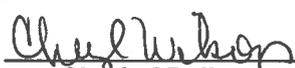


**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 19, 2015		Amended Date		Directive 7.02.1	
Subject Arrests with and without a Warrant					
Reference			Approved  Chief of Police		
Distribution All Personnel City Manager City Attorney		TPCA Best Practices Recognition Program Reference 7.02; 7.03; 7.04; 10.01; 10.02; 10.12; 10.22		Review Date	
				Pages 14	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to regulate the arrest of offenders via an arrest warrant.

SECTION 2 POLICY

The administration of criminal justice consists of the identification, arrest, and prosecution of law violators. Once a crime has been committed, it is the duty of the department to initiate the criminal justice process by identifying and arresting the perpetrator, obtaining evidence, and cooperating in the prosecution of the case. It is the policy of this department to diligently strive to investigate and solve all reported crimes and to arrest offenders in accordance with all applicable laws.

SECTION 3 PROCEDURES

A. GENERAL PROCEDURES FOR ARRESTS WITH A WARRANT (TPCA 7.02)

1. Arrests with a warrant will be made pursuant to Chapter 15, Texas Code of Criminal Procedure.
2. Except as authorized by Chapter 14 or Section 18.16, Texas Code of Criminal Procedure, an officer shall not arrest anyone without an arrest warrant.
3. An officer shall not alter any of the pertinent information on an arrest warrant in any manner after a magistrate has issued it.
4. An officer shall presume that any arrest warrant, which appears in proper form, is valid. To be in proper form and valid on its face, an arrest warrant shall:
 - a. issue in the name of "The State of Texas";
 - b. specify the name of the person whose arrest is ordered, or provide a reasonable description if the name is not known;
 - c. state that the person is accused of a named offense; and

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d. be signed by a magistrate whose office must be named.

B. CONFIRMING ARREST WARRANTS

1. An officer need not have actual physical possession of an arrest warrant in order to execute it. However, before executing a warrant not in his possession, the officer shall verify the existence, location, and validity of the warrant.
2. If an officer has any question about the validity and the existence of an arrest warrant or the identity of the person to be arrested, he must verify the information before making an arrest under authority of that warrant. The arresting officer must ensure that the dispatcher has the warrant in hand or that the dispatcher has a confirmation from the agency that holds the warrant.
3. The person to be arrested must be identified with a high degree of certainty and their identity must match that of the person named in the warrant. In all cases it is the arresting officer's responsibility to confirm that the person being arrested is the same person named in the warrant. The arresting officer must verify this by at least the name, gender, race, and date of birth. When there is some uncertainty then the arresting officer must enhance the certainty of a lawful arrest by matching the social security number, address, body markings, driver's license number, or other information that collectively ensures that the right person is being arrested.
4. The officer shall announce to the person being arrested that the arrest is made pursuant to an arrest warrant, and he shall advise the arrestee of the charge, bond and originating agency who issued the warrant. If the officer has the warrant in his possession, he shall show it to the arrestee.
5. If the arrest warrant lacks proper form or the identity of the person can not be matched to the person named in the warrant with certainty, then the officer SHALL NOT execute the warrant. If the warrant is not in the proper form as required by the Code of Criminal Procedure, then the officer shall return the warrant to the magistrate who issued it.
6. Regional or statewide messages concerning warrants originating in this agency should not be sent out without the approval of a supervisor or the investigator assigned to the case.

C. ASSIGNING NEW CASE NUMBERS OR USING ORIGINAL CASE NUMBERS

1. When an officer arrests a person with warrants originating out of Lancaster Police Department that have an offense number attached, then the person shall be booked in using the original offense number on the warrant in the charges field. (e.g. this will be a warrant in hand that has not been entered into NCIC/TCIC)
2. When an officer arrests a person for warrants with no original offense number, then the person shall be booked using the new assigned offense number in the charges field. (e.g. this will usually be a warrant issued for a traffic violation)
3. When an officer arrests someone with new "on-site" charges, then the person shall be booked in using the new assigned offense number in the charges field.

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4. If an officer arrests a person for warrants out of another agency, then the person shall be booked in using the new assigned offense number in the charges field.

D. EMERGENCY PROTECTIVE ORDERS AND ASSAULT WARRANTS

1. When an officer serves a Lancaster Police Department warrant for any type of assault charge, it is the arresting officer's responsibility to check all pages attached to the warrant to determine if there is an Emergency Protective Order Form attached.
2. If there is an Emergency Protective Order Form attached, the arresting officer shall attach the Emergency Protective Order Form, the original arrest warrant and completed arrest report together to ensure all proper paperwork is together.
3. If an officer makes an "on-site" arrest for any type or degree of assault, the arresting officer is responsible for completing an Emergency Protective Order Form and all other required paperwork for an arrest. The arresting officer shall attach the Emergency Protective Order Form with the arrest report to ensure all proper paperwork is together.
4. See also Lancaster Police Department General Orders Manual, Directive 7.08.1 "Family Violence and Protective Orders" for warrantless arrest and protective orders.

E. DIRECT BOOKING AND CUSTODY OF PRISONERS

1. Officers who arrest an adult defendant for any charge, with or without a warrant will be booked into the custody of Tri-City Jail
2. If for some reason an adult defendant cannot be booked into the custody of Tri-City Jail, the defendant may be directly booked into the custody of the Dallas County Sheriff's Department.
3. Officers who arrest a juvenile defendant for any charge over a Class C misdemeanor, with or without a warrant will be booked into the custody of Henry Wade Juvenile Detention Center (Dallas County.)
4. Officers who arrest a juvenile defendant for any Class C misdemeanor charge will be booked into the custody of LETOT (Dallas County.)

F. WARRANTS FROM OTHER JURISDICTIONS IN TEXAS

1. If an officer has knowledge that another Texas law enforcement agency holds a valid arrest warrant for a particular person, the officer may arrest that person.
2. If an officer makes an arrest on a warrant from another Texas law enforcement agency, the officer shall:
 - a. arrest the defendant and book the defendant directly into the custody of the Tri-City Jail;
 - b. notify the agency, via dispatch, holding the warrant that this department executed the warrant and give the location of the arrestee.

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3. An officer shall also execute an arrest warrant telegraphed under the authority of a Texas magistrate.

G. WARRANTS FROM OTHER STATES / FUGITIVE FROM JUSTICE

1. Whenever any officer has probable cause to believe that a person stands charged of a felony in another state, the officer shall:
 - a. arrest the person only after the warrant has been confirmed using accepted methods of warrant confirmation, this arrest is made under the authority granted to Peace Officers in the Texas Code of Criminal Procedure, Chapter 51, "Fugitives from Justice";
 - b. book the arrested person directly into the custody of Tri-City Jail;
 - c. if the arrested person is not booked into the custody of Tri-City Jail, then they should be booked into the custody of the Dallas County Sheriff's Department as soon as practical.
2. The existence of a warrant from another state does not provide officers the authority to enter a third person's residence to make the arrest. Officers may only enter a third person's residence in the following circumstances:
 - a. with consent to search from the resident or person having control of the property;
 - b. with a search warrant for that residence in order to enter and make the arrest; or
 - c. while in fresh pursuit of the wanted person.

H. CHANCE ENCOUNTERS

1. Whenever an officer lawfully stops or otherwise detains and identifies a person, he may concurrently initiate a records check to determine whether any arrest warrant is outstanding against that person.
2. To conduct a records check, an officer may detain a person who he has lawfully stopped for a reasonable period of time. For a routine records check by radio, telephone, teletype, or computer terminal, the detention should not exceed a reasonable amount of time. However, detention may be extended, but no longer than necessary, if the officer has a reasonable suspicion that a warrant is outstanding.
3. An officer may prevent a person detained for a warrant check from leaving the officer's presence.
 - a. The person may be required to wait in the officer's vehicle, in his own vehicle, or in some other convenient place.
 - b. The person may be frisked if the officer reasonably suspects that he may be armed.

I. PLANNED EXECUTIONS OF ARREST WARRANTS

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1. Prior to executing an arrest warrant, the officer in charge shall notify his/her chain of command.
2. The time of day for executing the arrest warrant shall be based on the following rules:
 - a. execute during daylight, unless circumstances make this dangerous or impractical;
 - b. execute when the person named in the warrant is most likely to be present;
 - c. execute when resistance is least expected and best controlled;
 - d. minimize the inconvenience to other persons who may be on the premises, unless other circumstances make this impractical;
 - e. balance officer safety, effectiveness, and convenience.
3. An officer may serve the warrant at any place, public or private, where the individual named is reasonably believed to be located.
4. Officers need not execute the warrant at the first possible opportunity to do so, but may choose the time and place in accordance with these rules. However, an officer shall not select the time and place of arrest solely to embarrass, oppress, or inconvenience the arrestee.
5. An officer shall not use force to enter private premises to execute a misdemeanor arrest warrant.
6. In general, when seeking to enter a private premise for the purpose of serving a misdemeanor warrant, an officer shall ring the doorbell or knock on the door, announce his intentions and purpose, and request that the defendant exit the residence. If the defendant will not exit the residence, an officer must obtain permission to search the residence before entering. This permission must be given, and a signed consent to search by an adult who has care, custody, and control of the household.
7. Generally when executing a felony arrest warrant an officer should announce his intention and purpose before entering a private premise unless doing so would compromise the safety of the officers.
8. If an officer must make a forcible entry, the officer shall enter the premises by the least forceful means possible under the circumstances. Although entry may necessarily include breaking a door or window, an officer must strive to inflict as little damage as possible to the premises.
9. Whenever an officer must forcibly enter private premises to execute a felony arrest warrant, the officer in charge of the operation shall have enough officers present, and take other appropriate measures to protect the safety and security of all persons present. To identify the group as officers, at least one fully uniformed officer should lead the entry into the premises.
10. After forcibly entering private premises to execute a felony arrest warrant, officers shall immediately secure the premises by locating, and controlling the movement of all persons who reasonably appear to present a threat to the safety of the officers. Officers shall also control any

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object that may be used as a weapon. An officer may frisk any person who the officer reasonably suspects may have a weapon concealed upon his person.

11. Any detention, warrantless arrest, frisk, search, seizure, or use of force conducted in conjunction with the execution of an arrest warrant shall conform to the rules governing such activities.
12. An officer shall leave the premises at least as secure as when he entered by leaving it in the hands of a responsible person or by locking all doors and windows if possible.

J. EXECUTION OF LOCAL WARRANTS BY OTHER DEPARTMENTS

1. Whenever another law enforcement agency within Texas holds a prisoner on a Class B misdemeanor or above warrant from this department, the Dallas County Sheriff's Department shall either pick up the prisoner or notify the holding agency to release him.
2. Whenever an out-of-state department has executed a felony arrest warrant originating from this department and is holding the person arrested, the Dallas County Sheriff's Department shall pursue extradition proceedings.
3. If a person is in custody for a City of Lancaster Municipal Court Class C misdemeanor warrant and is being held outside of the city, the Lancaster City Marshal will pick up the prisoner when they are available. When the City Marshal is not available, the department is responsible for picking up the prisoner. The prisoner should be picked up within twenty-four (24) hours of notification.

K. NO BOOK WARRANT SERVICE PROCEDURES

1. An officer may allow a violator to pay their fines in full rather than booking the violator into the Tri-City jail for Class C misdemeanor warrants issued by the City of Lancaster Municipal Court when the defendant has the money immediately available.
2. Officers who wish to serve City of Lancaster Municipal Court Class C misdemeanor warrants without booking the defendant into the Tri-City jail should follow these procedures:
 - a. confirm that the warrant matches the identity of the person detained as described in this directive;
 - b. confirm that the defendant has a sufficient amount of cash to pay the full amount of the fine(s) or he or she can obtain the cash quickly;
 - c. if the defendant has the cash necessary or can obtain the cash quickly, then the officer should follow the defendant to the City of Lancaster Municipal Court;
 - d. if the defendant has no transportation and has to be handcuffed and transported to the City of Lancaster Municipal Court, then an arrest report is necessary even if the defendant is not booked into jail;

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- e. the defendant can only pay during business hours. The defendant should be escorted to the City of Lancaster Municipal Court and the City of Lancaster Municipal Court will take the money, retrieve the warrant, and handle all other aspects of the process. Officers are prohibited from handling any of the cash during any part of the transaction;
- f. if after a reasonable amount of time has elapsed, as determined by the officer or the officer's supervisor and the defendant is unable to pay the fine, the defendant should be booked into the custody of Tri-City Jail and the standard warrant service procedure will be followed.

L. OUT OF COUNTY ARREST REQUIREMENTS

1. All officers serving warrants in counties other than Dallas County are required by Article 15.16, Texas Code of Criminal Procedure to have the arrestee arraigned in the county of arrest prior to returning to Dallas County. However, Article 15.17, Texas Code of Criminal Procedure allows for the arraignment in any Texas county to expedite the magistrate's warning.
2. The arresting officer may have the arrestee sign a Waiver of Magistrate's Hearing for the county of arrest, and proceed immediately to Dallas County. However, it will be imperative that the arrestee be arraigned before a magistrate in Dallas County.

M. ARRESTS WITHOUT A WARRANT (TPCA 7.03)

1. Federal and state constitutions protect individuals from arbitrary and oppressive interference with privacy by law enforcement officials. Further, officers must have probable cause that a crime has been committed, and that the person to be arrested has committed the crime.
2. The Texas Code of Criminal Procedure, in Chapter 14, gives officers the authority to make warrantless arrest, supported by probable cause.
3. An officer who has reasonable time and opportunity to obtain an arrest warrant shall do so. An officer shall not make a warrantless arrest except as provided further in these rules or otherwise expressly authorized by statute.

N. PROBABLE CAUSE FOR WARRANTLESS ARRESTS

1. No officer shall make an arrest without first establishing probable cause. Officers must rely on special training, skills and experience in determining whether probable cause exists.
2. An officer may make an arrest without a warrant when requested to do so by another officer, provided the arresting officer has no reason to doubt the requesting officer has established probable cause to make that arrest.

O. OFFENSES COMMITTED IN THE OFFICER'S PRESENCE

1. An officer acting within his jurisdiction may, without a warrant, arrest an offender for any offense committed in the presence of that officer with the exception of the open container statute and speeding in which cases the officer must afford the violator the opportunity to sign a citation.

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2. While outside his jurisdiction but within the State of Texas, an officer may arrest a person without a warrant for a felony or a breach of the peace which is committed in the presence of that officer.
3. Officers shall arrest a person in violation of a valid protective order when committed in the officer's presence.

P. FRESH PURSUIT AND WARRANTLESS ARREST

1. The procedures set forth below address "fresh pursuit" as a concept and must be applied in accordance with departmental policy that governs vehicle pursuits.
 - a. A Peace Officer may, in accordance with Texas Code of Criminal Procedure, pursue an offender and make an arrest without a warrant even:
 - i. if the officer is outside his normal jurisdiction and/or
 - ii. after the offense has occurred.
 - b. An officer may, without a warrant, pursue an offender who is escaping from the officer's presence only under the following circumstances:
 - i. when the officer has probable cause to believe that the offender has committed a felony;
or
 - ii. when the offender has, in the presence of an officer, committed a felony or misdemeanor that involves a breach of the peace, and a recurrence or continuation of the offense is likely.
 - c. An officer may use fresh pursuit in order to arrest an offender anywhere within the State of Texas.
 - d. Officers will, however, temper their pursuits to ensure compliance with Directive 7.10.1 "Vehicle Pursuits."

Q. OFFENSES OUT OF THE OFFICER'S PRESENCE

1. An officer shall obtain an arrest warrant whenever the officer has reasonable time and opportunity to obtain one.
2. An officer is authorized to make a warrantless arrest when:
 - a. Verbally ordered by a magistrate;
 - b. The officer finds a person in a suspicious place and under circumstances that give the officer probable cause to believe that such person:
 - i. has committed a felony;

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- ii. has committed an offense which is a breach of the peace and which will likely continue;
 - iii. Threatens to commit or is about to commit some offense against the law;
 - iv. Has committed an assault resulting in the bodily injury to another person and believes there is danger of further bodily injury to that person;
 - v. Has committed a violation following under Section 25.07 "Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, or Stalking Case," Texas Penal Code, not in the officer's presence. Article 14.03(b), Texas Code of Criminal Procedure mandates an arrest when an offense under this section occurs within the officer's presence;
 - vi. Persons who an officer has probable cause to believe have committed an offense involving family violence;
 - vii. Persons who an officer has probable cause to believe have prevented or interfered with an individual's ability to place a telephone call in an emergency, as defined by Section 42.062(d) "Interference with Emergency Request for Assistance," Texas Penal Code, if the offense is not committed in the presence of a peace officer.
- c. The officer is informed by a credible person that a particular person has committed a felony and:
- i. the offender is about to escape; and
 - ii. there is insufficient time to obtain a warrant.

R. SELECTIVE ENFORCEMENT

1. Except as to felonies, violations of protective orders in an officer's presence and family violence, an officer does not have to make an arrest every time the officer has probable cause to do so. In some circumstances, and consistent with the public interest, the officer may decline to arrest.
2. When an officer declines to make an arrest, despite probable cause, the officer should inform the suspect:
 - a. that his or her conduct has come to official attention;
 - b. he will be arrested if he or she continues or repeats such conduct;
 - c. that a warrant may be filed for the previous conduct if probable cause exists.
3. An officer shall be able to articulate the reason(s) for his or her decision not to arrest, despite the presence of probable cause.
4. In determining whether to arrest, the officer shall not consider the race, creed, religion, or any other arbitrary classification of the suspect or victim.

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S. DELAY IN MAKING AN ARREST

1. An officer shall obtain an arrest warrant in order to arrest someone who committed a misdemeanor in the presence of that officer, if that officer did not immediately make the arrest:
 - a. at the time the misdemeanor occurred; or
 - b. while there was a continuing danger of a renewal of the misdemeanor, if it was a breach of the peace.
2. An officer shall obtain an arrest warrant if a felony is committed in his presence and he fails to arrest the offender at that time. A delay in making the arrest without a warrant is reasonable when:
 - a. necessary to overcome resistance by the offender;
 - b. necessary for the safety of the officer or others; or
 - c. the officer is in fresh pursuit of the offender.

T. DUTY TO INFORM ARRESTEE

1. The officer making the arrest will ensure that the person arrested knows that he or she is being arrested and the reason for the arrest, if circumstances permit.
2. The officer may place an unconscious, mentally ill, or injured person under arrest even though such person is incapable of understanding that he or she is under arrest.

U. DUTY TO IDENTIFY

1. When not in uniform, an officer making an arrest shall display the officer's badge or police identification and state that he or she is a police officer.

V. DUTY TO SEARCH (TPCA 10.01a, 10.02b)

1. Upon the arrest of any person (juvenile or adult), the arresting officer shall thoroughly search the person(s) arrested and remove all contraband, evidence, and weapons or potential weapons.

W. SITE SECURITY OFFICER

1. Whenever an arrest is made, regardless of the number of persons arrested, the arresting officer or on-scene supervisor shall designate an officer to act as the site security officer.
2. The site security officer shall be responsible for ensuring that the arrested person is properly searched, restrained and monitored for any medical difficulties, to prevent harm or escape. (TPCA 10.01f, 10.02d)

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3. When multiple persons are arrested, more than one site security officer may be designated in order to ensure property monitoring can be accomplished.

X. TRANSPORTATION OF PRISONERS

1. Officers will follow all procedures and rules in regards to transportation of prisoners outlined under Directive 10.03.1 "Prisoner Transport."

Y. PROBABLE CAUSE AFFIDAVITS AND WARRANT

1. A probable cause affidavit and warrant must be completed by the officer for all custody arrests made without a warrant.

Z. MIRANDA WARNING (TPCA 7.04)

1. An arrested person must be given their Miranda Warning before being questioned about the offense for which the person was arrested, for another offense for which the person is a suspect, and/or a custodial interrogation. Generally, the warning is not required if the person is not under arrest and is not a suspect.
2. There is not an exact script for the warning, the following warning meets the minimum requirement:
 - a. You have the right to remain silent.
 - b. Anything you say can and will be used against you in a court of law.
 - c. You have the right to speak to an attorney, and to have an attorney present prior to and during any questioning.
 - d. If you cannot afford an attorney, one will be provided for you prior to and during any questioning.
3. The officer must ascertain – either after each statement or at the end of the warning – whether the person understood. The officer must also obtain an acknowledgment from the person that the person is waiving the right to remain silent prior to questioning the person.
4. The officer administering the warning must document the date, time and location of the warning, and the names of any person who witnessed the warning. Where possible, the officer should obtain a signed acknowledgment that the warning was given to and understood and waived by the person.

AA. ARRESTING FOREIGN NATIONALS AND UNDOCUMENTED CITIZENS

1. In the arrest of undocumented aliens, officers may not arrest an alien without a warrant, solely upon suspicion that he or she has entered the country illegally. An arrest without a warrant can be made only when a state or local misdemeanor offense occurs within the officer's presence, or

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if the requirements of Articles 14.03 and 14.04 of the Texas Code of Criminal Procedure with regard to felony violations, are satisfied.

2. When an officer legally takes a person into custody and the officer suspects that the arrested person may be in this country illegally, the officer may ask jail personnel to contact the United States Immigration and Customs Enforcement (ICE) and request a detainer. Officers are encouraged to contact ICE any time questions arise concerning an arrest of any person who is suspected of being an illegal alien.
3. When a person who is a citizen of another country is arrested and transported to Tri-City Jail, it is the responsibility of the jail personnel to advise them of the right to Consular notification. Some countries have mandatory notification and some countries require that the arrestee is asked if he/she wishes to have their Consular notified. The Consular Notification and Access list is maintained by Tri-City Jail. (TPCA 10.22)

BB. OFFICER SAFETY

1. Officers shall at all times ensure the safety of all third party individuals, other officers, and themselves.
2. In accordance with Supreme Court ruling established in the case *Terry v. Ohio*, 392 U.S. 1 (1968), officers can for their safety, conduct a pat-down of a person's outer clothing if the officer has reasonable suspicion to believe that the person is armed. This reasonable suspicion must be based on "specific facts" – facts which an officer can articulate, and not merely upon an officer's hunch. This procedure is commonly called "stop and frisk" or just a "frisk."
3. "Plain Feel" Doctrine
 - a. In addition to the "stop and frisk" and in accordance with the "Plain Feel" doctrine, officers may seize contraband discovered in the course of a frisk, but only if the contraband's identity is immediately apparent at the time of the frisk.

CC. DISPOSITION OF INJURED OR ILL ARRESTEE

1. Officers must summon medical aid for any arrestee who is ill or who sustains injury prior to, during or after arrest. If, after examination by EMS personnel, transportation to the hospital is necessary, the prisoner will be taken either by ambulance or patrol car. Prisoners who refuse to be taken to the hospital will be instructed by EMS personnel to sign a refusal statement. The attending officer should obtain a copy of pertinent EMS records pertaining to the prisoner and leave it at Tri-City Jail along with all other related paperwork. A written medical release, signed by the attending physician, must be obtained by the officer for any prisoner taken to a medical facility for treatment. This release must be obtained before the prisoner can be booked into the custody Tri-City Jail. If, in the attending physician's opinion, the arrestee must remain in the hospital, the arresting officer will notify the on-duty supervisor immediately. (TPCA 10.01c, 10.12)
2. A supervisor may determine, after review of the charge and fact situation that continued detention is not in the best interest of the prisoner and/or the department. If this is the case, the supervisor shall cause the prisoner to be released and insure that proper release documentation is made.

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Warrant(s) on the released prisoner may be obtained at a later date. The supervisor shall document the release by completing a supplemental report and sending an email to the Assistant Chief of Police in the supervisor's chain of command.

3. Upon the supervisor making the decision to release a prisoner for medical reasons, who has been arrested for a warrant, it shall be the responsibility of that supervisor to ensure that the issuing department has been notified of the prisoner's release.

DD. RELEASE FROM ARREST

1. Officers may encounter a circumstance where probable cause develops to arrest a person for an offense, only to find out shortly thereafter that the person under arrest did not commit a crime, or that the event was not a crime. It is imperative then that the officer end the arrest process and release the person as soon as possible.
2. If the arresting officer determines that probable cause no longer exists to arrest a suspect, and the officer is satisfied that the person under arrest either did not commit the crime or that the crime did not occur, the officer shall immediately notify the on-duty supervisor and alert them to the situation.
3. The first line supervisor will determine the next course of actions.
4. When an officer releases a subject from arrest, the officer shall return the person to the place of the arrest, if the location is safe. The officer shall not release the person along the roadside. If a vehicle has been towed, the vehicle shall be returned to the operator/registered owner unless it is required as evidence, or some other legal authority assumes custody of the vehicle.
5. The officer shall document in an incident report the following information:
 - a. the date and time of arrest;
 - b. the person arrested (name, address, date of birth, race);
 - c. the location of arrest;
 - d. probable cause for the arrest and the specific charge(s);
 - e. the location and time of release from arrest and whether the person was transported;
 - f. the reasons or discovery of information which led the officer to release from arrest;
 - g. any witnesses to the alleged crime, or to the fact the person arrested was allegedly involved; and
 - h. whether force was used in making the arrest, and if so, the nature of any force used and the consequences (including medical aid).

EE. IMMUNITY FROM ARREST

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1. Legislative immunity
 - a. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are in route to or from congressional business, except for traffic summonses.
 - b. Members of the Texas Legislature are exempt from arrest during a legislative session (or allowing for one day for every twenty (20) miles such member may reside from the place where the legislature meets before the beginning or after the ending of any session) except in cases of treason, a felony, or a breach of the peace.
2. Diplomatic immunity
 - a. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege and immunity is a card issued by the United States State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.
 - b. Upon exhibiting proof of diplomatic immunity, person shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or an arrest for a felony is necessary, call and advise the United States State Department Office of Security (202-647-4415 - days or 202-647-1512 – nights and weekends.)

FF. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.