of the court having jurisdiction over the seized property, or through negotiated settlements with those persons having a lawful legal interest in the seized property.
3. STATUTORY AUTHORITY FOR CIVIL FORFEITURES OF MOTOR VEHICLES- Distinct procedures for seizure and forfeiture of motor vehicles can vary depending on federal, state and municipal law. The Agency continuously consults relevant federal, state and municipal regulations to ensure that seizure and forfeiture policies of the Agency meet current standards.

#### D. PROCEDURES

##### 1. Seizure of Vehicle for Forfeiture

The seizing officer shall:

- a) Determine if the motor vehicle used in the commission of a drug-related felony is subject to seizure. Agency members shall not seize a motor vehicle for forfeiture purposes:
  - (1) If it is a common carrier and the owner is not consenting or a conspirator to the violation;
  - (2) If the owner has no knowledge of the offense or has not given consent;

- (3) If it is encumbered by a bona fide security interest and is subject to the interest of the secured party, and he neither had knowledge of nor consented to the act; and
  - (4) If the vehicle is leased.
- b) Obtain clearance to seize for forfeiture purposes. The seizing officer must contact his supervisor, advise of the facts and circumstances surrounding the potential seizure and forfeiture and receive authorization to continue the forfeiture investigation.
  - c) Determine whether the violator owns the vehicle and, if not, identify the registered owner or title holder by name, address and telephone number.
  - d) Obtain, or attempt to obtain, the registration and title and forward them to the drug enforcement unit.
  - e) When possible, obtain post-Miranda statements implicating the motor vehicle, and in those cases where the violator is not the owner, implicate the owner (and/or co-owner) as knowledgeable about the use of the motor vehicle by the violator.
  - f) Determine if the vehicle is to be processed by evidence technicians. Any motor vehicle seized for forfeiture will be handled as evidence as provided by Agency policies concerning property and evidence control and vehicle storage and inventory. All receipts and inventory forms will be marked "Hold for Forfeiture."
  - g) Have vehicle towed to the Agency's vehicle storage facility or to evidence section.
  - h) Complete incident report, particularly describing the circumstances of the seizure.

## 2. Supervising the Seizure

The shift supervisor shall:

- a) Consider the type, condition and approximate value of the seized motor vehicle, in determining the practicality of recommending a forfeiture action. If it is obvious that the property is of no use to the Agency or would have little value at auction, the supervisor may instruct the seizing or investigating officer to discontinue the forfeiture investigation.
- b) If the supervisor determines that forfeiture is appropriate or is unsure of the practicality of the processing, the supervisor shall contact the drug enforcement unit or appropriate seizure control officer, and report the facts and circumstances of the seizure and potential forfeiture. If the drug enforcement unit or appropriate seizure control

officer authorizes a continuance of the forfeiture investigation, the supervisor shall so advise the seizing or investigating officer and shall comply with steps 3 through 8 above.

- c) Ensure that a complete and accurate report, including all supplemental follow-ups, detailing the seizure has been completed, and a copy delivered to the drug enforcement unit.
- d) Prepare and submit a written memo describing the article seized, the offense number and the location of the seized motor vehicle, with a copy forwarded directly to the drug enforcement unit. A copy of the inventory of the motor vehicle shall be forwarded to the drug enforcement unit.

### 3. Vehicle Storage and Processing

- 4. When a vehicle is seized for forfeiture, the law enforcement Agency's towing service will tow the vehicle.
- 5. The inventory section of a vehicle/property receipt shall be completed and all personal property shall be removed. If the vehicle is to be processed and it is determined that the vehicle would be contaminated by the removal of any personal property, the seizing officer may wait until the processing is completed.

The seizing officer shall be responsible for ensuring that personal property is removed.

- 6. Personal property not being held for evidence or seizure shall be returned to the owner. If the owner has been arrested or is otherwise unavailable to take possession of the property, it shall be placed in the property unit to be returned to the owner at a later date. The property receipt shall be completed, including the authorization for release.
- 7. Any property seized as evidence shall be packaged and entered into evidence separately from any personal property.
- 8. The seizing or assisting officer shall meet the tow truck driver at the vehicle storage facility. After the vehicle has been placed in storage, the seizing officer will secure the keys as evidence by turning the keys over to the Evidence Custodian.
- 9. When vehicles are seized for forfeiture, the officer handling the paperwork must ensure the vehicle identification number is obtained from the vehicle itself rather than from a registration check.

### E. Duties of Criminal Investigation Division

- 1. Receive copies of all reports from the seizing officer, verify that the keys to the vehicle were turned over to the Evidence Custodian for safekeeping. The Evidence Custodian is responsible for proper maintenance of the vehicle during the holding period.

2. Ensure that the proper administrative hold has been or is placed on the property, and place a hold on vehicle/files through NCIC/GCIC.
3. Determine and identify any lien-holder, person or lending institution or other person having financial or equitable interest in the vehicle. Request a copy of the title from the Georgia Department of Revenue.
4. Determine the value of the vehicle for future sale or for use as Agency property.
5. Contact the evidence unit to photograph the seized vehicle.
6. Prepare all necessary documents for forfeiture of the vehicle and submit them to the District Attorney within 20 calendar days of the day of seizure. See O.C.G.A. 16-13-48-1.
7. Coordinate forfeiture process with the appropriate legal division (i.e., district attorney, law enforcement legal advisor).
8. Dispose of the vehicle either through sale or conversion to Agency property in accordance with the Superior Court Order. If released to an owner or repossessed (ensure if applicable) that all towing and/or storage fees are reimbursed to the Agency, prior to release of vehicle. If converted to Agency property, assign the vehicle a property number and place the vehicle into the inventory system.
9. Release the hold on the vehicle file through NCIC/GCIC.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
10.00

Subject:  
Firearms

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

- A. Establishes guidelines and rules for the proper use, care and display of firearms.
- B. Establishes a standard operating procedure for check-out of Agency weapons.
- C. Establishes a standard operating procedure for weapons qualification.

**II. RULES AND REGULATIONS**

**A. General**

- 1. Officers, while on duty, will carry only the Agency authorized firearm(s).

**B. Firearms Safety**

- 1. It is imperative that each individual exercise extreme care in the handling of all weapons, always emphasizing safety, whether on or off duty.
- 2. Holsters shall not be unsnapped or sidearms removed from holsters unnecessarily.
- 3. Loaded shoulder weapons (e.g., shotguns, rifles, gas guns, etc.) shall not be brought inside the law enforcement Agency building unless a deadly force emergency is in progress.
- 4. Shoulder weapons shall be carried perpendicular (muzzle up) to the floor by the grip (no fingers within the trigger guard). They will be carried with the slide back / action open, safety on, and the chamber empty.
- 5. Only in deadly force situations shall a round be chambered. Once the situation is stabilized, the round is to be unchambered and the weapon returned to the safe carry position.
- 6. Confiscated and found weapons shall not be placed into evidence loaded.
- 7. Particular attention should be given to the removal from and replacement of the handgun to its holster.

8. The safe and secure storage of weapons at home while either on or off-duty shall be given special consideration (e.g., the unloaded weapon should be stored in a locked or secured area, with ammunition stored separately).

#### C. Care of Firearms

All officers shall keep their firearms clean and in good operating condition. Officers' weapons are subject to inspection at any time by a superior officer. No unauthorized alterations shall be made to Agency firearms.

#### D. Ammunition (GLECP Std. 1.20)

All weapons will be loaded with Agency issued ammunition. All ammunition shall be factory manufactured. (The agency should specifically state the name(s) of the manufacturer, types and specifications of all approved ammunition.) The carrying or discharging of reloaded ammunition is strictly prohibited. The only exception to this is when qualifying or practicing at the range.

#### E. Weapon Display

1. Law enforcement officers should avoid the unnecessary display of firearms and not remove the weapon from the holster except when there is justification for its use to accomplish a proper police purpose. In responding to any potentially dangerous situation, such as a robbery or burglary in progress, an officer may draw and carry his/her weapon in a position for speedy and effective use, if necessary. At no time should the weapon be carried in a cocked position.
2. Under Georgia law, a law enforcement officer is authorized to carry an issued or authorized firearm while on-duty. The decision to carry a personal weapon and ammunition off-duty is an individual decision, not an Agency requirement.

**ATTENTION CEO: The Agency must decide what type of weapon(s) their officers are authorized to carry off duty. For example, are officers authorized to carry Agency issued firearm(s) when the officers are off duty? Legal advice should be sought before making this decision.\*(see G. – Backup Weapons)**

**The Agency needs to have a written policy statement defining when an officer is on and off duty. The Agency shall require officers to qualify with all approved weapon(s) the officers are authorized to carry on and off duty.**

**Should the officer desire to carry a weapon off duty, either agency issued or personally owned, and the officer is acting under color of law, then the agency shall have a policy requiring the officer to “register” the firearm with the agency. Additionally, the agency shall require the officer to qualify with that weapon thus making the personally owned weapon an agency approved weapon. The ammunition used by an officer in a personally owned weapon shall also be approved by the agency. (GLECP Std. 1.20)**

3. Firearms will be carried in the issued holsters or in a holster approved by the Chief of Police. These holsters will properly retain and secure the particular weapon being carried.
4. Officers are prohibited from carrying firearms while consuming alcohol or while still under its influence, whether on or off-duty unless on an authorized special assignment.

**NOTE: Alcohol consumption by Agency personnel while on-duty is prohibited, unless consumption is necessary as a part of a special assignment. See "Possession or Use of Alcohol" in Chapter 5.**

5. Investigators and other plainclothes personnel shall carry their weapons in a non-conspicuous manner in public, unless otherwise warranted.

#### F. Discharging Firearms (GLECP Std. 1.21)

Whenever any member of the Agency discharges a firearm for any purpose other than one which is sporting in nature (e.g., hunting) or for target practice, he/she shall submit a report to the Chief of Police immediately after the incident or as soon as practicable. The report will include:

1. The number of shots fired and the reason and circumstances that required the use of firearms.
2. The names and addresses of any injured persons and witnesses.
3. The extent and treatment of any injuries, the hospital where treated, and if known, the doctor providing such treatment.
4. A description of any property damage resulting from the discharge of a firearm and an estimate of repair costs.
5. The officers' evaluation of the situation at the time of the incident.

**ATTENTION CEO: This report may also be your "Use of Force" report. CEO should determine what information is included on the report. As much information as possible should be included - weather, lighting, number of officers/suspects, types of weapons used by all parties, age/gender/race of all parties involved and other information as determined.**

#### G. Back-up Weapons\* (See "ATTENTION CEO" under E. 2.) (GLECP Std. 1.20)

Secondary, back-up or personal handguns are permissible; however, any such handgun must be approved by the Chief of Police. The weapon must be carried concealed on the person. Any back-up or secondary approved weapon that is not carried concealed on the officer will be secured in the locked trunk of the vehicle. At no time will a secondary or back-up weapon be left unsecured, whether in trunk or on lockable mounts inside car. All requests for permission to carry back-up handguns must be submitted in writing to the Chief of Police. The request shall include the

make, model and serial number of all handguns which the officer desires to carry. In addition, before an officer is permitted to carry a back-up weapon on-duty, he/she shall be required to qualify with the weapon.

#### H. Special Weapons and High Risk Situations

1. In hazardous situations, special weapons may be used only by members of the Agency that have been trained in their use and authorized by the Chief of Police.
2. Only shotguns issued by the Agency will be used as a duty weapon. Prior to issuance or use, all officers must demonstrate proficiency in the use of the shotgun.
3. While on-duty, an officer may be temporarily unarmed only when required by applicable policy or law. For example, when the officer is in a jail or prison facility or traveling on a commercial airliner.

#### I. Surrendering Weapons

No officer shall ever give up any of his/her weapons unless it is absolutely necessary to protect the life of a citizen or him/her self. Even then, he/she should carefully consider the consequences of his/her action. Surrender of a weapon rarely de-escalates a serious situation and can put an officer and innocent persons in jeopardy.

#### J. Off-Duty Weapons (**GLECP Std. 1.20**)

1. When off-duty, an officer may carry a personal weapon of his/her choosing in a non-conspicuous manner.
2. When officers have Agency permission to work an off-duty job in uniform, College issued firearms and leather goods shall be worn.
3. If an officer has Agency approval to work an off-duty job, out of uniform, he/she must have Agency approval to carry a firearm. The serial number, brand and type of firearm carried must be on record at the Agency and approved by the Chief of Police.
4. All personnel using non-Agency issued weapons while working off-duty jobs must qualify with the weapon annually during regular range qualifying. For this qualification, the officer must furnish his/her own ammunition.
5. Officers shall carry appropriate identification when armed on or off-duty.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



<b>Policy Manual</b>	
<b>Standard Operating Procedure</b>	
SOP Number: 10.01	Subject: Department Armament Checkout Procedures
Authorized By: Chief Mack Seckinger	Effective Date: August 16, 2019
Signed By:	Date Signed:

**I. INTRODUCTION**

Items of weaponry and personal protective equipment fall into the general classification of armament. Law Enforcement Agencies must pay specific attention to the requirements of their individual community in determining the type of armament best suited for their operation. The equipment needed to make up the basic armament requirements of a Law Enforcement Agency can be divided into two distinct areas, individual armament and Agency armament. This S.O.P. addresses the latter.

The items required to supplement individual equipment for use in special operations, the heavier weapons, specialized riot equipment, and individualized pieces of protective equipment make up the Agency armory.

**I. UNDER NORMAL CIRCUMSTANCES**

All weapons and equipment approval/check-out will be handled by the shift supervisor with the officer as follows:

- A. Check-Out: The weapon, type, rack number and serial number will be noted on the sign-out ledger. No weapon will be removed from the vault, for any reason, without being signed out. Non-serialized equipment will be noted by type (e.g., riot helmet) and individual identifying number.
- B. The supervisor and officer will both sign the ledger, noting the date and time.
- C. Any ammunition removed will also be noted on a separate line in the ledger.
- D. All weapons or equipment shall be returned to the Agency arms vault using the following procedure:
  - 1. Weapons will be checked in immediately after the officer completes his/her tour of duty.
  - 2. Weapons will be cleaned and wiped free of dirt, moisture and harmful residue before being replaced in the vault. The bore will be cleaned, if the weapon has been fired, fouled or exposed to the elements.
  - 3. The weapon and/or ammunition will be placed in the proper storage area and the date and time noted in the ledger.

4. Equipment will be returned in the same condition as issued.

- E. Used cleaning materials (patches, etc.) will be removed from the vault and placed in a proper trash receptacle. (Gun wipe cloths may be retained and stored with the gun-cleaning components in the vault.)
- F. Any weapon that has been fired, damaged or any other damaged equipment will be reported to the shift supervisor by a detailed memorandum with copies to: the Chief Executive Officer; the officer's Division Commander; and the Firearms Training Officer (weapon only).

The supervisor receiving the weapon will inspect it for cleanliness and functioning before returning it to the arms vault. Problems with any weapon not passing inspection will be corrected by the officer, if possible, and re-inspected by the same supervisor.

- G. The Patrol Division Commander will make regular inspections of the arms vault and its contents to ensure that these procedures are being followed as outlined. Any incident of a weapon requiring maintenance after being checked out will be reported to the armorer.

The weapon will be tagged for repair and returned to the vault. Repair tags must remain in place and the weapon not used until the repair has been made. Repair tags will be kept in the vault for this purpose.

### **III. EMERGENCY CONDITIONS**

Under emergency conditions, the shift supervisor or any other available superior officer shall secure the armament needed on the scene. Once the incident has been resolved, the issuing officer shall have the responsibility for the return of the armament as discussed in section A above. Any missing or unaccounted for equipment shall immediately be reported to Division Commanders and the Chief.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
10.02

Subject:  
Weapons Qualification

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. ADMINISTRATION**

- A. The Agency Training Officer shall be responsible for implementing firearms qualification programs, classroom instruction and remedial training for Agency personnel.
- B. The range officer/armorer shall be responsible for ensuring all Agency issued firearms are maintained in good working order. Upon notification from any officer that a weapon is malfunctioning, the range officer/armorer shall repair the weapon or issue another.

**II. QUALIFICATION REQUIREMENTS**

- A. All sworn personnel of the Agency shall be GPOSTC certified prior to receiving authorization to carry a weapon in an official capacity or to exercise the power of arrest.
- B. Firearms training shall consist of both classroom and practical exercises as determined by the training officer.
- C. Failure of any recruit to qualify will result in dismissal or reassignment. Minimum qualification scores shall be as approved by GPOSTC.
- D. All officers shall qualify, at a minimum, (specify how many times per year) with on-duty, secondary and off-duty weapons. Proficiency training will be conducted by a GAPOSTC certified weapons instructor and the training will be documented. **(GLECP Std. 1.16a, b)**
- E. Any officer authorized to carry a firearm who fails to attain a qualifying score, shall attend, on-duty, a block of remedial instruction and shall attempt to qualify after that instruction. **(GLECP Std. 1.16c)**
- F. Any officer who fails to achieve a qualifying score will be removed from law enforcement duties. After remedial training, an officer will be given (specify how many attempts) opportunities to re-qualify; however, two qualifications must be consecutive. **(GLECP Std. 1.16d)**
- G. Should the officer still fail to qualify, he/she will be removed from any law enforcement duties. **ATTENTION CEO: the agency should seriously consider**

**terminating or at least minimally transferring any non-qualifying officer to a non-enforcement position.** Afford an opportunity, on a voluntary basis, to receive additional instruction and qualify with the weapon on his/her off-duty time within two weeks.

- H. The course of instruction and final qualification must be completed within two weeks after the officer's failure to qualify.
- I. Any officer unable to qualify, after the above avenues or retraining have been exhausted, will be considered incompetent to carry a firearm and will be removed from enforcement duties and subject to appropriate administrative or disciplinary action.

### **III. FIREARMS TRAINING**

Firearms training and qualification shall consist of the following:

- A. Classroom instruction on the fundamentals of revolver / semi-automatic / shotgun firing.
- B. Classroom instruction in firearms safety and preventive maintenance.
- C. Classroom instruction in the legal aspects of firearms use.
- D. Range practice and qualification with the issued /authorized weapon(s).
- E. Range practice and qualification with the shotgun.
- F. Supplemental classroom instruction or practical exercises as may be deemed necessary or useful.

**ATTENTION CEO: Look at and consider the two standards below. Both address training in the agency's use of force policies and the qualification requirements. GLECP Stds. 1.15 and 1.20, legal training and the removal of defective weapons respectively in addition to the standards listed below.**

- 1.14 At least annually, all agency personnel who carry less lethal or lethal weapons are required to receive in-service training on agency's use of force policies.**
  - a. Training will be documented; and
  - b. If the agency authorizes use of neck restraints or similar weaponless control techniques with a potential for serious injury, it is included in the annual in-service use of force curriculum.

#### **Commentary**

*The intent of bullet b is to require training on the use of neck restraints or similar control techniques if used by the agency. If neck or similar control techniques are not allowed, it should be noted in policy.*

- 1.16 At least annually, all agency personnel authorized to carry lethal weapons will demonstrate proficiency with each issued or approved lethal weapon.**

- a. Proficiency training must be conducted by a certified weapons instructor
- b. Proficiency training must be documented. Officers should be sprayed once. Proficiency can be done with inert cans. Officers x should “qualify” biennially for less-lethal weapons.
- c. The agency must have procedures for remedial training for those employees who are unable to demonstrate proficiency
- d. The agency must have procedures for removing from enforcement duties employees who are unable to demonstrate proficiency with their primary duty weapon until proficiency is achieved.

**Commentary**

*The intent of this standard is to cover the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, or striking weapons. Demonstrated proficiency includes achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and being familiar with recognized safe-handling procedures for the use of these weapons. The instruction and qualification of all weapons should be provided by a certified weapons instructor.*

*The intent of bullet (c) is to ensure that remedial measures are provided. An employee failing to demonstrate proficiency with a weapon is not returned to duty with that weapon until such time as proficiency is demonstrated and documented.*

EAST GEORGIA  
STATE  
COLLEGE  
Police Department



Policy Manual  
Standard Operating Procedure

SOP Number:  
11.01

Subject:  
Critical Incident  
Investigation

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

## I. PURPOSE

The purpose of this policy is to provide officers of the East Georgia State College Police Department with structured guidelines on the use of non-deadly and deadly force. It will also establish standard operating procedures for investigating use of force incidents, both deadly and non-deadly. This policy also applies to all other Department employees who may encounter situations with the public where a degree of force is required in order to carry out and complete their job responsibilities.

**This policy is for departmental use only and does not apply in any criminal or civil proceeding. The departmental policy shall not be construed as a creation of a higher level standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.**

## II. DEFINITIONS

- A. **OBJECTIVELY REASONABLE:** The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. (See *Graham vs. Connor*, 490 U.S. 386(1989)) *Graham* states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that law enforcement officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.
- B. **FACTORS USED TO DETERMINE REASONABLENESS:** The Department examines reasonableness using *Graham* and from the articulated facts from the perspective of the officer in generally the same circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.

Those factors may include, but are not limited to:

- a) Defend themselves;
- b) Defend others;
- c) Effect an arrest or detention;
- d) Prevent an escape; or
- e) Overcome resistance.

#### B. Deadly Force (GLECP Std. 1.11)

Law enforcement officers are authorized to use deadly force to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;
2. Prevent the commission of a forcible felony; or
3. Prevent the escape of a violent fleeing felon, if such force is necessary, to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others.

***Officers should keep in mind that facts unknown to an officer, no matter how compelling, cannot be considered in later investigations of whether the use of lawful force, particularly that of deadly force, was justified.***

Once the officer has determined that the use of deadly force is necessary; the Department's policy is to shoot to stop. An officer shall not discharge a weapon to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act as described in this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass".

No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat to self or others shall be the only policy guideline for employing deadly force.

#### C. Warning Shots

Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

#### D. Neck Restraints (GLECP Std. 1.14b)

Neck restraints such as choke holds, carotid artery restriction techniques and other similar types of control techniques are to be considered deadly force and are not authorized for use by members of this department except in situations where the use of deadly force would be authorized.

B. Non-Deadly Force weapons

See SOP 11-2 "Intermediate Weapons" for training and qualification standards.

C. Deadly Force weapons

See SOP 10-2 "Firearms Qualifications" for training and qualification standards.

**V. USE OF FORCE REPORTS (GLECP Std. 1.21)**

- A. It will be the responsibility of the supervisor of any employee involved in any of the below listed incidents to complete a Use of Force Report as soon after the incident as possible, but not longer than 24 hours, and forward the report, along with supporting documentation, through the chain-of-command to the Chief of Police.

A Use of Force Report shall be completed when: **(GLECP Std. 1.21 a, b, c, d)**

1. A firearm is discharged for other than training or recreational purposes.
2. A less-lethal weapon is used on a person (OC, ASP Baton, etc.);
3. A suspect is struck with hands, feet, asp baton or other such device;
4. Use of force results in injury or death;
5. The presence of blood or broken skin on the person of either the officer or suspect, that occurs as a result of an arrest or confrontation; or
6. A complaint of physical injury is made by a suspect in the presence of any law enforcement officer that arose as a result of any arrest or confrontation.

**VI. INVESTIGATION OF USE OF FORCE INCIDENTS**

This section establishes responsibilities and duties concerning the investigation into use of force incidents. This includes, but is not limited to, the use of firearms. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

A. Non-Deadly Force Incidents

NOTE: Use of deadly force in which no injury or death occurs will still be investigated as in this section.

1. Responsibilities and Duties of Involved Officer(s)
  - a) If there is injury to the suspect or officer, medical attention will be sought
  - b) immediately. The injured party may be transported to a medical facility when injuries are minor and do not require EMS response to the scene. **(GLECP**

- g) Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
- h) The officer shall protect his/her weapon for examination and submit it to the appropriate investigator.
- i) The officer shall prepare a detailed report of the incident.
- j) The officer shall not discuss the case with anyone except:
  - i Supervisory and assigned investigative personnel;
  - ii The assigned District Attorney;
  - iii His attorney/Legal Representative
  - iv Mental health professional;
  - v The officer's chosen clergy; and/or
  - vi The officer's immediate family

## 2. Responsibility of the Communications Center

Once the communications center is notified, it shall:

- a) Dispatch requested medical aid;
- b) Notify the on-duty patrol shift supervisor;
- c) Notify the Chief of Police;
- d) Notify the Uniform Patrol Commander; and
- e) Notify the designated investigative unit(s).

## 3. Uniform Patrol Commander

The Uniform Patrol Commander shall:

- a) Proceed immediately to the scene;
- b) Secure the scene;
- c) Conduct a preliminary field investigation;

- f) The agency will prepare a written annual analysis of all use of force incidents.  
**(GLECP Std. 1.23)**
2. At each level of review, the reviewer shall have the option to refer the incident to Internal Affairs for further investigation when deemed appropriate or necessary.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
11.02

Subject:  
Less Lethal Weapons

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

The purpose of this policy is to provide officers of the East Georgia State College Police Department with structured guidelines on the use of non-deadly and deadly force. It will also establish standard operating procedures for investigating use of force incidents, both deadly and non-deadly. This policy also applies to all other Department employees who may encounter situations with the public where a degree of force is required in order to carry out and complete their job responsibilities.

**This policy is for departmental use only and does not apply in any criminal or civil proceeding. The departmental policy shall not be construed as a creation of a higher level standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.**

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- B. **FACTORS USED TO DETERMINE REASONABLENESS:** The Department examines reasonableness using Graham and from the articulated facts from the perspective of the officer in generally the same circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.

Those factors may include, but are not limited to:

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***Officers should keep in mind that facts unknown to an officer, no matter how compelling, cannot be considered in later investigations of whether the use of lawful force, particularly that of deadly force, was justified.***

Once the officer has determined that the use of deadly force is necessary; the Department's policy is to shoot to stop. An officer shall not discharge a weapon to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act as described in this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass".

No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat to self or others shall be the only policy guideline for employing deadly force.

**C. Warning Shots**

Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

**D. Neck Restraints (GLECP Std. 1.14b)**

Neck restraints such as choke holds, carotid artery restriction techniques and other similar types of control techniques are to be considered deadly force and are not authorized for use by members of this department except in situations where the use of deadly force would be authorized.

B. Non-Deadly Force weapons

See SOP 11-2 "Intermediate Weapons" for training and qualification standards.

C. Deadly Force weapons

See SOP 10-2 "Firearms Qualifications" for training and qualification standards.

**V. USE OF FORCE REPORTS (GLECP Std. 1.21)**

- A. It will be the responsibility of the supervisor of any employee involved in any of the below listed incidents to complete a Use of Force Report as soon after the incident as possible, but not longer than 24 hours, and forward the report, along with supporting documentation, through the chain-of-command to the Chief of Police.

A Use of Force Report shall be completed when: **(GLECP Std. 1.21 a, b, c, d)**

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2. A less-lethal weapon is used on a person (OC, ASP Baton, etc.);
3. A suspect is struck with hands, feet, asp baton or other such device;
4. Use of force results in injury or death;
5. The presence of blood or broken skin on the person of either the officer or suspect, that occurs as a result of an arrest or confrontation; or
6. A complaint of physical injury is made by a suspect in the presence of any law enforcement officer that arose as a result of any arrest or confrontation.

**VI. INVESTIGATION OF USE OF FORCE INCIDENTS**

This section establishes responsibilities and duties concerning the investigation into use of force incidents. This includes, but is not limited to, the use of firearms. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

A. Non-Deadly Force Incidents

NOTE: Use of deadly force in which no injury or death occurs will still be investigated as in this section.

1. Responsibilities and Duties of Involved Officer(s)
  - a) If there is injury to the suspect or officer, medical attention will be sought
  - b) immediately. The injured party may be transported to a medical facility when injuries are minor and do not require EMS response to the scene. **(GLECP**

- g) Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
- h) The officer shall protect his/her weapon for examination and submit it to the appropriate investigator.
- i) The officer shall prepare a detailed report of the incident.
- j) The officer shall not discuss the case with anyone except:
  - i Supervisory and assigned investigative personnel;
  - ii The assigned District Attorney;
  - iii His attorney/Legal Representative
  - iv Mental health professional;
  - v The officer's chosen clergy; and/or
  - vi The officer's immediate family

## 2. Responsibility of the Communications Center

Once the communications center is notified, it shall:

- a) Dispatch requested medical aid;
- b) Notify the on-duty patrol shift supervisor;
- c) Notify the Chief of Police;
- d) Notify the Uniform Patrol Commander; and
- e) Notify the designated investigative unit(s).

## 3. Uniform Patrol Commander

The Uniform Patrol Commander shall:

- a) Proceed immediately to the scene;
- b) Secure the scene;
- c) Conduct a preliminary field investigation;

f) The agency will prepare a written annual analysis of all use of force incidents.  
**(GLECP Std. 1.23)**

2. At each level of review, the reviewer shall have the option to refer the incident to Internal Affairs for further investigation when deemed appropriate or necessary.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**11.03**

Subject:  
**Resv**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

Resv.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**11.04**

Subject:  
**Resv**

Authorized By: **Chief Mack Seckinger**

Effective Date: **August 16, 2019**

Signed By:

Date Signed:

Resv

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
**11.05**

Subject:  
**Resv**

Authorized By: <b>Chief Mack Seckinger</b>	Effective Date: <b>August 16, 2019</b>
Signed By:	Date Signed:

Resv

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



Policy Manual  
Standard Operating Procedure

SOP Number:  
11.06

Subject:  
Use of Force on  
Animals

Authorized By: Chief Mack Seckinger	Effective Date: August 16, 2019
Signed By:	Date Signed:

**I. PURPOSE**

The purpose of this policy is to provide officers of the East Georgia State College Police Department with structured guidelines on the use of non-deadly and deadly force. It will also establish standard operating procedures for investigating use of force incidents, both deadly and non-deadly. This policy also applies to all other Department employees who may encounter situations with the public where a degree of force is required in order to carry out and complete their job responsibilities.

**This policy is for departmental use only and does not apply in any criminal or civil proceeding. The departmental policy shall not be construed as a creation of a higher level standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.**

**II. DEFINITIONS**

- A. **OBJECTIVELY REASONABLE:** The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. (See *Graham vs. Connor*, 490 U.S. 386(1989)) Graham states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that law enforcement officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application." The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.
- B. **FACTORS USED TO DETERMINE REASONABLENESS:** The Department examines reasonableness using Graham and from the articulated facts from the perspective of the officer in generally the same circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.

Those factors may include, but are not limited to:

1. The seriousness of the crime or suspected offense;
  2. The level of threat or resistance presented by the subject;
  3. Whether the subject was posing an imminent threat to officers or a danger to the community;
  4. The potential for injury to citizens, officers or subjects;
  5. The risk or apparent attempt by the subject to escape;
  6. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
  7. The time available to an officer to make a decision;
  8. The availability of other resources;
  9. The training and experience of the officer;
  10. The proximity or access of weapons to the subject;
  11. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and the number of officers versus subjects; and
  12. The environmental factor and/or exigent circumstances.
- C. **DEADLY FORCE:** Deadly Force is defined as that force which creates a substantial risk of causing death or serious bodily injury.
- D. **IMMINENT:** Black's Law Dictionary defines imminent as, "Near at hand; impending; on the point of happening."
- E. **FORCIBLE FELONY:** As defined in O.C.G.A. 16-1-3, a forcible felony is, "any felony which involves the use or threat of physical force or violence against any person"
- F. **SERIOUS BODILY INJURY:** A serious bodily injury is an injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

### III. POLICY

#### A. Use of Force

##### 1. General (**GLECP Std. 1.10**)

It is the policy of the East Georgia State College Police Department that officers shall only use force necessary to achieve a lawful law enforcement objective. Officers may use only that force which is "objectively reasonable" to:

- a) Defend themselves;
- b) Defend others;
- c) Effect an arrest or detention;
- d) Prevent an escape; or
- e) Overcome resistance.

**B. Deadly Force (GLECP Std. 1.11)**

Law enforcement officers are authorized to use deadly force to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;
2. Prevent the commission of a forcible felony; or
3. Prevent the escape of a violent fleeing felon, if such force is necessary, to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others.

***Officers should keep in mind that facts unknown to an officer, no matter how compelling, cannot be considered in later investigations of whether the use of lawful force, particularly that of deadly force, was justified.***

Once the officer has determined that the use of deadly force is necessary; the Department's policy is to shoot to stop. An officer shall not discharge a weapon to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act as described in this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass".

No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat to self or others shall be the only policy guideline for employing deadly force.

**C. Warning Shots**

Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

**D. Neck Restraints (GLECP Std. 1.14b)**

Neck restraints such as choke holds, carotid artery restriction techniques and other similar types of control techniques are to be considered deadly force and are not authorized for use by members of this department except in situations where the use of deadly force would be authorized.

E. Shooting At or from Moving Vehicles

Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle in itself shall not presumptively constitute a threat that justifies an officer's use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.

F. Animals

The killing of an animal is justified: (1) for self-defense; (2) to defend another; or (3) when the animal is so badly injured that humanity requires its relief from further suffering. The destruction of vicious animals shall be guided by the same rules set forth for self-defense and the defense and safety of others. (See 11-6 Use of Force on Animals)

G. Escapees

O.C.G.A. 17-04-20 (c) addresses the use of lethal force to prevent escape by stating,

*"...nothing in this Code section shall be construed so as to restrict the use of deadly force by employees of state and county correctional institutions, jails, and other places of confinement or by peace officers of any agency in the State of Georgia when reasonably necessary to prevent escapes or apprehend escapees from such institutions."*

**Note:** *Escapees from arrest or confinement are guilty only of a misdemeanor until convicted, irrespective of the nature of the original offense. Deadly force is prohibited in such instances.*

I. TRAINING AND QUALIFICATION

A. Use of Force (GLECP Std. 1.14a)

Officers of the East Georgia State College Police Department will attend at a minimum, annual training on legal updates and in the Use of Force policies and procedures of this agency. Training will be documented.

In addition at least annually, all Officers will receive in-service training on the constitutional and legal limitations on the use of deadly force and on the agency's policies regarding the use of deadly force. Training will be documented.

**(GLECP Std. 1.15)**

B. Non-Deadly Force weapons

See SOP 11-2 "Intermediate Weapons" for training and qualification standards.

C. Deadly Force weapons

See SOP 10-2 "Firearms Qualifications" for training and qualification standards.

**V. USE OF FORCE REPORTS (GLECP Std. 1.21)**

- A. It will be the responsibility of the supervisor of any employee involved in any of the below listed incidents to complete a Use of Force Report as soon after the incident as possible, but not longer than 24 hours, and forward the report, along with supporting documentation, through the chain-of-command to the Chief of Police.

A Use of Force Report shall be completed when: **(GLECP Std. 1.21 a, b, c, d)**

1. A firearm is discharged for other than training or recreational purposes.
2. A less-lethal weapon is used on a person (OC, ASP Baton, etc.);
3. A suspect is struck with hands, feet, asp baton or other such device;
4. Use of force results in injury or death;
5. The presence of blood or broken skin on the person of either the officer or suspect, that occurs as a result of an arrest or confrontation; or
6. A complaint of physical injury is made by a suspect in the presence of any law enforcement officer that arose as a result of any arrest or confrontation.

**VI. INVESTIGATION OF USE OF FORCE INCIDENTS**

This section establishes responsibilities and duties concerning the investigation into use of force incidents. This includes, but is not limited to, the use of firearms. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

A. Non-Deadly Force Incidents

NOTE: Use of deadly force in which no injury or death occurs will still be investigated as in this section.

1. Responsibilities and Duties of Involved Officer(s)
  - a) If there is injury to the suspect or officer, medical attention will be sought
  - b) immediately. The injured party may be transported to a medical facility when injuries are minor and do not require EMS response to the scene. **(GLECP**

**Std. 1.19)**

- c) Immediately summon a supervisor to the scene.
  - d) A statement detailing the use of force shall be completed and delivered to a supervisor as soon as possible after the incident.
2. Responsibilities of Employees witnessing perceived excessive Use of Force.
- a) The employee shall make a written report describing the incident and turn it into the on duty supervisor before the end of their shift.
  - b) The receiving supervisor shall then follow the responsibilities in #3.
3. Responsibilities of Supervisor (**GLECP Std. 1.22**)
- a) Upon notification of the use of force by subordinate personnel, a supervisor shall respond to the scene and initiate an investigation into the incident.
  - b) The supervisor shall complete a Use of Force report describing the use of force, the weapon or instrumentality involved, any injuries or property damage, etc., the name and address of any injured persons or witnesses, and the extent and/or treatment of any injuries. Photographs shall be taken of any injuries if possible.
  - c) The supervisor will, as much as possible, independently verify the information contained in the Use of Force report and attach statements from all officers who were involved or witnessed the incident.
  - d) The Use of Force report shall be forwarded to the Chief of Police through the chain of command without delay.

**B. Deadly Force Incidents**

1. Responsibilities and Duties of Involved Officer
- a) When deadly force is used and results in an injury, upon first opportunity after the scene is secured, the officer shall immediately:
  - b) When a firearm is involved, holster the weapon, without unloading, or reloading it;
  - c) Determine the physical condition of any injured person and render first aid;
  - d) Request emergency medical aid (**GLECP Std. 1.19**);
  - e) Notify the Communications Center of the incident and location; and
  - f) Attempt to detain all witnesses. If they refuse to stay, try to get their names for future reference.

- g) Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to instruct the officer to move to another, more appropriate location.
- h) The officer shall protect his/her weapon for examination and submit it to the appropriate investigator.
- i) The officer shall prepare a detailed report of the incident.
- j) The officer shall not discuss the case with anyone except:
  - i Supervisory and assigned investigative personnel;
  - ii The assigned District Attorney;
  - iii His attorney/Legal Representative
  - iv Mental health professional;
  - v The officer's chosen clergy; and/or
  - vi The officer's immediate family

## 2. Responsibility of the Communications Center

Once the communications center is notified, it shall:

- a) Dispatch requested medical aid;
- b) Notify the on-duty patrol shift supervisor;
- c) Notify the Chief of Police;
- d) Notify the Uniform Patrol Commander; and
- e) Notify the designated investigative unit(s).

## 3. Uniform Patrol Commander

The Uniform Patrol Commander shall:

- a) Proceed immediately to the scene;
- b) Secure the scene;
- c) Conduct a preliminary field investigation;

- d) Render command assistance to the assigned investigator(s);
- e) Assist the involved officer(s); and
- f) Submit a detailed written report of the results of the investigation to the Chief of Police or his/her designee.

#### 4. Investigative Responsibility

- a) Investigations of deadly force incidents in which injury or death occur will be referred to the GBI by the Chief of Police;
- b) All required written reports will be submitted without delay to the Chief of Police in original form;
- c) The Chief of Police is responsible for notifying the governing authority of the incident;
- d) Upon approval of the Chief of Police, any comments given the news media will be limited to the basic facts of the incident without speculation or expression of opinion.

#### 5. Treatment of Officer

- a) In every instance in which an officer (or any employee) uses deadly force, where such use results in death or serious bodily injury to another person, the officer shall be placed on either administrative leave or in-house administrative duty.
- b) The officer shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to normal duty at any time after the preliminary investigation.

### C. Administrative Review of Use of Force Incidents (**GLECP Std. 1.22, 2.7c**)

1. All reported uses of force will be reviewed by the Shift Supervisor, Division Commander and Chief of Police to determine whether:
  - a) Departmental rules, policy or procedures were violated.
  - b) The relevant policy was clearly understandable and effective to cover the situation.
  - c) All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.
  - d) All use of force incident reports shall be retained as required by state law.
  - e) There will be annual review of all use of force incidents by the appropriate departmental authority to ascertain training and policy needs.

- f) The agency will prepare a written annual analysis of all use of force incidents.  
**(GLECP Std. 1.23)**
2. At each level of review, the reviewer shall have the option to refer the incident to Internal Affairs for further investigation when deemed appropriate or necessary.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
12.00

Subject:  
Vehicle Operations

Authorized By: Chief Mack Seckinger	Effective Date: August 16, 2019
Signed By:	Date Signed:

**I. PURPOSE**

- A. Establish and prescribe guidelines and procedures for all government owned vehicles operated by members of the Agency in the performance of their duties. To include:
  - 1. Vehicle maintenance
  - 2. Pursuit driving
  - 3. Use of roadblocks
  - 4. Inter-jurisdictional pursuit policy
  - 5. Vehicle Accident Review Board
- B. Establish a standard operating procedure for Agency vehicle maintenance.
- C. Establish a standard operating procedure for use in pursuit situations.
- D. Establish a standard operating procedure governing the type and use of roadblocks.
- E. Establish a standard operating procedure governing inter-jurisdictional pursuits.
- F. Establish a standard operating procedure for a vehicle accident review board.

**II. DEFINITIONS**

- A. ASSISTING AGENCY - The Law Enforcement Agency with a vehicle actively involved in another Agency's pursuit.
- B. BOXING-IN - A technique where vehicles responding to assist in a vehicle pursuit concentrate on covering streets parallel to the one the pursuit is on, thus creating a "boxing in" effect.
- C. BLOCKING OR ROLLING ROADBLOCK - A technique designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop without making actual contact with the violator's vehicle.

- D. CHANNELIZATION - A technique similar to a roadblock where objects are placed in the anticipated path of a pursued vehicle to alter its direction.
- E. CREATING SLOW MOVING TRAFFIC - The slowing of the normal flow of traffic. Patrol vehicles not involved in the pursuit enter the roadway at least two miles ahead of the violator. By slowing the flow of normal traffic, the violator and pursuit vehicle are forced to reduce their speed.
- F. DUE REGARD - When a reasonably careful person, performing similar duties under similar circumstances, would act in the same manner.
- G. EMERGENCY - A situation in which there is a high probability of death or serious injury to an individual or significant property loss.
- H. EMERGENCY LAW ENFORCEMENT VEHICLE - A law enforcement vehicle equipped with a siren and one or more blue lights which can be operated as an emergency vehicle.

**ATTENTION CEO: GLECP Std. 5.5 states that agencies shall require that vehicles used in routine or general patrol be conspicuously marked and equipped with operational lights and siren. Insert wording here stating such.**

- I. FORCIBLE STOP - An attempt to prevent the continued movement of a fleeing vehicle through the use of roadblocks, boxing-in, ramming, channelization, or creating slow moving traffic.

**ATTENTION CEO: Because of the high liability associated with "forcible stops," the Agency's legal representative should be consulted before implementing any policy regarding this type of stop.**

- J. INITIATING AGENCY - The Law Enforcement Agency which originally attempted to stop the driver of an actively fleeing vehicle.
- K. INTER-JURISDICTIONAL PURSUIT AGREEMENT - A document signed by the Chief of Police of each participating Law Enforcement Agency which coordinates procedures to be followed when a pursuit involves two or more agencies.
- L. MOTOR VEHICLE PURSUIT - An active attempt by an officer in an authorized emergency vehicle to apprehend the occupant(s) of a moving vehicle, providing the driver of such vehicle is aware of the attempt and increases his/her speed, takes other evasive actions to avoid apprehension, or refuses to stop while maintaining a legal speed.
- M. PACING - The positioning of a law enforcement vehicle at a stable, fixed distance behind a speeding vehicle at a constant speed to measure its speed.
- N. PRIMARY PURSUING VEHICLE - The law enforcement vehicle that initiates the pursuit or any other vehicle that assumes control of the pursuit.
- O. RAMMING - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**ATTENTION CEO: Because of the high liability associated with "ramming," the Agency's legal representative should be consulted before implementing any policy regarding this method of stopping a vehicle.**

- P. ROADBLOCK - Any method, restriction, or obstruction utilized or intended to prevent free passage of motor vehicles on a roadway in order to apprehend the driver/passengers in a particular motor vehicle.
- Q. SECONDARY PURSUIT VEHICLE - The law enforcement vehicle that trails the primary pursuit vehicle at a safe distance and that is immediately available to assume the primary role or assist when the fleeing vehicle stops.
- R. SERIOUS FELONY - A felony that involves an actual or threatened action that the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, armed robbery, murder, rape).
- S. SUPERVISOR - The superior officer responsible for the immediate supervision of the pursuit vehicles.

### III. RULES AND REGULATIONS

#### A. Vehicle Responsibility

An officer shall be familiar with his/her assigned vehicle, its capabilities, limitations, and daily operational status.

#### B. Routine Patrol

During routine patrol, an officer's responsibility to exercise due care is no different from that of every other citizen. Good driving habits and courtesy toward other drivers or pedestrians should always be practiced.

#### C. Safety Rules

1. When operating an emergency vehicle, an officer must have the vehicle under control and be prepared to yield the right of way.
2. When an officer receives information indicating that an emergency exists, his/her primary duty is to arrive at the site of the emergency as safely as conditions permit.
3. Seat belts shall be fastened when operating a law enforcement vehicle. **(GLECP Std. 5.3)**

**Attention CEO: There are times and certain circumstances during which an officer may not have their seatbelt fastened such as when approaching a particularly dangerous call which would require the officer to exit the patrol car immediately.**

4. An officer should not drive up immediately behind another vehicle and sound the siren. The motorist may suddenly stop.

5. An officer should not pass to the right of a vehicle in traffic, unless absolutely necessary.
6. An officer may fluctuate the sound of the siren so that the emergency vehicle can be heard.
7. An officer shall always maintain adequate radio volume and remain aware that the Communications Center may wish to relay additional information while the vehicle is being operated in an emergency status.
8. When an officer approaches an intersection extreme caution shall be used:
  - a) The vehicle should be slowed to a normal speed when approaching an intersection and it should be crossed with the light
  - b) When it is necessary to enter an intersection against the light, all emergency vehicles should come to a complete stop to insure all traffic has seen the vehicle before crossing the intersection; and
  - c) The above sections, (a) and (b), also apply to STOP signs.

#### D. Pacing

1. Pacing is not an emergency operation. Therefore when pacing a traffic violator, an officer may operate without emergency equipment engaged.
2. Officers, while pacing a traffic violator, may exceed the speed limit to establish a pace, but must do so with due regard to the safety of others.

#### E. Emergency Operations of Law Enforcement Vehicles

1. Only marked vehicles with roof-mounted emergency light systems should engage in a pursuit.
2. Marked vehicles without roof-mounted emergency light systems will discontinue the pursuit when a marked vehicle with roof-mounted lights assumes the pursuit.
3. Unmarked vehicles will not become involved in any pursuit unless it involves a serious felony and the unmarked vehicle is the initiating vehicle. No unmarked vehicle, without both blue lights and siren, will become involved in pursuits.
4. Special vehicles (e.g., paddy wagons, crime scene units, etc.) should not engage in pursuits.
5. Officers will not engage in pursuits when in vehicles that are transporting prisoners, witnesses, suspects, complainants, or passengers.
6. Motorcycles will not engage in pursuits unless the motorcycle officer is the one who initiates the pursuit. Motorcycles may continue the pursuit only until a four-wheeled marked patrol vehicle joins the pursuit.

**ATTENTION CEO: Current court cases recommend against establishing an exact maximum speed over the posted limit for officers engaged in a pursuit.**

#### 7. Considerations (Emergency Use)

Before engaging in the emergency use of a vehicle, several factors in addition to vehicle control, due regard and true emergency considerations must be weighed. Typical examples include but are not limited to:

- a) The type and condition of the vehicle being operated;
- b) The type and condition of the roadway to be traveled and the officer's familiarity with it;
- c) Obstacles, both present and potential that must be avoided (e.g., foreign objects on the roadway, construction, gravel, standing water, etc.);
- d) Experience and the training of the officer in a high speed vehicle operation;
- e) The nature of the offense and the circumstances known concerning the manner in which the call was relayed to the communications center;
- f) The time of day, amount and type of traffic encountered (the potential danger to the officer and other drivers operating at a high speed);
- g) Visibility and illumination available to the officer in the area being traveled; and
- h) Existing weather conditions and roadway surfaces.

#### 7. Emergency Use of Vehicles

The driver of any law enforcement vehicle responding to an emergency call shall use the blue light and siren. If the siren would warn of the officer's approach and aid in a violator's escape or endanger the life of other persons, the siren may be disengaged upon approaching within audible range. At that time, the officer shall cease emergency vehicle operating status by slowing speed to normal and disengaging emergency equipment.

#### 8. Emergency Escort Prohibited

Members of this Agency will not attempt to escort other emergency vehicles or private vehicles on an emergency run. However, assistance may be given by blocking dangerous intersections to aid in the movement of such vehicles.

#### F. Intra-Inter-Jurisdictional Pursuits (See S.O.P. 12-4)

#### G. Emergency Vehicle Speed/Safety During Pursuits

During pursuits, excessive speed and carelessness shall not be permitted nor will they warrant the risk involved.

H. Law Enforcement Involved Pursuit Investigation

In addition to normal reporting procedures, an internal investigation will be made of all law enforcement officers who are involved in vehicle pursuits.

I. Training

**ATTENTION CEO: Jurisdictions need to show that not only do they have valid pursuit policies but they must also have some form of training as to what the policies say and what the terms mean. A policy with no training of officers prior to its implementation would probably provide little aid to local jurisdictions.**

Training shall cover three areas:

1. Patrol or Defensive Driving: Ordinary driving for going from one point to another. The emphasis is on driving safely to prevent any type of accidents;
2. Emergency Driving: Driving which requires the use of emergency warning devices (audible and visible) in order to be exempted from rules of the road, while exercising due caution and regard for the safety of other vehicles; and
3. Pursuit Driving: In contrast to emergency driving, the officer makes independent decisions on speed, direction and routes, with little choice except to remain close to the car that is being pursued.

Accident Investigations Involving Agency Vehicles **(See S.O.P. 12-5)**

Vehicle Accident Review Board **(See S.O.P. 12-5)**

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
12.01

Subject:  
Vehicle Maintenance

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**S.O.P. 12-1 VEHICLE MAINTENANCE**

**I. INTRODUCTION**

One of the basic rules of safe vehicle operation is that the officer be familiar with both the vehicle and its capabilities. The day to day condition of the vehicle is of paramount importance for safe operation, with the final responsibility for care resting on the officer who operates the vehicle.

**II. INSPECTION**

Each officer of the Agency who will operate a vehicle during his/her tour of duty must check the following on the assigned vehicle.

**ATTENTION CEO: The following comprehensive checklist is probably more than most Agencies require or realistically expect. Consequently, the Agency should modify this checklist to meet the expectations of your Agency.**

A. Prior to use, the following items shall be checked daily by the officer:

1. Proper inflation and condition of tires;
2. Brakes, lights, windshield wipers and washers, horn, emergency equipment, and other electrical equipment;
3. Damage to exterior and interior of the vehicle;
4. Mechanical defects - Certain conditions such as a defective exhaust, steering mechanism irregularities, alignment, or other mechanical defects can only be discovered after the vehicle is operational; and
5. These conditions, or any of the above not readily corrected shall be immediately reported to the shift supervisor on duty and a report filed. An employee shall not operate an unsafe vehicle.

B. Prior to use, the following items shall be checked as needed by the officer:

1. Cleanliness, particular attention should be given to any loose items inside the vehicle that have the potential to be used as a weapon against the operator or would hinder the safe operation of the vehicle;
2. Gauges, to keep the vehicle within the proper operating ranges;
3. Condition of spare tire and other necessary equipment;
4. Oil and water (each time the vehicle is refueled);
5. Battery water level (if not maintenance free) and transmission fluid (at least weekly);  
and
6. Routine maintenance (oil, filter, lube)
7. At the beginning of each shift, the officer shall search the prisoner transport area. The rear seat will be removed and the area searched. The vehicles rear seat area will be searched in the same manner after every prisoner transport. **(GLECP Std. 5.8)**
8. Prior to the transport of any prisoner the officer shall search the detainee prior to that officer transport. This shall also apply even when the officer receives the detainee from another officer.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
12.02

Subject:  
Vehicle Pursuit Actions

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

## **I. PURPOSE**

The purpose of this policy is to provide guidelines and directions: for the establishment of responsibility for the safe operation of law enforcement vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.

In fulfilling departmental objectives, officers will occasionally encounter dangerous subjects who will attempt to avoid capture by fleeing in motor vehicles. In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated pursuits shall be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

## **II. POLICY**

The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of law enforcement vehicles under pursuit conditions. Officers in operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the totality of the circumstances outweighs the risk to the officer and the public. Finally, officers shall be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences and the safety of all persons.

## **III. DEFINITIONS**

- A. **DISCONTINUE THE PURSUIT:** the law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit and turning off his or her emergency light and siren.

- B. AERIAL SUPPORT: the use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- C. AUTHORIZATION TO CONTINUE PURSUIT: verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
- D. AUTHORIZED LAW ENFORCEMENT VEHICLE: a motor vehicle belonging to a federal, state or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light.
- E. BOXING-IN: surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- F. CANALIZATION: a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- G. CARAVAN: operating emergency vehicles in a line or alongside each other in a pursuit.
- H. COLLEGE VEHICLE: any motor vehicle that is owned, leased, or borrowed by the college.
- I. CODE-THREE EMERGENCY CALL: a request for law enforcement service that presents an actual and immediate danger of death or serious bodily injury. (Should be adapted for local terminology.)
- J. DEADLY FORCE: force when employed may bring about serious bodily injury or death.
- K. EMERGENCY OPERATION: driving an emergency vehicle according to state law and this procedure in response to a code-two or code-three call or in pursuit of a fleeing vehicle.
- L. INTER-JURISDICTIONAL PURSUIT: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- M. MARKED LAW ENFORCEMENT VEHICLE: a law enforcement vehicle displaying the emblem and marking of the law enforcement department with overhead lights and audible warning devices.
- N. PARALLELING: operating an emergency vehicle on streets or a route parallel to the pursuit route.
- O. LAW ENFORCEMENT VEHICLE: a college vehicle assigned to the law enforcement department.
- P. PRIMARY UNIT: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- Q. SECONDARY UNIT(S): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

- R. PIT (PRECISION IMMOBILIZATION TECHNIQUE) MANEUVER: deliberate contact with the rear of a fleeing vehicle by a marked law enforcement vehicle with the intention of forcing that vehicle off the roadway in a predetermined direction.
- S. RAMMING: deliberate contact with a violator's vehicle by a marked law enforcement vehicle to force the violator's vehicle off the roadway.
- T. ROADBLOCK: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- U. SECONDARY VEHICLE: the marked law enforcement vehicle that follows the primary vehicle in a pursuit acting as a back-up for the primary vehicle.
- V. STOP STICK/SPIKE STRIP: a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- W. SUPERVISOR: the supervisor assigned or assuming control of a pursuit situation.
- X. TERMINATE THE PURSUIT: stopping a suspect vehicle by use of intervention methods.
- Y. UNMARKED LAW ENFORCEMENT VEHICLE: a law enforcement vehicle not displaying the emblem or marking of the law enforcement department and not having emergency warning devices to include emergency lighting and siren.
- Z. VEHICLE PURSUIT: an active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude law enforcement.
- AA. VIOLENT FELONY: a serious felony that involves an actual or threatened attack that the officer has reasonable suspicion to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)

#### **IV. EMERGENCY VEHICLE OPERATION**

The State of Georgia outlines the privileges and duties of the operator of an emergency vehicle by state statute. Officers must be acting in response to an actual, ongoing bona-fide emergency in order to employ the privileges and immunities of the law. Under O.C.G.A. § 40-6-6. Authorized emergency vehicles:

- A. The driver of an authorized emergency vehicle or law enforcement vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Code section.
- B. The driver of an authorized emergency vehicle or law enforcement vehicle may:
  1. Park or stand, irrespective of the provisions of this chapter;
  2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he or she does not endanger life or property; and
4. Disregard regulations governing direction of movement or turning in specified directions.
5. The exceptions granted by this Code section to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal and use of a flashing or revolving red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that a vehicle belonging to a federal, state, or local law enforcement agency and operated as such shall be making use of an audible signal and a flashing or revolving blue light with the same visibility to the front of the vehicle.
6. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons.
7. When a law enforcement officer in a law enforcement vehicle is pursuing a fleeing suspect in another vehicle and the fleeing suspect damages any property or injures or kills any person during the pursuit, the law enforcement officer's pursuit shall not be the proximate cause or a contributing proximate cause of the damage, injury, or death caused by the fleeing suspect unless the law enforcement officer acted with reckless disregard for proper law enforcement procedures in the officer's decision to initiate or continue the pursuit. Where such reckless disregard exists, the pursuit may be found to constitute a proximate cause of the damage, injury, or death caused by the fleeing suspect, but the existence of such reckless disregard shall not in and of itself establish causation.

## **V. PROCEDURE**

### **A. Pursuit Restrictions**

1. Only two emergency vehicles, -- a primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
2. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor -- if one is on duty.
3. Officers shall not set up roadblocks, or deploy tire deflation devices without the approval of the supervisor.
4. Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle.
5. Pursuits shall not be undertaken where the officer is operating a two-or three-wheeled law enforcement motorcycle. (add: SUV or Van)

6. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
7. Only emergency vehicles or marked law enforcement vehicles with emergency warning devices shall initiate a pursuit.
8. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
  - a) Parallel the vehicle in the correct lane of traffic
  - b) Notify dispatch of a wrong way driver
  - c) Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction
  - d) Have communications notify department of transportation to activate reader boards to advise motorists of a wrong way driver
9. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.

**ATTENTION CEO: Consideration should be given as to what types of agency vehicles can be involved in a pursuit. Unmarked CID vehicles, motorcycles, SUVs, etc. They should not be the primary vehicle when a marked unit is available. If the unmarked vehicle initiates a pursuit, they should relinquish primary responsibility to the marked unit. (GLECP Std. 5.6d)**

**B. Environmental Considerations (GLECP Std. 5.6a)**

Officers shall carefully consider carefully the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:

1. Time of day and day of the week
2. Lighting conditions
3. Vehicular and pedestrian traffic
4. Type of roadway
5. Condition of the roadway (e.g., dry, wet, paved, gravel, icy)
6. Weather conditions (e.g., clear, overcast, rain, fog)

7. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
  8. Driving ability of the officer
  9. Speeds of the emergency vehicle and the fleeing vehicle
- C. Initiating the Pursuit - Officers shall only initiate a pursuit:
1. When there is reasonable suspicion that the driver of that vehicle has committed a violent felony
  2. When there is evidence of outrageous, reckless driving generally or possibly in association with driving under the influence and these observations precede the officer's intervention through any pursuit mode
- D. Responsibilities of the Primary Vehicle Driver: **(GLECP Std. 5.6b)**
1. Upon receiving approval from the supervisor at the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
  2. Immediately notify communications of:
    - a) His or her unit number
    - b) The location
    - c) Direction of travel
    - d) Speed
    - e) Reasons for the pursuit
    - f) The description of the vehicle being pursued
    - g) The number of occupants
    - h) The presence of other law enforcement agencies
    - i) Location at the time the pursuit is discontinued
  3. Provide updated information regarding direction of travel, speed, and other pertinent details.
  4. Allow the secondary vehicle driver to assume all communications.
  5. Abandon the pursuit if any mechanical problems develop in the primary vehicle.
  6. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

E. Responsibilities of the Secondary Vehicle Driver (**GLECP Std. 5.6c**)

The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver.

1. This officer shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
2. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver;
3. This officer shall become the primary vehicle driver if it abandons the pursuit, or shall abandon the pursuit if any mechanical problems develop in the secondary vehicle.

F. Responsibilities of the Supervisor (**GLECP Std. 5.6f**)

Assert control over the pursuit

1. Control the number of authorized vehicles in the pursuit
2. Immediately authorize continuation of the pursuit or orders discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary vehicle driver
3. Order units to clear intersections in the likely path of the pursuit where appropriate
4. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked law enforcement vehicle are required based on the following circumstances:
  - a) The severity of the offense
  - b) The number of occupants in the suspect vehicle
  - c) The likelihood of the suspects being armed
5. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved use of force tactics
6. Continuously evaluate the pursuit
7. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security
8. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety
9. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene

**G. Responsibilities of the Communications Center (GLECP Std. 5.6e)**

1. Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast
2. Assure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the officers involved and relayed to other units
3. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
4. Record all information received from the pursuing officer
5. Clear the radio channel
6. Conduct an inquiry of the license plate through NCIC and GCIC
7. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction
8. Continue monitoring the pursuit

**H. Uses of force/Termination of Pursuit (GLECP Std. 5.6g)**

1. Remember that roadblocks, the PIT maneuver, and Stop-sticks or spike strips as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Roadblocks, the PIT maneuver, and tire deflation devices could under certain circumstances constitute the use of deadly force but as uses of force. In using these tactics officers should consider:
  - a) How serious is the offense that the officer suspects at the time they use the tactic?
  - b) Is there a physical threat to the officer or any other person and how significant is that threat?
  - c) Is the suspect actively resisting or attempting to evade arrest by flight?
2. Use of firearms
  - a) The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force
  - b) Officers shall not shoot at or from a moving vehicle unless:
    - i. The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious physical injury to the officer or another person, or

- ii. The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- 3. Roadblocks: **(SEE S.O.P. 12-3)** Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:
  - a) The safety of the officers
  - b) The risk of physical injury to the occupants of the pursued vehicle
  - c) The protection of citizens and their property
  - d) That stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.

4. PIT maneuver

Only officers trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 40 mph.

5. Stop Sticks/spike strips

- a) Only officers trained in the use of Stop Sticks/spike strips shall deploy them making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
- b) Stop Sticks/spike strips may only be used on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged in the pursuit of a violent felony subject. The on-duty supervisor shall evaluate the request and may authorize the officers to deploy Stop Sticks/spike strips.

**In all cases, given the very nature of the offense that generated the pursuit, officers shall employ felony/high risk traffic stop techniques at the end of all pursuits.**

I. Reasons for Discontinuation of Pursuit **(GLECP Std. 5.6h)**

Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:

- 1. When ordered by a supervisor, or any other higher-ranking member of the department

2. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension
3. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension
4. When the location of the pursued vehicle is no longer known
5. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary law enforcement vehicle, then this vehicle must stop to provide assistance
6. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment

J. Inter-jurisdictional Pursuits: **(SEE S.O.P. 12-4) (GLECP Std. 5.6i)**

1. Pursuits from this jurisdiction into another jurisdiction:
  - a) Notify through communications the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested
2. Pursuits from another jurisdiction into this jurisdiction:
  - a) The communications staff should determine the number of law enforcement vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
  - b) Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
  - c) A supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible.
  - d) The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
  - e) Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.

K. Report and Review Process **(GLECP Std. 5.6j)**

The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The departmental Pursuit Report Form (or State designated pursuit) shall be completed after any pursuit. In addition to providing the required information on the form, the supervisor will indicate in the narrative section the following:

1. The reason or probable cause for engaging in the pursuit
2. An account of all violations committed during the course of the pursuit
3. A summary of tactics employed to apprehend the subject
4. The exact point of the discontinuation, apprehension, or termination of any pursuit
5. If the subject is apprehended, there should be an account of the officer's involvement in that arrest
6. The supervisor's report additionally will include the following:
  - a) Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles
  - b) A summary of any accidents or other incidents arising from or related to the pursuit
  - c) A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy
  - d) If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated
7. Furthermore the supervisor will:
  - a) Collect copies of reports and law enforcement vehicle video from all officers involved in the pursuit
  - b) Order and include a copy of the communications/dispatch tapes
  - c) Review each report to ensure that all required information is present
  - d) Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report
  - e) Attach copies of the officers' reports, including his report and forward the packet to patrol commander/Chief of Police.
8. The patrol commander/Chief of Police will either submit the report to any Accident Review Board or determine compliance with all statutes and policies and make a recommendation for further action (various forms of discipline, suspension, letter, verbal reprimand, and/or retraining).

**ATTENTION CEO: GLECP Std. 5.6k requires an annual written review of all agency pursuits. This review should address all factors in GLECP Std. 5.6a-j to identify any training or policy modifications needed. GLECP Std. 5.6l is an administrative function.**

## **VI. TRAINING**

Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.

The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the Department's pursuit policy.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



Policy Manual  
Standard Operating Procedure

SOP Number:  
12.03

Subject:  
Use of Roadblocks

Authorized By: Chief Mack Seckinger	Effective Date: August 16, 2019
Signed By:	Date Signed:

## I. INTRODUCTION

Members of the Agency should be cognitive of the fact that barricading a roadway must be considered as a force likely to result in death or serious injury. The use of a roadblock must be directly related to the seriousness of the crime for which the suspect is wanted. Every roadblock must offer an alternative path of travel around the barricade unless the use of deadly force would be authorized. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. No roadblock will be erected unless the road and weather conditions allow visibility in both directions for a minimum of 500 feet.

**NOTE: In *Brower v. Inyo*, the Supreme Court held that civil rights violations against officers could be generated by applying the test of reasonableness to seizure made by roadblock or ramming. In this instance, where a roadblock was set up in a high speed chase, the Court held, "governmental termination of freedom of movement through means intentionally applied," such as ramming, roadblocks, and the use of deadly force against cars or drivers, can be considered a "seizure" subject to the "reasonableness" requirement of the Fourth Amendment.**

**ATTENTION CEO: Without validated forms of pursuit driver training, the rulings suggest that pursuit policies may be found to be "deliberately indifferent" to the adequate training of officers and seizure by roadblock may be an "unreasonable seizure," given the offense committed by the pursued violator.**

## II. ROADBLOCK / RESTRICTION

Roadblocks shall not be employed to apprehend wanted persons when it is apparent that innocent persons are endangered.

## III. ROADBLOCKS / AUTHORIZATION

Roadblocks will be utilized by members of the Agency only by order of a field supervisor, and then only as a last resort when the person pursued has proven by his/her method of flight to have a total disregard for the lives and safety of the public.

## IV. NOTIFICATION OF ROADBLOCK LOCATION

Once a decision has been made to establish a roadblock, the Communications Center will announce on all radio frequencies the location of the roadblock and the situation requiring the

roadblock. The dispatcher will also ensure that the principle pursuit patrol vehicle(s) acknowledge the location of the roadblock.

## **V. VEHICLES PROHIBITED**

Vehicles other than law enforcement (preferably marked) vehicles shall not be used as stationary roadblocks, or positioned in such a manner as to prohibit the violator from seeing the barricade in time to stop. Once a roadblock has been ordered and an Agency vehicle is stationed as part of a roadblock, no one shall remain in the vehicle.

## **VI. ROLLING ROADBLOCKS**

Under certain circumstances the use of a rolling roadblock is effective. The chance of injury or vehicle damage is greatly reduced.

Rolling roadblocks should be considered before resorting to a stationary roadblock.

There are two methods for creating a rolling roadblock:

- A. Creating slow moving traffic: Reducing the movement of the wanted vehicle may be accomplished by slowing the normal flow of traffic. This is accomplished by patrol vehicles not involved in the pursuit entering the roadway at least two miles ahead of the violator. By slowing the flow of normal traffic, the violator and the pursuit vehicle are forced to reduce their speed.
- B. Blocking: In a pursuit of moderate speed, blocking may be accomplished by positioning a patrol vehicle in front of the violator and another patrol vehicle beside the violator. Speed should be reduced gradually until the violator is stopped. Every effort should be made to maximize officer safety and avoid actual contact with the violator vehicle.

**EAST GEORGIA  
STATE  
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**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
12.04

Subject:  
Inter-Jurisdictional  
Pursuit Policy

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. INTRODUCTION**

Since Law Enforcement Agencies often have different pursuit policies, inter-jurisdictional pursuits are extremely dangerous. The best pursuit policies are useless unless there are restraints on pursuits from neighboring jurisdictions. Prior formal arrangements should be made and in place concerning inter-jurisdictional pursuits.

**II. GENERAL PROCEDURES**

- A. The Communications Center, with a field supervisor's approval, will notify other agencies if this Agency is in pursuit within their jurisdiction.
- B. This message will specify either a request for assistance or, if it is merely a courtesy notification, that no participation/assistance is desired.
- C. The Communications Center will notify the other jurisdiction of the following information:
  - 1. The pursuit is about to enter their jurisdiction
  - 2. Reason for the pursuit and nature of violation
  - 3. Location and direction of pursuit
  - 4. Complete description of occupants and vehicle
  - 5. Number of units involved in pursuit
  - 6. Whether assistance is needed
  - 7. When applicable, notify the Agency when the pursuit is leaving their jurisdictional boundaries, or the location of termination
- D. The initiating agency will have control and responsibility of the pursuit.
- E. A total of no more than three vehicles from the combined jurisdictions will be involved in any pursuit; two vehicles from the initiating Agency and one from the assisting Agency.

- F. Where pursuits enter third and subsequent jurisdictions, the assisting vehicle, due to boundary familiarity and greater ability to maintain radio communications, will notify the next jurisdiction of a request for assistance. The assisting vehicle will then remain with the pursuit until replaced by the next assisting Agency. If the suspect is apprehended, all concerned Agencies will be notified of the location and supplied pertinent information for appropriate charges.
- G. During a pursuit involving more than one Agency, roadblocks (fixed and moving), ramming, forcing pursued vehicle off roadway, and shooting at pursued vehicle (except to protect against the use of unlawful deadly force) are prohibited.
- H. The initiating Agency will be responsible for the arraignment of the arrested person(s), disposition of any passenger, disposition of the arrested person(s) vehicle, and coordination of all reports, citations, and criminal charges with the exception of accident reports.
- I. Supervisors from both the initiating and terminating Agencies shall respond to the termination location to supervise and assist officers on the scene.
- J. Officers shall not become involved in another Agency's pursuit unless specifically authorized to do so by a supervisor, or unless it is clearly demonstrated that a unit from an outside Agency is unable to request assistance or the emergency nature of the situation dictates the need for assistance. In these instances all Agency pursuit policies are applicable.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
12.05

Subject:  
Vehicle Accident  
Report and Review

Authorized By: Chief Mack Seckinger	Effective Date: August 16, 2019
Signed By:	Date Signed:

**I. INTRODUCTION**

The Agency has an obligation to review all accidents involving Agency personnel. To accomplish this, the Agency has established a Vehicle Accident Review Board. This Board will review every accident involving Agency personnel and equipment even if there is no negligence on the part of Agency personnel.

**II. REPORTING ACCIDENTS**

All vehicle accidents involving Agency vehicles shall be immediately reported to the field supervisor or the appropriate law enforcement jurisdiction if outside the College Agency's geographical limits. Personnel involved in such accidents shall follow the procedures outlined below.

**A. Accident Jurisdiction**

1. In addition to normal reporting/handling procedures, an internal investigation will be made of all Agency vehicle accidents resulting in damage to College property or injury to Agency personnel. In instances where Agency personnel are found to be at fault, disciplinary measures may be taken.
2. All accidents involving Agency vehicles will be conducted by the (Georgia State Patrol/Sheriff's Department/County Police/the Agency's Traffic Investigation Specialist).
3. If an accident occurs outside the College, the on-duty shift supervisor will contact the (Georgia State Patrol, County Sheriff or Police Department) to investigate the accident.

**B. Reports**

1. The involved employee shall complete an (Supplemental) Report on the accident and attach the (Accident) Report.
2. The involved employee's supervisor shall complete a Supervisor's Report.
3. Copies of all documents shall be sent through the chain of command to the respective Division Commander within three days for review.

4. The Division Commander shall promptly forward all pertinent reports to the Chief of Police for investigation by the Accident Review Board.

### III. VEHICLE ACCIDENT REVIEW BOARD

The Vehicle Accident Review Board will investigate all vehicle accidents which involve vehicles assigned to the Agency. The Board will be composed of officers who will be assigned from various Divisions on a rotating basis-semi-annually. The Board will meet monthly, review all information available concerning the vehicle accidents referred to the Board, and make a recommendation to the Chief of Police in each case reviewed. This recommendation will include recommended disciplinary action if the facts of the case indicate such action.

#### A. Personnel

The Vehicle Accident Review Board will be composed of three officers, appointed by the Chief of Police in January, May and September as follows:

**ATTENTION CEO: The Agency may wish to establish a cutoff date for accidents it will review of no less than 30 days prior to the Board meeting. This is necessary to allow for proper defense and case presentation.**

1. A command level officer shall be appointed by the Chief of Police to serve as the senior member. This position will rotate through the Divisions of the Law Enforcement Agency.
2. Other members will be appointed as follows:
  - a) Uniform Patrol Division - Two officers
  - b) Criminal Investigations Division - Two investigators
  - c) Administrative/Support Services Division - One officer

#### 3. Replacement or Substitutions

The Chief of Police may replace or substitute an appointed member of the Board at any time. A board member will be replaced or substituted if absent from the Agency for any reason, or if he is personally involved in an accident. This may be a temporary or permanent change.

#### B. Seniority

No member of the Board will be lower in rank than the officer involved in the accident. If a Senior Officer is involved in an accident a completely "new" Board will be appointed to handle that specific accident. After reviewing the facts and making its recommendation, this "Senior" Board would be excused by the Senior Member, and the original Board would continue its tenure.

### C. Rules

1. The Vehicle Accident Review Board will be composed of the five officers listed in paragraph 1 (a-c) above.
2. The Vehicle Accident Review Board will meet at the Agency. The Board may be called into session at any time by the Chief of Police.
3. The appropriate shift supervisor will forward within 48 hours to the senior member of the Board copies of the following:
  - a) A copy of the accident report from the Agency which investigated the accident;
  - b) A copy of the Damage to College Property report made by the officer involved; and
  - c) A copy of supplemental reports made by the shift supervisor, the investigator who made photographs, and any other personnel who were involved in or had knowledge of facts surrounding the accident.
4. The Board will obtain copies of any previous accidents incurred by the officer involved from his/her personnel file.
5. The Board will obtain the Vehicle Maintenance File. This file will include reports on any previous accidents involving the vehicle and will also contain detailed repair and maintenance information on the vehicle in question.
6. Photographs will be taken for all accidents involving Agency vehicles. This will enable the Vehicle Accident Review Board to have a pictorial, as well as written and diagrammed report of the accident.

### D. Board Procedures

The following agenda will be followed by the Vehicle Accident Review Board on each case presented:

1. The senior member of the Board will present the facts;
2. The involved officer will answer any allegations, or offer any other information;
3. The Board will vote by secret ballot on one of the following:
  - a) No negligence of the officer found;
  - b) Negligence of the officer found;
  - c) Serious negligence of the officer found; or

- d) Gross negligence of the officer found.
4. If the Board finds no negligence, the case will be referred to the Chief of Police for his/her personal disposition;
  5. If the Board finds negligence, serious negligence, or gross negligence, the Board will further determine the extent of disciplinary action that should result. This determination will be put in the form of a recommendation to the Chief of Police. The Chief of Police, in concert with the governing authority, will have the final authority in the case and will execute any disciplinary action deemed necessary;
  6. The senior member of the board will make a written report to the Chief of Police at the end of each meeting to summarize the activities of the Board during the previous month. A "Senior" Board will submit its own report on the specific incident it was called to review;
  7. The "Senior" Board Member of the Vehicle Accident Review Board shall have the power to order persons employed by the Agency before the Board as witnesses. All personnel will respond to such an order; and

All accidents involving Agency vehicles will be recorded in the vehicle maintenance records as well as in the individual officer's personnel files.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
12.06

Subject:  
Prisoner Transport

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

The purpose of this policy is to structure the handling, transportation and holding of persons who are in custody and to establish responsibility for the safety and security of those in custody, the general public and department employees who may come into contact with those in custody

**II. SCOPE**

This policy shall apply to all law enforcement officers involved in the transport, or transfer, of prisoners to or from any detention center.

**III. POLICY**

The safety and security of persons who are in law enforcement custody is a constant requirement with great responsibilities attached. When handling persons in custody, the officers involved should remember that each situation is different. The use of an officer's discretion, the thoughtful consideration of what is right and appropriate, in accordance with Departmental policy is an essential part of effective law enforcement. When complying with these directives, officers should consider many factors. These factors include but are not limited to:

- A. The physical condition of the person in custody;
- B. The seriousness of the offense for which the person is in custody;
- C. The age and sex of the person in custody;
- D. The disposition toward violence displayed by the person in custody;
- E. The urgency of the situation or the presence of a crowd;
- F. The number of persons in custody.

**IV. PREPARING FOR PRISONER TRANSPORTS**

At the beginning of each tour of duty, every officer who may become responsible for the transport of any prisoner must inspect all approved equipment and vehicles for safety and function.

Each officer will be responsible for having on his person all normally issued equipment and having that equipment in good operational order. This equipment will include but not be limited to the following: Issued communication device(s), issued firearm and issued restraint device(s). In the event that any personal equipment is found to be in poor condition or is not available for use, the deficiency will be reported to the officer's supervisor and the deficiency will be corrected before the officer is made available for assignment.

All vehicles used to transport any persons in custody will be thoroughly searched prior to being operated and after each transport situation. After the vehicle is searched prior to being operated, the vehicle operator will also conduct a visual safety and equipment inspection. **(GLECP Std. 5.8)**

## **V. STANDARD PRISONER TRANSPORTATION**

For standard prisoner transportation, the following procedure will be followed:

- A. Before taking custody of the prisoner, the transporting officer will ascertain that the prisoner has been, as well as conditions permit, properly identified and that all necessary documents accompany the prisoner. If positive identification of the prisoner cannot be made prior to the transporting officer taking custody, the jail personnel will be immediately notified of such for appropriate action.
- B. The physical condition of the prisoner will be checked and medical attention will be provided before transport should it be necessary.
- C. All prisoners will be handcuffed and then thoroughly searched by the transporting officer before being placed in the transport vehicle. **(GLECP Std. 5.7, 5.10)**
- D. All prisoners will be secured with approved restraints in accordance with stated policy. Officers will not utilize any unauthorized restraining devices, regardless of the physical or mental condition of the prisoner.
- E. All prisoners will be transported in a marked patrol vehicle equipped with a security screen or other barrier designed to separate the officer(s) from the persons being transported and which has had the door handles and window cranks removed or made inoperative. If the security barrier has any portion that is moveable, that portion will be closed and locked. **(GLECP Std. 5.12)**
- F. Any extra weapons or tools that could be used as weapons by a prisoner will be appropriately secured in the trunk or as far from the prisoner area of the vehicle as possible.
- G. The transport vehicle operator will be responsible for having each passenger use the vehicle safety restraints (seatbelts) as far as circumstance permits.
- H. The prisoner will be placed behind the security barrier in such a manner so that the prisoner's actions may be observed by the officer(s).
- I. The interior of the transport vehicle will be lighted to facilitate viewing of the prisoner unless safety concerns dictate otherwise.

- J. Normally, a maximum of two (2) nonviolent prisoners will be transported at anytime and these prisoners will be secured with restraints. If only one set of restraints is available, they will be secured together with the left hand to left hand or right hand to right hand. **(GLECP Std. 5.10)**
- K. An adult and a juvenile will normally not be transported in the same vehicle, at the same time. If circumstances force the transportation of a juvenile with an adult, such transport will be approved by a supervisor and only under the following conditions. The adult is:
1. An immediate relative of the juvenile;
  2. Non-threatening to the juvenile.
- Whenever possible, juveniles will be transported separately.
- L. Female and male prisoners will normally be transported separately. If circumstances force the transportation of a male and female prisoner together, such transport will be for immediate relatives and / or they were arrested in relation to the same incident and are non-combative (they must have traveled together to the location if not related).
- M. When walking a prisoner from one location to another, the officer will walk behind the prisoner and off to the side so that the officer's firearm will be on the side away from the prisoner. The officer will be close enough to the prisoner to maintain control and prevent attack or escape.
- N. The transporting officer will notify Communications at the beginning of the transport as to the number and sex of the prisoners and destination. If the prisoner is of the opposite sex or a juvenile the starting mileage and destination will be transmitted to dispatch and the time will be noted by dispatch.
- O. The officer will take the safest, most direct route to the final destination.
- P. The officer will be especially watchful of the prisoner at all stops that traffic signals or conditions require.
- Q. No side trips or unauthorized stops will be permitted. Should an emergency arise in the path of the transport, the officer will contact their supervisor for advice before taking action that would halt the transport. Life threatening emergencies will take priority over transportation situations. STD 5.9
- R. No person other than officers and prisoners will be permitted in a law enforcement vehicle without prior approval of a supervisor.
- S. Should any non-prisoner be approved to be in the transport vehicle, all baggage, purses and packages will be removed from that person and that person will be searched. Should that person create an emotional or violent environment in the vehicle, that person will not be transported.
- T. Normally, a prisoner will not be allowed to communicate with anyone other than Department employees after being taken into custody by the transporting officer. If, in

the opinion of the transporting officer, it becomes necessary that the prisoner be allowed to communicate with another, the following guidelines should be used:

1. The prisoner must be nonviolent.
  2. The prisoner must be seated in the rear of the transport vehicle.
  3. Communications will be made with only one person at a time in the vicinity of the transport vehicle.
  4. The communication will either be made through the protective screen or through an open door to the prisoner holding area with the officer standing between the communicating parties at all times in such a manner so as to prevent contact between the two and to prevent escape.
  5. Communications will be halted immediately if the prisoner becomes violent, overemotional, attempts to escape or attempts to injure himself.
  6. Once the transport vehicle leaves the original location of pickup, no communications will be allowed with outside parties unless an overriding emergency arises.
  7. If the prisoner requests to communicate in private with legal counsel, this activity should be accomplished at a proper holding facility as field conditions and prisoner security do not provide conditions for this activity.
- U. Department personnel shall keep any prisoner(s) within "line of sight," which means keeping the prisoner located where you can visually observe his/her actions.

## **VI. COMPLETING A PRISONER TRANSPORT**

Upon arrival at the final destination, the transporting officer will:

- A. Notify Communications of arrival at the destination and if the prisoner is of the opposite sex or a juvenile the ending mileage will be given to radio;
- B. Turn off the transport vehicle, remove the prisoner and lock the transport vehicle;
- C. Prior to entering any area where other prisoners are present, the transporting officer will secure his weapon in a provided locker, will lock his weapon in the trunk of his patrol car or will surrender his weapon under the procedure used at the destination;
- D. Leave the prisoner handcuffed until inside a secured area;
- E. The prisoner will be searched again;
- F. If the destination normally requires that prisoners be placed in a holding cell, this function will be completed;

- G. The transporting officer will deliver the necessary documents that accompany a prisoner and will await acknowledgment and signature from booking or intake personnel that the prisoner has been accepted for holding or processing;
- H. Any necessary information regarding the prisoner, including identifying scars, marks, tattoos, law enforcement I.D. numbers and notations of violent, suicidal or escape potential will be noted in the documentation that accompanies the prisoner; and
- I. The transport vehicle will be searched before going back into service.

## **VII. COURTESY TRANSPORTATION SITUATIONS**

- A. When transporting a non-prisoner, the individual will be subject to standard searching procedures before being allowed to enter the transport vehicle. The subject may refuse the search; however, the courtesy transport will not take place unless the individual submits to searching procedures.
- B. No person will be allowed in the front seat of the transport vehicle or in front of the security barrier without prior approval of a supervisor.
- C. Communications will be advised of the starting location, the final destination, reason for transport, the number and sex of those being transported and if any are juveniles at the beginning of the transport.
- D. If anyone being transported is of the opposite sex or a juvenile, the odometer reading will be given at the beginning and at the end of the courtesy transport. Communications will respond with the time in both instances. Should Communications fail to respond properly, the information will be restated until a proper response is received.
- E. It is emphasized that all due care will be taken in the operation of the transport vehicle and the safest, most direct route will be taken.

## **VIII. TRANSPORTING INJURED NON-PRISONERS**

In most circumstances, an officer will summon Emergency Medical Services to transport any injured person that may be encountered. If a situation arises in which it becomes necessary for an officer to transport an injured person, the patient will be stabilized as much as possible. If possible, the patient will be placed in the rear of the vehicle with another party to tend the patient.

## **IX. EMERGENCY SITUATIONS (GLECP Std. 5.9)**

- A. No provision of this policy will prevent an officer from taking appropriate action in a life threatening emergency that may occur during any transport.
- B. It is emphasized that all due care should be taken to safeguard the well-being of anyone being transported as well as to prevent the escape of those in custody before leaving the transport vehicle unattended. The precautions to be considered include, but are not limited to, the following:
  - 1. Lock the transport vehicle;

2. Park the transport vehicle in a safe location, preferably off the roadway;
3. Use appropriate emergency lighting to avoid exposing the transport vehicle to traffic hazards and to facilitate location by other emergency vehicles;
4. Remove the keys from the transport vehicle once it is safely parked out of traffic;
5. Illuminate the interior of the transport vehicle to facilitate viewing of the prisoner;
6. Summon assistance immediately;
7. Return to the transport vehicle as soon as assistance arrives; and
8. Resume the transport as soon as possible.

#### **X. PRISONER TRANSPORTATION IN NON-SCREENED VEHICLES**

Prisoners will be transported in vehicles that are not equipped with protective barriers only by detectives. These transports will be in compliance with standard procedures with the following exceptions and additions:

- A. Only when such transportation is made necessary by investigative need; otherwise, a patrol car equipped with a screen will be summoned.
- B. Prisoners may be transported from the Emanuel / Bulloch County Jail to Emanuel / Bulloch Magistrate court by a detective in a non-screened vehicle. All other transports shall require either two detectives present or a screened vehicle.
- C. The prisoner will be restrained either by handcuffs with his hands behind his back or by the use of an approved prisoner restraint belt with wrist restraints. **(GLECP Std. 5.10)**
- D. If the prisoner is an escape risk, that prisoner will additionally be restrained by the use of leg shackles.
- E. No more than one prisoner will be transported in a non-screened vehicle at any time with the exception of juvenile prisoners who have been charged with non-violent crimes. In such juvenile prisoner instances, the juveniles will be restrained in the prescribed manner.
- F. All doors of the transport vehicle will be locked at all times when the vehicle is in transit.
- G. The prisoner will be seated in the rear seat of the vehicle on the passenger side of the vehicle.
- H. The second transporting officer will be seated either behind the driver (1 prisoner) or in the passenger side front seat (2 juvenile prisoners) turned to face the prisoner as circumstances demand.
- I. The second transporting officer (the non-driver) will closely observe the prisoner at all times.

## XI. NON-STANDARD PRISONER TRANSPORTATION

### A. Prisoners of the Opposite Sex

Female prisoners will be handled in the same manner as male prisoners with the following exceptions:

1. A female prisoner will be searched by a female officer, if circumstances permit.
2. If it is not practical or possible for a female officer to search a female prisoner, the male officer will search the outer garments of the female prisoner. The officer will check any items in the prisoner's pockets. The officer will have the search witnessed by another officer or video recorded. The officer will remove any items carried by the prisoner such as a purse. These items will be searched and will be transported in an area secure from the prisoner.
3. If the prisoner is charged with a violent crime or is behaving violently or is believed to be armed, the prisoner will be searched thoroughly in compliance with policy with a witness present if possible.
4. Prior to leaving the location at which the prisoner was taken into custody, the transporting officer will give the mileage shown on the transport vehicle odometer. Upon arrival at the final destination, the officer will give the ending mileage. In each instance, Communications will respond with a reading of the time. If Communications does not respond with the time, the officer will restate the transport information and will request a time reading from Communications.

The same procedures will apply for female officers handling male prisoners.

### B. Juvenile Prisoners

Juvenile prisoners will be handled in the same manner as adult prisoners with the following exceptions (**GLECP Std. 5.7**):

1. Handcuffing a juvenile prisoner will be the option of the transporting officer if the juvenile is charged with a non-violent crime and is under the age of sixteen (16).
2. Searches of juvenile prisoners should be made in the presence of a witness if circumstances permit and by officers of the same sex as the prisoner if possible.
3. Searches of juvenile prisoners should be as limited as possible, but sufficient so as to provide the location of any weapons or large contraband.
4. At all times when handling a juvenile prisoner, the transporting officer should take appropriate action to identify and be in the presence of witnesses as much as is practical so as to avoid accusations of improper conduct.

### C. Transport of Sick or Injured Prisoners (**GLECP Std. 5.11**)

If a prisoner becomes sick or injured incidental to his arrest, the arresting or transporting officer should seek medical attention at that time. The officer may transport the prisoner to a medical facility or have the prisoner transported by ambulance. Any prisoner transported by ambulance should be accompanied by an officer.

A prisoner becoming sick or injured after incarceration may be transported either by ambulance or by law enforcement vehicle only to the medical facility.

#### D. Handicapped and Physically Impaired Prisoners (GLECP Std. 5.10, 5.11)

When handling handicapped or physically impaired individuals who are in custody, extra care must be exercised by the transporting officer. Therefore, exceptions to standard transport policy may be made.

Physically impaired prisoners are those prisoners that have an obvious physical disability or impairment. It is the duty of the transporting officer to treat these individuals with appropriate restraint of action while providing for security and safe transport.

The transporting officer will determine if a physically impaired prisoner who uses supporting devices (crutches, canes, walkers, etc.) is of such a disposition so as to use the device as a weapon. Normally, the physically impaired prisoner will not be restrained and will be allowed to use supporting devices to move to and from the transporting vehicle. During transport, supporting devices will normally be removed from the prisoner and placed in a secure area.

If a physically impaired prisoner is violent, supporting devices will be removed from that individual. If the prisoner is not ambulatory without the devices, that individual will be assisted to and from the transport vehicle by the transporting officer who will take care to ensure that the prisoner will not have the opportunity to gain access to the officer's weapon and will not escape. It may become necessary to restrain a violent, non-ambulatory prisoner and transport that individual in an ambulance to a holding facility. In such a case, the officer should follow the policy for ambulance transports of mentally impaired prisoners.

#### E. Mentally Impaired Individuals

1. Prior to taking custody of a mentally impaired individual, the transporting officer must make certain that they are fully informed in detail as to the following:
  - a) The type of mental disorder and exact type of abnormal behavior displayed by the individual.
  - b) Detailed knowledge of any words, statements or actions that might trigger any abnormal behavior.
  - c) The disposition toward violence that may suddenly be displayed toward the officer or toward the individual himself.
  - d) The name, relationship and location of any person perceived as a threat by the individual; and, why that other person is perceived as a threat.

- e) The name and location of previously visited mental health care facility.
- f) The type, location and last time known to have taken any medications (take a sample or the prescription bottle if available).
- g) The relative ability of the individual to communicate coherently and follow instructions.
- h) Any real or imagined physical injuries.
- i) The circumstances why the individual came into law enforcement custody.
- j) Anything that might have in the past soothed the individual.
- k) The name of any law enforcement officer that may have had contact with the individual in the past and any information that may have been gained from that encounter.

Information of the type outlined can govern the transporting officer in the treatment of mentally impaired individuals and reduce the chances for violence.

2. Proper documentation must be present and examined in detail for compliance with existing law prior to any transport. In the absence of proper documentation, the transporting officer must make absolutely certain that the situation complies with the requirements of the Georgia Mental Health Act before taking the individual into custody.

### 3. Restraining Mentally Impaired Individuals

The transporting officer must take care and the time to make certain that the method of restraint chosen is appropriate to any potential conditions that may be presented by the individual. Many forms of mental impairment can cause behavior that varies widely and instantaneously. The transporting officer must know the extent to which the abnormal behavior may become violent, produce loss of muscle control, cause a desire for the individual to injure himself or cause convulsive behavior. The officer must then provide appropriate restraint to minimize the chance for injury to the individual, Department employees and the public. If necessary, the arresting officer should attempt to loop the handcuffs between a belt or belt loop.

### 4. Transporting Mentally Impaired Individuals

When deciding what type of restraint is appropriate, the officer should consider what type of transport vehicle would be most appropriate. In most cases, the transport vehicle will be a marked patrol car, a law enforcement prisoner transport van or an ambulance.

#### a) Marked Patrol Cars

If a marked patrol car is the vehicle of choice, the person in custody should be restrained with issued handcuffs behind the back in such a manner that the individual is able to sit up in the rear of the car.

Should leg restraints be required, only the "HOBBLE" or leg shackles, which shall be applied in the same manner as handcuffs, shall be used. "Flex cuff" or other approved restraints will be used only in case of emergency when no other devices are available. Sufficient space between the wrist and the device (as with handcuffs up to the first joint on the index finger) will be insured by the officer putting the restraints on.

**NOTE:** *Removing any "Flex-cuff" type product presents a hazard of cutting the wearer; therefore, "Flex-cuff" restraints will be removed only with approved cutting tools such as bolt cutters or heavy metal cutters. Due to the potential of losing control of the cutting device and injuring the wearer, a knife will not be used to remove "Flex-cuff" type products.*

No individual will be restrained in such a manner so as to choke or restrict breathing at anytime.

No individual will be restrained in such a manner so that his / her legs and hands will be pulled up behind his back or in such a manner that it will be necessary for the individual to be transported in the prone position in a patrol car.

Should further restraint be necessary in a patrol car, an additional law enforcement officer will be placed in the rear seat with the restrained individual. The additional officer should unload his weapon and give it to the transporting officer before getting in the rear with the individual.

b) Law Enforcement Prisoner Transport Vans

When transporting a mentally impaired individual in a law enforcement van or wagon, the individual will normally be restrained in the same manner as in a patrol car.

Should it become necessary to transport an individual in a prone position, that individual should be placed in a comfortable position on the floor of the prisoner holding area with an attendant to prevent injury.

No officer will ride in the rear of a prisoner transport van with a loaded weapon.

c) Transports in Ambulances

If a mentally impaired individual requires medical attention, is catatonic or needs to be totally immobilized for any reason, the individual should be restrained to a stretcher and transported in an ambulance. This will include those who are restrained in a strait jacket.

The individual should be restrained in such a manner that breathing is not impaired and only to the minimum extent that will prevent the danger of injury to himself or others.

When a mentally impaired individual is transported in this manner, a law enforcement officer should ride in the ambulance with the individual and a law enforcement officer should follow the ambulance in a law enforcement vehicle.

All transportation of mentally impaired individuals will be made in compliance with the communication notification rules for the transport of female and juvenile prisoners.

Upon arrival at a mental health facility, the transporting officer will not enter any secured area in possession of a firearm and should use standard procedures for delivering a prisoner to a holding facility.

## **XII. EXTRADITION AND LONG TERM PRISONER TRANSPORTATION**

In the event it becomes necessary for officers of the East Georgia State College Police Department to transport prisoners over long distances (more than 50 miles); standard transportation procedures will be followed with the following exceptions and additions:

- A. For long-term transportation, the prisoner will be restrained by the use of a prisoner restraint belt with wrist restraints and leg shackles.
- B. If meals and rest stops are to be permitted en-route, these stops will be of duration and at irregular intervals.
- C. During any stops, the prisoner will be accompanied at all times by at least one (1) officer.
- D. No long-term transportation will be conducted without at least two officers as transporting officers.
- E. If the prisoner is allowed to use the restroom during any stop, an officer will examine the facility for security and potential escape routes prior to the entry of the prisoner. If necessary, one hand will be released from the restraint while the other hand remains restrained. The leg shackles will also remain in place. At least one officer of the same sex as the prisoner will remain with the prisoner and keep the prisoner in view at all times. The second officer will provide security against escape from a location that will be determined by the conditions.
- F. If meals are permitted, precautions similar to those described for restroom stops will be followed. It is recommended that, if practical, the prisoner be fed in the vehicle while the vehicle is stopped.
- G. Officers are reminded that long-term transportation's are extremely dangerous and present great opportunity for escape since these situations usually involve the most wanted and dangerous prisoners. All precautions should be taken and the officers must remain alert at all times.

## **XIII. GUIDELINES FOR PRISONER SEARCHES**

The purpose of a prisoner search is to provide for the detection of weapons, contraband or any items which might be used to aid an escape. Each officer that takes custody of a

prisoner is required to complete a prisoner search that is as thorough as circumstances permit. It is required that all items in the possession of a prisoner be thoroughly examined. Any item which is contraband or which can be used as a weapon will be removed from the prisoner and disposition of the property will be made in accordance with applicable policy. Any handbag, luggage, pack, duffel bag or other container in the possession of a prisoner will be removed, thoroughly searched and retained by the officer during prisoner transportation. It is the policy of the East Georgia State College Police Department that all prisoner searches and prisoner restraining will be accomplished as humanely as possible with the safety of the prisoner, the public and the law enforcement officer under consideration at all times. Any use of force beyond the minimum required in searching and restraining of prisoners is strictly prohibited.

#### A. General Prisoner Search Procedure

1. The prisoner should normally turn his / her back to the officer.
2. The officer should remain a safe distance from the prisoner while the prisoner assumes the proper position.
3. The officer should remember to be in a position to prevent escape at all times.
4. The officer should closely observe the suspect before approaching to see that the suspect's hands are open and clear and to look for any unusual bulges in the suspect's clothing that might be a weapon or contraband.
5. If the suspect is holding anything, the suspect should be instructed to place or drop the item while facing away from the officer and to step back from the item.
6. After the suspect has assumed the proper position, the officer should approach cautiously from the rear if possible.
7. No suspect will be approached until the officer who conducts the search has holstered his / her firearm.
8. The officer should place appropriate restraint devices on the prisoner before the search commences to ensure the safety of the prisoner, the officer and the public.
9. While searching the suspect, the officer should maintain his/her balance to control the prisoner's movements and to react to any sudden movements by the suspect.
10. The officer should attempt, at all times, to keep his/her head and body behind the body of the suspect to lessen the chance of attack.
11. The prisoner will have appropriate restraint devices applied prior to being placed in the transport vehicle unless specified otherwise elsewhere in this section.

#### **XIV. RESTRAINT DEVICES (GLECP Std. 5.10)**

The purpose of restraint devices in prisoner transport situations is to reduce the chance of attack by the prisoner and to reduce the chances for escape. Restraint devices will be applied using methods and procedures approved and taught in instructional classes. Only

those restraint devices that are approved by the East Georgia State College Police Department will be used by any officer.

The restraint devices that are approved for use by officers are issued handcuffs, leg restraints, prisoner restraint belts, Flex-cuffs, strait jackets and medical restraints for use on injured, ill, mentally or physically impaired prisoners. Restraint devices not issued by the East Georgia State College Police Department will be submitted to the Uniform Division Commander for inspection and recommendation for approval by the Chief of Police prior to use.

Devices such as rope, cord, plastic tubing and other items not normally issued for use as approved restraints will not be carried or used for prisoner restraint purposes. Prisoners will not be restrained to any object (such as an automobile) or in such a manner or condition that the prisoner's safety is placed at unnecessary risk. No prisoner will be restrained in such a manner as to restrict breathing or cause choking.

Normally, restraining devices issued by the East Georgia State College Police Department have the capability of being double locked. This feature prevents the restraint devices from "cinching" or becoming tighter on the prisoner. To prevent unnecessary injury to prisoners, restraint devices so equipped will be double locked. Officers will further check handcuffs for proper fit by inserting his/her index finger, up to the first joint, between the device and the prisoner's wrist.

## **XV. MEDICAL FACILITIES**

Prisoners that are transported to medical facilities will be transported in compliance with procedures that are applicable to the prisoner's physical injury, illness, mental or physical impairment as described in this section.

- A. While at the medical facility all restraints shall remain on the prisoner. The only exception to this policy is when a request is made by hospital staff to have them removed. This shall only be for the purpose of examination, X-rays or other hospital procedures. If possible, all restraints shall not be removed at the same time.
- B. If a prisoner is admitted to a healthcare facility, the transporting officer's supervisor will be notified. The supervisor will consider the seriousness of the situation or crime the prisoner was involved in, the availability of manpower, the situation surrounding the injuries to the prisoner, the seriousness of the injuries and the anticipated length of stay in the facility when deciding upon the following actions.
  1. Release the prisoner at the medical facility on a notice to appear in court. (Misdemeanor only)
  2. The officer may be advised to wait until relieved. The officer's supervisor will advise the next shift's supervisor of the need for relief at the medical facility.

3. Make arrangements with East Georgia State College Police Department to assume responsibility for guarding the prisoner if the circumstances meet their requirements.
- C. The officer shall stay with the prisoner at all times. Visitors shall only be allowed with prior approval from a department supervisor. The prisoner shall not be allowed any incoming or outgoing telephone calls. All meal trays shall be inspected and utensils accounted for by the escorting officer.
- D. It is the responsibility of the escorting officer to control the prisoner's behavior, as well as the security of the room and safety of the hospital staff.

#### **XVI. ESCAPE OF A PRISONER DURING TRANSPORT**

It is the responsibility of each officer who takes custody of any prisoner to take all prudent and reasonable action to prevent the escape of the prisoner. In the event of an escape of a prisoner while being transported, the transporting officer shall follow the procedures below:

- A. If the escape occurred within radio range of 911 Center, the officer shall immediately notify Communications via radio. If not within radio range, Communications shall be notified as soon as possible.
- B. If the escape occurred outside of the City of Anywhere, the transporting officer shall notify the agency in whose jurisdiction the escape occurred. This notification shall be accomplished in a timely manner in order to initiate a search for the escapee.
- C. The Communications Center and/or assisting agency shall be provided with the following information:
  1. Escapee's name and charges
  2. Physical description (including tattoos, scars, marks, etc.)
  3. Clothing description
  4. Direction of travel when last seen
  5. Type of weapon involved, if any
  6. Any other pertinent information
- D. All pertinent information shall be padded on to the local agency and other available law enforcement agencies in the area.

**EAST GEORGIA  
STATE  
COLLEGE**  
Police Department



**Policy Manual**  
**Standard Operating Procedure**

SOP Number:  
13.00

Subject:  
Evidence and Property

Authorized By: Chief Mack Seckinger

Effective Date: August 16, 2019

Signed By:

Date Signed:

**I. PURPOSE**

To establish procedures for collecting, receiving, storing, releasing and disposing of property seized as evidence and/or property held for safe keeping.

**II. COLLECTION AND PRESERVATION OF PHYSICAL EVIDENCE (GLECP 5.23c)**

The investigation of crime and the prosecution of offenders require that information be obtained through the application of scientific knowledge and methods. In order to effectively use laboratory support services, physical evidence must be identified, collected, preserved properly and transmitted to the laboratory. Physical evidence is of major importance in all cases, particularly in those cases that have no witnesses. The successful prosecution of a case often depends on the quality of the physical evidence that is collected and the manner in which it is presented.

The East Georgia State College Police Department will diligently follow forensic methods of obtaining and protecting this evidence, in order to carry out the functions of the department. All officers and detectives are responsible for the collection and preservation of evidence. Additionally, they are responsible for maintaining and documenting the chain-of-custody of all evidence collected.

**A. Processing Physical Evidence in the Field**

Evidence collection is usually accomplished after the search of the crime scene has been completed, a rough sketch has been made and photographing and / or videotaping has been completed.

The detective's first priority during the collection of physical evidence is to collect and preserve any evidence that may be contaminated during the search or that has a potentially limited life span.

When collecting evidence at the crime scene for laboratory analysis, the amounts needed will depend upon the type of evidence and the tests to be conducted.

For proper evaluation of stains by laboratory technicians, control samples must be submitted in addition to the collected stains. For example, a stain on a waxed surface should be collected by scraping beneath the stain. In addition, unstained portions should be collected and identified as control samples. The integrity (unimpaired condition) of the control sample must be preserved as carefully as that of the evidence.

When available, an Identification Technician will process and gather physical evidence.

**B. Responsibility of Reporting Officer**

It is the responsibility of the first officer at the scene of a crime to secure that scene from all nonessential personnel. The scene of a crime must be secured as soon as possible to prevent the loss of evidence. The officer securing the scene should initiate a log sheet on a supplemental report form, listing the time, name and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch or handle physical evidence, unless a danger exists that the evidence will be lost or destroyed prior to processing by an evidence technician, detective or if an accident scene, traffic officer. Should such a situation arise, it becomes the responsibility of the officer to mark, seal, tag and preserve the evidence.

Whenever investigators respond to a crime scene or incident, they will be responsible for photographing, collecting, preserving, transporting and submitting all evidence to the property room; Whenever the scene is processed by a patrol officer or traffic officer, all evidence obtained will be marked, sealed, tagged and placed in the property room or temporary evidence locker by that officer as soon as possible and prior to the end of the assigned shift. **(GLECP Std. 6.9b)**

The standard laboratory request form will be completed for all evidence that requires comparison or analysis. This request will be submitted with the evidence as it is turned over to the GBI Crime Laboratory. The procedures used for the collection and preservation of all evidence will be in conjunction with procedures established by the GBI Crime Laboratory.

#### C. Reporting Requirements **(GLECP Std. 6.9d)**

In addition to inventory requirements, officers shall prepare a report of the property received and/or the processing of the crime scene to include:

1. Date and time of arrival at the scene
2. Location of the crime
3. Name of the victim(s), if known
4. Name of the suspect(s), if known
5. Narrative of the reporting person's actions at the scene
6. Action taken at the scene, including the number of photographs taken and measurements (yes or no and reference to sketch)
7. Report reference number
8. Items taken into property/evidence

If a specialist from outside the department is used, the date and time of request and the requesting officer's name will be added to the investigation synopsis. All information obtained by the specialist will be documented with the evidence technician's report or the incident report. If the specialist has his/her own report, a copy of it shall be attached with the incident report.

The same responsibilities for accurate crime scene reporting also apply to traffic officers when completing an incident report/accident report supplemental on a fatal or serious accident investigation.

#### D. Evidence Technician Kits

The department shall maintain specially equipped evidence kits for use by evidence technicians, detectives and officers for processing all types of crime scenes in an effective and timely manner. The specialized equipment is maintained in each evidence kit for the recovery of latent fingerprints, photography, crime scene sketches, and collection and preservation of physical evidence.

E. Requirement for Evidence Technician Availability

Response to calls for service where a crime has been committed that may involve physical evidence requires that such evidence be collected promptly and submitted to the laboratory without delay. The Criminal Investigation Division will maintain personnel on-call 24 hours per day for response and use at crime scenes. In the event of a major crime scene requiring experts or specialized assistance in evidence collection, the Georgia Bureau Investigation (GBI) may be notified to respond for assistance.

F. Collection of Blood and/or Urine for DUI Investigations

In any arrest or investigation for driving under the influence (DUI) of alcohol and/or drugs, the appropriate DUI kit for collecting blood or urine will be utilized.

The blood specimen must be placed in the vacuum tubes containing an anti-coagulant provided in the kit. Blood may only be withdrawn for the purpose of determining the alcoholic content by a physician, registered nurse, qualified technician or chemist. Blood must be collect as soon as possible after the violation.

Urine specimens will be collected in the plastic container provided in the DUI kit.

Blood and/or urine specimen containers must be sealed with a tape or label that displays the following information:

1. Name of suspect;
2. Date and time of collection; and
3. Name of person(s) collecting and/or sealing the sample.

All samples will be submitted in the DUI kit and secured in a temporary evidence storage locker. The evidence receipt must be properly filled out and left with the specimen. The Property Room/Evidence Technician will later remove and transport the specimen to the GBI Crime Lab.

G. Collection of Blood and/or Other Bodily Fluids at Crime Scenes

Blood, urine, semen and other body fluids will be collected at a crime scene where they are found by evidence technicians or detectives trained in collection procedures established by the GBI Crime Lab.

All specimens collected in liquid form will be transported to the GBI Crime Lab or maintained in the Property/Evidence Room refrigerator;

All specimens collected will be marked, sealed and tagged as appropriate to identify and preserve them for analysis.

H. Latent Prints

The following general guidelines will be followed when processing a crime scene for latent prints:

Latent impressions developed with fingerprint powder should be photographed on the original object. After being photographed, they may be lifted. The lifted print is to be placed on a latent fingerprint investigation card and the following information listed:

1. Place of occurrence;
2. Offense type;
3. Offense date;
4. Date/Time processed;
5. Investigator name; and
6. Case number.

A lab request will accompany all completed latent print cards. All latent prints will either be sent to a certified latent examiner, or to the GBI Crime Laboratory.

When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include inked finger and palm prints and/or the fingerprint classification number of the suspect.

## I. Documents

### 1. Types of Document Examination

Officers may submit documentary evidence for the following types of examination:

- a) Handwriting (script)
- b) Hand printing and hand lettering
- c) Forgeries
- d) Typewriting and typewriter ribbon
- e) Inks and papers
- f) Check-writers and other mechanical impressions
- g) Indented writing
- h) Obliterated or eradicated writing
- i) Used carbon paper
- j) Burned or charred paper
- k) Fracture line comparison (torn paper, etc.)
- l) Photocopies

Officers shall contact the Criminal Investigations Section when any question arises which pertains to documents.

### 2. Submitting Documentary Evidence

Original or copied documentary evidence shall be submitted for handwriting, typewriting or other analysis. Photocopies of such evidence shall be accepted if such copies are of excellent quality and the original is not available. If the original has been destroyed and only a photocopy exists, the officer shall note this fact on the identification services request form.

The original is requested:

- a) In most types of forgeries.
- b) In the comparison of certain types of typewriting.
- c) In the comparison of check-writer impressions and notary seals.
- d) In making court exhibits.

**NOTE:** The inability to send an original to the crime lab due to unavailability should not deter the officer from submitting any available copy for examination.

3. An officer, upon receiving a suspect document, shall:
  - a) Avoid writing on the document,
  - b) Place each suspect document in an envelope. The officer shall handle document in such a manner as to prevent tearing, creasing or stapling it. The officer shall also prevent contamination of the document by his own fingerprints.
  - c) Place the document in an evidence bag or envelope and then inventory all evidence on a property report.
  - d) Fill out a DOFS evidence submission form. When this is completed, the officer shall:
    - i. List all evidence, clearly distinguishing the questioned document from any other documents or sample writings.
    - ii. State exactly what examinations are desired.
    - iii. State whether or not the submitted material is to be examined for fingerprints.
    - iv. State in what manner the officer obtained any samples which are to be compared with questioned document.
    - v. State the physical and mental state of the suspect at the time that he made the sample comparison writings.
4. Above procedures shall also be followed when submitting an item such as a check-writer or typewriter which is to be compared against documentary evidence.
5. Upon completion, the investigating officer shall have the documents and/or related property to be analyzed sent to the Evidence/Property custodian along with the properly completed request forms.

#### J. Other Items Collected as Evidence

##### 1. Wet Items

Wet clothing collected as evidence should be dried in the secure area in the evidence room. As soon as the evidence is dried, it will be marked, sealed, and tagged.

Documents that are wet for any reason will be handled in the same manner as wet clothing.

##### 2. Firearms

All firearms must be unloaded with the ammunition packaged separately. All firearms will be checked for stolen through the GCIC/NCIC computer by the submitting officer and should have the stolen check results noted on the evidence sheet.

### 3. Drugs

Dangerous drugs (including, but not limited to narcotics, hallucinogens and narcotic implements) submitted to the property room will be weighed, and counted if appropriate, by the submitting officer. Each separate container of the material will be marked with the weight, the count, the name of the officer performing the weighing/counting and the date.

The property receipt will list all dangerous drugs, including number of containers, weight, and/or count.

All dangerous drugs submitted to the property room will be sealed first in a plastic bag. Each bag will have a separate property sheet.

All dangerous drugs submitted to the property room will be placed in the property room or into the temporary property locker by the submitting officer until the evidence/property room technician takes custody of the property.

### 4. Cash

All money submitted will be counted by both the submitting officer and a witness. All money will be sealed in a tamper-resistant package, and tagged separately upon submission to the property room. The property tag must identify the amount of money, who submitted it and who verified the count.

*Note: Both drug and cash evidence will be secured in a separate safe located in the Property/Evidence Room as an extra security measure.*

### 5. Volatile Fluids

Volatile fluid of evidential value should be stored by the fire department in approved containers. A maximum of one gallon will be stored. Excess volatile fluid will be disposed of in accordance with EPA and Fire Department procedures for hazardous waste materials.

### 6. Explosives

No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the Property/Evidence Room. Contact will be made by the supervisor or Property/Evidence Technician or investigating officer with the Department's Explosive Ordnance Disposal (EOD) Team or other specialized agency when such material is recovered. All such items are to be photographed and disposed of according to procedures in the codified ordinance. Handling of the items will be accomplished by the EOD Team or by the specialized agency requested at the scene.

## **III. SUBMISSION OF EVIDENCE TO THE PROPERTY/EVIDENCE ROOM AND CRIME LAB (GLECP Std. 6.9e)**

All evidence is to be submitted to the property room and logged into agency records as soon as practical, but no later than the end of the officer's shift, to preserve the chain of evidence. No evidence will be placed in personal lockers or desks at any time. Non-perishable

evidence will be secured in the property room until it is transferred to the GBI Crime Lab.  
**(GLECP Std. 6.9b, c)**

All evidence that must be taken to the Crime Lab must be bagged separately from all other property or evidence taken for that case.

Transfers to the Crime Lab are made by the Property/Evidence Technician on a routine basis.

#### A. Perishable Evidence

Perishable evidence is defined as fresh blood, blood stained objects, other physiological stains and tissue, and biological materials.

Perishable evidence collected at a crime scene and secured in the property room may not be submitted to the GBI Crime Lab until a suspect is developed or standards of comparison obtained. In the event perishable evidence is delayed in submission to the GBI Crime Lab for any reason, it will be documented on the lab report and/or evidence report.

Serologic evidence will be transported to the Crime Lab as soon as possible. If a delay is absolutely necessary, blood samples will be placed in the Evidence/Property Room refrigerator.

Clothing that is wet or bloody will be allowed to air dry and packaged in paper bags. Other physiological fluids will be frozen as soon as possible and maintained in the Evidence/Property Room refrigerator until it can be transported. Do not allow this evidence to thaw.

Due to the seriousness of life threatening diseases being transmitted through bodily fluids and the risk involved with handling these fluids, any time evidence or containers containing bodily fluids is handled by detectives, latex or rubber gloves will be worn.

When collecting perishable evidence from a crime scene, the following procedures will be used:

##### 1. Fresh blood (wet specimen):

Fresh (wet) blood will be collected using saline, placed in a sterile glass vial, capped or stoppered, sealed, marked, tagged and refrigerated in the property room refrigerator. All items for blood typing must be refrigerated or submitted to the Crime Lab as quickly as possible. Heat, humidity and sunlight have destructive effects on blood and will not only affect ABO groups, but will completely destroy the weaker antigen systems and enzyme groups.

Blood samples taken from living victims and suspects will be placed in a 5 ml. vacutainer tube with a yellow stopper which has ACD added as an anticoagulant, or a gray stopper tube which has potassium oxalate. Blood samples collected in a tube with a red stopper are not preferred. Properly seal and label the tube with the suspect's or victim's name, date, name or initial of the detective and the doctor or medical technician who draws the sample. Keep blood samples refrigerated. DO NOT FREEZE. Blood samples must be delivered to the Crime Lab as soon as possible.

In order to obtain maximum value from blood and bloodstain evidence, the Crime Lab must have a sample of known blood from both the victim and the suspect. This is absolutely necessary in cases where there is only a very small stain because the

types and sub-types of both bloods must be determined in order to select the systems to be run on case material which will provide the greatest population differentiation and distribution.

B. Dry blood:

Whenever possible, the entire object that has the blood stain on it should be submitted. When the blood stain is located on a wall, floor, or other object that cannot be submitted, one of the following procedures should be utilized:

For bloodstains appearing on fixed objects or on an object too bulky to transport to the laboratory, the detective will cut off that portion of the object bearing the stain, if possible. Bloodstains on objects which cannot be cut, for example, concrete floors or metal safes, may be scraped and the scrapings placed into a pill box or onto a clean piece of paper. The paper will then be folded carefully and placed into a container.

1. When a large amount of stained material is present, the easiest technique is to scrape several large flakes into a small box or pill tin;
2. When the stain is small, the fiber technique should be used. Cut 4 to 6 gauze fibers 1/2" long from a gauze pad. Moisten the fibers with saline. Swab the blood stains with the fibers, concentrating the stain on the fibers as much as possible. The fibers should be air dried in a pill box before sealing, marking and tagging the container. The dried fiber samples do not require refrigeration.
3. For bloodstains appearing on porous objects such as wood or earth, the bloodstain as well as a portion of the material upon which the stain appears should be placed in a clean container, labeled on the outside and sealed to prevent loss through leakage.

C. Blood stained materials:

Bloodstained articles should not be packed for submission to the State Crime Lab until it has thoroughly dried at normal room temperature. Clean paper should be placed under the drying object to catch any falling trace evidence. When the object is dried and ready for packaging, the paper should be carefully folded to secure the trace evidence and placed in the wrapping with the article in a paper bag. Multiple items must be packaged individually to avoid contamination.

D. Other stains, tissues or biological material:

Other types of stains can be collected using the same procedures as previously described for wet and dry blood.

Articles bearing semen stains will be placed between sheets of paper, cardboard, or similar material and then secured in such a manner that friction is avoided. Semen stains should be allowed to dry before being packaged.

All other body fluids, including saliva, urine, perspiration, pus, human milk, nasal mucus and tears will be handled with the same precautions as blood and semen.

E. Body tissue:

Body tissue must be collected and placed in a sterile glass bottle in saline solution, capped or stoppered, sealed, marked, tagged and refrigerated in the property room refrigerator.

F. Other bodily fluids:

Seminal fluid which is deposited outside the body on sheets, garments, furniture, etc., is excellent scientific evidence because of the lack of contamination with vaginal secretions. If seminal stains are present on bed clothing, these should be collected for examination. Do not collect the mattress pad unless there is no sheet on top of the pad. If seminal stains are still wet, these stains should be circled just outside the boundary of the stain and noted to the Crime Lab serologist who receives the case.

Dried semen on immovable objects should be scraped carefully using a razor blade onto a sheet of clean white paper which is then folded into a secure packet to prevent loss of scrapings. If the dried stain is too small or too thin a smear for scraping, it can be absorbed onto a small piece of gauze which is dampened with saline. The gauze should be thoroughly air dried before packing into a paper bag or envelope. Liquid semen should be wiped onto clean gauze and allowed to dry.

Saliva samples taken from live victims or suspects will be collected in a clean tube or container that can be tightly closed. At least 5 ml. must be collected after the person has rinsed his/her mouth with clean water and expectorated spit. The saliva must be free of phlegm and mucous. If the subject is unable to donate at least 5 ml. allow the person to chew on a clean rubber band to stimulate production. Foaming or bubbles in the sample is not considered part of the 5 ml. volume necessary.

Close the container so that leakage cannot occur. Properly seal and label the container with the suspect's or victim's name, date, name or initial of the detective and doctor or medical technician obtaining the sample. Samples should be placed in an ice bath and transported IMMEDIATELY to the Crime Lab. Because of the potential for rapid deterioration of saliva samples, they will not be stored for later transportation to the Crime Lab.

#### G. Hair

Hair samples will be placed in a zip-lock bag or other sealable plastic bag

*NOTE: RE: DOFS Operations Bulletin 2001-06: Effective December 1, 2001, the Georgia Bureau of Investigation Crime Laboratory will no longer accept hair samples for comparison purposes. The laboratory will perform STR DNA analysis on the questioned hairs that are suitable. DOFS will continue to perform microscopic testing on questioned hairs to provide investigative leads. This will include cases where it is necessary to know one or more of the following:*

- 1. Is a questioned hair of animal or human origin?*
- 2. What is the race of the donor?*
- 3. What area of the body did the hair originate from?*
- 4. Was the hair forcefully removed or naturally shed?*

*The following criteria will be utilized to determine whether or not hair evidence will be accepted for analysis in the crime laboratory:*

- 1. The lab will accept cases as outlined above that require microscopic examination for investigative lead purposes.*
- 2. The Forensic Biology Section for DNA analysis will accept hair evidence only if there is no other meaningful forensic evidence available for that case.*

#### H. Collection of Known Standards for Comparison

When the following types of physical evidence/trace evidence are collected from a crime scene, a known standard sample must be collected for comparison by the GBI Crime Laboratory. The location from which the samples are taken is critical for the Crime Laboratory and should be documented on the lab report and/or evidence technician report. All standards for comparison will be collected in accordance with procedures established by the GBI Crime Laboratory.

1. Blood
2. Hair
3. Fibers
4. Paint
5. Glass
6. Wood
7. Metal
8. Soil
9. Tool marks
10. Footwear

I. Responsibility for Requesting Laboratory Examinations

The detective who is assigned the particular case will be the lead detective and responsible for requesting laboratory examinations. The lead detective will sign a request for examination indicating what forensic test(s) are to be conducted.

The request form will be forwarded with the evidence to the Georgia Bureau of Investigation (GBI) Crime Lab by the detective in charge of the case. If the detective cannot make the transport, then the evidence will be forwarded to the Evidence/Property Room Custodian who will transport to the GBI Crime Lab for examination.

J. Submitting Evidence to the State Crime Lab

Maximum benefit can be derived from physical evidence if it has been properly collected, handled and preserved for the development of leads, laboratory examination and for presentation in court. The handling and care of evidence involves preserving the evidence so as to retain the integrity of the evidence in its original condition, maintaining a chain-of-custody to ensure its evidentiary value, the proper packaging and transmittal of the evidence to the laboratory for analysis, when appropriate and disposition of the evidence when it is no longer of evidentiary value.

The detective who discovers, recovers, or receives physical evidence at the crime scene must be able to positively identify the specific evidence at a later date if it is to be introduced as evidence in court.

K. Custody information on Evidence Submitted to Crime Lab

To maintain a record of physical evidence submitted to a laboratory for examination, the following information is required:

1. Name of officer last having custody of the item;
2. Date and time of submission or mailing, and method used for transmission;

3. Date and time of receipt in laboratory;
4. Name and signature of the person in the laboratory receiving the evidence; and
5. A copy of the GBI Crime Lab report with the above information will be retained in the property room files.

L. Requesting Written Results of Laboratory Examinations

The Georgia Bureau of Investigation Crime Laboratory in cooperation with Georgia Net operates a secure computer web site that is to be used to locate and print official reports that contain the findings of the analyses performed by the scientific staff. Written reports of laboratory findings should be regularly requested by computer by the Evidence/Property Room Custodian or CID Commander. A copy of the report will be provided to the investigating and/or requesting officer and filed with the original case file.

#### IV. DOCUMENTING THE CRIME SCENE

A. Crime Scene Sketches

Crime scene sketches are prepared to supplement notes and photographs and to provide accurate measurements of sizes and distances of objects and their relationship to other objects. A rough sketch will be completed at the crime scene which will accurately show the locations and relationships of pertinent evidence. The sketch should include any bodies, weapons, tools or other objects used in the commission of the crime. Basic elements that will be included in the crime scene sketch are:

1. Dimensions;
2. The relation of the crime scene to other buildings;
3. The address, floor, or room number;
4. The location of significant features of the scene, including the victim;
5. The date and time of preparation;
6. The name(s) of the detective(s) preparing the sketch;
7. Direction of North;
8. The location of physical evidence recovered; and
9. Legends describing items too small or too difficult to duplicate in their exact shape or scale.

After a rough sketch has been completed, this information will be recorded on a final sketch. Both sketches will be attached to the detective's case file folder.

B. Crime Scene Photography/Video (**GLECP Std. 1.28**)

Crime scene photography and video recordings may be utilized as a comprehensive aid to clarify and supplement written reports, to provide a permanent record of fragile or transitory evidence and to identify persons at the scene.

1. Cameras

Departmental digital cameras should be used in any situation requiring photographic documentation. Employees may use their personal digital cameras or other recording devices after receiving approval from their immediate supervisor.

Employees may not use their cellular telephones to take photographs at a crime scene, traffic accidents, or of any evidence unless there is an immediate danger that the scene or evidence may be destroyed or if authorized by a supervisor.

If photographs/video/audio is recorded, the supervisor will insure that the photos/video/audio are promptly downloaded into the records management system and immediately deleted from the cell phone, personal camera, or audio recording device.

Under no conditions will it be permissible to email, upload to a social networking site, or text photographs/video/audio for unofficial reasons

## 2. Photographing the Crime Scene

The crime scene will be photographed systematically to guarantee a visual image of the entire crime scene as well as minute or circumstantial trace evidence.

Overall crime scene photographs encompassing the geographical area and adjacent tract of land should be taken. These photographs should be taken from a distance that will include the entire area involved in the crime scene.

The scene should reflect the location of the evidence, weapon, body, or other pertinent details of the crime scene. Clockwise photographs should be taken to ensure that sufficient detail is obtained and to tie the crime scene together in order to tell a story to the court of the total circumstances surrounding the particular crime.

Close-up photographs will be used to identify and record individual items or small sections of larger items. These photographs will be taken at a distance of one (1) to five (5) feet depending on the size of the item. The item should appear in the full view photograph to show the relationship to other objects.

One-to-one photographs with and without scale will be taken of latent prints, footwear impressions, tire impressions, blood stains or patterns, tool marks, hair and fiber evidence and any other items of trace evidence which would not normally appear in other photographs.

Artificial light in the form of floodlights or electric flash may be necessary in dark or poorly lit areas.

When appropriate, videotaping may supplement, but will not replace still photography at a crime scene in order to properly record particular elements that are not easily depicted in a photograph.

When photographing and/or videotaping crime scenes, the operator of the camera should take their pictures/video and store them into digital storage to include the archive files that the camera creates (an archive file is a file created by the digital camera/digital video recorder that includes the image data, as well as time, date, exposure, camera's make/model/serial number and other camera settings, including GPS data if so equipped). When the digital image/video is saved, the data file will also be saved and can be stored into digital storage maintaining chain of custody.

**NO IMAGE/VIDEO FILE PLACED INTO DIGITAL STORAGE WILL BE ALTERED OR ENHANCED WITHOUT THE PRIOR APPROVAL OF THE CID COMMANDER.** Any enhancement and/or alteration will be documented. Documentation shall include what methods were used to alter the image/video and the purpose for altering the image/video. The original image/video along with the altered/enhanced image/video will be placed into digital storage.

### 3. Recording Photograph/Video Information

The photograph/video-taping of any crime scene are the responsibility of the officer, detective, or traffic officer. The photographer/video camera operator will maintain a record of photographic/video data that shall include the following information:

- a) Date/time photographs taken;
- b) Name/ID # of photographer/video camera operator;
- c) Address where photos/videos were taken.

### 4. Storing of Digital Photographs

The officer or detective taking digital photographs shall download them into the computerized evidence photo system. After they are downloaded and stored, the system will print an evidence form. The officer will sign the form, file copy with his/her incident report and the original will be forwarded to the evidence custodian.

### 5. Court Admissibility

Legal precedents require that the use of photographs/videos in a court of law must meet certain guidelines:

- a) The object photographed/videotaped must be material, competent and relevant to the crime scene;
- b) The photographs/videos must not be planned to excite emotional reactions from the viewer nor should they attempt to prejudice the court or jury;
- c) The photograph/video must show the natural configuration of the crime scene without distortion;
- d) The photographer/videographer must be able to testify to the accuracy of the crime scene as depicted in the crime scene photograph/video;
- e) There must be documentation kept showing a transfer of the photograph from the photographer, the photo lab, the detective and finally, to the courts; and
- f) The photographer must be knowledgeable in the mechanisms of the camera/video recorder used and the processes involved in the creating of the photograph/video.

## V. EVIDENCE/PROPERTY RECEIPTS

All officers/detectives will use a Property & Evidence Form to document and for all evidence and/or property collected during investigations. **(GLECP Std. 6.9a)**

### A. Property & Evidence Forms

Property & Evidence Forms will be completed by the officer/detective originally taking custody of evidence or property. Items of evidence/property collected from different persons or at different times or places should be documented on separate property receipts.

The form will include the following information:

1. Name of person from whom property obtained;
2. Victim/owner;

3. Suspect;
4. Location where property was obtained;
5. Quantity, description and of all property;
6. Reason for impound;
7. Officer name; and
8. Chain of custody including:
  - a) Date and time of transfer(s)
  - b) Receiving person's name(s)
  - c) Relinquishing person's name(s)

**ATTENTION CEO: The colors named in the below forms are listed only as examples and not to be misconstrued as the “only way to do it.”**

The top white copy and the pink copy of the Property & Evidence Form will be submitted to the property room with the evidence. The yellow copy will be turned in with the incident report. The goldenrod copy will be used as a receipt for the property and left with the owner if applicable. If evidence/property are seized from indoors and no one is present, the goldenrod copy will be left at that location or otherwise retained in the case file. When making returns on search warrants, photocopies of the receipts can be attached to the search warrants as an inventory of seized property.

When the evidence custodian takes possession of the property, he/she shall file the white copy in the evidence log book as a permanent record. The pink copy will remain with the evidence/property at all times.

All changes in the custody of the property will be noted on the original white copy of the Property & Evidence Form. When property/evidence are returned to the owner the owner will sign the original white.

#### B. Transfer to Court (**GLECP STD 6.9h**)

Any time an officer takes evidence to court, he/she will sign the evidence out on the original white Property & Evidence Form. The original receipt is retained in the property room. The officer will take the item and a copy of the Property & Evidence form to court. If the court retains the property, the bailiff or court clerk will sign the form which the officer brought to court. The form is then returned to the property room and filed with the original white copy.

When items are returned to the property room by officers after court, the officer returning the item will sign the original Property & Evidence Form indicating the property was returned.

When items are returned directly by the court, the receiving officer will note on the form that the items were received directly from court and have the court employee sign the form.

## VI. PROPERTY ROOM MANAGEMENT

The purpose of this section is to provide for the management and control of found, recovered, and evidential property which comes into the custody of the Anywhere Police Department, and to establish an evidence management system which will ensure a traceable chain of evidence and strict accountability with respect to the handling, security and disposition of evidence.

A. Property Management Responsibility

It is the responsibility of the Anywhere Police Department Criminal Investigation Division to manage and control all evidential property directed to them for safekeeping. As a part of this responsibility, accurate records will be maintained. Property will be stored, released, and disposed of according to policies and procedures outlined in this procedure and Georgia State Code.

Responsibility for the in-custody and evidential property management functions are assigned to an individual to be designated by the Chief of Police.

B. Property/Evidence Room Security

All property stored at the East Georgia State College Police Department will be within a designated secure area, with access limited according to the need for access and security. The following measures will be taken to ensure that all in-custody property and evidence is stored within designated, secure areas:

1. Only authorized persons conducting property custodial transactions may actually enter the property room area;
2. The property room may only be accessed by the following persons:
  - a) Property Room/Evidence Custodian;
  - b) CID Commander (Investigative Detective, etc...) and
  - c) Chief of Police.
3. Only the designated individuals will have access to the keys and/or combination to the storage safes within the property room. These safes will only be unlocked or opened when items are actually being placed in or taken out of the safe; and
4. The property room will be kept closed any time authorized personnel are not physically in the room. The door automatically locks itself upon closing.

C. Secure Facilities for Temporary Property Holding

At times when the property room is closed, and no authorized person is available to log property into the property room, officers will temporarily store property in the designated secured areas as specified in this directive.

1. Temporary property storage areas include:
  - a) Temporary property storage lockers located in the Uniform Division Squad Room. This area is restricted to police department personnel only and under no circumstances will unaccompanied non-police personnel be allowed access to the property storage areas; and
  - b) Temporary property storage lockers located in the male officer's locker room. These are larger lockers which will handle long weapons and larger objects.
2. Property placed in the temporary property storage area must conform to the same

standards and procedures as outlined in this procedure for the receipt of property or evidence.

3. When property is stored and secured in temporary property storage lockers the lock will be securely locked. The Evidence/Property Room Custodian has the key and will retrieve the evidence/property as soon as possible to transfer to the Crime Lab or the main Property Room.

D. Increased Security (**GLECP STD 6.9f**)

Safes are located within the property room for storage of money, items having a very high monetary value (i.e., jewelry), dangerous drugs and narcotics.

1. Money

All money submitted to the property room will be sealed in a container, properly marked and tagged separately. The tag must identify the amount of money and bear the signature of the submitting employee and witness verifying count. Money not properly packaged or tagged will not be accepted into the custody of the property room. The property custodian does not need to open the sealed package to verify the contents or amount, only note that it has been properly packaged and tagged. Money submitted to the property room, once logged in, will be stored inside one of the combination safes in the property room.

2. Precious Metals or Gemstones

Precious metals or valuable gemstones, once logged in, will be stored inside the one of the combination safes in the property room.

3. Narcotics and Dangerous Drugs

All dangerous drugs (including, but not limited to narcotics, hallucinogens, and narcotic implements) submitted to the property room either as found, confiscated, evidence will be sealed in a plastic bag or container. Each bag or container will have a separate property receipt. The following inspection, quantity and quality control measures will be followed when submitting narcotics and/or drugs to the property room:

- a) Narcotics evidence shall be placed in clear plastic bags and sealed with evidence tape by the submitting officer.
- b) Pills and capsules will be counted and weighed with both the weight and count noted on the property receipt.
- c) Triple beam balance scales are available to officers, and all officers are to weigh any narcotics or drug evidence submitted for storage or processing. Gross package weights will be taken after the evidence is packaged and sealed, and will include the package in the weight.
- d) Although gross package weights should be done as accurately as possible, they should only be used as a quality control and not as an exact weight or for evidential purposes.
- e) The property custodian is not required to open the sealed bag to verify the weight or count, only visually inspect to note that it has been properly sealed and weighed.
- f) Once properly logged into the property room, dangerous drugs will be stored

inside the drug safe in the property room.

E. Prohibitions

No explosives, dangerous chemicals, unknown biological specimens, nuclear material, or other dangerous material or property are to be accepted into the property room.

F. Call-in of Property Room Personnel

If in the opinion of a supervisor, property is of great valuable or potentially vulnerable to claims of tampering (such as a large quantity of narcotics evidence), the Property Room Custodian or other designee may be called in from home to secure the evidence in the property room or safe.

G. Property Room Log

All found, recovered and evidential property submitted to the property room will be logged into the master property room log. The log will contain the following information on each item logged in:

1. Date property was logged
2. Submitting officer name
3. Department case number
4. Property receipt number
5. Owner name
6. Receiving officer name
7. Bin number where stored
8. Box number where stored
9. Item number
10. Quantity
11. Description of evidence/property
12. Disposition

H. Removal or Release of Property (**GLECP Std. 6.9h**)

Final disposition of found, recovered and evidential property should be accomplished within six (6) months after legal requirements have been satisfied. Items being held as evidence/property may be removed or released by one of the following methods:

1. To the Rightful Owner (**GLECP STD 6.9g**)

Officers will make every reasonable effort to verify rightful ownership of property and the identity of the person to whom the property is being released. Property (other than contraband and illegal substances) may be immediately released by any officer to the rightful owner once all police use of the property is satisfied and the officer who submitted the property has approved the property for release.

Once court requirements have been satisfied, the evidence custodian or any other officer should make reasonable efforts to contact the owner by telephone or mail and inform of when and where the property may be claimed. If the owner cannot be

located or fails to claim the property, after a period of ninety (90) days the property will be considered unclaimed.

2. Release to Finder

Found property (other than contraband) may be released to the finder of the item if the rightful owner is unknown or cannot be located. If the owner cannot be located or is unknown, the property may be released to the finder after a period of ninety (90) days has passed and the owner has not claimed the item. Due to ethical considerations, potential conflict of interest or perceptions of conflict of interest, employees of the police department may not claim property found by them and submitted to the property room, regardless of the circumstances.

3. Contraband/Forfeited Property

Property that is forfeited to the police department pursuant to State or Federal law or any other municipal ordinance will not be released to its owner or finder. The CID Commander will request that court orders are prepared describing such forfeited property and outlining its disposition. Contraband will be handled the same as forfeited property and disposed of in accordance with State or Federal law and local ordinance.

4. Evidence

Evidence will not be released until cleared for release and until court and evidential requirements are satisfied. It is the responsibility of the investigating officer to promptly notify the Property Room Custodian when the case has been completed.

5. Weapons

Dangerous weapons held as evidence may only be released after the court case is disposed of or dropped, and with permission of the investigating officer, the prosecutor or the CID Commander. Firearms must be checked Through GCIC/NCIC and with ATF for stolen property and the owner must be checked through the FBI for a felony record. If the owner has a felony record as outlined under State law, he/she will be notified that he/she is under disability and the weapon cannot be released to them.

6. Money

Upon releasing money, the releasing officer will open the sealed package in the presence of the owner or finder and count the contents together with the owner/finder. If there is any discrepancy, a supervisor should be notified immediately. The person receiving the money must sign a property release form. Money that is found and unclaimed, or forfeited under the provisions of State or Federal law, will be disposed of in accordance with this procedure and provisions of law.

**VII. FINAL DISPOSITION OF PROPERTY AND EVIDENCE (GLECP Std. 6.9h)**

- A. The disposition of all personal property seized by law enforcement is subject to O.C.G.A. 17-5-54.
- B. No authorization for destruction or disposal of personal property may be given until application is made to Superior Court and an order is granted

- C. All personal property in the custody of a law enforcement agency, including personal property used as evidence in a criminal trial, which is unclaimed after a period of 90 days following its seizure, or following the final conviction in the case of property used as evidence, and which is no longer needed in a criminal investigation or for evidentiary purposes shall be subject to disposition by the law enforcement agency. The CID Commander shall make application to Superior Court for an order to retain, sell or discard such property. The application shall state each item of personal property to be retained, sold or discarded.
1. Upon Superior Court's granting an order for the law enforcement agency to retain such property, the law enforcement agency shall retain such property for official use.
  2. Upon Superior Court's granting an order for the sale of personal property, the City of Anywhere shall provide for a notice to be placed once a week for four weeks in the legal organ of the county specifically describing each item and advising possible owners of items of the method of contacting the law enforcement agency. Such notice shall also stipulate whether said items or groups of items are to be sold in blocks, by lot numbers, by entire list of items or separately.
  3. Upon Superior Court's granting an order which authorizes that the property be discarded, the law enforcement agency shall dispose of the property as other salvage or non-serviceable equipment. The Evidence/Property Custodian are to destroy this evidence in accordance with approved procedures:
    - a) Contraband, controlled substances, dangerous drugs and marijuana shall be destroyed by fire at an authorized incinerator designated by the CID Commander. A witness outside the division shall observe destruction of the contraband.
    - b) Biological items shall be placed in a biological container and turned over to proper authorities (Emanuel County Medical Center) for destruction.
    - c) When the Property/Evidence Custodian destroys or disposes of evidence, the CID Commander (or the designated supervisor, depending on the department's resources) is to appoint a witness to observe this destruction and to sign off on the form as to the destruction of the evidence. This is not only to assure the integrity of the Property/Evidence Custodian but provides an additional witness should any questions arise.

**ATTENTION CEO: Agencies are no longer allowed to “destroy” firearms. Refer to O.C.G.A. 17-5-51, 17-5-52, 17-5-52.1 and 17-5-54 for the proper disposal of firearms.**
    - d) The Chief of Police will be notified when guns are to be destroyed. Guns that will be destroyed will be cut up or melted down at an approved location. A complete listing of each weapon to be destroyed, including make, model and serial number, will be made and sent to the Chief of Police for approval. After this approval, the weapons are destroyed with a witness as outlined above.
    - e) After the property is destroyed, the Evidence/Property custodian will submit a report of the destruction of listed items signed by the Property/Evidence Custodian and the witness and this form will be returned to the Chief of Police. A copy will be retained by the Property/Evidence Custodian. The property report form will be annotated to show the disposition of the property.
    - f) Should any property not be destroyed, a list of this property and an

explanation as to why it was not destroyed will be forwarded to the Chief of Police.

## VIII. PROPERTY ROOM INSPECTIONS AND AUDITS

### A. Semi-Annual Inspections (**GLECP Std. 6.11a**)

The CID Commander (or the designated supervisor, depending on the department's resources) is responsible for management and control of evidence and/or property functions. These responsibilities include conducting semi-annual inspections to determine adherence to procedures used for the control of property. Such inspections will be to:

1. Determine that the Evidence/Property room is maintained in a clean and orderly fashion.
2. Make certain that policies and procedures concerning property are being followed.
3. Make certain that Evidence/Property is protected from damage or deterioration.
4. Make certain that accountability procedures are being maintained.
5. Make certain that property that has no evidentiary value is being disposed of promptly.

Inspection reports shall be stored and maintained by the CID Commander (or the designated supervisor, depending on the department's resources).

### B. Joint Property Inventory by Newly Assigned Personnel (**GLECP Std. 6.10, 6.11b**)

Whenever a new investigator is transferred to or designated as the primary Property Room/Evidence Custodian, an inventory of custodial and evidential property will be conducted and documented. This inventory will be performed jointly by the newly designated investigator and a designee of the Chief of Police. The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property.

1. The inventory should be sufficient to ensure the integrity of the system and the accountability of the property being held by the department. A sufficient number of property records should be reviewed carefully with respect to proper documentation and accountability.
2. The new custodian should ensure that all records are current and properly annotated, and all discrepancies recorded prior to the assumption of property accountability by the newly appointed custodian.

### C. Annual Audits (**GLECP STD 6.11c**)

The Chief of Police shall be responsible for appointing a supervisor to conduct an annual audit, to ensure that the security, accuracy and integrity of all narcotics, weapons and money are maintained. The Chief of Police will appoint a supervisor who is not routinely or directly connected with the control of the property room. The annual audit should be a random sampling of property held to satisfy the auditor that policies and procedures are being followed.

1. The audit includes inspection of the property log, ensuring that all dangerous drugs, money and weapons received have been properly logged; an examination of the

property receipts to ensure that drugs, weapons or money have not been lost or checked out for an unreasonable length of time; an examination of the disposition files and property log to ensure that all weapons, drugs and money have been disposed of properly.

2. The appointed audit supervisor is authorized to open dangerous drug packages in the presence of the Property Room/Evidence Custodian to verify either the weight or count of drugs, and if necessary, conduct qualitative analysis by a chemist. These packages are then re-sealed in the presence of the custodian. A notation will be made on the property receipt and in the property log of the inspection of each sealed item which is opened, including the date opened and the supervisor inspecting.
3. The audit supervisor is authorized to open in the presence of the custodian packages containing money to verify contents and amount of cash. The package is to be re-sealed in the presence of the custodian. A notation will be made on the property receipt and property log of the inspection, including the date opened and the supervisor inspecting.
4. A complete report of the findings of audit supervisor will be forwarded to the Chief of Police upon conclusion of the audit.

D. Unannounced Inspections (**GLECP Std. 6.11d**)

The Chief of Police or a designate will make unannounced inspections of the property room to determine that proper record keeping, accountability of evidence, proper storage and cleanliness, and proper disposal methods are being followed. This inspection does not necessarily have to be comprehensive, may inspect any areas of property operations, and will make a random comparison of records with physical property present in the property room. Any problems or items found to be missing shall require a report describing actions to be taken to correct the deficiency.

## IX. VEHICLE INVENTORY/IMPOUND

A. Policy

When the driver/owner of a vehicle is arrested, and if the vehicle is subject to a lawful impound, the arresting officer will make an inventory of the vehicle for valuables.

**ATTENTION CEO: The location of the Agency's impound lot and the officer responsible for controlling access to the lot and property maintained therein, should be included in this Standard Operating Procedure.**

B. Circumstances Warranting

1. According to state law, law enforcement officers may impound a motor vehicle under the following circumstances:
  - a) An officer may impound and remove a vehicle from a public highway when the motor vehicle poses a threat to the public health or safety;
  - b) An officer may impound a motor vehicle that has been left unattended on a public street, road or highway, or other public property for at least five days if

it appears to the officer that the individual who left the vehicle unattended does not intend to return and remove the motor vehicle;

- c) All motor vehicles required to be registered in Georgia must display a current license plate and revalidation sticker. Any motor vehicle that fails to comply with this requirement may be impounded and stored at the owner's expense;
- d) If the driver of a motor vehicle has been arrested, the vehicle may be impounded when:
  - i. There is no one present who is authorized and capable of removing the vehicle;
  - ii. The driver has made no specific request about the disposition of the vehicle;
  - iii. The driver has made no request to use a specific towing service;
  - iv. The driver of a vehicle has made a specific request for the disposition of the vehicle or has requested a specific towing service and the law enforcement officer has made a reasonable, but unsuccessful effort to comply with this request; or
  - v. The driver of a vehicle has been removed from the scene and is either physically or mentally unable to make a request for the disposition of his/her vehicle. An officer may impound a vehicle for the protection of the vehicle and its contents under the provisions above.
2. If the driver of a vehicle is arrested on private property, and the driver either owns, has control of, or permission from the owner of the property to be there, the vehicle should not be impounded except upon the request of the driver.
3. When inventorying a vehicle before impoundment, the officer and Agency are protecting three distinct needs. These needs are:
  - a) Protection of the owner's property while it remains in Agency custody;
  - b) The protection of the Agency from potential danger; and
  - c) The protection of the Agency against false claims of stolen or lost property.
4. If the officer is questioned concerning reasons for inventorying a vehicle which is being lawfully impounded, the officer should state that the vehicle is being inventoried for the above three reasons. The justification for an inventory of an impounded vehicle is based on the validity of the impoundment, not the arrest of the driver. If the impoundment was improper, any items seized during an inventory will not be admissible as evidence in court.

#### C. Inventory Procedures

1. On the inventory form, the officer shall list all personal property and vehicle

accessories such as radios, tape/CD players and telephones. Further, the inventory form shall contain a description of the vehicle's condition.

2. Upon completion, the inventory form will be signed the impounding officer.
3. The original copy of the vehicle inventory form and impound slip will be turned in with the incident report. The duplicate copy will be given to the wrecker driver.

**ATTENTION CEO: Agencies may want to require the wrecker driver to sign the impound slip, acknowledging the condition of the vehicle at the time of impound.**

4. In all cases where an impound is made, there will be an incident report completed except when a traffic accident report is made.

#### D. Release of Vehicle

Once a vehicle is impounded, it will be necessary for the owner or authorized operator to secure a release slip at the Agency. No releases will be made at the wrecker yard without first processing the release slip through the Agency.