

**GEORGIA MUNICIPAL ASSOCIATION
EXCELLENCE IN POLICING CERTIFICATION
PROGRAM RESOURCE MANUAL**



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About this Manual

This resource document is provided for review by local governments pursuing an Excellence in Policing (EIP) Certification.

This resource document includes the following twelve Georgia Association of Chiefs of Police (GACP) policy directives: Human Resources/Equal Employment Opportunity, Property and Evidence, Vehicle Operations, Search and Seizure, Use of Force/Response to Aggression, Arrest, Off-Duty and Extra-Duty Employment, Other Equipment, Persons Experiencing Mental Health Issues/Persons with Diminished Capacity, Multi-Jurisdictional Task Force, Body-Worn and In-Car Cameras, Public Safety Information Officer.

In addition, this resource document provides general information about how adoption and implementation of policies that meet these directives benefits communities and reduces the local government's exposure to liability. This general information reflects the understanding of the GACP at the time of publication.

This resource document does not contain legal advice. A local government seeking a legal review of its policies and implementation practices should request such a review directly from its attorney.

Neither the Georgia Municipal Association (GMA) nor Local Government Risk Management Services (LGRMS) is the author of policy directives or guidance related to policy directives.

Excellence in Policing Certification Program and Process

The Program

The Excellence in Policing (EIP) Certification Program is a cooperative effort between the Georgia Municipal Association (GMA), Georgia Association of Chiefs of Police (GACP), and the Georgia Interlocal Risk Management Agency (GIRMA).

Georgia cities of all sizes can demonstrate a commitment to the highest professional standards while reducing law enforcement liability in a cost-effective and efficient manner through the EIP Certification Program. The program walks agencies through the process of strengthening departmental policies and practices and offers peace of mind for city leaders. This certification can be a stepping stone for cities seeking Georgia Law Enforcement Certification and is a requirement for cities that participate in GMA's Certified City of Diversity, Equity, Inclusion, & Belonging program in the category of Public Safety and Restorative Justice.

The EIP Certification Program is the result of the work of a 16-member Advisory Council created by GMA in 2021 that included representatives from GACP, GIRMA, Local Government Risk Management Services (LGRMS), mayors, police chiefs, attorneys, a community activist, and a mental health expert. The charge of the Advisory Council was to use the existing Risk Reduction Certificate program activities and standards as a basis to build an enhanced certification program that would assist agencies with model policies, resources, and best practices that meet standards in line with other certification programs. Using this information, twelve policy areas were created that require agencies to implement specific directives, processes, and procedures to satisfy each policy area. Each policy area requires departments to demonstrate the implementation of operational procedures - including training, documentation, and supervisor review requirements - to ensure that agencies comply with the EIP Certification program directives.

The **certification is good for three years**. In return, LGRMS will provide consultation services to governing authorities participating in GIRMA to receive a **five percent reduction** in their law enforcement liability premiums upon request.

Public safety agencies, GMA, GACP, GIRMA, and LGRMS are participating in the Excellence in Policing Certification Program to administer liability insurance or self-insurance coverage to the agency. Accordingly, they intend for the exemption found in O.C.G.A. § 50-18-72(a)(45) to apply to all documents and materials prepared as part of the certification process to the maximum extent permitted by Georgia law.

The Process

Attaining the certification is a six-step process.

STEP 1: Review the Excellence in Policing Certification Program Directives and Supporting Materials

Department leaders should access the **EIP Certification Program Directives**, which are available exclusively via the [GMA Excellence in Policing website](#). Users of the [GACP website](#) or the [LGRMS website](#) will be redirected to the GMA Excellence in Policing website to access the directives.

The Directives - as compiled in this manual - are complemented by three sections titled “Additional Guidance”, “Why It Matters”, and “Legal References” (if applicable). In addition, the EIP Certification Program partners have created a collection of model polices and plan to provide educational webinars to guide elected officials and agency leaders through the development and implementation of procedures for each area of the program. The model policies and webinars are available in the **Resource Library** of the **EIP Portal**, which is the online management platform for the program. Taken together, these resources outline the background information related to each policy area and assist leaders as they implement the program directives.

STEP 2: Submission of Application

Visit the [GMA Excellence in Policing website](#) and click on the light blue “Apply Now” button to access the online **EIP Application** via the **EIP Portal** (see Figure 1 below).

Excellence in Policing



Public safety is a primary responsibility of local government and one that makes up a significant part of a city's budget and receives an outsized share of public scrutiny. City leaders are working tirelessly to address the challenges of rising violent crime, high position vacancy, while mitigating risk and addressing community demands and expectations. In response to these concerns and as part of its Equity and Inclusion program, the Georgia Municipal Association (GMA) created a 16-member Advisory Committee in 2021 that worked to develop a certification program to support agencies and cities to help achieve, maintain, and recognize excellence in policing. The intent is to provide Georgia law enforcement agencies with model policies, resources, and best practices that meet standards in line with other certification programs and can be implemented in a cost-effective and efficient manner.

[Download the Committee Report](#)

Certification Program

The Excellence In Policing (EIP) Certification program is a cooperative effort between the Georgia Municipal Association (GMA), Georgia Association of Chiefs of Police (GACP) and Local Government Risk Management Services (LGRMS). This certification is a stepping-stone for cities seeking Georgia Law Enforcement Certification and is a requirement in GMA's Certified City of Diversity, Equity, Inclusion, & Belonging program in the category of Public Safety and Restorative Justice. The program is currently available to cities that participate in GMA's property and liability program, the Georgia Interlocal Risk Management Agency (GIRMA).

[Download the Flyer \(PDF\)](#)

[Apply Now](#)

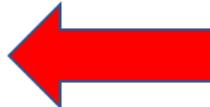


Figure 1

The application requires a \$150 fee payable by credit card for first-time applicants, which can be paid online in the EIP Portal and is due at the time of application. Click on the red button marked "Pay and Apply" (see Figure 2 below) to proceed to the online payment system.

Member	Initiative	Action
ANYTOWN	Excellence In Policing (EIP)	Apply

Figure 2

Once you have completed the online payment process, you may start the application by clicking the “Apply” button (see Figure 3 below).

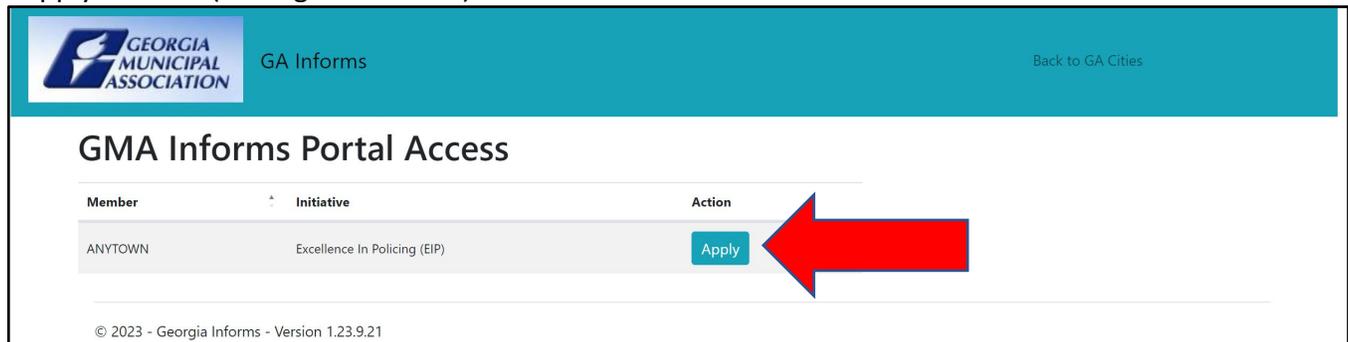


Figure 3

Please complete the **EIP Application** form by providing the following (required) information (see Figure 4 below):

- Name of Law Enforcement Agency
- Street Address
- City
- Zip Code
- Telephone
- County
- # of Authorized Full-time Sworn Personnel
- # of Authorized Full-time Civilian Personnel
- # of Authorized Part-time Sworn Personnel
- # of Authorized Part-time Civilian Personnel
- Service Area Population
- Service Area in Square Miles
- Agency Head
- Certification Primary Contact Person - Please select from dropdown menu, which will auto-populate the remaining required fields
- Additional Authorized Representative of Local Government for Notices related to this Agreement:
 - Name
 - Title
 - Email
 - Street Address
 - City
 - State
 - Zip Code



Excellence In Policing (EIP) Section 5A Cities

Application for ANYTOWN

Go to: Page 1 of 3

Agency
*Indicates required items

The Excellence in Policing (EIP) Certification program is a cooperative effort between the Georgia Municipal Association (GMA), Georgia Association of Chiefs of Police (GACP) and Local Government Risk Management Services (LGRMS). This certification is a stepping-stone for cities seeking Georgia Law Enforcement Certification and is a requirement for cities that participate in GMA's Certified City of Diversity, Equity, Inclusion, & Belonging program in the category of Public Safety and Restorative Justice.

The program consists of 12 policy areas that require agencies to implement specific directives, processes and procedures to satisfy each policy area. Each policy area requires departments to demonstrate the implementation of operational procedures, training, provide documentation, and supervisor review requirements to ensure agencies comply with the EIP Certification program requirements.

The policy areas include:

1. Human Resources/EEO Plan
2. Property and Evidence
3. Vehicle Operations and Pursuit
4. Search and Seizure
5. Use of Force/Response to Aggression
6. Arrest
7. Off-Duty & Extra-Duty Employment
8. Other Equipment
9. Crisis Incident Stress Management
10. Multi-Jurisdictional Task Force
11. Body and Car Cameras for All Officers
12. Public Safety Information Officer

The EIP certification is good for three years. The program is available to cities that participate in GMA's property and liability program through the Georgia Interlocal Risk Management Agency (GIRMA). Agencies achieving EIP Certification are eligible to receive a five percent reduction in their law enforcement liability premiums upon request.

Name of Law Enforcement Agency *

Street Address *

City *

Zip Code

Telephone *

Figure 4

Clicking the “Next” button on the bottom right (see Figure 5 below) will generate a screen asking whether your agency utilizes the software platform “PowerDMS”.

County *

of Authorized Full-time Sworn Personnel *

of Authorized Full-time Civilian Personnel *

of Authorized Part-time Sworn Personnel *

of Authorized Part-time Civilian Personnel *

Service Area Population *

Service Area Square Miles *

Agency Head *

Certification Primary Contact Person *

Choose... v

First Name *

Last Name *

Title *

Contact Telephone *

Email Address *

Additional Authorized Representative of Local Government for Notices related to this Agreement, if applicable

Representative Name

Representative Title

Representative Email

Street Address

City

State

Zip Code

Next

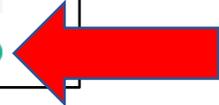


Figure 5

Please choose “Yes” or “No” and click the “Next” button (see Figure 6 below).

EXCELLENCE IN POLICING Excellence In Policing (EIP) Back to GA Cities

Application for ANYTOWN

Go to

Page 2 of 3

Certification Management
* indicates required items

Does the agency utilize PowerDMS? *

Yes No

Figure 6

If there is no missing or incomplete information, this step will generate a screen with a confirmation message (see Figure 7 below). Click on the green “Continue” button to return to the GMA website.

EXCELLENCE IN POLICING Excellence In Policing (EIP) Back to GA Cities

Your EIP application has been successfully submitted.

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Figure 7

Your successful submission of the application will also create an electronic copy of the application form in GMA’s system. This form serves as GMA’s confirmation of your application and will be routed to your agency’s designated contact person (as indicated on your application) for their electronic signature. Please note that the following persons or entities will receive this form for their electronic signatures:

- Agency Designated Contact
- Agency Head
- Georgia Association of Chiefs of Police
- Georgia Municipal Association
- Local Government Risk Management Services

After these five required electronic signatures have been submitted, GMA will provide a copy of the executed document to the applying agency and will also retain it as a record of your agency’s participation in the EIP Certification Program.

Once the agency’s application has been reviewed and approved by GMA, the applicant’s designated contact person will receive a confirmation email with the request to login to the **Member Portal** via the yellow “LOGIN” button on the top right of the [GMA website](http://gacities.com) (see Figure 8 below).

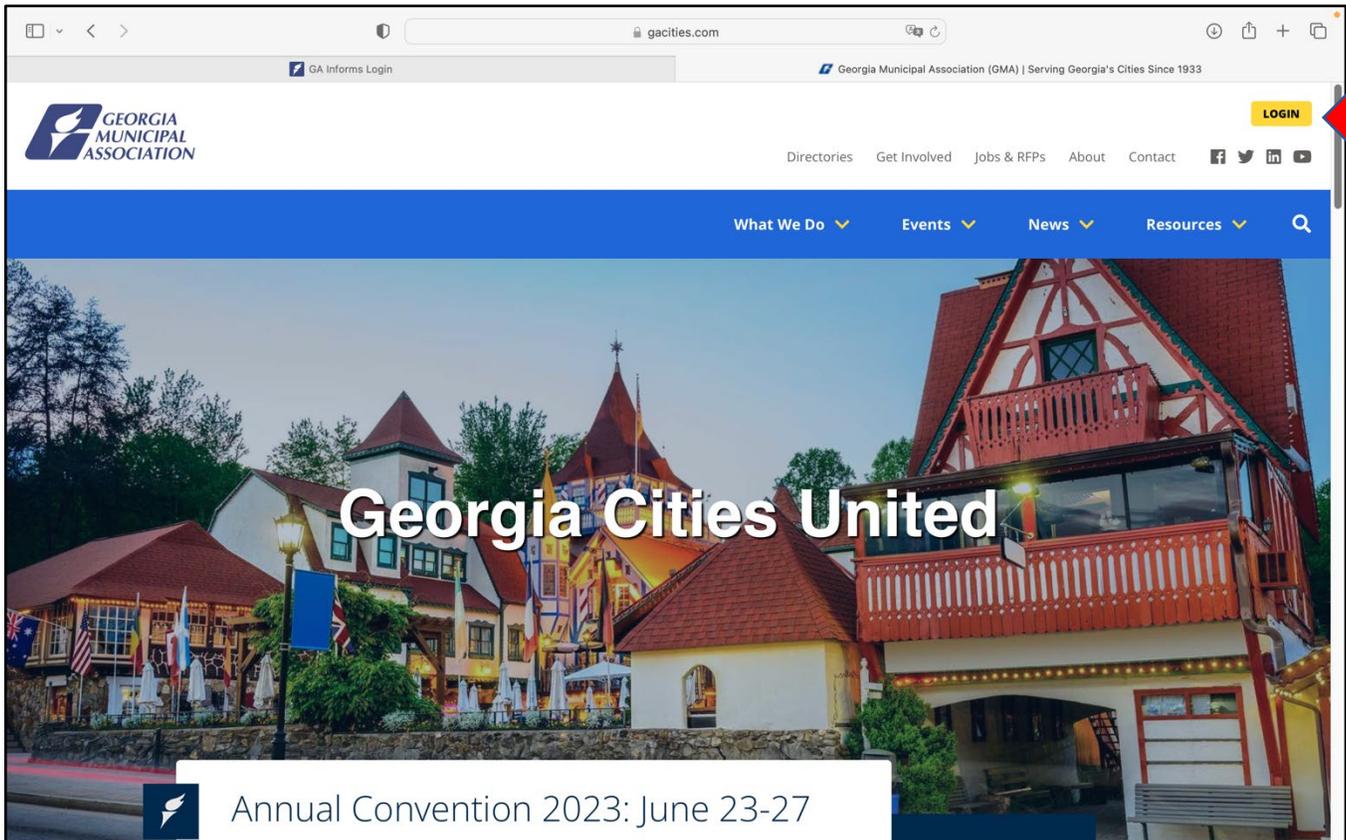


Figure 8

STEP 3: Development and Implementation of Policies

Upon your successful login to the **Member Portal**, you will be prompted to confirm that you are the EIP **Designated Contact** for the participating agency. If you would like to proceed with the EIP Certification Program, please click the “Yes” button on the left followed by the green “Complete” button on the bottom right of your screen (see Figure 9 below).

EXCELLENCE IN POLICING Excellence In Policing (EIP) Back to GA Cities

Application for ANYTOWN

Go to Affirmation Save

Page 3 of 3

Affirmation
* indicates required items

I affirm that I am a Designated Contact for the agency named above, which is participating in the Excellence in Policing Initiative administered by Georgia Municipal Association.

As such:

- I am currently employed by the Local Government named above and authorized to act on behalf of the Participating Agency to add policy documents, enter information, review information posted in the Portal and otherwise use the Portal solely for the purpose of administering the Excellence in Policing certification program.
- I will only provide accurate and current information through this Portal and will never upload any document other than a policy document.
- I understand that certain instructions and materials made available to me through the Portal are proprietary in nature, and I will not disclose any materials on the Portal to anyone other than Agency officials assisting with the Certification process without express written permission of GMA.
- I will not disclose any materials or answers or other information posted by the Agency in the Portal without permission of the Agency Head.
- I will keep my Portal password/passphrase secure and will never share it with anyone, ever.
- I will immediately email GMA at GCSPortal@gacities.com if I am no longer authorized to access the Portal.
- If I suspect that there has been unauthorized use of my Portal account, I will immediately change my password, examine my Portal submissions for accuracy, and notify GMA by emailing GCSPortal@gacities.com.

Yes No

Previous Complete

Figure 9

You may now begin the process of developing and implementing the policies and other activities required by the certification program. **Agencies will have to address all twelve policy areas that make up the EIP Certification Program.** This is the most important and time-consuming stage of the application process.

For your reference, this manual includes supporting materials for the twelve policy areas and their respective directives, and the Resource Library of the EIP Portal provides links to model policies and other resources. Together, this information will assist agency personnel in creating policies that comply with the directives and accurately reflect the processes personnel are to follow.

As your agency's policies are being developed, it is important that leaders not simply cut and paste a policy and claim to comply with the program directives. Rather, the policy, training, supervisor review, and documentation requirements must be tailored to accurately reflect the processes and performance expected of officers.

When the policies are implemented, and the agency is preparing **Proofs of Compliance** (for details, see pages 105-126 of this manual), it is critical that the agency prepare them in an organized manner. Each policy directive and the proofs should be organized and stored digitally and/or placed in a three-ring binder with dividers between each directive or in separate folders.

The agency can submit documentation for the **Excellence in Policing Certification Audit Questions** in the **Member Portal**. The portal offers the following functions (see Figure 10 below):

- Click on the “+” symbol on the left next to one of the twelve policy areas to start the process of responding to audit questions.
- Click on the “pencil” symbol to return to a policy area in progress as needed to edit existing or add new information.
- Click on the “folder” icon to review information submitted in any of the twelve policy areas.
- Click on the “printer” icon to download, save and/or print a copy of the audit questions in the selected policy area (this can be done at any point in the process).

Excellence In Policing (EIP) - ANYTOWN

Welcome Ms. Kay Love on behalf of Harland Sanders! [Revert](#)

Excellence In Policing (EIP) Profile

Harland Sanders [Documents](#) [Resources](#)
 Fried Chicken Expert and the King of All Things Chicken
 kdickens@gmanet.com
 (555) 555-5555

Member Activities

October 2023

- Request Access (3)
- Policy Areas (1)
- Meeting (0)
- Training (0)

Application

Reviewed By: N/A
 Status: Approved
 Agreement Finalized: 10/3/2023 [↓](#)

Excellence In Policing Certified

In Progress

Category	Points Earned	Status	Approved
+ 📁 Application	0	Approved	10/3/2023 11:14:07 PM
✎ 📁 1.0 Human Resources/Equal Employment Opportunity (EEO)	0	In Progress	
+ 📁 2.0 Property and Evidence	0	Ready	

Figure 10

Within each of the twelve policy areas, applicants will be able to indicate whether their agency uses PowerDMS. If you select “Yes” for the question “Is policy in PowerDMS?”, you do not need to upload any policies for documentation. You will be asked to indicate the policy document name and relevant page number(s) in the first column, followed by section number(s) for each question in the second column (see Figure 11 below).

EXCELLENCE IN POLICING Excellence In Policing (EIP)

Exit to Dashboard

2.0 Property and Evidence for ANYTOWN

Resource Guide: Test - 2.0 P_E - EIP Certification Program Manual.pdf

Go to: Property and Evidence Audit Questions Save Save & Return to Dashboard

Page 1 of 1

Property and Evidence Audit Questions
* indicates required items

All policies related to the Property and Evidence Audit Questions are either available to us via PowerDMS, or they should be uploaded per the instructions below.

If your agency/city stores policies in PowerDMS, you **do not** need to upload any documents on this page. Instead, please indicate the policy document name(s) when specifying page(s) and section(s) in the text boxes below. This will facilitate the compliance review process.

If your agency/city does not use PowerDMS, policy documents should be uploaded as follows:

- If you have a file available for a specific question, please upload the file for that question.
- If your policies cover multiple audit questions, but are contained in one file, please upload the entire file using the 'Upload Property & Evidence Policy' button. When answering subsequent questions, please include the policy document name when specifying page(s) and section(s) in the text boxes.

Questions? Please contact EIPportal@gacities.com

Is policy in PowerDMS? *

Yes No

2.10 The department shall have a policy governing identification, collection, packaging, storage, and disposal of property and evidence. At a minimum, this policy shall address:

a. Evidentiary procedures outlining the steps to identify, collect, label, document, and package property and evidence

Policy Document Name and Page(s) * Section(s) *

Figure 11

If you select “No”, you will need to upload files and indicate the policy’s name, page number(s), and section number(s) for each question of the twelve different policy areas (see Figure 12 below). The purpose of this process is to ensure that the program auditor can easily find the policy and review it for compliance.

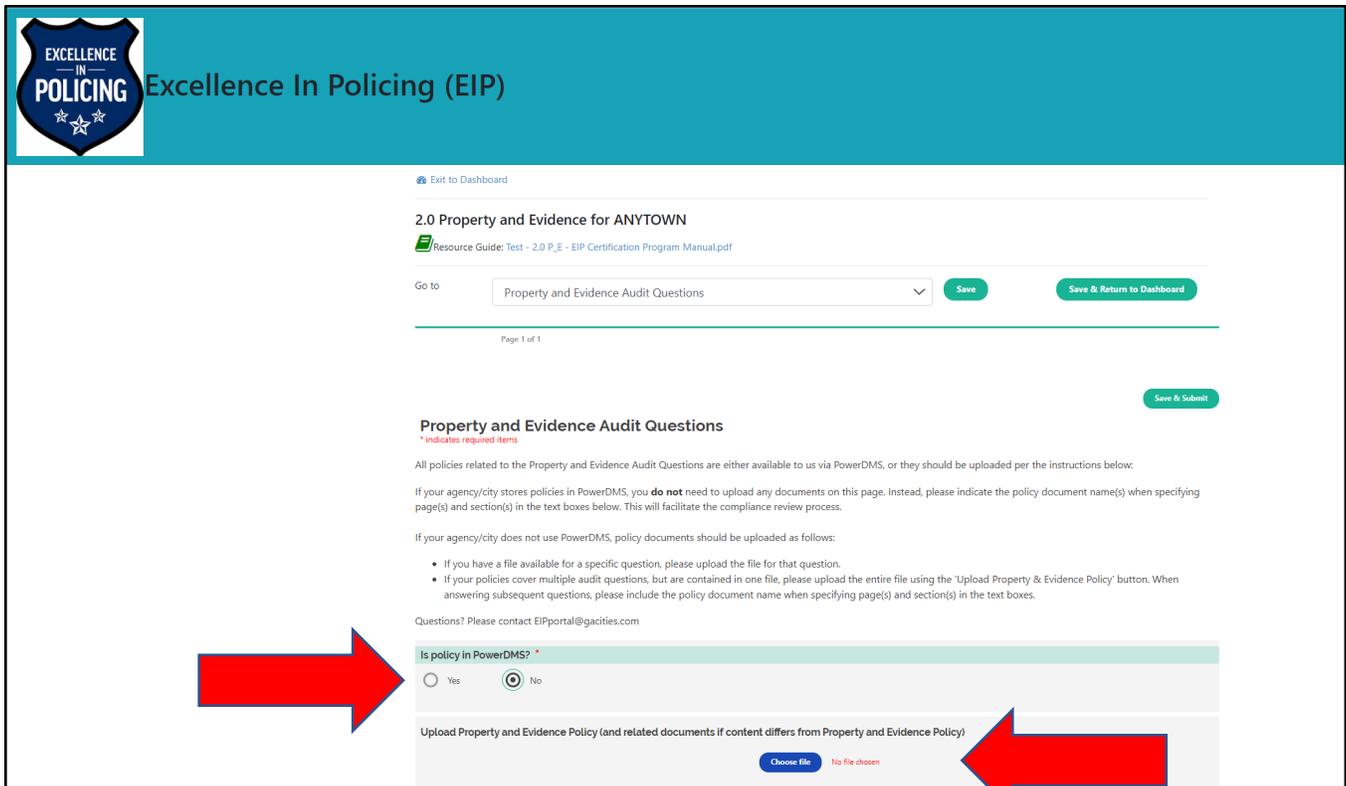


Figure 12

As you are uploading files and filling other (required) fields in the audit questions for each of the 12 policy areas, you have three options to save your work (see Figure 13 below):

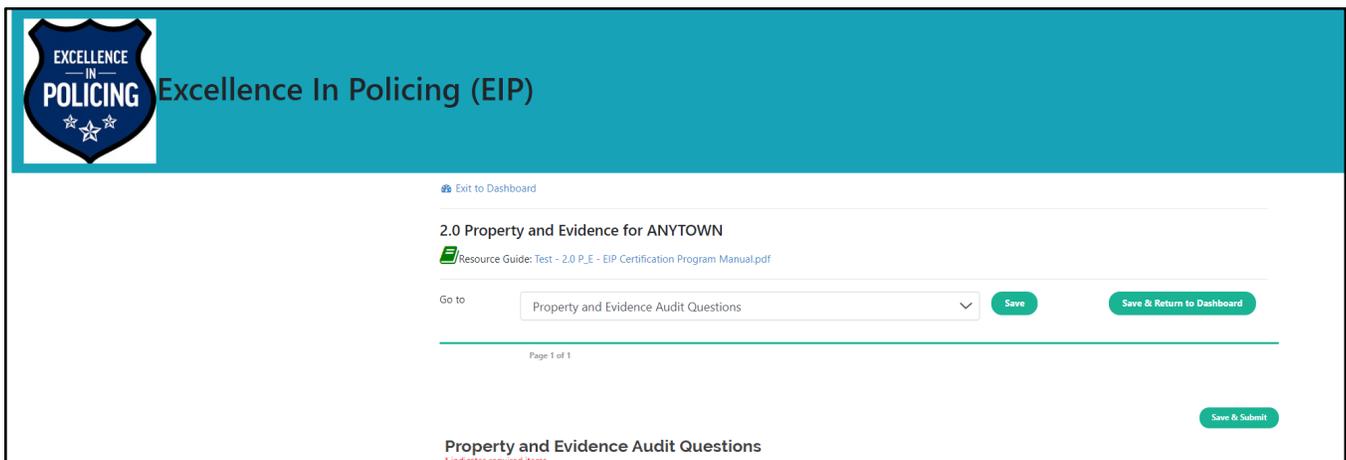


Figure 13

- “Save” allows you to save your work up to the point of your last document upload or information entered manually. This function allows you to stay on the current page. It is recommended to use the “Save” button frequently to avoid data loss.
- “Save & Return to Dashboard” does the same as above but returns you to the main dashboard.

- “Save and Submit” should only be clicked when you have completed all audit questions and uploaded all documents in any respective policy area. Clicking this button when required fields have not been completed will generate an error message. A completed set of audit questions for a policy area will generate the screen below (see Figure 14 below):

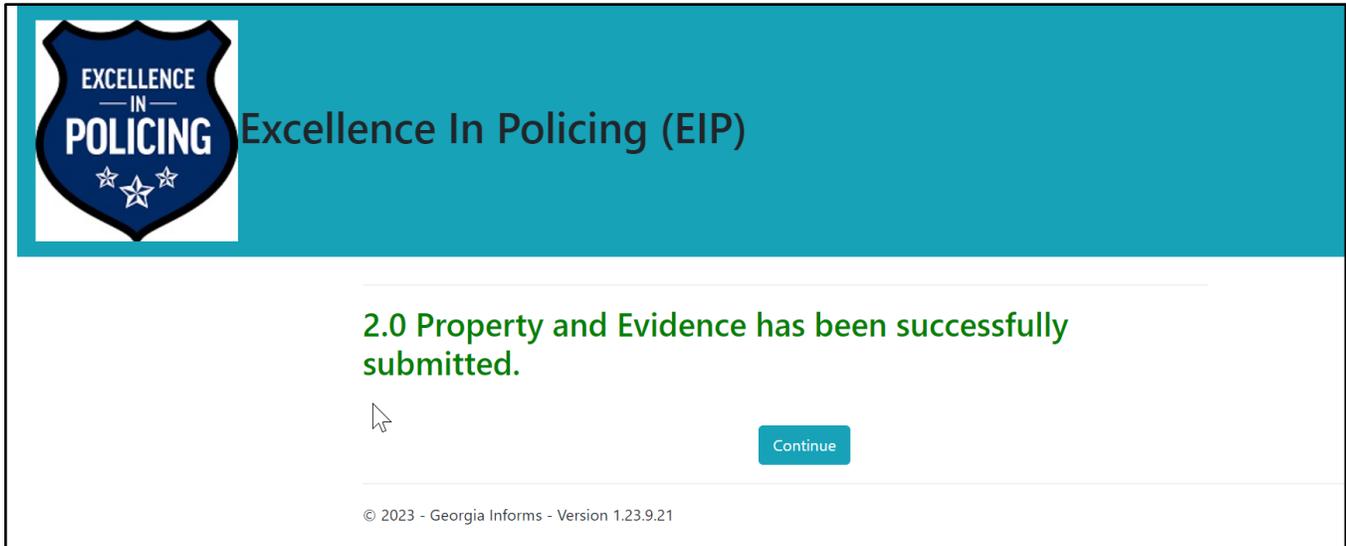


Figure 14

Your successful submission of a policy area starts the review process by LGRMS. Following the review, you will receive an email from GCSPortal@gacities.com with the following message:

“We have reviewed your **[name of policy area, e.g., 2.0 Property and Evidence]** Category submission for [Name of Local Government]'s Excellence in Policing Certification. Please log in to the online portal dashboard to review the latest activity and to view feedback/comments. Please reply to this email if you have any questions about the latest updates to your submission(s).”

It is the applying agency’s responsibility to check if a reviewer has left comments. This can be done by accessing the information you submitted for any of the twelve policy areas via the “folder” icon in the main dashboard (see Figure 10 above). A “comment” icon will appear on the right side of the reviewed audit question to indicate that a reviewer provided feedback (see Figure 15 below).



Figure 15

Click on the “comment” icon to view (and address) the comment, which will open in a separate window (Figure 16 below).

Notes for 2.10 The department shall have a policy governing identification, collection, packaging, storage, and disposal of property and evidence. At a minimum, this policy shall address:

Comment	Date/Time
this is an excellent policy	10/03/2023 11:40:44 pm

Showing 1 to 1 of 1 entries

Previous 1 Next

Cancel

Figure 16

STEP 4: Certificate of Compliance

Once the agency completes the **Audit Questions** for all twelve policy areas, the agency’s designated contact person is prompted to sign an electronic **Affidavit** by clicking the “Continue” button (see Figure 17 below).



Excellence In Policing (EIP)

12.0 Public Safety Information has been successfully submitted.

Please complete the 13.0 Affidavit - Audit Questions Complete to complete certification requirements.

Continue

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Figure 17



The e-signature indicates compliance with the program’s requirements. Click “Yes” on the bottom left followed by the green “Save & Submit” button on the right side of your screen to complete the Affidavit (see Figure 18 below). This step represents the final requirement by the applying agency before LGRMS begins the audit process outlined in Step 5 below.

Figure 18

STEP 5: Audit and Verification of Compliance

Upon completion of the electronic **Affidavit** by the applying agency, LGRMS will schedule a time for a field representative to audit the agency's operational procedures and other proofs to ensure the department is compliant with all program requirements. When the agency is determined to be compliant, LGRMS will authorize GMA to issue the **Excellence in Policing Certification** to the agency.

STEP 6: Annual Compliance Check, Program Cost, and Recertification

For years 1 and 2 following certification, participating agencies will receive a notification from GCSPortal@gacities.com asking them to confirm via the EIP Portal that policies in place at the time of the initial certification are still consistent with program requirements. In addition, program participants will have the opportunity to update contact information or other details to reflect changes in leadership or general staffing.

The notification will also include a request to pay an **annual program fee** due at the end of each year following certification, which covers the costs to manage the EIP Certification Program. There are three tiers for annual program fees based on the number of authorized full-time sworn personnel in each participating agency:

Number of authorized full-time sworn personnel	Annual Program Fee
1-24	\$ 200
25-99	\$ 300
99+	\$ 400

The agency must reapply for certification 60 days before the expiration of the certification. The EIP Portal will send participating agencies a reminder notification. Leaders should review their policies periodically to ensure they comply with the directives and accurately reflect how personnel perform the activities.

Policy Areas

1. Human Resources/Equal Employment Opportunity (EEO)

1.a. Policy Directives

1.1. Equal Employment Opportunity

The department shall have an equal employment opportunity plan.

1.2. Job Descriptions

The agency shall maintain current job descriptions covering all employees. Each employee is to be issued the job description of their job, and a copy of its receipt is to be maintained in the employee's personnel file. Job descriptions for each job within the agency are to be available to all personnel.

1.3. Selection Processes

The department shall have a written directive describing all elements and activities of the selection process for all personnel. The selection processes for all sworn personnel are to be administered, scored, and interpreted in a uniform manner. The process for sworn personnel shall include:

- Employment standards
- Application
- Oral interview
- Background investigation
- Conditional offer of employment
- Psychological or personality inventory
- Medical and drug screening.

1.4. Background Investigations

A written directive shall require a background of each employee prior to employment. To the extent reasonably practicable, the background shall require a visit to all previous employers and a review of their personnel file and any other records germane to the candidate's performance that may be maintained separately from the official personnel file (including, but not limited to, investigation reports) by the background investigator. When a visit to all previous employers cannot be reasonably accomplished, the background investigator shall obtain all available documents and speak to someone at the previous employer who is a credible source of information regarding the candidate. Examples of when a visit cannot be reasonably accomplished would include, but not be limited to, situations where the prior employer is out of state or more than 200 miles from the hiring agency. In such situations, agencies are encouraged to waive photocopying charges cooperatively to enable sister agencies access to records. The investigation should include a:

- Verification of qualifying credentials
- Review of criminal record and driver history
- Review of personnel work history including dates of employment, performance appraisals, disciplinary actions, and positive commendations
- Review of Peace Officer's Standards and Training (POST) record
- Verification of at least three work-related references.

1.5. Rules of Conduct

The department shall provide a written directive listing the Rules of Conduct for all employees.

1.6. Investigations

A written directive shall describe the department's processes to receive, manage, investigate, and document external complaints.

1.7. Disciplinary Processes

A written directive shall describe the department's disciplinary process.

1.8. Removal of Disciplinary Records

A written directive shall prohibit the removal of disciplinary records from individual's official personnel files unless the behavior is later proven to have not occurred.

1.b. Additional Guidance

Equal Employment Opportunity Statement

- Clearly outline the agency policy to ensure all persons are given an equal opportunity for employment regardless of race, sex, creed, color, age, religion, national origin, or physical impairment.
- Procedure for filing complaints relating to EEO must be clearly outlined.

Job Descriptions

- A job description is based upon findings of a job analysis.
- The tasks performed, their frequency and criticality should be identified along with working conditions, licenses/certifications/credentials required, tools and equipment routinely operated.
- The final document should provide an accurate summary of the job duties and standards of performance.
- Staff must understand expectations and how to perform each task to standard.
- All tasks be performed with reasonable accommodation, unassisted and without delay.

Selection Processes

- It is critical that the standards for employment and the steps taken to evaluate candidates' qualifications are job-related and not illegal. The agency must identify the standards of employment to include education, training, criminal/driver history, etc.
- Records of the selection processes should be maintained to ensure all actions are done in a consistent, fair manner and avoid adverse impact.
- A standard application for employment should be completed by all candidates to determine if the individual meets minimum standards for employment. Persons conducting the interviews must be trained to conduct employment interviews.
- The interview questions should be written and asked in the same manner with all candidates. Responses should be recorded for each question. Ratings should be based upon established criteria.
- The directives require a thorough background investigation be conducted by a trained investigator to identify isolated serious issues or a pattern of other behaviors that may affect an individual's ability to perform their duties. An officer's work history or background can be used to impeach him as a witness in a prosecution. Because of this, the background investigator must conduct an in-person review of the individual's personnel file at his previous employers. An exception has been provided for previous employers located in another state and/or more than 200 miles from the department. Still, documentation of their employment with the previous agency must be obtained. Failing to utilize common business practices to identify past misconduct can lead to a finding of liability against the agency and its leaders if it is determined the agency knew or should have known of the conduct or other issue(s).
- The directives requiring a standard psychological exam or personality inventory should be used to identify any concerns regarding the applicant's 'fitness for duty'.
- Having a medical/drug screening ensures the potential employee is physically capable of performing the job for which they have applied. In addition, testing for drug usage is critical for ensuring a drug-free workforce. Again, this information may prove critical to identifying an unnecessary and avoidable workers' compensation claim. All medical and drug screening can only be performed after a conditional offer of employment has been provided to the applicant.

Rules of Conduct

- Standards of conduct must be identified to establish performance expectations.
- These rules establish the foundation for guiding good behavior, identifying poor performance, and when necessary to take the appropriate disciplinary action.

Disciplinary Processes

- The administration of discipline must be fair and consistent.
- Articulation of and adherence to these processes are critical for ensuring appropriate due process.
- Georgia is an “At-Will” employment state. This means any employee may be terminated at any time, provided it is not prohibited by law. However, some governing authorities’ policies may give employees more rights. This must be determined when pursuing disciplinary action.

1.c. Why It Matters

Having a safe community and a police department that is regarded as responsive, fair, and professional is an important component of the jurisdiction’s on-going economic and community development. To support this endeavor, it is critical leaders view the department and its employees as an investment.

Staffing typically accounts for 85 to 90 percent of a law enforcement agency’s budget, making employees the most valuable asset and resource. Hiring a new employee is a time-consuming, expensive process. Failing to properly assess each candidate and make informed hiring decisions can cost more in the long term. Because of this, it is important to identify, attract, and retain the most qualified individuals who ‘fit’ with the department. Once new employees are on-boarded, agencies must provide opportunities to help each individual develop and meet the organization’s and their personal needs.

The purpose of these directives is not to require small agencies to implement an in-depth personnel system. Rather, directives related to human resources are designed to address areas with the greatest likelihood of resulting in litigation. This narrative has been created to provide the reader with a basic overview of critical talent management concepts as it relates to mitigation of liability. These directives also help to minimize exposure by implementing processes prohibiting inappropriate conduct, retaining a bad employee or failing to provide due process when taking an employee’s “property”. All of these issues are applicable to every department regardless of its size.

Liability associated with hiring employees is typically incurred in one of three ways. First, the violation of a person’s constitutional rights is alleged to have been inflicted by a person under 42 USC 1983. Under this statute, the standard of proof is that the officer ‘knew or should have known’ the policy or practice taken was a violation of a ‘clearly established’ law. Second, the action was a violation of the Federal Equal Employment Opportunity (EEO) laws.

These include:

Title VII of the Civil Rights Act of 1964 as amended	Prohibits employment discrimination based on race, color, religion, sex or national origin. Also prohibits 'hostile work environment' based on these protected categories as well as sexual harassment or pregnancy-based discrimination.
Equal Pay Act of 1963 (EPA)	Protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination
Age Discrimination Act of 1967 (ADEA)	Protects individuals 40 years of age or older
Title I and Title V of Americans with Disabilities Act of 1990 as amended (ADA)	Prohibit employment discrimination against qualified individuals with disabilities
Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)	Prohibits employment discrimination based on genetic information about an applicant, employee, or former employees
Civil Rights Act of 1991	Provides monetary damages of intentional employment discrimination.

A third area of potential litigation includes the violation of the Fair Labor Standards Act that requires law enforcement agencies to pay non-exempt (hourly) sworn officers' overtime after the proscribed levels are exceeded during a "work period". Civilian employees must be paid overtime after exceeding 40 hours in a seven-day work week.

To successfully address these issues leaders must take a proactive approach to lead their personnel. Prior to initiating any of these personnel-related activities, an agency must conduct a job analysis, develop job descriptions, and implement consistent, job-related selection processes. Once employed, supervisors must ensure officers comply with established standards of conduct and, when necessary, initiate appropriate corrective action.

Job Analysis

A job analysis is a systematic approach for identifying the frequency and criticality of key tasks and the essential job functions of the position. Essential job functions are defined as those functions an employee must be able to perform unaided and without delay or with the assistance of a reasonable accommodation. A job analysis is the cornerstone for ensuring that personnel decisions are accurately identified and job-related. Since there are a variety of acceptable techniques for conducting this analysis, the agency need not employ a complicated or in-depth process. It is recommended, however, that department staff employ the assistance of a human

resources professional when conducting the analysis. Key personnel, including incumbents and direct supervisors, must also play an integral part in the analysis.

Job Description

Using information gathered during the analysis, clear and accurate job descriptions should be created. A well-designed job description accurately describes tasks completed by the individual assigned to the position, standards of performance, tools and equipment routinely used, typical working conditions, physical requirements, and required credentials (i.e., driver's license, POST certification).

Selection Processes

The purpose of the selection process is to identify the best qualified individual(s), who meet the department's standards of employment and fit with the agency. While there are a variety of techniques to achieve this goal, these policy directives require:

- Employment standards
- Application
- Oral interview
- Background investigation
- Conditional offer of employment
- Psychological or personality inventory
- Medical and drug screening.

Employment Standards. The first step for the employment process is to determine the employment standards. These standards are identified by the job analysis and articulated in the job description. For example, some standards of employment often listed in the job description include the minimum requirements for a person applying for the position, including age (i.e., 18 under POST rules or recommended 21 years of age), education (i.e., high school diploma or GED or two years of college), arrest record, driving history, and training. Some agencies include a more detailed list of hiring standards in their operational policy to guide the background investigator.

As part of this process, it is critical the agency list the physical requirements including sitting, standing, walking, running, lifting, sight, hearing, talking, as well as other activities an employee can be expected to perform. This information is crucial for medical professionals to make informed decisions regarding an individual's ability to perform the various functions. It is also instrumental for determining if an officer who is injured (on or off duty) can return to duty without restrictions. Once the standards are established, leaders must ensure each person employed meets the standards.

Application. The department should require all candidates to complete a standard application for employment. Most communities already utilize acceptable applications. At a minimum, the application should provide for biographical information, specific residential addresses within the previous 10 years (including owned or rented as well as any roommates), **every** employer during the previous ten years, military service, education attainment including a diploma or official

transcript, law enforcement certification/training credentials (within Georgia or other states), work-related references, and personal references.

A review should be conducted of all applications and compared against the standards identified in the job description to determine the most qualified candidates. Some agencies choose to interview all applicants who meet minimum qualifications. Alternatively, departments that receive a lot of applications may choose to make a list of employment standards and check each applicant's qualifications against these standards. This will enable the agency to limit the interviews to the most qualified.

Oral Interview. The oral interview is the most common selection procedure used by employers. The purpose of the interview is to confirm information identified in the application and develop an overall understanding of the individual. During the interview, it is critical the agency use the same questions for all candidates. If probing or clarifying questions are used because of a candidate's response, the question and the responses should be included on the interviewer's sheet. In addition, there are a number of potential biases that can adversely affect an interviewer's judgement. Because of this, persons conducting the interviews should be trained in how to properly and legally interview candidates.

Background Investigation. The background investigation is based on the premise that past performance is the best indicator of future behavior. Many personnel problems are directly linked to making a bad hire - in other words, an employee who should never have been hired. Because of this, the background investigation is often considered the most important selection processes. Its purpose is two-fold. First, to confirm the information provided by the candidate regarding his qualifications and credentials. Second, to determine if there is anything in the individual's background that would adversely affect his ability to perform the job or may negatively reflect on the department for employing them (see [POST Rule 464-3-.02 Qualifications for Certification: Pre-Employment Requirements \(1\)\(g\)](#)).

These directives require the investigator to personally conduct site visits with the former employers to review their personnel and training records. In addition, the investigator should also interview personal/professional references to determine if there is any information in the applicant's background that would affect their ability to perform as an officer. If the agency does not have a trained investigator or they do not have sufficient staffing to allow in-person site visits, some agencies provide detailed hiring standards in their policies. These detailed policies enable the background investigator to objectively determine if the individual meets these standards. It is important that the investigator creates a factually based report without deciding whether the individual should be employed. That decision is to be made by the hiring authority.

Conditional Offer of Employment. Prior to requiring a candidate to submit to a medical/drug screening or psychological exam, the department must provide a conditional offer of employment. Only after the agency provides this offer can the candidate be required to submit to a medical and drug screening.

Medical/Drug Screening. Agency leaders should never make any assumptions about an individual's physical or mental health as it relates to their ability to perform the job. This determination can only be made by a medical professional. Having all candidates submit to the medical and drug screening is critical to ensuring the individual is physically capable to perform the essential job functions or with reasonable accommodation. Examples of reasonable accommodation may include eyeglasses, hearing aids, etc. It is also important to evaluate the candidate for pre-existing injuries or conditions that preclude them from being able to perform the essential job functions. To ensure the medical professional can properly assess the individual, the agency should provide the job description including the essential job functions and physical requirements of a person serving in the position.

If the candidate is to be sent to the academy, Georgia Peace Officer Standards and Training (POST) **require** the physician be credentialed as a M.D. or D.O. POST **will not accept** a physical that has been reviewed only by a Physician's Assistant (P.A.) or Nurse Practitioner (N.P.) (see [POST Rule 464-3-.02 \(e\)](#)).

Psychological/Personality Inventory. It is important for the agency to engage the services of a professional psychologist or psychiatrist to conduct an evaluation to determine the candidate's ability to withstand the stresses and requirements associated with the position of a police officer (see [POST Rule 464-3-14](#)). It is highly recommended that this mental health professional be experienced in testing as well as working with law enforcement officials.

Rules of Conduct. An essential part of ensuring a well-operated organization is to provide clear directives regarding expected performance standards that include clearly articulated prohibited behavior. Each employee must record they have read, understand and agree to comply with these employment guidelines. Failure to comply with established standards of performance should result in appropriate corrective action. It is imperative for supervisors to ensure staff are complying with standards of conduct. Failure to hold staff accountable could expose the agency and local governing authority to liability if they fail to act when department officials knew or should have known of an employee's propensity to violate individual's rights and take no action (e.g., if an officer uses excessive force, and the department fails to take corrective action).

Administrative/Internal Investigations. It is imperative the agency operates with a high degree of transparency and is responsive to complaints alleging employee misconduct or concerns regarding the operation of the agency. To accomplish this, the public must have a reasonable opportunity to voice and resolve any concerns and complaints regarding police employees' actions or the department's operations. The department's policy must provide employees with the procedures to accept complaints as well as outline the processes that occur during an internal investigation.

Internal investigations are designed to determine if an employee violated a department policy and/or training guidelines. Not every agency is required to have a designated person or internal affairs unit. However, every agency must have designated staff who are trained and familiar with these investigations. This investigator is viewed as a 'finder of fact'.

When conducting an investigation, administrative investigators must be aware that the Garrity warnings require an employee to respond to all questions under the threat of punitive disciplinary actions up to and including termination from employment. No statements made by an employee under the Garrity warnings can be used in a criminal investigation. Because of this, if an officer is being investigated for a criminal violation, they will be read their Miranda warnings by the criminal investigator. In very serious criminal investigations (i.e., excessive force, officer-involved shootings), it is critical to request the services of an outside agency (i.e., the Georgia Bureau of Investigation). It is common for agencies to conduct “parallel administrative investigations” with the criminal investigation. This does not mean that they are conducted together. Rather, they are completely separate investigations. If possible, the administrative investigation should be performed after the criminal investigation is completed. To ensure the employee does not confuse the right to remain silent with criminal investigators, at a minimum the agency should not conduct the Garrity interview until criminal investigators have completed all of their interviews. In addition, information gained in the administrative interview cannot be shared with criminal investigators.

The process concludes with the investigator submitting a final report to the administrators. While agencies may follow different processes, the designated staff person (frequently the chief of police in small agencies) must determine the findings as one of the following four options:

- Sustained – The complaint was found to be true.
- Not Sustained – There was not enough evidence/information to prove or disprove the complaint.
- Exonerated – The officer/employee did commit the act they were accused of, but their actions were justified by the situation.
- Unfounded – The allegations were not found to be true.

Disciplinary Processes

Maintaining a thorough and fair disciplinary process is a critical component for ensuring the consistent and legal management of employees. Oftentimes, leaders view discipline as being synonymous with punishment. A well-disciplined agency is not well-punished. Rather, all the employees follow the agency’s directives in a disciplined manner. Unfortunately, many supervisors tend to focus on these processes to administer disciplinary punishment for poor performance. In the best departments, the process outlines the management of consequences for positive as well as poor performance.

Generally, the concept of management by consequences is based on the premise that every action has a consequence. In the work environment these consequences are positive reinforcement, negative reinforcement, extinction, and punishment.

Positive reinforcement occurs when the supervisor/leader takes a positive action to **improve** the employee’s performance. Depending on the frequency and significance of the action the positive consequences may range from an informal compliment to a formal award and public recognition.

Negative reinforcement is utilized when the supervisor/leader takes a negative action to **improve** the employee's performance. This may range from a counseling session to a letter of reprimand. Unfortunately, it is hard for some persons to distinguish what action may be viewed as a corrective action as compared to a punishment.

The third category for management through consequences is extinction. This is simply ignoring the employee's behavior. Supervisors often ignore good behavior because they view it as being what is expected of the employee. At the same time, they may ignore bad behavior for a number of reasons. For example, the supervisor may believe the employee was having a bad day, will correct their behavior on their own, or feel that is just how that employee is. Operationally, when good behavior is ignored, it will eventually go away. At the same time, if poor performance is ignored, it only gets worse.

Fourth, punishment is taking some action to **stop** the employee's poor performance. The difference between negative reinforcement and punishment is that negative reinforcement is designed to **improve** the individual's performance whereas punishment is designed to **stop** the poor performance. This is generally assumed to include more punitive actions including suspension, demotion, transfers or terminations. However, punishment is determined by the employee's perception of the action.

Finally, it is important to recognize that punishment should always be the last alternative for a supervisor. Except for isolated instances, if the supervisor was properly managing their personnel, they should have recognized the employee's poor performance and initiated steps to correct the behavior. At the same time, when punishment is administered, other employees are observing the actions being taken. Often, they are not aware of all the circumstances in the situation. Not knowing all the factors considered in making the decision could adversely affect their perception of the agency if they view the response to be unfair or capricious.

Procedurally, the department's directives should provide descriptions of the techniques to reward as well as correct or punish bad performance. On the positive side, this may include:

- Informal Recognition/Compliments/Appreciation
- Letters of Recognition/Commendation/Appreciation
- Formal Awards.

This is contrasted by the steps available for correcting poor performance including:

- Counseling
- Oral warning or reprimand
- Formal letters of warning or reprimand
- Demotion
- Suspension, and
- Termination.

The disciplinary procedures should also identify the level of authority for each supervisor, what

actions may be appealed, and the steps to appeal a disciplinary action. It is critical to have some form of appeal to ensure the employee is provided “due process” as required by the 14th Amendment.

Regardless of the action taken (i.e., informal recognition/correction, counseling, oral warnings/reprimands, or more severe punishment), it is critical the supervisor keep a detailed, written record of the circumstances and actions taken regarding good and poor behavior. Otherwise, the supervisor has no record to support the progressive measures taken to sustain or correct performance as well as hold employees accountable to the department’s standards of conduct. In the past, some agencies have permitted records of personnel actions to be removed from an officer’s official file. This practice is unacceptable. Each employee’s employment history involves positive and negative performance. Having documentation of holding persons accountable is critical to ensuring behavior can be addressed with the individual as well as other similarly situated individuals.

Finally, it is highly recommended all supervisors be required to attend supervisory training. At a very minimum, they should attend training on how to properly address poor performance and document their corrective action. In the best of circumstances, the individual attends the supervisor development training prior to being placed into the position and given the responsibility of supervise others.

2. Property and Evidence

2.a. Policy Directives

2.1. Property and Evidence

The department shall have a policy governing identification, collection, packaging, storage, and disposal of property and evidence. At a minimum, this policy shall address:

- Evidentiary procedures outlining the steps to identify, collect, label, document, and package property and evidence
- Designate, in writing, one person as the primary custodian who is responsible for the day-to-day control of property and evidence
- Establishing a secure location for the temporary storage of property and evidence until items can be placed in the evidence room
- Establishing a secure, long-term location for proper storage of property and evidence
- Establishing a separate, secure storage areas for weapons, drugs, and high-value items (these areas can be located within the evidence room)
- Inspections, inventories, and audits routinely conducted to verify property and evidence is properly secured and maintained, and
- Process for purging or release of property and evidence.

2.b. Additional Guidance

- Officers must be aware of the various types of evidence and the proper protocols for collection and storage.
- Once collected, control of evidence must be maintained at all times.
- The department must provide proper facilities for the temporary and long-term storage of property and evidence. Part of the long-term storage should include separate and more secure areas for sensitive and high-value items including drugs, money, jewelry, and weapons.
- When sexual assault kits are collected, the evidence custodian should ensure they are transferred to the crime lab as soon as possible.
- Ensure that proper accounting procedures are taken of all property and evidence within the agency's control.
- Management of the evidence room must be an organizational priority. Otherwise, items will become lost, stolen, damaged, or tainted. In addition, if steps are not taken to regularly purge property and evidence as needed, the area and function will become unmanageable.
- State law has specific guidelines for the returning, selling, and destroying firearms.

2.c. Why It Matters

The proper operation and maintenance of an evidence room is a difficult and time-consuming process for all agencies. Identification and collection of evidence is a critical component to facilitate the successful resolution of investigations. In the past, legal challenges focused on the processes and science related to testing and evaluating evidence. Many of the issues relating to forensics have been resolved and are widely accepted by the courts. Now, greater attention is being placed on the process of collecting evidence and maintenance of the chain of custody. More specifically, the proper collection, storage, and handling of evidence is closely examined. As part of this process, the security of collected items and identification of persons having contact with each will be questioned to determine if there was any break in security or if the evidence may have been contaminated. Because of this, failure to maintain a proper chain of custody will likely result in evidence being determined to be inadmissible.

To address this risk, officers must be provided adequate supplies and training to properly collect and store different types of evidence. Each piece must be properly photographed, labeled, and packaged, and an evidence form must be completed. Once collected and packaged, evidence should be placed in the department's secure temporary storage area before the end of the officer's shift. These storage areas must be accessible for officers 24 hours a day, 365 days a year to protect the chain of custody until the evidence custodian can secure the evidence in the evidence room. Storage of items in any other location (i.e., desks, cars, lockers) must be expressly prohibited.

Access to the evidence room must be limited to **one** evidence custodian and a back-up. The evidence custodian is responsible for all evidence room operations to include:

- Ensuring evidence is properly packaged, labeled, and stored
- Transporting evidence to the crime lab
- Purging evidence as cases are adjudicated or property owners identified.

Having adequate and properly secured space is a common problem for many departments. Separate, more secure compartments must be provided for sensitive and high-value items such as money, jewelry, drugs, and weapons. The size of the areas provided for various types of evidence and property is dependent upon the amount of evidence normally collected, the speed in which cases are adjudicated, and the efficiency of the purging process. The evidence custodian must be trained to properly perform these duties as well as the consequences for failing to perform them accordingly.

A major component of the integrity of the evidence room's operations as well as the agency's reputation is for the department to have regular, independent inspections, inventories, and audits that ensure compliance with accountability standards. Each of these checks has a separate purpose and requirement.

These activities should be done on the following schedule:

Inspections are conducted twice a year to ensure evidence is being stored in a clean, orderly manner and operational procedures are being followed by the evidence custodian. The inspection may or may not be conducted by persons responsible for the property, evidence, and storage areas.

Inventories are done whenever there is a change of the evidence custodian. The person who assumes the position of evidence custodian and a designee by the chief jointly conduct the inventory. When conducting an inventory, all of the sensitive or high-value property and evidence being maintained must be verified. In addition, a random sampling of 10 percent of all other property and evidence must be checked. As part of this, staff conducting the inventory should also be properly documented and recorded.

Third, an annual **audit** is to be conducted by a supervisor who is **not** assigned to or responsible for the evidence room. This is completed by checking a random sampling of all property and evidence, including high-risk items, to verify proper accounting. The minimum sampling amount is 10 percent or 250 items, whichever is lower. Any inconsistencies must be identified, corrective actions initiated, and documentation completed.

Finally, the custodian must be continuously vigilant to monitor the status of each item under their control and release or purge each as soon as it is appropriate. In some cases, the owner of the property can be located to return missing or stolen items. Other cases, particularly evidence, require a court order from the appropriate court authorizing the destruction of the property. Failure to remain current on the release process can cause the designated space to be filled and overwhelming to manage.

When dealing with firearms taken into an agency's custody, officials must ensure proper procedures are taken for their release or destruction. In the event the firearm is linked to some criminal proceedings, the weapon is to be returned to the rightful owner after the proceedings are complete (O.C.G.A. § 17-5-52 Disposition of weapons used in commission of crime or delinquent act involving possession; civil forfeiture). If the rightful owner is not identified, state law requires all other unclaimed firearms must be handled in one of two ways (O.C.G.A. § 17-5-54 Definitions; dispositions of personal property in custody of law enforcement agency).

If certified as being unsafe because of wear, damage, age or modifications, or when federal and/or state law prohibit their sale and distribution, the weapon may be transferred to a city, county or GBI Forensic Laboratory for training or experimental purpose, or it must be destroyed.

All other unclaimed firearms must be sold through a bid process to persons holding a federal firearm license (FFL) (18 U.S.C. 921). It is important to note that federal law prohibits the sale of

firearms with defaced serial numbers or illegal modifications (e.g., sawed-off barrels). This includes sales to a FFL holder (18 U.S.C. 922(k)).

Finally, agencies must maintain specific records on each weapon taken into their custody that include:

- How the firearm came into the agency's custody
- Description of the firearm
- All efforts to contact the owner
- Any case or docket number
- Dates of publication in any newspaper notices
- Date the property was sold or destroyed, and
- Records of the proceeds from the sales into the general fund.

This information must be maintained in accordance with the State of Georgia Records Retention Schedule.

2.d. Legal References

- O.C.G.A. § 17-5-50. Property unlawfully obtained; rights of owner; hearing; admissibility of photographs in lieu of original property; representation of unknown or absent defendants; statements made by defendant or agent at trial
- O.C.G.A. § 17-5-51. Civil forfeiture of weapons used in commission of crime, possession of which constitutes crime or delinquent act, or illegal concealment generally
- O.C.G.A. § 17-5-52. Disposition of weapons used in commission of crime or delinquent act involving possession; civil forfeiture
- O.C.G.A. § 17-5-52.1. Disposal of forfeited or abandoned firearms; innocent owners; auctions; record keeping; liability of government entities
- O.C.G.A. § 17-5-53. Disposition of devices with historical or instructional value
- O.C.G.A. § 17-5-54. Definitions; disposition of personal property in custody of law enforcement agency
- O.C.G.A. § 17-5-55. Designation of custodian for introduced evidence; evidence log; storage, maintenance, and disposal of evidence
- O.C.G.A. § 17-5-56. Maintenance of physical evidence containing biological material
- O.C.G.A. § 17-5-71. Preservation of evidence (sexual assaults)
- O.C.G.A. § 17-5-74. Unreported sexual assault kits, definitions, state-wide tracking system; requirements; implementation; reporting jurisdiction, liability; regulating authority.

3. Vehicle Operations

3.a. Policy Directives

3.1. Driver Training

The agency shall have a written directive requiring all officers to receive agency policy and legal update training on vehicle pursuits annually and defensive driving at least every three years. The annual training shall include specific training on content and application of the agency's own pursuit policy.

3.2. Seat Belts

The agency shall have a written directive requiring the use of occupant safety restraining devices by the driver and all passengers (including detainees) using agency vehicles.

3.3. Distracted Driving

The agency shall have a written directive for officers to avoid participating in activity that interferes with their ability to safely operate agency vehicles.

3.4. Response to Calls for Service

The agency shall have a written directive establishing procedures for responding to routine and emergency calls and including guidelines for the use of authorized emergency equipment.

3.5. Vehicle Pursuits

The agency shall have a written directive governing the pursuit of motor vehicles to include:

- Evaluating the circumstances
- Initiating officer's responsibilities
- Designating secondary unit's responsibilities
- Specifying roles and restrictions pertinent to marked, unmarked, or other types of police vehicles involved in the pursuit
- Assigning dispatcher's responsibilities
- Describing supervisor's responsibilities
- Using forcible stopping techniques, such as the Pursuit Intervention Technique (PIT), roadblocks, or tire deflation devices, including circumstances authorizing use
- Specifying when to terminate pursuit
- Engaging in inter- and intra-jurisdictional pursuits involving personnel from the agency and/or other jurisdictions
- Detailing a procedure for reporting/supervisor review, and a Comprehensive After-Action (CAA) review of the pursuit, and
- Annual written review of vehicle pursuit reports, uploaded to the EIP portal for review by LGRMS.

3.6. Transporting Detainees

The agency shall have a written directive for transporting detainees including:

- An examination of all vehicles used for transporting detainees to be searched at the beginning of each shift and after transporting detainees
- Search of the detainee prior to being transported
- A safety barrier between the driver and detainee or a second officer in the back seat with the detainee
- Documentation of handcuffing (double-locked) detainees before securing them in the car with a seat belt
- Appropriate procedures for transporting detainees of the opposite gender
- Procedures for transporting sick, injured, or disabled detainees
- Authorization or agreement with the sheriff to transport individuals from another county (O.C.G.A. § 17-4-25.1)
- Conditions when an officer may interrupt a detainee transport for necessary stops and/or to render emergency assistance.

3.7. Investigations of Accidents Involving Department Vehicles

The agency shall have a written directive requiring that automobile crashes involving department-owned vehicles be investigated by an outside agency (i.e., Georgia State Patrol, Sheriff's Office). An after-action review shall be conducted to determine the root cause of the crash and to ensure appropriate corrective actions are taken if the driver is determined to be "at-fault". Accidents or incidents involving a single department-owned vehicle and not resulting in injury may be investigated by the department itself.

3.b. Additional Guidance

Driver Training

- Training is the critical link between policy and an officer's performance. When properly done, officers function as directed by the department's policies.
- Policy should address the types and frequency of training required for officers.
- Determination must be made when new employees are required to complete the training. Otherwise, they may work for three years before attending the class.

Seat Belts

- State law requires use of seat belts.

Response to Calls for Service

- Policy and training should identify the type of calls officers are authorized to operate as an emergency vehicle. Supervisors should take the appropriate action to review and document officers' performance to ensure compliance with these standards.
- State law does not recognize a patrol vehicle as an emergency vehicle unless emergency lights and sirens are both activated.

- Even when operating as an emergency vehicle with lights and siren activated, officers must exercise due regard for the safety of other vehicles.

Vehicle Pursuits

- Pursuits are an extremely dangerous activity that can result in serious injury or death of the driver/passengers of the car being pursued, officer(s) and passengers engaged in the pursuit, or innocent third parties.
- All persons participating in the pursuit should be properly trained, understand the standards of performance, and act accordingly.
- Policy must clearly identify the circumstances when it is acceptable for officers to pursue a vehicle as well as when they should terminate a pursuit.
- Some agencies do not have two cars operating on the same shift. If they are engaged in a pursuit with another agency, they must follow the secondary vehicle policy of the department or the interagency agreement.
- The department must coordinate with the agency providing dispatch services to coordinate the operational policies.
- The interruption or forcible end of a pursuit must be viewed as a use of force.
- After a pursuit is completed, it is critical for the agency to conduct a comprehensive after-action review of all parties involved in any part of the pursuit to determine which activities were performed well and which require improvement.
- The directives require an annual review of vehicle pursuits officers were involved in during the year.

Transporting Detainees

- The primary concern for these policies is the safe and secure transport of detainees.
- The department should regulate who is authorized to ride in a department vehicle as well as other persons who may be transported other than detainees.
- Searching of a transport vehicle is critical for ensuring the vehicle has no weapons that could be used to harm the officer(s), detainee(s), or facilitate an escape.
- Evidence or contraband from a previous arrest/transport could also be concealed in the vehicle. Following this schedule for searching vehicles will ensure any items left by a person previously transported can be confidently linked to the individual.
- Policy should address the issues of transporting juveniles with adults, females and males simultaneously, and officers transporting persons of a different gender.
- Every detainee should be appropriately searched each time they come into an officer's custody to detect and seize any weapons, contraband, or evidence that could be concealed, destroyed, or used. The appropriateness of the search (frisk, strip, body cavity) should be outlined in the policy.
- Officers have a duty to provide sick or injured detainees with appropriate first aid and access to medical treatment.
- Multiple considerations must be addressed when transporting a handicapped detainee, including the vehicle used, room for their equipment (crutches, wheelchair), and ability to access or exit the vehicle.

- Detainees should be properly handcuffed and placed behind a safety barrier that ensures the detainee is not able to interfere with the officer as they are driving. At the same time, restraints must be applied in a manner as to not interfere with circulation of blood to the hands and/or feet.
- Guidelines should establish when it is appropriate to stop and/or divert from the normal routes to reduce the potential for assault or escape as well as allegations of mistreatment or assault.

Investigations of Accidents Involving Department Vehicles

- The purpose of conducting an investigation by an independent law enforcement organization is to prevent allegations of a cover-up.
- Accidents or incidents involving a single department-owned vehicle and not resulting in injury may be investigated by the department itself.
- The department may conduct an independent administrative investigation to determine compliance with policy directives.
- Each accident regardless of the seriousness or amount of damage should be reviewed by the officer and their supervisor(s) to determine its cause, evolving patterns with the driver, and steps to prevent similar incidents.
- If an officer is determined to be at-fault, the appropriate level of corrective action should be taken and documented.

3.c. Why It Matters

Automobile accidents are the primary cause for serious injury and death of police officers. The State of Georgia has some of the highest number of line-of-duty deaths resulting from automobile crashes in the United States. In addition, these accidents are a primary cause for property damage and workers' compensation claims to insurance companies representing Georgia agencies. To successfully address this issue, the governing authority and department leaders must provide the necessary support to implement strategies to avoid these incidents. Leaders must also have the long-term commitment to maintain these processes until they become ingrained in the organization's culture and operations. The first step for accomplishing this is to provide policies that specifically identify expected and prohibited behaviors of employees operating a department vehicle. Once these policies are in place, it is critical that training is provided to reinforce the operational directives and for supervisors to ensure compliance.

Training

The best training programs include a diverse approach that builds awareness, skill development, and judgment. A variety of training techniques should be utilized, including basic, roll call, regular in-service training, and advanced training. During basic training recruits are required to successfully complete the Emergency Vehicle Operations Course (EVOC) prior to graduation. This training is designed to build officers' skills when responding to emergency calls. Roll call training should be used as a refresher or update on legal changes or a recent

event. In-service training can employ a variety of techniques including classroom training and simulators. Classroom training using the National Safety Council's Defensive Driving Course or similar classes are designed to increase awareness of basic driver safety techniques. At the same time, simulators provide students with a safe environment to develop their decision-making skills while operating a vehicle in realistic and stressful circumstances. Departments should employ each of these approaches within the proscribed periods using certified instructors.

Use of Seat Belts

The use of seat belts and shoulder restraint devices is critical for reducing the severity of injuries and death of persons involved in an automobile collision. All persons operating or riding in a department-owned vehicle (including detainees) should be required to wear their restraint devices.

Distracted Driving

Police officers are as susceptible to distracted driving as any other driver. The problem is compounded for officers by the need to be observant of their surroundings and the behaviors of others, constantly monitor radio transmissions, access computer information, as well as operate other equipment (i.e., lights/sirens, speed detection devices, tag readers). This requires the department to reduce these distractions and put processes in place to restrict behaviors and use of equipment that may interfere with officers to focus on safely operating the motor vehicle.

Emergency Response

When officers are dispatched to a call for service, department policy must provide clear and unambiguous guidance if an emergency response is authorized. Officers responding to emergencies are permitted special exceptions to traffic laws, provided the vehicle's emergency lights and siren are activated. Despite these exceptions, officers must still provide due regard to the safety of others and not endanger life or property (O.C.G.A. § 40-6-6 Authorized Emergency Vehicles).

Pursuits

Under the best of circumstances, automobile pursuits are an extremely dangerous activity: the officers engaged in the pursuit, the person(s) being chased, and innocent bystanders are all at risk. Department leaders must implement a comprehensive policy governing the decision by officers to engage and remain in a vehicular pursuit. Typically, agencies follow one of three approaches when developing policy guidelines for pursuits:

1. **No pursuit policy.** While this approach prevents officers from engaging in a pursuit, consideration should be given to the possibility that an officer may intentionally violate policy to pursue a person who commits a violent offense (i.e., armed robbery, murder, or officer-involved shooting suspect). In addition, guidance is needed for what assistance officers can provide to colleagues from other agencies engaged in a pursuit and entering the department's jurisdiction. For example, they assist with blocking intersections to limit

the potential for drivers pulling in front of speeding vehicles, or they may block exit ramps to prevent the driver from exiting into the community in the cases of agencies near busy highways and interstates.

2. **Restrictive policy.** Under these circumstances, the department outlines specific conditions in which an officer may engage in or continue a pursuit. For example, pursuits are only allowed for forcible felonies.
3. **Permissive approach.** This policy provides broad guidelines for officers to use their discretion when entering the pursuit. Some of the factors to be utilized are the type of offense(s) committed, time of day, vehicle/pedestrian traffic, weather conditions, officer's training/skills, etc.

The conditions of each community are unique, and each department must determine what is the appropriate approach to regulating vehicle pursuits in their community. The Excellence in Policing Certification policy directives dictate the areas that must be addressed in the policy. It is extremely important to note that the decision to forcibly end a chase by ramming, roadblocks, or PIT is considered a use of force. The decision to utilize any of these actions must be based upon the Fourth Amendment's Reasonableness Standard (see U.S. Supreme Court Rulings Graham v. Connor, 490 U.S. 386 (1989) and Scott v. Harris, 550 U.S. 372 (2007)).

After a pursuit is complete, officers should complete a comprehensive report. It should include mobile/body camera video from each officer involved in the pursuit, as well as copies of the radio transmissions. Using this information, a comprehensive after-action review should be completed. The purpose of this review is to document and evaluate the decisions to engage and remain in the pursuit, actions taken during the pursuit, policy compliance, "near misses" of accidents or other incidents, communications, equipment use/needs/failures, areas performed well, areas needing improvement, and any adjustments needed with the policy. During this review, it is important to include other officers who may not have been involved in the pursuit but were attempting to assist and determine the appropriateness of their actions.

Authorized Passengers

The department is responsible for the safety of all persons who may ride in a department vehicle with an officer. Because of this, the agency should provide clear guidance of who is permitted to ride in a car and steps that should be taken to ensure their safety. Some of the situations to consider include witnesses, victims, civilian ride-alongs, potential candidates for employment, interns, family members, and news media. If persons are authorized, some consideration should be given to have them review and sign a liability waiver that requires supervisory approval.

Transports

Transporting detainees is a common practice for officers. Because of the frequency of the task, it is easy for officers to become complacent and neglect proper safety procedures. It is not uncommon for officers to find weapons and contraband in their cars after completing a transport. In other instances, suspects have come out of their restraint devices, attacked officers, and attempted escapes. To avoid this, standard operating procedures must clearly

regulate transports. Supervisors should regularly review the policy with officers during roll-call and in-service training.

Policy should require officers to search their vehicle at the beginning of each shift as well as after every person is transported. The purpose of these searches is to ensure that no weapons, contraband or evidence are concealed in the car. In addition, the officers should ensure the vehicle is operational (i.e., tires, lights, radio, siren) and assigned equipment (i.e., spare tire, jack, emergency supplies) is functioning properly. Supervisors should observe officers to ensure compliance with these procedures. When inconsistencies are noted, it is incumbent on the supervisor to correct the officer and make the appropriate documentation of the behavior observed and actions taken.

Prior to any transport, the officer should handcuff and complete the appropriate search of a detainee before placing them in the vehicle. Once seated, it is incumbent on the officer to secure the individual with the vehicle's safety restraint devices (e.g., seat belt, shoulder harness) to prevent them from being seriously hurt if the officer suddenly brakes or is involved in a collision.

Occasionally, officers may be required to transport handicapped individuals. When this occurs, they must take the necessary accommodations to ensure the passenger can be safely placed and secured in the vehicle. Arrangements must also be made to transport canes, walkers, or wheelchairs.

In the event an injured person needs to be taken into custody, a decision must be made if emergency medical attention is required. If so, the officer must call for an ambulance and provide first aid until its arrival. Second, if the person's condition worsens during transport in the car, the officer may not be able to observe the change. In addition, they cannot provide the requisite care and operate the patrol car. Finally, detention facilities will not accept an inmate for whom they do not have the appropriate facilities or equipment for treatment and may require the individual to receive clearance prior to admission. It should be noted that once a person is brought into custody, the agency is responsible for their medical expenses.

Procedures should also provide guidance for officers transporting persons who are a different gender from the officer. This includes calling in and dispatch documenting times and vehicle mileage at the beginning and end of the transport. In the event the transport is delayed, or a detour is required (e.g., due to a blocked railroad crossing or other unexpected traffic congestion) this information should be communicated to the dispatch center. In some cases, it may be beneficial for officers to activate the in-car and/or body camera(s) to capture conversations, comments, or behaviors during the transport.

If possible, women detainees should be placed in a separate vehicle from male detainees. If this is not possible, they should be placed where male detainees cannot have physical contact with them. Juveniles should always be kept separate (sight and sound) from adult arrestees.

Finally, state law authorizes officers to transport prisoners across county lines. As part of this statute, with approval of its governing authority, municipal agencies are authorized to enter into an agreement with the sheriff to transport prisoners from the location of their arrest to the county where the warrant was issued. If there is no written contract between the sheriff and the other agency head, the sheriff retains the right of first refusal to transport the person. All responsibility arising from the transport of an arrested individual is statutorily placed on the transporting agency (O.C.G.A. § 17-4-25.1 Transport of Arrested Person to Jurisdiction in which Offense Committed; Transport of Prisoner Outside County or Municipality).

Department Vehicle Accident Investigations

Whenever an officer is involved in a collision in a department vehicle, the policy should require the officer to immediately secure the scene, report the accident, provide treatment to the injured, and request a supervisor to respond and call for an officer from the designated independent law enforcement agency (i.e., Georgia State Patrol, sheriff's office, neighboring agency) to conduct an investigation. The policy may provide an exception for accidents or incidents involving a single department-owned vehicle and not resulting in injury, in which case the department may conduct the investigation itself without a designated independent law enforcement agency.

The officer's supervisor should conduct an administrative investigation to determine if there were any policy violations. An independent investigation of the accident is critical for several reasons. First, having another department conduct the investigation reduces the potential allegations of falsifying records, overlooking evidence, or covering up poor performance. Second, in the event of legal claims, having another department conduct the investigation provides the legal advisors greater latitude when addressing the claim.

Once the investigation is complete, a comprehensive after-action review should be conducted. This review should consider findings from the investigative report, photographs of the accident scene, in-car camera and/or body-worn camera video, drivers' and witnesses' statements, and other physical evidence. In the end, findings should be provided for:

- Actions leading up to the collision
- Proximate cause of the event
- Steps the driver could have taken to avoid the collision
- Whether the officer was at fault
- Steps to mitigate similar incidents, and
- Corrective action needed for the officer.

3.d. Legal References

- O.C.G.A. § 17-4-25.1 Transport of arrested person to jurisdiction in which offense committed; transport of prisoner outside county or municipality
- O.C.G.A. § 35-1-14. Written policies for emergency pursuits

- O.C.G.A. § 35-1-15. Fresh pursuit by law enforcement officers; authority and responsibilities of officers; applicability
- O.C.G.A. § 35-10-11. Name required on vehicles used to enforce traffic laws
- O.C.G.A. § 40-1-7. Blue light required for officers enforcing traffic; exception
- O.C.G.A. § 40-6-6. Authorized emergency vehicles
- O.C.G.A. § 40-8-90. Restrictions on use of blue lights on vehicles
- O.C.G.A. § 40-8-91. Marking and equipment of law enforcement vehicles; motorist allowed to continue to safe location before stopping for law enforcement officer vehicles
- O.C.G.A. § 40-8-92. Designation of emergency vehicles; flashing or revolving lights; permits; fee
- O.C.G.A. § 40-8-94. Sirens, whistles, or bells
- O.C.G.A. § 50-18-96. Retention of video recordings from law enforcement sources; destruction; presumption from destruction; fee for duplication

4. Search and Seizure

4.a. Policy Directives

4.1. Search and Seizure

The agency shall have a policy governing search and seizure both with and without a warrant. The policy shall include:

- Consent searches
- Stop and frisk
- Search incident to arrest
- Vehicle searches
- At the scene of a crime
- Exigent circumstances where the public safety is endangered
- Inventory searches
- Search warrants
- Other situations authorized by state or federal law, and
- Supervisor review.

4.b. Additional Guidance

- Every officer must be provided regular training on search and seizure procedures as well as evidence collection procedures.
- Supervisors must take an active role in reviewing and evaluating officers when they are involved in search and seizure processes as well as conducting critical reviews of officer's reports. These reports must include a solid, articulate justification for their actions as well as record the techniques used to collect evidence, findings of their search, and storage of evidence.
- Supervisors should review all search warrant affidavits prior to submission to the court.
- Supervisors must review all search warrants prior to officers attempting to serve a search warrant.
- Officers should provide an operations plan when executing a search warrant that outlines each officer's assignments. All officers participating in the search should attend a briefing prior to the search to discuss the following items:
 - Identifications of place and persons to be searched
 - Intelligence information regarding the location/persons
 - Assignments
 - Equipment checks
 - Evidence collection procedures
 - All other tasks to be completed.
- Inventory searches are for the protection of the officers and agency. They should never be used as a pretext to conduct a search for evidence or contraband.

- The use of stop-and-frisks are a valuable tool for officers to protect themselves and prevent an imminent crime. In recent years, the aggressive approaches used by some communities have been effectively employed but come under close scrutiny by the media and civil rights advocates. Because of this, it is important for officers to be able to justify and record their decisions to conduct a frisk as authorized by the courts.
- Officers must be aware of the exigent circumstances that permit them to take immediate action for the public safety and avoid unnecessary delays to prepare a search warrant affidavit and request the search warrant.

4.c. Why It Matters

Legal issues related to search and seizure are a constantly evolving and increasingly complex area for law enforcement officers. The number of court rulings being issued continues to increase. Agency leaders must ensure that officers are provided and understand the evolving standards of conduct. This understanding must be sufficient to enable the officers to make quick, sound, operational decisions during uncertain and rapidly evolving situations. To accomplish this, it is not enough for officers to understand the legal standards for search and seizure, but they must also be observant and attentive to details during these events. Finally, officers must also be able to articulate their observations, reasoning for their decisions, and the actions taken during their investigations.

While training and well-designed policy directives are fundamental for ensuring officers perform at an acceptable standard, it is only through on-going, deliberate practice that they will be able to master this critically important function.

The following narrative regarding search and seizure procedures is designed to provide a basic overview for decision-makers as they prepare to implement or modify their operational procedures.

Search with a Warrant

The Fourth Amendment of the U. S. Constitution provides individuals the right to “be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.” To legally search these protected areas, officers are often required to obtain a search warrant.

The standard for obtaining a search warrant is probable cause. To apply for a search warrant, a sworn officer in good standing with POST Council must submit an affidavit to a judicial officer authorized to hold a court of inquiry. All of the information provided in the affidavit must be independently verified by officers prior to presenting it to a judicial “prudent person” to believe the items that officers are seeking to find will be found at the location being searched. To accomplish this, the affidavit must describe:

- The evidence, contraband, or items officers are seeking to locate
- The person or place to be searched, and

- Why the officer believes the items listed in the search warrant are located in the place or on the person listed in the search warrant.

Once an officer obtains a search warrant, it must be served within ten (10) days from the date of issuance. The warrant may be executed at any **reasonable time**, day or night. A reasonable time is determined in a case-by-case manner and based on the facts and circumstances of that particular case.

When executing a search warrant, officers may use **necessary and reasonable force** to enter the area described in the search warrant. Prior to entering the premises, officers are to identify themselves as officers and announce that they have a search warrant to search the premises. If the occupants refuse to acknowledge the officer's notice or if the officers determine there is no one inside, the officer can use reasonable force to enter the premises. In situations where officers are fearful that announcing their presence and the impending search may place their safety in danger or enable occupants to destroy evidence/contraband, they can request a **no-knock provision**. This request must be justified with reasons for the officer's concerns. The no-knock clause allows officers to immediately make a forcible entry of the premises upon their arrival without announcing their presence. However, as they enter the premises, officers must still identify themselves as officers and announce that they have a search warrant. In addition, officers should be dressed in a manner that identifies them as law enforcement officers.

Once the warrant is served, a duplicate copy of the warrant must be left with someone at the location where the instruments, articles or other things were seized. If no one is present, the copy must be left in a conspicuous place at the premises. In addition, the officer executing the search must provide an inventory of all items seized along with the search warrant return. These documents must be signed under oath by the officer executing the warrant. If the warrant is not served within ten (10) days from the date of issuance, the warrant is voided and must be returned to the court of the judicial officer who issued it.

Crime Scenes

Prior to entering and searching a crime scene, officers must first obtain a search warrant. However, officers may execute a search without a warrant when

- There is reasonable belief that there is imminent danger to a person
- Contraband in plain view may be seized
- A homicide victim is the sole resident, and
- The scene is a public place.

Searches Without a Warrant

Plain View

Officers may seize evidence, contraband, or fruits of a crime without a warrant when they are observed in plain view. The standard for this seizure is:

- The officer must be legally authorized to be at the location where he observed the evidence
- The item must be in plain view to the officer, and
- The officer can immediately recognize the items as evidence, contraband, or fruits of a crime.

Consent Searches

Officers may conduct a consent search at any time, with or without probable cause. The standard for conducting these searches is:

- The person giving the consent must have control over the property that officers are seeking to search,
- The consent must be free and willing, and
- The person giving consent retains the ability to withdraw their consent at any time.

Frisk Searches

In Terry v. Ohio (392 U.S. 1 (1968)), the Supreme Court ruled that an officer is authorized to stop and frisk an individual whenever the law enforcement officer has a “reasonable suspicion” the subject has committed, is committing, or is about to commit a crime. The standard of “reasonable suspicion” requires the officer be able to articulate the reasons they fear for his or her safety or that a crime is “afoot”. The scope of a Terry frisk is limited to the individual’s outer clothes. If, during the frisk or “pat down”, the officer locates an item they can identify as a weapon or contraband (known as the plain feel), the officer can enter the pockets or concealed area to retrieve it. Any contraband discovered in such searches is subject to seizure and admissible into evidence. However, if the search goes beyond what is necessary to determine if the suspect is armed, the search is not valid, and its fruits will likely be suppressed (Minnesota v. Dickerson, 508 U.S. 366 (1993)). In this case, the officer felt the lump in the suspect’s pocket, but never thought it was a weapon. “Rather, he determined that it was contraband only after he squeezed, slid, and otherwise manipulated the pockets contents.”

Search Incident to Arrest

The standard for conducting a search incident to arrest is a legal arrest of the individual to be searched. The search must be conducted at the time of the arrest and is limited to the person and the area “within his immediate control”. A search incident to arrest is more intrusive than a frisk. Officers are allowed to search the arrestee’s pockets and ask for removal of shoes. The officer can also search the areas within the arrestee’s reach. This area is typically described as the wingspan of the arrested person’s reach. In some cases, an officer may also search the passenger compartment of a vehicle the individual was occupying (see vehicle searches below).

Vehicle Searches

The mobility of motor vehicles often constitutes an exigent circumstance that authorizes officers to conduct a warrantless search. The “automobile exception” to the search 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)). To conduct a warrantless search of a vehicle, the police officer must have **probable cause** to

believe the vehicle contains items that may be seized. The reasoning for this probable cause, at the time of the search, should be documented in a report regardless of whether evidence was located, or charges filed.

The “plain odor” doctrine justifies officers who smell marijuana emanating from the vehicle or container within the vehicle to conduct a warrantless search of the car or any container within the vehicle (United States v. Haley, 669 F. 2d 201, 203-204, and n. 3, cert. denied, 457 U.S. 1117 (1982)).

If probable cause and exigent circumstances existed originally, the police may search the vehicle after towing it to the impound lot without securing a search warrant (U.S. v. Johns, 469 U.S. 478 (1985)). However, the Court warned this was not an authorization to hold a vehicle indefinitely. If an officer has probable cause to believe there is contraband or evidence located in a car, the “automobile exception” applies to the entire car and any containers within the vehicle (California v. Acevedo, 500 U.S. 565 (1991)).

When making a stop for a traffic offense, officers are authorized to conduct driver’s license, vehicle registration, and outstanding warrant checks as they complete the citations. Beyond the time required to complete these tasks, any extension of the stop without probable cause of a criminal offense is considered unconstitutional. In this case, the officer completed the activities related to the traffic stop and asked for permission to have his K-9 sniff around the car. The court ruled that it was not permitted to have the persons wait while the dogs conducted the search (Rodriguez v. United States, 135 S. Ct. 1609 (2015)).

If a person is arrested after a vehicle stop, the passenger compartment of the vehicle may be searched incident to the arrest if the circumstances of the custodial arrest fall within the guidelines outlined in Arizona v. Gant (556 U.S. 332 (2009)). Police may search a vehicle incident to a recent occupant’s arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search, or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee’s vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies.

Finally, the automobile exception does not apply for vehicles located on the curtilage of a property (areas surrounding a residence). As with searches of homes, buildings or other structures, a vehicle located on the curtilage must be searched pursuant to a search warrant (Collins v. Virginia, 584 U.S. (2018)).

Vehicle Inventory

Officers are permitted to conduct an inventory of a vehicle when it is impounded. The purpose of an inventory is not to search for contraband. However, if any contraband or evidence is located during a legal inventory, it is admissible as evidence. In South Dakota v. Opperman (428 U.S. 364 (1976)), the U.S. Supreme Court noted three justifications for allowing a vehicle to be inventoried by an officer without a warrant.

1. The need for law enforcement to protect the owner's property while it remains in police custody
2. The inventory protects the officers against claims of lost or stolen property, and
3. It is necessary to protect the officers against potential dangers that may be located in the vehicle.

Two factors must be satisfied to conduct a legal inventory. First, the inventory must be done pursuant to the department's standard operating procedure. Second, the vehicle must be legally impounded. For example, if the driver is arrested and there is no one else available to release the vehicle, the driver could authorize its release to another occupant who could safely and legally operate the vehicle. The driver could also choose to leave the vehicle at its current location (i.e., shopping center parking lot).

Exigent Circumstances

The courts recognize there are situations in which speed is essential and time does not permit for an officer to obtain a search warrant. When these situations occur, officers are authorized to take immediate action without a warrant.

Hot Pursuit. In United States v. Santana (427 U.S. 38 (1976)), the Supreme Court ruled that officers may forcibly enter an offender's home they are pursuing without a warrant. To justify this entry, officers must satisfy the following standards:

- The arrest has begun
- The offender knows he is being placed under arrest
- The offender is taking action to avoid the arrest.

Public Safety is Endangered. Some emergencies require an officer to take immediate action. Examples are screams from within a house or an incident where persons are in immediate danger of being hurt. During these exigent circumstances, an officer may conduct an emergency search of the persons or premises. Some of the factors that officers may consider when making these decisions include the gravity of the offense, persons being hurt, presence of weapons, and the likelihood of an escape.

4.d. Legal References

- O.C.G.A. § 17-5-1. Search pursuant to lawful arrest authorized
- O.C.G.A. § 17-5-2. Inventory of items seized without search warrant to be given to person arrested and judicial officer before whom person arrested taken; return of items
- O.C.G.A. § 17-5-21. Grounds for issuance of search warrant; scope of search pursuant to search warrant; issuance by retired judge or judge emeritus
- O.C.G.A. § 17-5-23. Command of search warrant
- O.C.G.A. § 17-5-24. Officers authorized to execute search warrants
- O.C.G.A. § 17-5-25. Execution of search warrant generally
- O.C.G.A. § 17-5-26. When search warrant may be executed

- O.C.G.A. § 17-5-27. Use of force in execution of search warrant
- O.C.G.A. § 17-5-28. Detention and search of persons on premises
- O.C.G.A. § 17-5-29. Written return of items seized; filing and signing of inventory; delivery of copies of inventory

5. Use of Force/Response to Aggression

5.a. Policy Directives

The department shall have “Use of Force” or “Response to Aggression” policies that address the following:

5.1. General

- Officers shall use the least amount of force necessary to achieve a law enforcement objective.
- An officer may only use deadly force when the officer reasonably believes that it is in the defense of their own life or the life of another person or in immediate danger of serious physical injury consistent with O.C.G.A. §§ 16-3-21(a) and 17-4-20(d).
- Use of force will be evaluated on the “objectively reasonable” standard under the factors set out in Graham v. Connor, 490 U.S. 386 (1989).
- Policy must address the use of neck restraints, and employees shall receive annual training if the agency authorizes the use of neck restraints.
- Officers are required to intervene whenever they observe another officer using inappropriate or unlawful force and immediately report the behavior to the supervisor.
- Use of warning shots shall be addressed by agency policy, which shall severely restrict or prohibit the use of the same.
- Medical aid, as determined by the agency, is provided after any use of force that results in or is alleged to have caused an injury or death of another person.
- Any employee whose actions result in death or serious physical injury will be immediately removed from duty and placed on administrative leave with pay pending administrative review and an independent investigation by an outside agency.
- Policy must address removal from duty of any employee who fails to qualify with their primary duty weapon. Removal of secondary weapons is also required if the employee fails to qualify with that system.

5.2. Weapons

- Policy must address agency-authorized lethal weapons and ammunition.
- All less-lethal weapons must be authorized by the agency to include electronic control devices, batons, and chemical agents.
- All officers are required to carry one “intermediate”, less-lethal weapon.

5.3. Training

- Officers receive annual training on use of force as required by Peace Officers Standards and Training Council (POST).

- Officers are required to qualify at least twice per year with one qualification in a low-light environment.
- All firearms training must be conducted by a certified firearms instructor.
- Qualification on all less-lethal weapon systems authorized by the department at least every other year by a qualified weapons instructor.

5.4. Reporting

- A written report is completed whenever an officer uses force for any reason.
- Officers shall document the use of force utilizing the factors contained in Graham v. Connor.
- All Use of Force/Response to Aggression reports shall be reviewed and signed off by every person in the officer's chain of command and require compliance with policy.
- An annual assessment shall be conducted of all use of force incidents and a formal report generated collectively describing the incidents, suspects, reasons for incidents, evolving patterns/trends, training needs and recommended procedural changes.
- Any officer whose actions result in death or serious injury shall be given an opportunity to review all available video footage prior to being required to document the use of force in writing in any form.
- Where any officer's use of force results in death or serious injury, the incident shall be reported to GIRMA's designated contact for claim reporting within 24 hours.

5.b. Additional Guidance

- Agencies must use the "objectively reasonable" standard established in the U.S. Supreme Court decision of Graham v. Connor (1989) when evaluating an officer's use of force.
- Policy should be clear, unambiguous, and comprehensive to ensure officers understand when less-lethal/lethal force is appropriate.
- Training must be provided annually, and detailed records must be maintained.
- Officers must be trained for every less-lethal and lethal device authorized to carry.
- Thorough and detailed reporting of incidents must be completed after every use of force or response to aggression.
- Every supervisor in the officer's chain of command should review the use of force/response to aggression report.
- An outside agency must be utilized to investigate all use of deadly force incidents. This investigation is to determine if there were any criminal violations. In addition, the agency must complete an internal investigation to determine if there were any policy violations. These two investigations must be conducted separately.
- Investigators must have a functioning understanding of the Garrity Warnings and be trained in how to conduct internal investigations.

5.c. Why It Matters

Contrary to popular belief, incidents resulting in law enforcement officers' use of force, particularly deadly force, are extremely rare when compared to the number of police encounters with the public. Divergent perceptions, together with the inherent danger and potential litigation associated with an officer's use of force, require agencies to take a proactive stance to manage these incidents. To accomplish this, police leaders must work to ensure that department policy, training, and review of an officer's use of force comply with established legal and professional standards.

Legal Standards

Georgia law provides that peace officers "may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm" (O.C.G.A. § 17-4-20 (b), Authorization of arrests with and without warrants generally; use of deadly force: adoption or promulgation of conflicting regulations, policies, ordinances, and resolutions; authority of nuclear power facility security officer).

State law also prohibits law enforcement agencies or governing authorities from adopting or promulgating "any rule, regulation, or policy which prohibits a peace officer from using that degree of force to apprehend a suspected felon by the statutory and case law of this state" (O.C.G.A. § 17-4-20 (d)).

The U. S. Supreme Court's ruling in Graham v. Connor (1989) established the standard for evaluating all claims of excessive force by law enforcement officers "in the course of an arrest, investigatory stop, or other 'seizure'" as the Fourth Amendment's reasonableness standard. The Court observed that officers have to make split-second decisions in "tense, uncertain, and rapidly evolving situations." The Court went on to explain that an officer's actions, regardless of their underlying intent or motivation, must be evaluated from the **perspective of a reasonable officer on the scene**, rather than with 20/20 vision of hindsight. When determining the reasonableness of an action, the facts and circumstances of the incident must be evaluated using four factors:

- severity of the crime at issue
- whether the suspect posed an immediate threat to the safety of the officers or others
- was the suspect actively resisting arrest, or
- was the suspect attempting to evade arrest by flight.

Policy

In order to implement the standards established by the legislature and the courts, each department must have a policy governing officers' use of force. The purpose of this policy is to

provide clear, unambiguous, and comprehensive expectations for officers. The policy should address when less-lethal and lethal force is appropriate, outline approved/prohibited techniques, list authorized weapons/ammunition, and describe the reporting and review procedures. The directives should also require that every officer be trained and carry at least one “intermediate”, less-lethal weapon. The department’s operational procedures should also require an officer to intervene whenever they observe another officer using inappropriate or unlawful force. In addition, officers should be required to immediately report the behavior to the supervisor.

Training

The process required to operationalize department policy into practice is training. To ensure officers are capable of effectively performing their job, agencies must verify that their staff fully understand the established standards for responding to aggression, possess the decision-making skills to apply these standards, and effectively employ lethal and less-lethal force techniques. The Georgia Peace Officer Standards and Training Council (POST) annual minimum standards require every officer to satisfactorily complete Firearms Requalification, Use of Deadly Force, and De-Escalation training every year (see [Rules of Georgia Peace Officer Standards and Training Council, Chapter 464-5 Training](#)). But any physical technique, such as defensive tactics or firing a weapon, is a diminishing skill set. When individuals do not frequently practice a skill, their abilities diminish. Compounding the issue are findings that officer-involved shootings are more likely to occur in low-light conditions. To respond to these situations, officers must train in conditions similar to those they are likely to experience. It is important for officers to do more than simply complete their basic qualification course and include these alternative conditions. Finally, all training must be conducted by a POST-certified instructor, and it is necessary to maintain detailed records of the lesson plans, instructor qualifications, training conditions, and testing/qualification scores.

Reporting

Whenever an officer uses any type of force, a detailed report should be completed. Many agencies have changed the reporting terminology from a “use of force” report to a “response to aggression” report. This change recognizes that an officer’s decision to use some type of force is not a random, isolated act, but a response to the aggressive behavior by another individual and more accurately places the responsibility for an officer’s actions on the suspect.

A response to aggression report is a separate document from the incident report. Its narrative should include the reason for the officer’s presence at the scene, a detailed description of the officer’s observations, actions by the aggressor, and the officer’s responses to those actions. Oftentimes, officers tend to place as little information as possible into a report or use “cookie cutter” formats. For example:

“At the above date and time, I (officer’s name) responded to the above location, where I observed the suspect (suspect’s name). When he/she failed to follow my commands, I used the least amount of force necessary to subdue the suspect.”

This approach does not provide the reader with a vivid description of the threat the officer experienced. In addition, it does not provide the information needed to prosecute the case or for the officer to accurately recall events during subsequent legal hearings.

Along with the written report, the department should also collect any video recordings (i.e., mobile, body cams, CCTV), radio transmissions, and photographs of the officer(s) and suspect(s). The supervisor should also obtain statements from the arrestee and any witnesses at the scene. If they refuse to provide a statement, their name and other biographical information should be collected and included in the report.

Many times, new officers become defensive and express concerns that supervisors do not trust them or take the word of the suspects over the officers. First, the supervisors have a responsibility to the officer, department, and community to ensure every officer is performing in accordance with established legal and department guidelines. Second, every comprehensive and accurate report an officer composes helps to build a solid defense against false allegations by documenting a pattern and practice of acting in accordance with established standards.

Supervisory Review

Finally, every supervisor in the officer's chain of command should review the response to aggression report and the supporting documentation/evidence to ensure officers are performing in accordance with established standards and the department's policy. These assessments must be based only on the information the officer knew at the time of the incident, not what may have been learned later. As upper-level supervisors conduct their reviews, they should also assess the lower ranking supervisor's actions and the quality of their review. If an officer's or supervisor's actions were improper, the appropriate corrective action should be taken and documented in the officer's personnel file. Leaders should avoid taking a stance of inaction. Failure to take corrective action always results in the individual's performance continuing to degenerate and increases the potential for a bad incident to occur. Finally, the department should conduct an annual assessment of all response to aggression incidents to identify patterns or trends. This information should be recorded in a formal document and used to determine areas where staff are performing well and need to improve.

Response to Deadly Force/Officer-Involved Shootings

When an officer-involved shooting occurs, professional standards require two separate, but parallel investigations be conducted – a criminal investigation by an outside agency and an administrative investigation by department officials. The purpose of having an outside agency conduct a criminal investigation is to ensure an objective collection of the evidence and assessment of the facts. With a criminal investigation, the officer retains their 5th Amendment right against self-incrimination. However, the administrative investigation is designed to determine if the department's policies were violated, and a statement for any officers/employees can be required. Failure to answer the administrative investigator's statements may be grounds for disciplinary action including termination. Because these two investigations have separate purposes and standards of compliance, it is critical they are conducted separately, by separate investigators, and their results are not intermingled.

The agency's policy should clearly explain that the department will conduct two distinct and separate investigations and the purpose of each. It is recommended for the policy to state that, in the criminal investigation, officers have the right to protect themselves against self-incrimination, and that they may refuse to make any statements in the criminal investigation, whether to the agency's own investigators or to the GBI (or other agency conducting the criminal investigation). The policy further should provide that an officer has the right to request the presence of the officer's attorney during questioning in any **criminal** investigation, and that an officer who chooses to exercise any of these rights will not experience adverse impacts on their employment.

The policy should also provide that whenever the agency conducts an internal investigation of the incident, its purpose is to determine policy compliance. Because of the implied threat to an officer's employment both for non-compliance with a behavioral policy and for non-cooperation with the administrative investigation, it is critical that this interview be conducted separately from the criminal investigation. The policy should emphasize that any statements the officer makes to department investigators during the administrative investigation cannot be shared with or used by the criminal investigators unless and until the officer chooses to waive his Fifth Amendment right against self-incrimination. Because of this, the administrative investigation interviews ordinarily should not be conducted until the independent criminal investigation interviews have been completed. Please note the importance of a "firewall" between the criminal and administrative investigations. Absent this separation, the requirement to participate in the administrative interviews can negate the voluntariness of the statement.

5.d. Legal References

- O.C.G.A. § 16-3-21(a)
- O.C.G.A. § 17-4-20(d)

6. Arrest

6.a. Policy Directives

6.1. Arrest Procedures

The agency shall have a policy governing the arrest of individuals that addresses:

- Only sworn officers who have taken an oath of office as prescribed in O.C.G.A. § 45-3-1 may enforce the law
- Only sworn officers who have completed POST-mandated training are allowed to make an arrest or carry a weapon
- Only sworn law enforcement officers may execute arrest warrants
- Verifying the identity of the person arrested
- A written report is required when any arrest is made as well as supervisory review and responsibilities
- All detainees shall be searched prior to transport
- Arrests without a warrant as described in O.C.G.A. § 17-4-20
- Arrests with a warrant as described in O.C.G.A. § 17-4-20
- Arrests based on Georgia or National Crime Information Center (GCIC/NCIC) hits shall not be made without terminal confirmation (verbal confirmation shall not suffice for an arrest)
- First appearance hearings as outlined in O.C.G.A. § 17-4-62
- Alternatives to physical arrests
- Persons who are immune from arrest
- Diplomatic and consular immunity
- Arrest of foreign nationals, and
- Arrest of juveniles for criminal and Children in Need of Supervision or Services (CHINS) offenses.

6.b. Additional Guidance

- All arrests must be based upon probable cause.
- Officer must be POST-certified and in good standing.
- Persons arrested with a warrant must be carried before a judicial officer within 72 hours.
- Persons arrested without a warrant must be carried before a judicial officer within 48 hours.
- Legislators, members of the military, and some foreign nationals have immunity from arrest in certain circumstances.
- The arresting officer in domestic violence cases cannot have any prior or current familial relationship with the victim or offender.

- The issue of juvenile arrests has become increasingly more complex, requiring communications with the juvenile officers prior to taking a youth to a Regional Youth Detention Center (RYDC).

6.c. Why It Matters

An individual's freedom to move about without governmental interference is one of the most valued rights provided to individuals under the U.S. Constitution. While officers across the country routinely arrest individuals for criminal behavior, no other official - not judges, elected officials, or any other governmental employee - has the authority to seize or take a person into custody. Because of this, a law enforcement officer's authority to seize an individual's freedom is an enormous responsibility that should never be taken lightly.

Failing to act appropriately when exercising the authority to arrest a person is a serious issue that can result in claims of a false arrest. To avoid the negative publicity and costly liability associated with these claims, agencies must have protective measures in place that include comprehensive up-to-date operational procedures, regular training, supervisory review of officer's performance and arrest reports, and a consistent record of holding individuals accountable for inappropriate behavior.

Arrests can be made in two ways - with and without an arrest warrant. When serving an arrest warrant, the officer should first ensure it was appropriately signed by a court with the appropriate authority. The individual serving the warrant must be sworn and must be certified as a Peace Officer in good standing with the Georgia Peace Officers Standards and Training (POST) Council. Third, the officer must be within their jurisdictional authority at the time of the arrest. Persons arrested with a warrant must be carried before a judicial officer within 72 hours of the arrest.

Arrests made without a warrant must be based upon probable cause. Probable cause is generally defined as those facts and circumstances that would lead a reasonable, prudent person to believe that the offender committed the offense of which they are being accused (charged). As with arrests with a warrant, the officer must be sworn, in good standing with POST Council, and be within their jurisdictional boundaries when making the arrest. There are a limited number of exceptions permitting an officer to arrest a person without a warrant for an offense that occurred outside their presence. These include:

- The offender is endeavoring to escape.
- The officer has probable cause to believe an act of family violence as defined in O.C.G.A. §19-13-1 has occurred.
- The officer has probable cause to believe that a violation of a criminal family violence order as defined in O.C.G.A. §16-5-95 has occurred (state law requires that in these types of incidents, the arresting officer cannot have any prior or current familial relationship with the victim or offender).

- The officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult.
- There is likely to be a failure of justice for want of a judicial officer to issue a warrant.

Persons arrested without a warrant must be taken before a judicial officer within 48 hours of the arrest or be released.

Generally, arrests for ordinance violations or traffic offense should only be made if the offense occurred in the officer's presence. However, there are two exceptions. First, when investigating an accident, the officer develops probable cause to determine if either driver committed an offense. Second, if the offense was observed by another officer, they can notify a second officer who may issue the citation. When charging the driver, both officers' names are to be placed on the citation and appear in court.

Immunity from Arrest

Certain individuals possess immunity from arrest under special circumstances. This applies to state and federal legislators during session or committee meetings unless there is treason, felony, or breach of the peace. There are some exceptions to these immunities that require closer instruction. For example, a legislator was arrested one evening during the legislative session. The court ruled that coming from dinner rather than a committee meeting did not provide him with immunity.

Military personnel have immunity in all cases, except treason, felony, or breach of the peace, and are privileged from arrest during attendance at drills, parades, meetings, encampments, the elections of officers as well as going to and returning from performance of any active duty as such members (O.C.G.A. § 17-4-2 Privilege from Arrest of Active-Duty Military Personnel).

Under U.S. treaty and international law, foreign government officials with diplomatic or consulate status, and in some cases embassy employees, have special immunity from arrest (members of the Georgia Police Accreditation Coalition (GPAC) have access to additional resources to explain the three different levels of status as well as actions officers are to take when these individuals are encountered). When an officer encounters an individual claiming to be a diplomat, to have consulate status, or to be an embassy employee, policy should provide that the agency has a U.S. State Department contact number they can call to confirm the individual's status and whether the officer must release or charge the individual.

Foreign Nationals

A foreign national is an individual who is a citizen from another country. In some cases when a foreign national is arrested, it is mandatory to notify an embassy or consulate (GPAC members can access a list of countries that require the embassy to be notified). In other cases, the individual is to be provided the opportunity to notify their embassy.

Alternatives to Arrest

Not every encounter with the public results in a citation being issued or an arrest being made. There are many situations in which the use of an alternative to arrest is more appropriate. What is reasonable in terms of police action or what constitutes probable cause varies with each situation. Different factors may justify an investigation, detention, search, arrest, or no action at all. This requires officers to consider the totality of the circumstances and exercise judgment as to the most suitable response.

Department policy should provide officers with guidance as to when and how alternatives to a physical arrest should be utilized. Some alternatives that are available include verbal/written warnings, release on a citation, or no action at all. In other instances, the officer may need to conduct more investigations, temporarily detain the individual(s), or exercise a custodial arrest.

Juveniles

In recent years, there have been significant changes to the laws regarding juvenile delinquency and how these cases are handled.

Youth committing offenses that are only applicable to persons under the age of 17 are known as "Children in Need of Services" (CHINS). Until recently, these offenses were known as status offenses. Generally, youth accused of one of these offenses are to have a Juvenile Complaint Form completed and sent to the juvenile officer for review and action.

A delinquent act is when a person under 17 years of age commits an offense that is considered a crime (i.e., shoplifting, criminal trespass, burglary, assault). When an officer takes a child into custody for a delinquent act, they are to immediately notify the juvenile court intake officer to determine if the child is to be released or taken into custody and transferred to a Regional Youth Detention Facility.

The Superior Court has concurrent and original jurisdiction over the trial of any child 13 to 17 years of age who is alleged to have committed one of the following offenses:

- Murder
- Murder in the second degree
- Voluntary manslaughter
- Rape
- Aggravated sodomy
- Aggravated child molestation
- Aggravated sexual battery
- Armed robbery if committed with a firearm
- Aggravated assault if committed with a firearm upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-21, or
- Aggravated battery upon a public safety officer as such acts are prohibited under subsection (c) of Code Section 16-5-24.

When a juvenile is arrested for **any** felony, they must be fingerprinted. However, these

fingerprints are to be marked **JUVENILE** in red ink and maintained separately from adult fingerprints.

Traffic charges against a child under the age of 17 are to be handled as juvenile traffic offense by the juvenile court. However, the following offenses are considered delinquent acts and are prohibited from being heard as a traffic offense:

- Aggressive driving
- Reckless driving
- Speeding offenses punishable by four or more points
- Homicide by vehicle
- Manslaughter resulting from the operation of a vehicle
- Any felony in the commission of which a motor vehicle is used
- Racing on highways and streets
- Using a motor vehicle in fleeing or attempting to elude an officer
- Fraudulent or fictitious use of a driver's license
- Hit and run or leaving the scene of an accident
- Driving under the influence of alcohol or drugs, and
- Any offense committed by an unlicensed driver under 16 years of age.

Any person 16 years of age or younger who is arrested or convicted is not to be held in an adult jail or correctional facility. Rather, they must be housed by the Georgia Department of Juvenile Justice. It is also important to note that prior to their transport to a juvenile facility, youth are to be housed in such a manner that males are separate from females, and juveniles do not have any contact by sight or sound with adults.

When the youth is charged for a delinquent act in one county, but they reside in another county, the case is to be transferred to the youth's county of residence. When this occurs, the arresting officer may be required to travel to another county for court proceedings.

6.d. Legal References

- Legal References
 - O.C.G.A. § 17-4-1. Actions constituting an arrest
 - O.C.G.A. § 17-4-2. Privilege from arrest of active-duty military personnel
 - O.C.G.A. § 17-4-3. Right of forcible entry into private dwellings pursuant to execution of arrest warrant
 - O.C.G.A. § 17-4-20.1. Investigation of family violence; preparation of written report; review of report by defendant arrested for family violence; compilation of statistics
 - O.C.G.A. § 17-4-21. Duty of arresting officer to take arrested person before judicial officer; right of arrested person to select judicial officer
 - O.C.G.A. § 17-4-22. Authority of peace officers to make arrests not to be denied because of race, creed, or national origin of peace officers or persons arrested

- O.C.G.A. § 17-4-23. Procedure for arrests by citation for motor vehicle violations; issuance of warrants for arrest for failure of persons charged to appear in court; bond
- O.C.G.A. § 17-4-24. Duty of law enforcement officers to execute penal warrants; summoning of posse
- O.C.G.A. § 17-4-25. Power to make arrests in any county; arrested persons taken before judicial officer; transportation costs; holding in county other than one in which offense committed; transport to regional jail
- O.C.G.A. § 17-4-25.1. Transport of arrested person to jurisdiction in which offense committed; transport of prisoner outside county or municipality
- O.C.G.A. § 17-4-26. Duty to bring persons arrested before judicial officer within 72 hours; notice to accused of time and place of commitment hearing; effect of failure to notify
- O.C.G.A. § 17-4-27. Duty to maintain information about persons arrested by law enforcement officers under their supervision; inspection of records
- O.C.G.A. § 17-4-28. Advising, encouraging, or procuring dismissal or settlement of warrant by arresting officer
- O.C.G.A. § 17-4-29. Collecting or receiving costs or other charges of prosecutor or defendant by arresting officer before warrant returned
- O.C.G.A. § 17-4-30. Arrest of hearing-impaired persons
- Legal References for Arrests by Private Citizens
 - O.C.G.A. § 17-4-61. Grounds for arrest
 - O.C.G.A. § 17-4-61. Taking of persons arrested before judicial officer or to peace officer; duty and liability of peace officer taking custody
 - O.C.G.A. § 17-4-62. Taking of persons arrested before judicial officer within 48 hours of arrest

7. Off-Duty and Extra-Duty Employment

7.a. Policy Directives

7.1. Off-Duty and Extra-Duty Employment

The department shall have a policy governing employee's off-duty and extra-duty employment. At a minimum, this policy should address:

- Locations or types of businesses employees are prohibited from working
- Limitations on when and how much officers may work an extra-duty or off-duty job, and
- Steps required to obtain approval to work an off-duty or extra-duty job.

Off-Duty Employment

This form of secondary employment is entirely independent of the authority arising out of a position as a law enforcement agent of an agency. The employee is an employee of the secondary employer or an independent contractor and is not functioning in the capacity of a law enforcement employee of his agency.

Extra-Duty Employment

Extra-duty employment is secondary employment wherein the actual or potential use of law enforcement powers is anticipated, and the employee is functioning in the capacity of a law enforcement employee of an agency, although not on duty and not being paid from the agency payroll. In such an instance, the employee is working as an employee of the secondary employer, or as an independent contractor, although their law enforcement authority arises out of their position within their law enforcement jurisdiction.

7.b. Additional Guidance

- State law requires officers working off-duty to receive written approval from the head of the agency (chief or sheriff).
- When an officer is working in an extra-duty job and the potential use of their law enforcement powers could be foreseen or expected, it must be located within the agency's jurisdictional boundaries. Otherwise making an arrest is grounds for false arrest.
- Injuries that occur when an officer is acting in a law enforcement capacity can be filed under the department's worker's compensation.
- Documentation should be made of any police-related activity, specifically arrests, use of force, or investigations to ensure that the agency has a record of any actions taken by an officer.
- Excessive off-duty employment could affect the officer's ability to perform regular duties as expected.

7.c. Why It Matters

The purpose of this policy is to protect the city, department, and officers from increased liability, potential injuries, and creating a negative image. According to O.C.G.A. § 16-10-3 (c) (1), officers “employed by private persons, firms, or corporations during his off-duty hours” must receive approval “in writing by the chief or head, or his duly designated agent, of the law enforcement agency by which such law enforcement officer is employed.”

Off-duty employment is defined as work entirely separate from the employee’s position with the police department. For example, working as an instructor or working with a landscape business would be examples of when the officer is working in another job, but being a police officer/employee has no bearing on the work.

Extra-duty employment, however, occurs when the officer’s actual or potential use of their law enforcement powers could be foreseen or expected. For example, the individual is off-duty and not being paid by the department but is working in a position as a security officer.

An officer’s conduct when working an extra-duty job may be grounds for a lawsuit (i.e., for false arrest, excessive use of force, etc.) for the officer and the department. Because of this, authorization to work an extra-duty job should be limited to the agency’s jurisdictional boundaries. Another consideration that needs to be addressed is the report writing requirements for officers who are involved in an incident while working extra-duty jobs. In particular, policy should specify when reports are to be completed (e.g., incident/arrest/use of force reports), time restrictions for completion, and whether there are reports to be completed during the extra-duty assignment or when they return to work.

Injuries that occur when an officer is acting in a law enforcement capacity while off-duty may also be filed under the department’s worker’s compensation.

Even though officers may be working in an “off-duty” capacity during an extra-duty job, they are still perceived by the public as officers. Allowing officers or employees to work at some locations could tarnish the department’s reputation. For example, where drug sales/use, prostitution, disturbances, or other activities are commonplace, officers may find themselves in a very compromising situation and may create the perception that the department is permitting or facilitating this behavior. Because of this, the department has a vested interest in limiting the types of extra-duty jobs its employees hold.

Finally, leaders should consider the number of hours officers are permitted to work while off-duty. Permitting employees to work for extended periods can easily affect their ability to function at full capacity when they return to work. Fatigue from working extended hours during their “off time” increases the likelihood the employee will be less attentive, make serious mistakes, and become more prone to accidents during their regular job. Leaders should also be sensitive to employee abuse of sick leave to work extra/off-duty jobs.

7.d. Legal References

- O.C.G.A. § 16-10-3. Using private funds for law enforcement; off-duty employment of law enforcement officers

8. Other Equipment

8.a. Policy Directives

8.1 Equipment

The department shall have a policy outlining equipment required for use by officers while on duty and when equipment is required. The policy shall require:

- Wearing of ballistic vests while in uniform working on-duty or extra-duty
- Availability for ballistic vests for personnel not normally in uniform
- High-visibility vests while directing traffic or any time they are in the roadway.

8.b. Additional Guidance

Ballistic Vests

- It is imperative that departments have a policy that, at a minimum, requires all uniformed officers to wear their ballistic vest anytime they are on duty or working an extra-duty assignment. Other officers must be required to have their ballistic vests immediately accessible.
- The governing authority should provide these vests to officers and ensure they are replaced in accordance with the manufacturer's guidelines.
- Vests should be fitted for the individual officer.
- The level of protection provided by the vest should be based on the level they "reasonably need". At a minimum the vest should be rated to protect the officer from their own handgun.

High-Visibility Reflective Vests

- Department policy must require that all officers who are directing traffic or working in the roadway are provided and required to wear high-visibility reflective vests.
- Supervisors should routinely inspect their officers to ensure they are wearing the high-visibility vests as required. If the officer is not, they should immediately intervene and insist they put on the vest.

8.c. Why It Matters

Ballistic Vests

According to the National Institute of Justice, soft body armor ballistic-resistant vests have saved more than 3,000 police officers' lives in the last 30 years. That is an average of 100 officers each year. As a result, ballistic vests have become part of the standard-issued equipment for officers.

It is imperative that departments have a policy that, at a minimum, requires all uniformed officers to wear their ballistic vest anytime while on duty or working an extra-duty assignment. Other officers must be required to have their ballistic vests immediately accessible. This is generally considered to mean the officer has the vest in their patrol car, preferably in the passenger compartment. It is important that police leaders conduct routine inspections to ensure officers are performing in accordance with this policy.

When selecting a vest, there are several factors that should be considered. Generally, the level of protection is related to the comfort level. Over the years, technological advancements have enabled manufacturers to reduce the weight of the vests as well as improve the performance and comfort. Still, no body armor will stop every threat. When deciding the level of protection provided, the selection should be based on the level of protection that is “reasonably needed”. At a minimum, body armor should be purchased that will protect the officer from their own handguns. Purchasing a vest that provides a higher level of protection increases the likelihood the officer will not wear the vest.

Agencies should not simply issue an officer a vest that was turned in by a previously employed officer. Rather, it should be fitted for the officer. Vests come in different sizes and designs for male, female, or gender-neutral body types.

There are a variety of other features that should be considered. Will officers be issued vests that are worn under or over the duty uniform? Each type has its advantages. Many times, the choice comes down the agency’s operating philosophy. Costs of these vests generally range from \$250 to \$600 each.

Finally, like most equipment, ballistic vests have a recommended service life when they should be utilized. Agencies must budget to replace them in accordance with the manufacturer’s guidelines.

High-Visibility Reflective Vests

Police officers are required to work in inclement weather conditions that include rain, fog, snow, and ice. The problem is compounded at night and/or when drivers are distracted by emergency lights and activity occurring around an incident location. When travelling through these incident locations, drivers may not see officers providing traffic directions. In some cases, particularly at night or during holidays, drivers may be fatigued or driving while impaired.

According to a [report](#) by the National Law Enforcement Officers Memorial Fund (NLEOMF), there was a 93 percent (n=11) year-to-year increase of police officer fatalities that resulted from being struck by motor vehicles in 2021. This does not include the number of officers who were struck and seriously injured.

To avoid this and other risks, agencies must have a policy that requires all officers directing traffic or working in the roadway to be provided and required to wear a high-visibility reflective vest.

Supervisors should make routine inspections to verify that officers are wearing their vests when performing these tasks. When it is noted that an officer is not wearing the vest as required, the supervisor should immediately intervene and insist the officer put on the vest.

9. Persons Experiencing Mental Health Issues or Persons with Diminished Capacity

9.a. Policy Directives

9.1 Response to Persons Experiencing Mental Health Issues/Persons with Diminished Capacity

The department shall have a policy governing officers' response to and interactions with persons who may be experiencing a mental health issue and persons with diminished capacity (i.e., due to autism, dementia, Alzheimer's, excited delirium, alcohol/drug intoxication). The policy should cover the following issues:

- Interactions
- De-escalation, whenever possible, and
- Diversion to Mental Health Services.

9.2 Training

Policy shall require the following training:

- At least one person assigned to each shift will have completed one advanced course on how to respond to persons with mental health issues and persons experiencing diminished capacity (i.e., Mental Health First Aid, Crisis Intervention Training).
- All persons will complete in-service training on how to interact with persons experiencing mental health issues or diminished capacity at least every three years.

9.3 Documentation/Reporting Requirements

Officers shall be required to complete a report any time they respond to a person who is experiencing a mental health issue or diminished mental capacity. This report shall include:

- The type of call
- The problem being experienced
- Description of the person's behavior
- Efforts taken to de-escalate the situation
- Diversion to mental health services, and/or
- If an arrest was made.

9.b. Additional Guidance

- Dealing with persons experiencing a serious mental health condition can be potentially violent. Because of this, officer safety must be a priority.
- Having a mental health condition or experiencing diminished mental capacity is not a crime. However, their behavior may evolve into a criminal offense.

- Law enforcement officers frequently interact with persons experiencing mental health issues who are in stress or persons experiencing diminished capacity. Therefore, it is reasonable to expect that officers encountering these individuals are trained how to properly engage, de-escalate, and resolve an incident. Because of this, it is critical for officers to receive advanced and refresher training on how to properly manage these interactions.
- The department should have a policy supporting the use of de-escalation and diversion.
- Supervisors should be dispatched to incidents involving persons with mental health issues or diminished capacity to provide oversight.

9.c. Why It Matters

[Recent studies](#) indicate that approximately 23 percent of adults in the United States experience a mental illness every year. In 2021, almost six percent of the population experienced a “serious” mental illness, defined as “any mental, behavioral, or emotional disorder that substantially interfered with or limited one or more major life activities.”

Law enforcement officials have seen a similar increase in the numbers of encounters with these individuals. This has resulted in larger numbers of persons being introduced into the criminal justice system. According to [data](#) from the U.S. Department of Justice, about 43 percent of state prisoners have a history of a mental health problems.

Most persons with a mental health condition (sometimes referred to as mental health consumers) are not violent. Based on [data](#) from the U.S. Department of Health & Human Services, only about three to five percent of violent acts can be attributed to individuals living with a serious mental illness, while this group is also over 10 times more likely to be victims of violent crime than the general population.

Nevertheless, dealing with persons who are severely mentally ill can be dangerous and must be considered an officer safety issue. Officers have often been required to use physical force to effect an arrest. In some cases, officers have been forced to use deadly force to defend themselves. These dangerous encounters are a threat to the police, mental health consumers, and the public. According to a [2015 study](#), about one in four fatal police encounters involve an individual with mental illness, which means that the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians approached or stopped by officers.

Recognizing the increased likelihood of officers encountering persons with mental illness or diminished capacity, it is imperative officers receive proper guidance through departmental policy as well as training on how to operationalize these directives.

In 2014, the Georgia Association of Chiefs of Police produced a [report](#) entitled *Mental Health Issues in Law Enforcement: Review and Recommendations Concept and Issues White Paper*. This

document identifies the issues related to dealing with persons experiencing a mental health issue, statutory legal authority to take them into custody and transport them to mental health facilities, and services available to assist.

In addition, recent court cases as well as consent agreements with the U.S. Department of Justice under 42 U.S.C. 14141 have suggested that officers should take into consideration an individual's diminished capacity. To accomplish this, the agency should have a policy directing officers how to interact with persons experiencing diminished capacity. When possible, it is extremely important for officers to exercise de-escalation techniques and calm the situation. Accordingly, policy should emphasize the use of de-escalation techniques when possible. Second, the evidence clearly suggests that officers commonly encounter persons with mental illness or diminished capacity. Having determined this, officers should be provided training for mental health consumers or persons with diminished capacity. Two of the most frequently attended classes are Mental Health First Aid (8 hours) and Crisis Intervention Training (40 hours). Third, the agency should consider requiring refresher training as part of their annual in-service program every three years.

Finally, state law requires any officer taking a person into custody and delivering a person for examination by a physician to prepare a written report detailing the circumstances under which they were taken into custody. The report and the court order or physician's certificate should be made part of the patient's clinical record (O.C.G.A. § 37-3-41. Emergency admission based on physician's certification or court order; report by apprehending officer; entry of treatment order into patient's clinical record; authority of other personnel to act under statute).

9.d. Links to Third-Party Model Policy, Training Materials, and Legal References

- Third-Party Model Policy
 - International Association of Chiefs of Police (IACP), [Responding to Persons Experiencing a Mental Health Crisis](#) (August 2018)
- Training Materials
 - [Georgia Public Safety Training Center \(GPSTC\) Crisis Intervention Training](#)
- Legal References
 - O.C.G.A. § 37-3-4. Immunity of hospitals, physicians, peace officers, or other private or public hospital employees from liability for actions taken in good faith compliance with admission and discharge provisions of chapter; immunity not applicable to failure to meet standard of care in provision of treatment
 - O.C.G.A. § 37-3-5. Apprehension by peace officer of patient who leaves facility without permission
 - O.C.G.A. § 37-3-41. Emergency admission based on physician's certification or court order; report by apprehending officer; entry of treatment order into patient's clinical record; authority of other personnel to act under statute
 - O.C.G.A. § 37-3-42. Emergency admission of persons arrested for penal offenses; report by officer; entry of report into clinical record
 - O.C.G.A. § 37-3-101. Transportation of patients generally

10. Multi-Jurisdictional Task Force

10.a. Policy Directives

10.1 Multi-Jurisdictional Task Forces

If agency personnel participate in formal, long-term, multi-jurisdictional investigative task force(s), the agency's participation must be subject to a written agreement describing the task force activities, and shall contain at a minimum:

- The purpose of the task force
- The authority and responsibility of each agency
- A statement that the task force will adopt specific policies or designate the policies of a specific agency so that there are uniform policies for all critical tasks
- A statement that agency personnel will adhere to their agency's policies where task force policies do not exist
- Specify how liability insurance coverage is provided, and
- Approval by each agency CEO or governing authority (after consultation with the agency's/governing authority's legal counsel).

10.b. Additional Guidance

Multi-jurisdictional task forces are a cost-effective approach to collaborate and share resources to address a common problem across jurisdictional lines. However, it is critical for agencies participating in the task force to anticipate issues that may arise in the organization, staffing, funding, and operations of the program. The following list contains the main items to be identified and resolved when establishing multi-jurisdictional task forces:

- Officers' authority to exercise the powers of arrest and search must be clarified
- Lines of authority
- Selection processes and criteria
- Supervision/disciplinary issues
- Rotational processes for persons assigned
- Specialized training required and responsibility for payment of the associated costs
- Funding formula to identify responsibility for costs to include salaries, purchase of supplies, office space/equipment, operational equipment, and capital expenditures such as automobiles
- Formula for the separation of asset forfeitures
- Operational procedures, but if the task force does not have a policy in place, the officer is required to follow their department's policy/operational procedures
- Reporting requirements to employee's employing agency
- Processes to resolve conflicts
- Separation of equipment and other assets when and if the task force is dissolved

- Liability coverage for officers. This must be structured to ensure the different governing authorities (i.e., city and counties) are not held responsible for the conduct of officers from another jurisdiction.

10.c. Why It Matters

Over the years, many law enforcement agencies have pooled their resources with the use of task forces to effectively address criminal activity that crosses jurisdictional boundaries. These collaborations provide many advantages for participants by allowing agencies to share expertise, staff, intelligence information and equipment as well as avoid the costly duplication of services. These groups have used a variety of approaches to address issues of authority, organizational structure, funding, and oversight.

For a task force to be successful, each sponsoring agency must be a respected and equal partner in the collaboration. Accomplishing this requires consistent focus on the mission and purpose of the group, open and candid communication, and a perception that each agency is an equal partner in the program.

In recent years, lawsuits involving officers assigned to task forces have resulted in large claims for insurance companies. To mitigate these claims, a variety of issues must be addressed through a Memorandum of Understanding (MOU). This agreement should identify the lead agency, governing board assignment and authority, reporting requirements, funding formulas, processes for resolving conflicts, and separation of equipment, assets, and personnel when the task force is dissolved.

The agreement should also have a statement that articulates the purpose of the task force as well as the source of each officer's authority. It is extremely important that the MOU **specifies how liability insurance coverage is provided**. This may be accomplished in several ways. The first approach is for each agency to be responsible for providing coverage of officers assigned to the task force. This statement should also clarify their governing authority and that insurance does not cover the actions of any agent from another jurisdiction. The second approach is for the host agency to provide the insurance coverage of each officer. Failure to do this could result in a governing authority's insurance carrier being held responsible for claims against an officer assigned to the task force who is not their employee.

The task force must have up-to-date procedures that address minimum employment standards, organizational structure, selection processes, supervisory authority, rotation of assignment to the unit, rules of conduct, disciplinary procedures, operational procedures, training requirements, reporting requirements, and other actions required of a law enforcement agency. In cases when the task force does not have operational procedures, each officer should follow their sponsoring agency's directives.

11. Body-Worn and In-Car Cameras

11.a. Policy Directives

11.1 Body-Worn Cameras

If the department provides their officers with body-worn cameras, the department shall have a policy or policy language that requires:

- Officer training requirements
- Officer training requirements for body-worn cameras
- Officer use/activation requirements
- Open records request procedure that meets Georgia's requirements
- Records retention/storage process that meets Georgia's requirement (Georgia law requires that body-worn camera video be stored for 30 months or until case is adjudicated if part of a criminal investigation, shows a vehicle accident, shows arrest or detention of individual, shows use of force. All other recordings must be kept for 180 days.)
- Supervisor responsibilities, including:
 - Documented reviews of the body-worn camera video of at least three random arrests per week. If the department has fewer than three arrests during the week, they are only required to review the arrests that were conducted. The reviews should document whether the arrests were within policy and that feedback has been provided to officers. Auditor will request to see proof of these reviews.
 - A documented review of the body-worn camera video of each reported use of force incident. The reviews should document whether the use of force incident was within policy and that feedback has been provided to officers. Auditor will request to see proof of these reviews.
 - A documented review of the body-worn camera video after every contact with a person of diminished capacity. The reviews should document whether the contact with a person of diminished capacity was within policy and that feedback has been provided to officers. Auditor will request to see proof of these reviews.

11.2 In-Car Cameras

If the department provides their vehicles with in-car cameras, the department shall have a policy or policy language that requires:

- Officer training requirements for in-car camera systems
- Officer use/activation requirements
- Open records request procedure that meets Georgia's requirements
- Records retention/storage process that meets Georgia's requirements (Georgia requires that body-worn camera video be stored for 30 months or until case is adjudicated if part of a criminal investigation, shows a vehicle accident, shows arrest or detention of individual, shows use of force. All other recordings must be kept for 180 days.)

- Supervisor responsibilities, including:
 - Documented reviews of the in-car camera video of three random vehicle traffic stops/pullover per week. If the department has fewer than three vehicle traffic stops/pullover during the week, they are only required to review the vehicle traffic stops/pullover that were conducted. The reviews should document whether the vehicle pullover were within policy and that feedback has been provided to officers. Auditor will request to see proof of these reviews.
 - Documented reviews of the in-car camera video of three random vehicle emergency responses per week. If the department has fewer than three vehicle emergency responses during the week, they are only required to review the vehicle emergency responses that were conducted. The reviews should document whether the vehicle emergency responses were within policy and that feedback has been provided to officers. Auditor will request to see proof of these reviews.
 - A documented review of the in-car camera video of each vehicle pursuit. The reviews should document whether the vehicle pursuit was within policy and that feedback has been provided to officers. Auditor will request to see proof of these reviews.

11.b. Additional Guidance

- Officers must be aware that body-worn cameras (BWC) are not a panacea. According to how they are positioned, they will not see everything the officer sees.
- The BWC does not capture much of the footage an in-car camera will prior to a traffic stop or the officer's driving behaviors.
- When implementing BWC programs, some police leaders have encountered apprehension and resistance by officers who will be required to use the equipment. It is important to engage staff representatives in the equipment evaluations, policy development, and implementation processes.
- There are financial concerns agencies must consider when making purchases of the BWC and in-car camera systems. While there is an expense, elected and appointed leaders are encouraged to view this as an investment.
- The department must have a comprehensive policy that governs personnel required to utilize the technology, downloading procedures, accessing and releasing recordings, review processes, and retention guidelines.
- Departments must implement policies and procedures that govern the frequency of camera recordings to be reviewed, which actions are being evaluated, and accompanying documentation. These include arrests, all uses of force, and all encounters with persons with diminished cognitive capacity.
- Georgia open records law governs the retention and release of camera recordings.

11.c. Why It Matters

Body-Worn Cameras

Body worn camera (BWC) systems were first employed by police departments in the United States in 2012. Soon after the controversial death of Michael Brown in Ferguson, Missouri in 2014, communities across the country expedited their implementation of the technology. Both the police and public expected BWC programs to support greater transparency, accountability, and safety.

Since their implementation, agencies using BWCs have experienced many benefits. BWC usage has been linked to reduced complaints by residents, improved protection of officers from false complaints, better information for constructive performance feedback, and enhanced training opportunities. In other instances, BWC recordings have captured statements and information that initially were not recognized as being significant. But later reviews provided critical information for identifying incriminating or exculpatory evidence. BWCs have also been shown to serve as a deterrence to bad behavior by the public and the police. From a technical perspective, certain BWC capabilities may exceed those of the human eye and brain. For example, a BWC with low-light vision and a specific field of view may produce an enhanced recording that compensates for limited human perception in dark environments.

Soon after their implementation of BWCs, officers unexpectedly began to use the recordings to improve the quality of their written reports, capture crime scene evidence, and review their own performance to improve their responses to incidents. Supervisors have reported that the time to resolve complaints fell from an average of about three weeks to around 24-48 hours. At the same time, some officers have reported that they felt their credibility was diminished in court when there was no camera footage available for review.

It has also been determined that lawsuits are more easily resolved when attorneys are able to present recordings. When officers fully record an encounter, as many as four out of five court decisions favor officers. While recordings have resulted in agencies obtaining summary judgments much faster, footage of an officer's improper behavior can provide legal counsel with the background information needed to recommend a quick settlement and avoid unnecessary legal fees.

At the same time, body worn cameras are not a panacea. While most cameras are secured on the officer's shirt or vest, there are other ways for them to be worn. Regardless of where the camera is positioned, they do not always capture what the officer may see. The failure to capture an event may be linked to a variety of reasons, including

- How the officer's body is positioned
- The officer did not activate the camera prior to the encounter
- Which officer(s) did or did not have a camera
- The first officer on the scene did not have a camera

- The camera did not capture what the other officers saw
- The officer was not involved in the use of force.

Similarly, the BWC positioning usually prevents it from capturing recordings of the officer's driving habits or what is occurring as they respond to emergency calls. Recordings of officers' emergency responses to calls are critical for conducting regular reviews of their driving skills and habits. They also provide important information in the event an officer is involved in an accident to determine if the officer or the other driver was at fault. Without these camera recordings, this determination may be more difficult to make.

In addition, BWC position often prevents an officer from recording what they are observing as they prepare to make a traffic stop. For example, an officer is about to stop a suspected impaired driver. Prior to making the stop, the officer can record the driver's actions and describe the behaviors that are providing them with the reasonable suspicion to make a traffic stop. This would include a description of the car, their location, and the driver's behavior. As they follow the vehicle, the officer notes that the car is travelling 10 mph below the speed limit and that the driver crosses the centerline three times as well as the fog line (white line on the side of the road) three times within three-tenths of a mile. This information is critical to substantiating the officer's stop and the subsequent arrest of the driver.

Implementation

While use of BWCs is becoming commonplace, it is important to note that the implementation of the technology may be perceived differently depending on individuals' assignments and job responsibilities. How the implementation of a new technology or procedure is presented can influence these perceptions. Officers with a negative perception may be apprehensive or resistant to the new process or technology. When efforts are not taken to recognize and address these disparate perspectives, agencies can experience several unintended consequences.

Agency administrators and supervisors who have successfully implemented the use of BWCs have reported that they focused on protecting officers from complaints and allegations of misconduct. They were also concerned officers would resist using the system. To mitigate this resistance, agency leaders have engaged line officers in the policy formation and implementation of the technology.

While some agencies have the resources to simultaneously deploy the use of BWCs throughout the agency, others are forced to incrementally implement the technology over a one- to three-year period. To minimize officers' concerns that the equipment will be used to catch officers' mistakes, some agencies have followed an assignment strategy that prioritizes distribution to officers who have the most contact with the public instead of the officers with the most complaints.

Officers mandated to utilize the equipment have also expressed concerns about the functional capabilities of BWCs, including "comfort, battery life, fixability, and ease of recording and retrieval". Officers felt that if the camera stopped when interacting with a civilian, they would be

accused of turning off the device. These concerns can be addressed by explaining the camera's extended battery life and warnings the device provides officers that the battery needs replacement. While troubleshooting malfunctions could be an issue, training officers to repair common problems has been found to diminish these concerns.

Financial Concerns

As agencies began to implement the use of BWCs, elected and appointed leaders voiced concerns regarding the costs associated with purchasing, implementing, reviewing, and maintaining the system. While the purchase prices of BWCs have fallen, the cost of data storage has remained at a level some perceive as being high. In addition, storing data on the manufacturer's cloud-based system provides a better option than maintaining the information on-site and increasing the number of department personnel.

It is important view the associated cost of the system as an investment and to ensure that adequate resources are dedicated for ongoing system maintenance and upgrades.

Operational Procedures

To ensure consistent operations, departments must implement operational procedures that provide detailed guidance regarding use of BWCs to include:

- Identify by position who is required to wear a BWC
- When it is to be activated
- What actions to take if the BWC becomes inoperable
- Downloading procedures
- Accessing and releasing recordings
- Maintenance and inspection procedures
- Review processes
- Retention guidelines
- Review of BWC footage

It is important for agencies to utilize an "actively engaged approach" to reviewing video footage. To accomplish this, supervisors must establish a schedule for conducting reviews of body camera footage. At a minimum, these should include:

- A minimum of three random reviews should be conducted of arrests on each shift per week. If fewer than three arrest are made, every arrest should be reviewed. As part of the review, supervisors should determine if the officer had probable cause for the arrest as well as followed operational procedures. In addition, a critique should be conducted of how the officer interacted with the individual and strategies used to take the individual into custody.
- Every use of force. The purpose of this review is to determine if the officer's use of force was "objectively reasonable". Was the officer able to de-escalate the situation? If not, it

is important to document the reasons why. Is the officer developing a pattern of behavior that needs to be addressed before it becomes problematic?

- Every interaction with a person experiencing diminished cognitive capacity. While the majority of encounters with mental health consumers is non-violent, these encounters are unpredictable and can become dangerous. In addition, the review should assess the officer's abilities to engage, and if needed, to de-escalate the individual. Was the officer able to coordinate with mental health service providers to assist the individual? If not, what issues prevented this? Again, mental illness is not a crime. Oftentimes, the issues officers experience are linked to the limited services available to these individuals, particularly in smaller and rural communities. This information can provide critical evidence to support the need for these services as well as to address other problems. It is important to recognize that the purpose of a video review is not to find something the officer(s) did wrong. While this may occur, the goal is to critically assess their actions based upon established professional and legal standards and work to continuously improve their performance.

Report Writing

While it is completely acceptable to utilize recordings to augment criminal investigation reports, there is still much debate about whether an officer should be permitted to review a recording prior to completing use of force reports. Use of force incidents are often rapidly evolving, volatile situations. It is common for officers to not recall taking a specific action. In other cases, they may not remember seeing something, or the camera may not capture what the officer saw. Despite this, it is recommended that the officer first prepare and submit their original report incident and use of force report. After producing these reports, it is acceptable for an officer to include an amended report to the original that includes observations from the recordings as well as events that were not captured. This approach will prevent officers from simply narrating what they observed on a camera in the report.

Records Retention

The retention and release of BWC recordings is regulated by the Georgia Open Records Act. Any recordings that are a part of a criminal investigation, show a vehicle accident, arrest or detention of an individual, or use of force must be retained for 30 months or until the case is adjudicated. All other recordings must be retained for 180 days (O.C.G.A. § 50-18-70(b)(2); <https://gfaf.org/resources/the-red-book/>).

In-Car Cameras

Since the use of in-car or dash cameras became widespread in the 1990s, the technology has dramatically improved. While in-car cameras do not enjoy the flexibility of BWC's, they do offer additional benefits that support the need for agencies to continue using them.

In-car cameras automatically begin recording when the officer activates their emergency lights. Officers can also manually activate the in-car camera system remotely or while inside the patrol car. These systems can also be configured to record the rear seat compartment to capture the

arrested person's movements and any discussions they may have. This has enabled officers to record individuals concealing contraband and evidence in the car as well as record comments critical to investigations.

Officer-involved vehicle crashes are directly linked to the costliest insurance claims for agencies' automobile insurance, workers compensation, and liability coverage. Because of this, it is extremely important for supervisors to conduct regular reviews of police officers' in-car camera recordings to identify when officers are performing tasks well and where they need to improve. At a minimum, these should include:

- Three random vehicle stops/pullover on each shift per week. If there were fewer than three stops/pullover conducted in a week, they should review those that were conducted. As with BWCs, supervisors should determine if the officer had reasonable suspicion to make the stop. If an arrest was made, the supervisor should verify that the officer possessed probable cause for the arrest and followed operational procedures. In addition, a critique should be conducted of the officer's interaction with the individual and their arrest processes. The critique should identify what the officer performed well, where they can improve, and which behaviors need to stop.
- Three vehicle emergency responses on each shift per week. If fewer than three emergency responses were conducted, all the responses should be reviewed. As part of this review, the supervisor should determine if the officer had sufficient grounds to engage in an emergency response. Did the officer activate both their emergency lights and the siren? If officers do not engage both, they are not considered an emergency vehicle, and the issue should be addressed. Does the officer operate the car with "due regard" to other drivers? Did the officer drive at a reasonable speed? Were intersections "properly cleared" prior to progressing through them? Did the officer properly position their vehicle upon arrival at an accident or incident location?
- Every officer's use of force. As with BWCs, the purpose of this review is to determine if the officer's use of force was "objectively reasonable". Was the officer able to de-escalate the situation? If not, document the reasons why. Is the officer developing a pattern of behavior that needs to be addressed before it becomes problematic?
- Every vehicle pursuit. Vehicle pursuits are extremely dangerous for the suspect(s), officer(s), and the public. As part of this review, supervisors must determine if the officer had sufficient grounds, as outlined in department policy, to engage in the pursuit. Did the officer activate their emergency lights and siren? Did the officer clearly communicate the reason for the pursuit? Did the supervisor approve for the officer to continue in the pursuit? Did the officer drive with "due regard" to other drivers? Were intersections "properly cleared" prior to progressing through them? Was the number of cars engaged in the pursuit limited to the number required by policy? Did an officer in the secondary position take control of and conduct radio communications? How long, in time and miles, was the pursuit? What were other officers, who were "not engaged" in the pursuit, doing during the pursuit? This will require the supervisors conducting the review to examine camera footage from other vehicles. How did the officers driving those vehicles perform? If possible, it is important to capture the GPS coordinates and speeds of department

vehicles in the pursuit. How did the pursuit end – was the suspect stopped, did the officer or supervisor discontinue the pursuit, did the officer lose contact with the driver, did the suspect and/or officer crash, or other reasons? If the supervisor terminated the pursuit, did the officer disengage as directed? Does the officer’s report match the camera recordings?

Generally, storage of in-car camera footage is not as costly as it is for BWCs. Because of this, the overall cost to purchase and store recordings is not as high. In addition, the cost of in-car cameras can be included in the vehicle budget.

Open Records

As with BWCs recordings, footage from in-car systems must comply with the same requirements of the Georgia Open Records Act.

In closing, the public has come to expect **all** law enforcement agencies to have camera systems in place to record their actions. The implementation of this technology has provided unprecedented access to the challenges law enforcement officers experience each day. It has also demonstrated that the overwhelming majority of officers’ actions are done in accordance with established standards. Departments have also realized unanticipated benefits that have improved their ability to solve crimes, reduce public complaints, quickly resolve complaints, and successfully defend legal claims. Conversely, officers report that they feel their credibility was potentially diminished in court when they did not have camera footage available.

11.d. Legal References

- O.C.G.A. § 50-18-70. Inspection of public records; printing of computerized indexes of county real estate deed records; time for determination of whether requested records are subject to access; electronic access to records

12. Public Safety Information Officer

12.a. Policy Directives

12.1 Policy

The department shall have a Public Safety Information Officer policy that addresses:

- The department shall identify at least one person to act as the public safety information officer for the department
- Roles and responsibilities of the public safety information officer and others as it relates to external communications
- Training required for the public safety information officer, department leadership, and all other employees on external communications. Auditors will request to see proof of training.

12.b. Additional Guidance

- While there are a few limitations, members of the press are constitutionally protected to freely report their stories to the media.
- It is important that agencies develop and maintain relations with the media that are professional and based on respect and trust.
- At a minimum, all agencies must identify at least one person who is authorized to release information to the media. Depending on the agency's size there may be a need to develop a tiered approach for additional staff that can release information as well as for the scope and depth of that information.
- To ensure that all statistical information is released in a consistent manner, it is important to have only one source that is authorized to release data to the media.
- All employees, sworn and non-sworn, must be trained on the operational procedures regarding release of information to the media. Key personnel, such as police leaders and public information officers, should be provided specialized advanced training on developing press releases as well as conducting interviews and press conferences.

12.c. Why It Matters

The founders of the United States placed the right to freedom of the press in the First Amendment of the Constitution along with the freedoms of religion, speech, assembly, and right to petition the government. They did this because they believed these rights were the most important for every citizen as well as the nation. They wisely recognized that a free press was essential to hold government officials and other leaders accountable. The right for the press to report on any topic, without government intervention, is essential to protect our republic.

Today, the press is much more complex than originally viewed by the founding fathers. Most traditional print newspapers have transitioned to an electronic format. In addition, the “press” is considered to include much more than newspapers, television, and radio. Complicating the issue even more, citizen reporters are working in non-traditional mediums that are focused on specific areas of interest. Social media enables individuals to live stream an incident where police may not have arrived on the scene or are even aware of the event. The narrative being broadcast to thousands of persons may be based on conjecture, inaccurate perceptions, bias or simply bad information. In today’s politicized, fractured environment, these situations can easily spiral out of control before officers arrive on the scene. Network television news programs operate on a 24/7 news cycle. A reporters’ focus is often on being the first to report an event. On a “slow” news day, an incident that otherwise would not even be reported may become the lead story. Because of this, police representatives are forced to interact with the media much faster and with less time to prepare.

As officers arrive at an incident location, they are often faced with rapidly evolving situations. The first priorities are to secure the location and care for injured persons as well as detain the suspects and protect the crime scene. In some instances, supervisors must also focus on preparing a tactical response, coordinating a search for suspects, notifying/updating administrators, as well as briefing arriving investigators.

Despite all of this, reporters arriving on scene are seeking information and answers to questions. Leaders do not have the luxury of ignoring the reporters. If personnel or staff ignore or do not respond to initial inquiries, they lose control of the narrative when reporters turn to other persons who can provide the information they are seeking. In many cases the individuals they speak with and the responses they receive may not be accurate or based on facts. If these statements are shared, it can result in a variety of issues. For example, tracking down and verifying or disproving statements can consume enormous time away from investigating the event.

Because of this, it is critical for agencies to implement procedures that identify personnel who can release information to the media. Agencies must balance the timeliness of releases with accuracy of information and ensuring the release does not interfere with the investigation. At a minimum, the agency must identify at least one person to serve as the department’s public safety information officer. In other cases, agencies may consider authorizing other personnel to provide “basic” information. For example, communications personnel who receive inquiries from the media can provide basic information, such as

- “There is a reported (type of incident) at (location), that has/has not been confirmed. There are no details available at this time.”
- “There is a reported accident at (location). Police, emergency medical services, and other personnel are on scene. Further details are not known at this time.”

The reporters should then be referred to the appropriate person for more information.

Agencies are also encouraged to restrict the release of all statistical information to one common source within the department. If data is not reported in a consistent format that is based on similar factors (such as absolute numbers for a given time period or per capita rates), it can easily be misinterpreted or appear confusing. Crime or accident statistics may also appear skewed if incidents are reported without context. For example, some communities may experience increases in crime during specific times of the year, such as the summer months. Similarly, certain types of offenses such as DUIs are more likely to occur on Thursday, Friday and Saturday. In addition, different units within the department may look at the same data from perspectives that are based on their needs. When these statistics are provided in different ways or formats by different units within the department, it may appear that the agency is manipulating or misrepresenting the data.

Operational Procedure Development

Regardless of the size of the department, comprehensive procedures should be developed to guide employees when interacting with media representatives. Areas that should be addressed in policy include:

- Identify positions authorized to release information and the types of information they are authorized to release
- Duties of the Public Information Officer (PIO) (i.e., assisting media representatives with routine as well as major events, preparing press releases)
- Notification of PIO procedures
- Coordination with multi-agency or jurisdictional events
- Release of persons' names who have been injured or killed
- Media access to incident locations or crime scenes
- Restriction of department personnel from obstructing media representatives' efforts to record or report information that is being obtained within the principles and responsibilities identified within the department policy
- Release of information that could jeopardize the lives of others or the officers' ability to perform their duties
- Release of photographs
- Requests to withhold publication
- Statistical records

Training

As operational procedures are developed and implemented, every employee in the department must be trained on the policy. Officers and personnel authorized to release information should be trained on why it is important to perform specific tasks as well as how to perform them. Officers must be trained on these tasks to a standard of mastery, and supervisors must verify staff are continuously performing to or beyond the established standards.

Key personnel, such as police leaders and public information officers, should be provided advanced training on preparing press releases as well as conducting interviews and press conferences.

Summary

A free press is a constitutional right in the United States. Not every story will be flattering for the department, officers, and employees, but it is important to recognize that critical press coverage is not personal. Officers should understand that reporters have a duty to perform. At the same time, public safety personnel must maintain a balanced approach that ensures journalists are able to report their stories while protecting the integrity of their investigations. This requires police leaders to provide all staff with appropriate guidance and ensure they are properly trained on how they should interact with the media.

Glossary

A

ADMINISTRATIVE REVIEW

Documented review of an incident, occurrence, practice and/or data prepared by or for the CEO or his/her designee. Review shall address whether training, policy, equipment or disciplinary decisions should be implemented.

AMMUNITION

Bullets, shells, cartridges, canisters, projectiles or munitions fired or detonated from any weapon, to include less-lethal.

ANALYSIS

A systematic process for identifying and dissecting patterns or trends based on agency records, reports, processes, etc. It is not enough to simply report statistical data. A properly conducted analysis may reveal patterns or trends regarding employee actions, agency enforcement, training, policies and/or program effectiveness. The documented analysis should include plans of action to address training needs, policy modification, agency liability, and agency successes. In the absence of sufficient data to conduct an analysis, the agency shall still include a review of their processes, policies, etc. as it relates to the subject.

ARREST

The restraint of the liberty of a person to come or go as he or she pleases, no matter how slight. An individual has been arrested when he or she is not free to go, regardless of whether formal words of arrest have been used.

ASSESSMENT CENTER

A standardized evaluation of behavior based upon multiple sources of input and using trained observers and multiple techniques. Judgments about behavior are made from specially developed assessment exercises designed to measure the participant's performance in specific job-related tasks and situations. Assessment centers may be contracted out or conducted by agency personnel.

AUDIT OF PROPERTY

The audit shall be a significant random sampling of all property, including high-liability items. The minimum sample size for an audit shall be 10 percent or 250 total pieces (whichever is lower) of all property.

C

CANDIDATES

Persons seeking employment who have completed a formal application.

CERTIFIED WEAPONS INSTRUCTOR

An instructor that is certified to provide training of the weapon they are reviewing, inspecting, approving, or providing instruction for.

CHIEF EXECUTIVE OFFICER (CEO)

The position of the most senior administrator in charge of managing an organization, such as Chief of Police, Sheriff, Director, etc.

CITATIONS

Any traffic enforcement action that involves a documented notice to the accused to appear and that contemplates trial adjudication or disposition to determine the guilt or innocence of the person charged with a violation.

D

DEADLY FORCE

As outlined by O.C.G.A. §§ 16-3-21 and 17-4-20.

DETAINEE

A person in the custody of agency personnel and whose freedom of movement is at the will of agency personnel.

E

ELECTRONIC CONTROL DEVICES

A less-lethal tool designed to emit an electrical pulse that affects the sensory and/or motor functions of the nervous system. The devices may also be referred to as Conducted Electrical Weapons (CEW).

EQUAL EMPLOYMENT OPPORTUNITY PLAN

A document that is designed to state the steps the agency intends to take to ensure there are no artificial barriers that would prevent members of a protected group from a fair and equitable opportunity to be hired, promoted, or to otherwise take advantage of employment opportunities.

EXTRA-DUTY EMPLOYMENT

Secondary employment wherein the actual or potential use of law enforcement powers is anticipated, and the employee is functioning in the capacity of a law enforcement employee of an agency, although not on duty and not being paid from the agency payroll. In such an instance, the employee is working as an employee of the secondary employer, or as an independent contractor, although their law enforcement authority arises out of their position within their law enforcement jurisdiction. (NOTE: *To be distinguished from "off-duty" employment below.*)

F

FORCIBLE STOPPING TECHNIQUES

Any technique used with the intent of terminating a vehicle pursuit other than the voluntary submission of the driver, i.e., stop sticks, PIT, channelization, slow-moving traffic, etc.

H

HIGH-LIABILITY ITEMS

At a minimum includes narcotics, money, jewelry, guns, and precious metals.

I

INCIDENT

An event that requires law enforcement action or the dispatching of officers in response to public requests for law enforcement services. This includes any incident, whether criminal or non-criminal, for which there has been a response to the scene, an investigation, or the preparation of an oral or written report.

INSPECTION

Inspection conducted by personnel who may or may not have control of the persons, facilities, or procedures being inspected. Inspectors in larger agencies are generally members of a specialized component responsible for conducting inspections throughout the agency. The results of inspections are usually reported to the agency head.

INVENTORY OF PROPERTY

An inventory requires a complete listing and accountability of all high-liability items maintained by the property and evidence function. The inventory shall also include a random sampling of 10 percent of all other property and evidence maintained by the agency. Random sampling is determined by type, location, and disposition.

J

JOB DESCRIPTION

An official written statement setting forth the duties and responsibilities of a job, and the skills, knowledge, and abilities necessary to perform it.

JOB-RELATED

A procedure, test, or requirement either predictive of job performance or indicative of the work behavior expected or necessary in the position.

N

NON-DISCRIMINATORY

Components of the selection or appointment process that have no demonstrable adverse impact (or a minimum adverse impact) upon the selection or appointment rate of any race, gender, or ethnic group, etc.

O

OFF-DUTY EMPLOYMENT

Secondary employment entirely independent of the authority arising out of a position as a law enforcement agent of an agency. The employee is an employee of the secondary employer or an independent contractor and is not functioning in the capacity of a law enforcement employee of his agency. *(NOTE: To be distinguished from "extra-duty" employment above.)*

P

PEACE OFFICER

As defined by O.C.G.A. § 35-8-2.

PROFICIENCY

The skills, knowledge, and abilities that are needed to remain competent in performing the duties and responsibilities of a job.

PSYCHOLOGICAL SCREENING

Professional screening designed to identify candidate behavior patterns and/or personality traits that may prove either positive or negative towards successful job performance.

R

REASONABLE BELIEF

The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

REMEDIAL TRAINING

Personalized training to correct a specific deficiency, which is usually identified by either (1) testing or other evaluation during training or (2) supervisory evaluation during routine job performance.

S

SELECTION PROCESS

The components and procedures leading to the final employment decision, including minimum qualifications (e.g., education, experience, physical attributes, citizenship, residency) and any testing and/or ranking procedures.

SERIOUS PHYSICAL INJURY

A bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

SUPERVISOR

An employee responsible for the day-to-day performance of a group, function, or unit. An employee whose job is to oversee and guide the work or activities of a group of other people.

T

TRAFFIC SAFETY CHECKPOINT

A temporary operation conducted in accordance with current case law in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles or their contents or to interview drivers.

TRANSPORTING OFFICER

An employee who is responsible for transporting a detainee from one point to another.

W

WRITTEN DIRECTIVE

Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, memorandums, and instructional material.

Appendices

Sample Application



EXCELLENCE IN POLICING CERTIFICATION PROGRAM

EXCELLENCE IN POLICING CERTIFICATION

An Excellence in Policing (EIP) Certification demonstrates a firm commitment to excellence in policing and satisfaction of Certification requirements. A Certification will be awarded by the Georgia Association of Chiefs of Police (GACP) to a law enforcement agency only after Local Government Risk Management Services (LGRMS) has issued a written Recommendation to Award Certification to the GACP affirming that the agency:

1. Maintains policies that contain elements that meet the following twelve GACP policy directives: Human Resources/Equal Employment Opportunity, Property and Evidence, Vehicle Operations, Search and Seizure, Use of Force/Response to Aggression, Arrest, Off-Duty and Extra-Duty Employment, Other Equipment, Persons Experiencing Mental Health Issues/Persons with Diminished Capacity, Multi-Jurisdictional Task Force, Body-Worn and In-Car Cameras, Public Safety Information Officer.

and

2. An evaluation of the agency culminating in an on-site assessment at the agency conducted by a trained LGRMS assessor shows evidence of compliance with the above policy directives by conducting a review of the proofs of compliance.

Law enforcement agencies take different approaches and may satisfy the requirements in different ways. An award of the Certification does not mean that the Georgia Municipal Association (GMA), GACP, or LGRMS have determined that a particular approach is “excellent” or advisable. Moreover, an award of the Excellence in Policing Certification is not a guarantee or verification that the agency has implemented all the policies fully or correctly, or that its employees always follow the policies.

A local government should only apply for the Certification after it has reviewed the requirements at <https://www.gacities.com/Initiatives/Excellence-in-Policing.aspx> which contains the Resource Manual and provides requirements for Certification and is certain that its law enforcement agency is committed to adopting, maintaining, and implementing policies that meet the above policy directives and demonstrating compliance with the above policy directives during the evaluation and on-site assessment.

APPLICATION & PARTICIPATION AGREEMENT

The Application along with Terms and Conditions (hereinafter the “Agreement”) is entered into among the following parties:

- [Name of Local Government] (hereinafter referred to as “Local Government”), a member of the Georgia Interlocal Risk Management Agency
- the Georgia Municipal Association (hereinafter referred to as “GMA”)
- the Local Government Risk Management Services, provider of risk management services for the Georgia Interlocal Risk Management Agency (hereinafter referred to as “LGRMS”), and
- the Georgia Association of Chiefs of Police (hereinafter referred to as “GACP”).

1. APPLICATION

The Local Government hereby applies to participate in the Excellence in Policing (EIP) Certification Program and affirms that its law enforcement agency (“Agency”) is committed to earning the Certification in accordance with the requirements set forth by GMA, LGRMS, and GACP. Local Government, GMA, LGRMS, and GACP agree to the provisions and terms set forth in this Application and to be bound by them in the execution of the Agreement. This Agreement must be acknowledged by the Agency Head.

Please be prepared to fill in the following information:

- Name of Law Enforcement Agency
- Street Address
- City
- Zip Code
- Telephone
- County
- # of Authorized Full-time Sworn Personnel
- # of Authorized Full-time Civilian Personnel
- # of Authorized Part-time Sworn Personnel
- # of Authorized Part-time Civilian Personnel
- Service Area Population
- Service Area in Square Miles
- Agency Head
- Certification Primary Contact Person - Please select from dropdown menu, which will auto-populate the remaining required fields
- Additional Authorized Representative of Local Government for Notices related to this Agreement:
 - Name

- Title
- Email
- Street Address
- City
- State
- Zip Code

All correspondence will be sent to the Certification Primary Contact for the Agency designated in “Designation and Affirmation of Primary Contact” (Exhibit A). Any replacement Exhibit A is automatically incorporated as Exhibit A to this Agreement as if fully restated herein.

Notices related to termination of this Agreement or of the Certification shall be sent to the Additional Authorized Representative named above.

2. TERMS AND CONDITIONS

Local Government, GMA, LGRMS, and GACP agree as follows:

a. PURPOSE AND LIMITATIONS OF THIS AGREEMENT

- i. The purpose of this Agreement is to establish the terms of the relationship between the Agency and the three EIP Certification partners (GMA, LGRMS, GACP) and to establish their mutual responsibilities in the certification process.
- ii. It is understood that the Agency is not required by law to participate in the EIP Certification Program and that any responsibilities or expenses incurred by the Agency pursuant to this Agreement have been assumed voluntarily.
- iii. It is understood that the Agency’s participation in the EIP Certification Program may be terminated at any time by the Agency Head or another representative of the Local Government who is authorized to enter into agreements for the Local Government.
- iv. It is understood that LGRMS performs the services described in this Agreement in its capacity as the Georgia Interlocal Risk Management Agency (GIRMA)’s risk manager.
- v. It is understood GIRMA offers rate reductions for members that achieve EIP Certification.
- vi. The term of this Agreement is from the date it is signed by all parties through 36 months after Certification is awarded or 30 days after a final decision by LGRMS not to recommend Certification is made.

b. AGENCY RESPONSIBILITIES

The Agency agrees to:

- i. Pay the required application fee of \$150 and complete the online application.
- ii. Pay the annual program fee as per the table below after Certification is achieved.

Number of authorized full-time sworn personnel	Annual Program Fee
1-24	\$ 200
25-99	\$ 300
99+	\$ 400

- iii. Provide all information requested by LGRMS in good faith and to the best of the Agency’s knowledge and honest judgment. Such information should include documents, files, records, and other data demonstrating adoption of policies that contain elements that meet the policy directives required by the EIP Certification partners insofar as such documents may be provided in accordance with the laws and regulations of the State of Georgia and of the Local Government. If the Agency maintains such documents on PowerDMS, the Agency shall grant credentials to LGRMS sufficient for LGRMS to review such documents on PowerDMS, and Agency shall disable or suspend or delete such credentials upon receipt of Certification.
- iv. Cooperate fully with LGRMS assessors during the on-site assessment of the Agency’s compliance with those elements of their policies that address the program’s policy directives. The Agency further agrees to provide all files, records, and facilities requested by the assessor during the on-site assessment and make staff members available for interview. The evidence custodian must always be available for interview during the on-site assessment.
- v. Once certification is awarded, neither GMA, GACP, nor LGRMS has any obligation to assess compliance with the policy directives. However, in order to maintain the integrity of the EIP Certification Program and to protect the value of the Excellence in Policing branding, LGRMS retains the right to conduct a follow-up inspection of the Agency’s files at any time during the 36 months after the agency is awarded the EIP Certification. This inspection shall be done by the Director of LGRMS or their designee. The purpose of this follow-up inspection is to determine whether there is evidence that the Agency’s policies no longer meet the certification program’s policy directives or there is evidence of the Agency’s failure to comply with the certification program’s policy directives. If requested by LGRMS, the Agency shall again provide credentials to PowerDMS for purposes of the follow-up inspection. If, in the opinion of the LGRMS staff member conducting the follow-up inspection, the Agency’s policies no longer meet the policy directives or the Agency no longer complies with the policy directives or the Agency’s compliance with the policy directives is inadequate or insufficient, LGRMS will meet with the Agency Head to discuss the identified issues. The purpose of this follow-up inspection is to help the Agency identify and correct areas in which they are out of compliance with the policy directives and to address them so they may maintain their certification. If the Agency fails to correct such matters within the time period specified by LGRMS, the Agency’s certification may be terminated, and the Agency may be asked to stop any use of the Excellence in Policing branding.
- vi. Communicate to the public about the Excellence in Policing Certification only by using links to current descriptions on the GMA website or by using materials and content approved by GMA.

- vii. The Agency Head must be a dues-paying member of GACP.

c. GMA RESPONSIBILITIES

GMA agrees to:

- i. Serve as the primary point of contact for questions and other feedback from program partners as well as member cities or agencies interested in the program.
- ii. Provide access to the EIP portal, which contains all documents, forms, and instructions as necessary for the Agency to participate in the EIP Certification Program.
- iii. Provide approved communications materials and content for use by Agencies who have received the EIP Certification.

d. LGRMS RESPONSIBILITIES

LGRMS agrees to:

- i. Provide technical assistance as necessary for the Agency to participate in the EIP Certification Program.
- ii. Determine whether the policy documents provided by the Agency comply with the GACP policy directives required for EIP certification.
- iii. Ensure that a trained LGRMS staff member conducts an evaluation culminating in an on-site assessment of the Agency's compliance with the policy directives required for EIP certification.
- iv. Review and evaluate all information and findings obtained from the policy review and on-site assessment.
- v. Draft a written Recommendation to Award Certification report to the GACP or communicate with the Agency Head to explain why LGRMS determined the Agency to be ineligible for Certification and identify additional actions required to achieve Certification.
- vi. Review any request for reconsideration of the decision not to issue a Recommendation to Award Certification and, if the Director of LGRMS deems it appropriate, conduct another on-site assessment.
- vii. Notify GACP if the Agency has requested termination of the Agreement or notified LGRMS of its inability to maintain compliance, so that GACP may send notice of revocation of Certification.

e. GACP RESPONSIBILITIES

GACP agrees to:

- i. Produce and periodically update the policy directives, additional guidance, and supporting documents.
- ii. Once LGRMS provides the Recommendation to Award Certification, issue formal

certification and other necessary materials to the Agency in recognition of fulfilling all program requirements.

- iii. Notify the Agency of a revocation of Certification if the Agreement is terminated or if the Agency notifies LGRMS of its inability to maintain compliance with the Certification.

f. LENGTH OF CERTIFICATION

Certification shall be for a period of 36 months unless it is terminated earlier. Agencies wishing to be awarded a new certification at the end of this term must complete a new Application and Participation Agreement.

g. MAINTENANCE OF AGENCY CERTIFICATION

- i. Upon being awarded the Excellence in Policing Certification, the Agency shall maintain compliance with all certification directives.
- ii. The Agency will notify LGRMS in the event it cannot maintain compliance with any of the required directives.
- iii. If the Agency cannot maintain compliance with any of the required directives, the Agency shall stop using the Excellence in Policing branding and request termination of this Agreement.

h. CONFIDENTIALITY

- i. All parties understand that a commitment to Excellence in Policing is also a commitment to reducing risks. LGRMS is administering the Excellence in Policing Certification Program to provide risk reduction services for the Local Government that directly benefits GIRMA. The information compiled and created by LGRMS as part of the Certification process is designed to determine eligibility for a GIRMA rate reduction, educate the Local Government (a GIRMA member) on liability risks and vulnerabilities, and incentivize the Local Government to take action to diminish identified risks. Accordingly, all parties intend for the exemption found in O.C.G.A. § 50-18-72(a)(45) to apply to all documents and materials prepared as part of the certification process to the maximum extent permitted by Georgia law.
- ii. LGRMS will use information provided by Agency during the Certification process for purposes of assessing risks and evaluating eligibility for Certification (and any applicable GIRMA rate reductions) or, if a follow-up review is initiated by LGRMS, maintenance of Certification.
- iii. LGRMS may aggregate information provided by Agency with other information provided by other participating agencies and may de-identify information provided by Agency and share aggregated or de-identified information with GMA and GACP for purposes of improving or evaluating the Certification program. Otherwise, LGRMS will not disclose information provided by Agency during the Certification process or reviewed by LGRMS for purposes of Certification or maintenance of Certification to anyone other than the designated contacts at Agency or authorized representatives of Local Government.

- iv. GMA, LGRMS, and GACP may disclose and publish the names of agencies that have been awarded Certifications.
- v. Notes and other work product of LGRMS assessors are confidential and proprietary and will not be disclosed.

i. MISCELLANEOUS

- i. This agreement shall take effect upon execution by the Parties and acknowledgment by the Agency Head.
- ii. The Local Government retains the right to terminate this Agreement for any reason by submitting written notice to LGRMS that the Agency intends to withdraw from the certification program.
- iii. LGRMS retains the right to terminate the Certification if it determines that the Agency is not acting in good faith to honor the terms of the Agreement. LGRMS will submit written notice to the Agency Head if LGRMS chooses to exercise this privilege.
- iv. GMA retains the right to terminate the Certification or prohibit use of Excellence in Policing branding if LGRMS and GMA agree that Local Government's use of the Excellence in Policing branding would significantly diminish the value of the branding. GMA will submit written notice to the Agency Head and to the authorized representative of the Local Government if it chooses to exercise this privilege.
- v. This document contains the full agreement of the parties. The parties to this Agreement acknowledge that there are no provisions, terms, or obligations other than those set forth herein.
- vi. GMA, LGRMS, and GACP shall not be liable for any third-party claims against Agency or Local Government arising from participation in the Certification program or use of the Portal. Any liability to Local Government or any of its employees or officers or agents arising from the actions or inactions of GMA, LGRMS, or GACP or the use of the Portal shall be limited to the amounts paid by Local Government for the Certification.
- vii. There are no third-party beneficiaries under this agreement other than GIRMA, which benefits from LGRMS risk reduction services.
- viii. Unless terminated earlier by LGRMS, GMA, or the Agency Head or an authorized representative of Local Government, this Agreement shall terminate on the earlier of three years after the day that Certification has been granted or 30 days after the final decision has been made not to recommend Certification.

3. DESIGNATING A PRIMARY CONTACT; USER AGREEMENT REQUIRED FOR ACCESS TO PORTAL

Local Government, the primary designated contact, and the Agency Head shall complete the "Designation and Affirmation of Primary Contact (Exhibit A)" (see below on p. 102). Local Government and the Agency Head shall update this form as needed and provide the updated form to GMA. The updated form will be incorporated automatically by reference as a new "Designation and Affirmation of Primary Contact (Exhibit A)" to this Agreement without further

action. The Agency or Local Government will notify GMA immediately if an individual identified as the primary contact is no longer authorized to access the EIP Portal or act on behalf of the Agency.

Every individual granted access to the Portal will be required to make the following affirmation upon login:

I affirm that I am a Certification Primary Contact Person for the Participating Agency named above, which is participating in the Excellence in Policing Certification program.

As such:

- I am currently employed by the Local Government named above.
- I am authorized to act on behalf of the Participating Agency named above when communicating with LGRMS, GMA, or GACP about the Excellence in Policing Certification.
- I am authorized to add documents, enter information, review information posted in the Portal and otherwise use the Portal.
- I am authorized to coordinate with LGRMS and provide documents and other information and resources to LGRMS during the assessment process.
- I will only provide accurate and current information to LGRMS and will ensure that information provided by secondary contacts is accurate and current.
- I will never upload any document into the Portal other than a policy document.
- I will not use the Portal to store any documents that contain information about individuals (other than names of individuals identified in policy documents).
- I will only use the Portal for administering the above initiative.
- I understand that certain instructions and materials made available to me through the Portal are proprietary in nature, and I will not disclose any materials on the Portal to anyone other than Agency officials assisting with the Certification process without express written permission of GMA.
- I will not disclose any materials or answers or other information posted by the Agency in the Portal without permission of the Agency Head.
- I understand that misuse or improper disclosure of this information could result in significant harm.
- I will keep my Portal password/passphrase secure and will never share it with anyone, ever.
- I will immediately email GMA at GCSPortal@gacities.com if I am no longer authorized to access the Portal.
- If I suspect that there has been unauthorized use of my Portal account, I will immediately change my password, examine my Portal submissions for accuracy, and notify GMA by emailing GCSPortal@gacities.com.
- I will only grant Portal access to (or request Portal access for) secondary designated contacts after discussing the above obligations with them.

- I will immediately terminate access to the Portal (or request termination of access) for such secondary designated contacts and notify GMA at GCSPortal@gacities.com when they are no longer authorized to access the Portal.
- I will notify GMA immediately if a secondary contact I have designated is no longer authorized to receive this information.

[Note to the applying agency:

As discussed in **STEP 2: Submission of Application** (starting on page 6) of this manual, your completed application will generate an electronic form to be signed electronically by the following persons or entities:

- Agency Primary Contact
- Agency Head
- Georgia Association of Chiefs of Police
- Georgia Municipal Association
- Local Government Risk Management Services

Following the signatures and GMA's approval of your application, the applicant's designated contact person will receive a confirmation email with the request to log into the **Member Portal**. The applicant may then begin the process of developing and implementing the policies and other activities required by the certification program.]

Sample Designation and Affirmation of Primary Contact (Exhibit A)

[Note: This document is replicated here for informational purposes. It is part of the online application process in the EIP Portal.]

In accordance with the Agreement among Georgia Association of Chiefs of Police (“GACP”), Local Government Risk Management Services (“LGRMS”), Georgia Municipal Association (“GMA”), and the Local Government named below (“Local Government”), the Local Government affirms that the individual named below is authorized to provide and receive information related to the Excellence in Policing Certification and to appoint secondary contacts who are permitted to provide and receive information through the Excellence in Policing portal.

Local Government acknowledges that:

- GMA or LGRMS may require periodic affirmation that this designation is still valid.
- Local Government may revoke this designation at any time and provide GMA a revised designation. Such revocation will result in termination of the prior designated contact’s access to the Portal and establishment of the new designated contact’s access to the Portal.
- LGRMS may choose to send certain information only to the Primary Contact and not to his or her secondary contacts.
- If this designation becomes invalid because the Primary Contact is no longer employed by the Local Government, GMA, LGRMS, and GACP will coordinate with the Local Government representative who signed the Agreement and the Agency Head to obtain a new designation and affirmation form.

Please be prepared to fill in the following information:

- Name of Local Government
- Name of Local Government’s Law Enforcement Agency
- Primary Contact Name, Title, Email, Phone, Street Address, City, Zip Code

AFFIRMATION OF PRIMARY CONTACT:

As the Primary Contact for the Participating Agency named above, I affirm:

- I am currently employed by the Local Government named above.
- I am authorized to act on behalf of the Participating Agency named above when communicating with LGRMS, GMA, or GACP about the Excellence in Policing Certification.
- I am authorized to add documents, enter information, review information posted in the Portal and otherwise use the Portal.
- I am authorized to coordinate with LGRMS and provide documents and other information and resources to LGRMS during the assessment process.

- I will only provide accurate and current information to LGRMS and will ensure that information provided by secondary contacts is accurate and current.
- I will never upload any document into the Portal other than a policy document.
- I will not use the Portal to store any documents that contain information about individuals (other than names of individuals identified in policy documents.)
- I will only use the Portal for administering the above initiative.
- I understand that certain instructions and materials made available to me through the Portal are proprietary in nature and I will not disclose any materials on the Portal to anyone other than Agency officials assisting with the Certification process without express written permission of GMA.
- I will not disclose any materials or answers or other information posted by the Agency in the Portal without permission of the Agency's Head.
- I understand that misuse or improper disclosure of this information could result in significant harm.
- I will keep my Portal password/passphrase secure and will never share it with anyone, ever.
- I will immediately email GMA at GCSPortal@gacities.com if I am no longer authorized to access the Portal.
- If I suspect that there has been unauthorized use of my Portal account, I will immediately change my password, examine my Portal submissions for accuracy, and notify GMA by emailing GCSPortal@gacities.com.
- I will only request portal access for secondary designated contacts after discussing the above obligations with them.
- I will immediately request termination of access to the Portal for such secondary designated contacts and notify GMA at GCSPortal@gacities.com when they are no longer authorized to access the Portal.
- I will notify GMA immediately if a secondary contact I have designated is no longer authorized to receive this information.

[Note: This section requires electronic signatures in the EIP Portal from the following entities:

- Primary Contact
- Authorized Representative of Local Government
- Law Enforcement Agency Head (if different from Primary Contact)]

Proofs of Compliance

1. Human Resources/Equal Employment Opportunity

1.1 Equal Employment Opportunity Plan

Copy of EEO statement

Statement on bottom of letter head

1.2 Job Descriptions

Copy of job description for every position within the department

1.3 Selection Processes

Copy of directive describing elements and activities of the selection process to include how it is administered and scored.

1.3 a. Employment Standards

Job description

Policy

Copy of employment standards

1.3 b. Application

Policy

Copy of employment application

1.3 c. Oral Interview

Policy

Oral interview question/answer score sheets

1.3 d. Background Investigation

Policy

Background investigation report (redacted)

1.3 e. Conditional Offer of Employment

Policy

Conditional offer of employment letter (redacted)

1.3 f. Psychological/Personality Inventory

Policy

	Psychological/personality report (redacted)
1.3 g. Medical and Drug Screening	Policy Medical/drug screening reports (redacted)
Background Investigation	
1.4 a. Verification of Qualifying Credentials	Copy of birth certificate, Social Security card, DD-D14, high school/GED diploma, etc.
1.4 b. Review of Criminal Record and Driver History	Criminal history/driver history (redacted)
1.4 c. Review of Work History	Information from each employer documented
1.4 d. Review of POST Record	Copy of POST record to include training, work history, investigations or other POST actions
1.4 e. Verification of at least Three (3) Work-Related References	Interview summary from references (redacted)
1.4 f. Proof Personnel Files were Reviewed in Person	Redacted background report with indication that agency was visited in person by the investigator.
1.5 Rules of Conduct	Policy listing the proscribed behaviors
1.6 Investigations	Policy describing process in response to external complaints
1.7 Disciplinary Process	Policy describing disciplinary process

Redacted copies of disciplinary actions taken in past year.

1.8 Removal of Disciplinary Records

Policy prohibiting removal of disciplinary records from individual's personnel files

2. Property and Evidence

2.1 a. Evidence Policy

Policy outlining the steps for identification, collection, labelling, documenting, and packaging evidence/property

Inspection of evidence room to ensure items are properly marked, labeled, packaged and stored.

2.1 b. Evidence/Property Custodian

Policy requiring evidence/property custodian be designated

Letter designating one person as the evidence/property custodian

2.1 c. Temporary Storage Area(s)

Locations inspected for the temporary secure storage of evidence until items can be placed in the evidence room.

2.1 d. Secure Storage/Evidence Room

Evidence room with secure storage and access limited to specific person(s).

Secure refrigerator for storage of blood samples.

2.1 e. Storage of High-Value Items

Shall have separate, secure storage areas for weapons, drugs, and high-value items. These areas can be located within the evidence room.

2.1 f. Inspections, Inventories, Audits

Policy outlining when, by whom, and how inspections, inventories and audits are to be conducted.

Memo, form or reports documenting when, by whom, and how each of these inspections, inventories and audits were conducted in accordance with the policy.

2.1 g. Purging/Release of Evidence/Property

Policy outlining how to properly purge/release evidence/property

Reports documenting evidence was purged on routine basis that includes, statement, court order, supporting documentation from evidence forms. Need to show guns were disposed of in accordance with O.C.G.A. §§ 17-5-50 thru 17-5-54.

Copies of property release forms (redacted)

3. Vehicle Operations

3.1 Driver Training

Policy requiring all persons attend training at least every three years

Training records indicating each employee has attended defensive driver training

Training records indicating each officer has received legal update on vehicle pursuits in the past year.

3.2 Seat Belts

Policy requiring all drivers and passengers (including detainees) use occupant safety restraint devices in department vehicles.

Observation of persons occupying vehicles

3.3 Distracted Driving

Policy directive for officers to avoid participating in activity interfering with their ability to safely operate vehicles

Observation of vehicle operators.

3.4 Response to Calls for Service

Policy/procedures outlining how officers are to respond to routine and emergency calls.

Records vehicle camera footage is reviewed by supervisors.

Observation of vehicle operators.

3.5 Vehicle Pursuits

Policy regulating vehicle pursuits that includes all of the directive's requirements

Reports of officers involved in vehicle pursuits

After-action report produced by supervisor, reviewed with officer and approved by appropriate command staff

Annual written review of all vehicle pursuit reports for a twelve-month period that includes statistics regarding the officer's age, years of experience, training review, speeds reached in pursuit, how pursuit was ended, age of the officer being pursued, distance of pursuit, reason for initiation of pursuit, compliance with policy.

3.6 Transporting Detainees

Policy regulating prisoner transports addressing directive requirements

Authorization/agreement from Sheriff for officers to transport prisoners from other counties

Observation of security screen in vehicles

Incident report documenting the detainee was handcuffed behind his back, cuffs were double-locked, and checked for fit before securing them in the car with the seat belt.

Daily reports of officers inspecting their vehicles at beginning of day and after every transport.

Personal observations conducted on-site by inspector

3.7 Investigation of Accidents Involving Department Vehicles

Policy requiring outside agency to investigate

Copy of investigative reports of agency-involved accident

Copy of the after-action review with officer of the accident to identify the root cause of the crash and determination whether officer was at-fault.

Corrective action taken (redacted)

4. Search and Seizure

4.1 Search Policy	Copy of policy outlining policy directives are addressed
4.1 a. Consent Searches	Policy Consent form (completed) Incident reports Statement from agency head indicating there were no consent searches in the previous year
4.1 b. Stop and Frisk	Incident reports with statement justifying frisk
4.1 c. Search Incident to Arrest	Incident reports with comment persons searched when arrested
4.1 d. Vehicle Searches	Incident reports
4.1 e. Crime Scenes	Incident report(s) Search warrant with return
4.1 f. Exigent searches	Incident reports Statement no exigent searches conducted
4.1 g. Inventory Search	Inventory sheet Statement no vehicles impounded by department in past year
4.1 h. Search Warrant	Incident reports; Copy of at least two search warrants with return or a statement from agency head indicated search warrants were obtained in past year.

5. Use of Force/Response to Aggression

5.1 a. Officers Use Least Amount of Force as Necessary

Policy

Use of force reports/videos

Citizen complaints or internal investigations

5.1 b. Use of Deadly Force

Policy

Redacted report

Statement from agency head indicating there were no incidents of use of deadly force in preceding year.

5.1 c. Use of Force evaluated on Objectively Reasonable Standard (according to Graham v. Connor)

Policy

Redacted use of force report

5.1 d. Neck Restraints

Policy

If permits, training records of officers

5.1 e. Requirement of Officers to Intervene and Report Inappropriate Use of Force

Policy

Report of officers indicating inappropriate use

Statement from agency head that no reports of inappropriate use

If inappropriate use identified, correction action taken by other officers

5.1 f. Use of Warning Shots

Policy

If permit, training records and lesson plan

If prohibited, statement from agency head of no events or copy of corrective actions for officers who did fire a warning shot.

5.1 g. Medical Aid

Policy

Report indicating medical aid was provided to a person who was injured by a use of force

Statement from agency head that no incident occurred that required officers to provide first aid

5.1 h. Officer Using Deadly Force Placed on Administrative Leave Policy

Copy of redacted report of officer placed on administrative leave after using deadly force

Statement from agency head that no incidents of deadly force occurred in previous year.

5.1 i. Removal from Duty of Officers Who Do Not Qualify

Policy

Qualification scores for past year

Memo/correspondence to officer who did not qualify was placed on leave.

Memo/correspondence of secondary weapon removed if failed to qualify

5.2 Weapons

5.2 a. Agency-Authorized Lethal Weapons and Ammo	Policy listing weapons and ammo permitted Inspection of weapons carried on person and in mobile units
5.2 b. Less-Lethal Weapons Must be Authorized	Policy listing less-lethal weapons permitted Inspection of weapons carried
5.2 c. All Officers Must Carry one Intermediate, Less-Lethal Weapon	Policy Inspection of officers carrying one intermediate weapon
5.2 d. All Officers Receive Annual Training on Use of Force	Policy Training records roster of all officers completed training

5.3 Training

5.3 a. Officers Qualify Twice Per Year; One must be in Low Light	Policy Training records of two qualifications including low-light conditions
5.3 b. Qualification with Less-Lethal Weapons	Policy Training records for last two years indicating officers qualified and instructor's qualifications

5.4 Reporting

5.4 a. Report Completed Whenever Use of Force Occurs	Policy
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	Redacted copy of reports
5.4 b. Use of Force Reports Utilize Factors in <u>Graham v. Connor</u>	Redacted use of force report
5.4 c. Use of Force Reports Reviewed/ Signed Off by Chain of Command	Policy Redacted use of force report
5.4 d. Annual Assessment of Use of Force Reports	Policy Copy of annual report of all use of force incidents that covers the areas identified in the policy directive
5.4. e. Video Footage Review after Actions Resulting in Death/ Serious Injury	Policy
5.4. f. Use of Force Resulting in Death/ Serious Injury reported to GIRMA	Policy

6. Arrest

6.1 a. Only Sworn Officers Enforce the Law	Policy Oath of office for officers
6.1 b. Sworn Officers with Current POST Training Make Arrest/Carry Weapon	Policy Department's POST record
6.1 c. Sworn Law Enforcement Officers Execute Arrest Warrants	Policy Arrest report with officer's POST record
6.1 d. Verifying Identity of Arrested Persons	Policy Reports detailing actions taken to verify identity
6.1 e. Written Report Issued When Arrest Made	Policy Redacted report(s)
6.1 f. All Detainees Searched Prior to Transport	Policy Incident report stating individual was searched prior to transport
6.1 g. Arrests Without a Warrant	Policy Redacted report(s)
6.1 h. Arrests with a Warrant	Policy Redacted report(s)
6.1 i. Arrests Based on GCIC/NCIC Hit	Policy Redacted report(s)
6.1 j. First Appearance Hearings	Policy
6.1 k. Alternatives to Physical Arrest	Policy

6.1 l. Persons Immune from Arrest

Redacted report(s)

Policy

Statement no incidents had occurred in previous year

6.1 m. Diplomatic and Consular Immunity

Policy

Statement from agency head no incidents occurred

6.1 n. Arrest of Foreign National

Policy

Redacted report of arrest describing actions taken

Statement from agency head no incidents occurred

6.1 o. Arrest of juveniles

Policy

Redacted incident reports

7. Off-Duty and Extra-Duty Employment

7.1 Off- and Extra-Duty Employment

Policy

7.1 a. Locations/Types of Businesses Prohibited from Working

Policy

Statement from agency head that no officers worked at one of these locations

7.1 b. Limitations of When and How Often Officers Work

Policy

Approved schedules for officers to work

Statement from agency head that no incident occurred of officers working these jobs

7.1 c. Steps to Obtain Approval for Work

Policy

Documentation of request to work

Statement from agency head that no officer has worked off- or extra-duty

8. Other Equipment

8.1 a. Requirement to Wear Ballistic Vest in Uniform
(Working On-Duty or Extra-Duty)

Policy

Observation of officers conducted on-site by inspector

8.1 b. Ballistic Vests of Personnel not in Uniform

Policy

Observation conducted on-site by inspector that vests are available for immediate access

8.1 c. High-Visibility Vests When Directing Traffic or in Roadway

Policy

Observation conducted on-site by inspector of officers in traffic

Inspection of vehicles for vests

9. Persons Experiencing Mental Health Issues or Persons with Diminished Capacity

9.1 Response to Persons with Mental Health Issues /Diminished Capacity

Policy outlining policy directives are addressed

Incident Report detailing officer's actions de-escalation, diversion

9.2 Training

Policy, training records

9.3 Documentation/Reporting Requirements

Copy of redacted report(s) with proscribed information

- a. the type of call
- b. problem being experienced
- c. description of the person's behavior
- d. efforts taken to de-escalate the situation
- e. diversion to mental health services, and/or
- f. if an arrest was made.

10. Multi-Jurisdictional Task Force

10.1 Multi-Jurisdictional Task Force

Policy outlining policy directives are addressed

Memorandum of Understanding (MOU) if participating

Statement from agency head reporting they do not participate in a task force.

11. Body-Worn and In-Car Cameras

11.1 Body-Worn Cameras

Policy outlining officer training requirements, open records request procedure in line with state law, and supervisor responsibilities (esp. video review)

11.2 In-Car Cameras

same as above with specific references to in-car cameras

12. Public Safety Information Officer

12.1 Public Safety Information Officer

Policy outlining designation of officer, roles, and responsibilities

12.2 Training

Policy, training records