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Standard

1.8 The agency shall have a written directive stating that only sworn law enforcement officers execute arrest warrants.

Commentary
Statutory mandates, plus the broader potential civil liability for citizens who affect arrests, make it essential that only sworn officers execute criminal process.

Standard

1.9 The agency shall have a written directive that specifies the procedures for any arrest, made with or without a warrant.

Commentary
The written directive should include procedures imposed by the U.S. Supreme Court, the Courts of the State of Georgia, and any legislation pertaining to, or governing, the laws of arrest. Also included should be a description of the circumstances that permit a warrantless arrest; areas that may be searched incident to arrest; both with and without a search warrant; requirements that pertain to arrestee rights, and special processing requirements for juveniles, legislators, foreign diplomats, consular officials, and military personnel. The directive should be updated in a timely fashion so that it reflects new court decisions or laws that add to the substantive laws of arrest.

Standard

1.10 The agency shall have a written directive, which states that personnel will use reasonable force to accomplish lawful objectives.

Commentary
None

Standard

1.11 The agency shall have a written directive stating that an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similarly used terms that are used to qualify the directive, shall be included.
Commentary
The intent of this standard is to establish a clear-cut agency policy on the use of deadly force that is consistent with state law (17-4-20(d)), to provide officers with guidance in the use of force in life-and-death situations, and to prevent unnecessary loss of life.

Standard

1.12 The agency has a written directive that requires each sworn officer receive annual training on legal updates and vehicle pursuits.

Commentary
This annual training may be in the form of in-service, roll-call, or academy-based training.

Standard

1.13 The agency has a written directive that requires affected personnel receive annual training in the following critical tasks:

a. Search and Seizure
b. Transportation of Detainees
c. Domestic Violence/Employee (all personnel)
d. Property and Evidence
e. Off Duty Conduct (all personnel)
f. Sexual Harassment (all personnel)
g. Selection and Hiring
h. Citizen Complaints/Internal Affairs (all personnel)
i. Special Operations/SWAT, etc.
j. Dealing with the mentally ill or persons with diminished capacity (all personnel)

Commentary
The intent of this standard is to provide training to all personnel who are affected or need to know the tasks and duties surrounding each assignment/task. Training will be provided to each employee who has job duties, assignments, or responsibilities dealing with each bullet. Domestic Violence, off duty conduct, sexual harassment, citizen complaints/internal affairs, and dealing with the mentally ill or persons with diminished capacity shall be taught to all personnel.
Officers must review and have a demonstrated working knowledge of this chapter prior to receiving an Agency issued firearm.

The Agency should issue a special order designating an investigator (either in-house or from the Georgia Bureau of Investigation) to be used to investigate deadly force incidents. Self-defense and imminent threat shall be the only justifications for the use of deadly force.

ATTENTION CEO: The following two policies were significantly changed in order to make the manual less duplicative. You will notice that one or more standards are mentioned more than once. Each policy has many of the same reporting and/or training requirements. In the Less-Lethal Weapons policy, you will see the most common less-lethal systems currently in use by many agencies. This is not all inclusive; therefore, you must specifically state the names and types of weapons systems used by your agency, both lethal and less-lethal.
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STANDARD OPERATING PROCEDURES (S.O.P.)
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I. PURPOSE

The purpose of this policy is to provide officers of the ________________ Department with structured guidelines on the use of non-deadly and deadly force. It will also establish standard operating procedures for investigating use of force incidents, both deadly and non-deadly. This policy also applies to all other Department employees who may encounter situations with the public where a degree of force is required in order to carry out and complete their job responsibilities.

This policy is for departmental use only and does not apply in any criminal or civil proceeding. The departmental policy shall not be construed as a creation of a higher level standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

II. DEFINITIONS

A. OBJECTIVELY REASONABLE: The legal standard used to determine the lawfulness of a use of force is the Fourth Amendment to the United States Constitution. (See Graham vs. Connor, 490 U.S. 386(1989)) Graham states in part, “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that law enforcement officials are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation. The test of reasonableness is not capable of precise definition or mechanical application.” The force must be reasonable under the circumstances known to the officer at the time the force was used. Therefore, the Department examines all uses of force from an objective standard, rather than a subjective standard.

B. FACTORS USED TO DETERMINE REASONABLENESS: The Department examines reasonableness using Graham and from the articulated facts from the perspective of the officer in generally the same circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case.

Those factors may include, but are not limited to:

1. The seriousness of the crime or suspected offense;
2. The level of threat or resistance presented by the subject;
3. Whether the subject was posing an imminent threat to officers or a danger to the community;

4. The potential for injury to citizens, officers or subjects;

5. The risk or apparent attempt by the subject to escape;

6. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);

7. The time available to an officer to make a decision;

8. The availability of other resources;

9. The training and experience of the officer;

10. The proximity or access of weapons to the subject;

11. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and the number of officers versus subjects; and

12. The environmental factor and/or exigent circumstances.

C. DEADLY FORCE: Deadly Force is defined as that force which creates a substantial risk of causing death or serious bodily injury.

D. IMMINENT: Black’s Law Dictionary defines imminent as, “Near at hand; impending; on the point of happening.”

E. FORCIBLE FELONY: As defined in O.C.G.A. 16-1-3, a forcible felony is, “any felony which involves the use or threat of physical force or violence against any person”

F. SERIOUS BODILY INJURY: A serious bodily injury is an injury that creates a substantial risk of death, causes serious, permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

III. POLICY

A. Use of Force

1. General (GLECP Std. 1.10)

It is the policy of the ____________ Department that officers shall only use force necessary to achieve a lawful law enforcement objective. Officers may use only that force which is “objectively reasonable” to:

a) Defend themselves;

b) Defend others;

c) Effect an arrest or detention;
d) Prevent an escape; or

e) Overcome resistance.

B. Deadly Force (GLECP Std. 1.11)

Law enforcement officers are authorized to use deadly force to:

1. Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury;

2. Prevent the commission of a forcible felony; or

3. Prevent the escape of a violent fleeing felon, if such force is necessary, to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the officer or others.

*Officers should keep in mind that facts unknown to an officer, no matter how compelling, cannot be considered in later investigations of whether the use of lawful force, particularly that of deadly force, was justified.*

Once the officer has determined that the use of deadly force is necessary; the Department’s policy is to shoot to stop. An officer shall not discharge a weapon to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act as described in this policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at “center body mass”.

No distinction shall be made relative to the age of the intended target of deadly force. Self-defense and imminent threat to self or others shall be the only policy guideline for employing deadly force.

C. Warning Shots

Warning shots shall only be used in exceptional circumstances where it might reasonably be expected to avoid the need to use deadly force. Warning shots shall be directed in a manner that minimizes the risk of injury to innocent persons, ricochet dangers and property damage.

D. Neck Restraints (GLECP Std. 1.14b)

Neck restraints such as choke holds, carotid artery restriction techniques and other similar types of control techniques are to be considered deadly force and are not authorized for use by members of this department except in situations where the use of deadly force would be authorized.
Chapter 11 - Use of Force

E. Shooting At or from Moving Vehicles

Firearms shall not be discharged at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle. The moving vehicle in itself shall not presumptively constitute a threat that justifies an officer’s use of deadly force. An officer threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. Firearms shall not be discharged from a moving vehicle, except in exigent circumstances and in the immediate defense of life.

F. Animals

The killing of an animal is justified: (1) for self-defense; (2) to defend another; or (3) when the animal is so badly injured that humanity requires its relief from further suffering. The destruction of vicious animals shall be guided by the same rules set forth for self-defense and the defense and safety of others. (See 11-6 Use of Force on Animals)

G. Escapees

O.C.G.A. 17-04-20 (c) addresses the use of lethal force to prevent escape by stating,

“...nothing in this Code section shall be construed so as to restrict the use of deadly force by employees of state and county correctional institutions, jails, and other places of confinement or by peace officers of any agency in the State of Georgia when reasonably necessary to prevent escapes or apprehend escapees from such institutions.”

Note: Escapees from arrest or confinement are guilty only of a misdemeanor until convicted, irrespective of the nature of the original offense. Deadly force is prohibited in such instances.

IV. TRAINING AND QUALIFICATION

A. Use of Force (GLECP Std. 1.14a)

Officers of the _______________ Department will attend at a minimum, annual training on legal updates and in the Use of Force policies and procedures of this agency. Training will be documented.

In addition at least annually, all Officers will receive in-service training on the constitutional and legal limitations on the use of deadly force and on the agency’s policies regarding the use of deadly force. Training will be documented. (GLECP Std. 1.15)

B. Non-Deadly Force weapons

See SOP 11-2 “Intermediate Weapons” for training and qualification standards.
C. Deadly Force weapons

See SOP 10-2 “Firearms Qualifications” for training and qualification standards.

V. USE OF FORCE REPORTS (GLECP Std. 1.21)

A. It will be the responsibility of the supervisor of any employee involved in any of the below listed incidents to complete a Use of Force Report as soon after the incident as possible, but not longer than 24 hours, and forward the report, along with supporting documentation, through the chain-of-command to the Chief Executive Officer.

A Use of Force Report shall be completed when: (GLECP Std. 1.21 a, b, c, d)

1. A firearm is discharged for other than training or recreational purposes.
2. A less-lethal weapon is used on a person (OC, ASP Baton, etc.);
3. A suspect is struck with hands, feet, asp baton or other such device;
4. Use of force results in injury or death;
5. The presence of blood or broken skin on the person of either the officer or suspect, that occurs as a result of an arrest or confrontation; or
6. A complaint of physical injury is made by a suspect in the presence of any law enforcement officer that arose as a result of any arrest or confrontation.

VI. INVESTIGATION OF USE OF FORCE INCIDENTS

This section establishes responsibilities and duties concerning the investigation into use of force incidents. This includes, but is not limited to, the use of firearms. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees if the actions of an officer are in question.

A. Non-Deadly Force Incidents

NOTE: Use of deadly force in which no injury or death occurs will still be investigated as in this section.

1. Responsibilities and Duties of Involved Officer(s)

   a) If there is injury to the suspect or officer, medical attention will be sought immediately. The injured party may be transported to a medical facility when injuries are minor and do not require EMS response to the scene. (GLECP Std. 1.19)

   c) Immediately summon a supervisor to the scene.
d) A statement detailing the use of force shall be completed and delivered to a supervisor as soon as possible after the incident.

2. Responsibilities of Employees witnessing perceived excessive Use of Force.

   a) The employee shall make a written report describing the incident and turn it into the on duty supervisor before the end of their shift.

   b) The receiving supervisor shall then follow the responsibilities in #3.

3. Responsibilities of Supervisor (GLECP Std. 1.22)

   a) Upon notification of the use of force by subordinate personnel, a supervisor shall respond to the scene and initiate an investigation into the incident.

   b) The supervisor shall complete a Use of Force report describing the use of force, the weapon or instrumentality involved, any injuries or property damage, etc., the name and address of any injured persons or witnesses, and the extent and/or treatment of any injuries. Photographs shall be taken of any injuries if possible.

   c) The supervisor will, as much as possible, independently verify the information contained in the Use of Force report and attach statements from all officers who were involved or witnessed the incident.

   d) The Use of Force report shall be forwarded to the Chief Executive Officer through the chain of command without delay.

B. Deadly Force Incidents

1. Responsibilities and Duties of Involved Officer

   a) When deadly force is used and results in an injury, upon first opportunity after the scene is secured, the officer shall immediately:

   b) When a firearm is involved, holster the weapon, without unloading, or reloading it;

   c) Determine the physical condition of any injured person and render first aid;

   d) Request emergency medical aid (GLECP Std. 1.19);

   e) Notify the Communications Center of the incident and location; and

   f) Attempt to detain all witnesses. If they refuse to stay, try to get their names for future reference.

   g) Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous
situation to develop (e.g., violent crowd), the ranking commanding officer at the scene shall have the authority to instruct the officer to move to another, more appropriate location.

h) The officer shall protect his/her weapon for examination and submit it to the appropriate investigator.

i) The officer shall prepare a detailed report of the incident.

j) The officer shall not discuss the case with anyone except:
   i) Supervisory and assigned investigative personnel;
   ii) The assigned District Attorney;
   iii) His attorney/Legal Representative
   iv) Mental health professional;
   v) The officer’s chosen clergy; and/or
   vi) The officer’s immediate family

2. Responsibility of the Communications Center

   Once the communications center is notified, it shall:
   a) Dispatch requested medical aid;
   b) Notify the on-duty patrol shift supervisor;
   c) Notify the Chief Executive Officer;
   d) Notify the Uniform Patrol Commander; and
   e) Notify the designated investigative unit(s).

3. Uniform Patrol Commander

   The Uniform Patrol Commander shall:
   a) Proceed immediately to the scene;
   b) Secure the scene;
   c) Conduct a preliminary field investigation;
   d) Render command assistance to the assigned investigator(s);
   e) Assist the involved officer(s); and
f) Submit a detailed written report of the results of the investigation to the Chief Executive Officer or his/her designee.

4. Investigative Responsibility

a) Investigations of deadly force incidents in which injury or death occur will be referred to the GBI by the Chief Executive Officer;

b) All required written reports will be submitted without delay to the Chief Executive Officer in original form;

c) The Chief Executive Officer is responsible for notifying the governing authority of the incident;

d) Upon approval of the Chief Executive Officer, any comments given the news media will be limited to the basic facts of the incident without speculation or expression of opinion.

5. Treatment of Officer

a) In every instance in which an officer (or any employee) uses deadly force, where such use results in death or serious bodily injury to another person, the officer shall be placed on either administrative leave or in-house administrative duty.

b) The officer shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to normal duty at any time after the preliminary investigation.

C. Administrative Review of Use of Force Incidents (GLECP Std. 1.22, 2.7c)

1. All reported uses of force will be reviewed by the Shift Supervisor, Division Commander and Chief Executive Officer to determine whether:

a) Departmental rules, policy or procedures were violated.

b) The relevant policy was clearly understandable and effective to cover the situation.

c) All findings of policy violations or training inadequacies shall be reported to the appropriate unit for resolution and/or discipline.

d) All use of force incident reports shall be retained as required by state law.

e) There will be annual review of all use of force incidents by the appropriate departmental authority to ascertain training and policy needs.

f) The agency will prepare a written annual analysis of all use of force incidents. (GLECP Std. 1.23)
2. At each level of review, the reviewer shall have the option to refer the incident to Internal Affairs for further investigation when deemed appropriate or necessary.
I. PURPOSE

It is the purpose of this policy to establish guidelines in the training and use of less-lethal weapons.

II. POLICY

It is the policy of the __________ Department to provide officers with less-lethal weapons, such as Oleoresin Capsicum (O.C.), the ASP baton, Taser X-2 and the K-9 unit (see SOP K-9 Unit), so that officers may successfully defend themselves from combative, resisting, and/or violent individuals while reducing the risk of inflicting or receiving injury.

III. TRAINING

A. Officers must successfully complete an Agency approved training course and demonstrate proficiency in the use of any less-lethal weapon prior to its being issued. (GLECP Stds. 1.17, 1.18, 1.20c)

B. Training must be provided by this agency’s training staff, a certified law enforcement instructor, or the training staff of a state approved academy. (GLECP Std. 1.17a, 1.18a)

C. Officers will, at a minimum, attend biennial refresher training in the use of each issued less-lethal weapon. Training on Electronic Control Devices (Taser) will be conducted yearly. (GLECP Std. 1.17, 1.18)

D. Officers who fail to attend the required refresher training or who are unable to demonstrate proficiency in the use of any less-lethal weapon will not be allowed to carry it until such time as they attend remedial training and are able to demonstrate proficiency. (GLECP Std. 1.17c – d, Std. 1.18c – d)

ATTENTION CEO: Any officer who fails to maintain proficiency in intermediate weapons will be removed from duty until proficiency is demonstrated. (You do not want deadly force as the only option available.)

E. Training will be documented in each officer’s training file. (GLECP Std. 1.14, 1.17b, 1.18b)

IV. OLEORESIN CAPSICUM (O.C.)

A. Agency Approved Oleoresin Capsicum Aerosol Spray (GLECP – Std. 1.20a, e)

Officers will only carry O.C. that is issued and authorized by the __________ Department. (i.e., Body Guard)
B. Authorized use of O.C.

1. O.C. spray is considered a use of force and shall be employed in a manner consistent with the use of force policy.

2. O.C. may be used when officer presence, verbal dialogue, and soft empty hand control and compliance tactics have failed or would be impractical to bring about the subject's compliance.

3. The subject has signaled his / her intention to actively resist the officer's efforts to make the arrest.

4. Whenever practical and reasonable, officers should issue a verbal warning prior to using O.C. against a suspect.

5. Once a suspect is incapacitated or restrained, use of O.C. is no longer justified.

6. O.C. spray will only be used as a control and compliance measure and shall never be used for any illicit or unlawful purpose.

C. Use of O.C. against animals

1. Officers of this department are authorized to use O.C. chemical agents against animals such as dogs to protect the officer or another person from an attack by the animal.

2. The unnecessary use of an O.C. chemical against an animal is not authorized and may constitute cruelty to animals under the Official Code of Georgia Annotated.

D. Effective Use of O.C.

1. Whenever possible, officers should be upwind from the suspect before using O.C. and should avoid entering the spray area.

2. An officer should maintain a safe distance from the suspect of between two and ten feet.

3. A single spray burst of between one and three seconds should be directed at the suspect's eyes, nose and mouth. Additional burst(s) may be used if the initial or subsequent burst proves ineffective.

4. Officers should avoid the use of O.C. in areas where the use could reasonably and foreseeably cause panic or under conditions where it may affect innocent bystanders.

D. Decontamination Procedures

After control has been established and/or resistance ceased, the officer will make reasonable efforts to allow the O.C. affected subject relief from the discomfort associated with the application.
1. After the suspect has been brought under control, restraints applied, and the suspect no longer presents a threat to the officer or others; the officer will then render appropriate first aid to the suspect;

2. Arrange for professional medical attention (EMS) if it appears necessary or when decontamination procedures do not appear to be effective (GLECP Std. 1.19);

3. The effects of O.C. vary among individuals. Immediately after spraying an individual, officers should be alert to any indications that the suspect needs medical care. This includes, but is not limited to, breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these other medical problems, or if the suspect requests medical assistance, the officer shall immediately summon emergency medical aid;

   **NOTE:** The EMS personnel should determine if the suspect needs to be transported to a hospital or other medical facility for further medical evaluation.

4. Suspects that have been sprayed shall be monitored continuously for indications of medical problems and shall not be left alone while in police custody until decontamination is complete;

5. If reasonable, the person will be transported immediately to the jail. If it is not reasonable to transport the person to the jail, the person should be moved to an area with fresh air;

6. Keep the person calm by explaining the anticipated effects;

7. Instruct the person to blow his/her nose;

8. Allow affected person to flush eyes and affected area with water; and

9. Open doors and windows as soon as practical after usage inside a building or vehicle.

**E. Storage and Distribution**

1. All O.C. will be distributed/replaced by the _____________ (GLECP Std. 1.20d);

2. Unexplained depletion of O.C. canisters shall require an inquiry and written report by the officer’s supervisor and/or the _____________.

**V. PROCEDURE FOR THE BATON**

**A. Authorized carry of the Baton (GLECP Std. 1.20a, e)**

   Officers will only carry batons that are issued and authorized by the ___________ Department. (i.e., ASP)
B. Authorized Use of the Baton

The baton is considered a use of force and shall be employed in a manner consistent with the use of force policy.

1. The officer’s decision to deploy the baton should be based on the tactical situation and the officer’s reasonable belief that the situation may escalate to a physical attack by the suspect. If a suspect becomes physically aggressive or assaultive, the baton provides officers with an alternative between unarmed self-defense skills and deadly force.

2. The use of the baton is to be in accordance with the prescribed methods and training. The baton shall be deployed and used only as necessary to complete the desired objective and affect the arrest of the suspected offender.

3. Strikes to the following areas and techniques will not be accepted as defensive techniques and will not be considered proper use of the baton:
   a) Head and face
   b) Heart areas
   c) Spine
   d) Kidneys
   e) Direct frontal blow to knee cap
   f) Groin area
   g) Throat or Larynx

4. The only exceptions to prohibitions listed above will be in life or death situations.

5. Flashlights will not normally be used as impact weapons, except in those cases where a sudden, violent attack on an officer precludes the use of other means of defense. When a flashlight is used as an impact weapon, the officer will follow the guidelines regarding impact weapons.

6. The baton will be maintained and repaired by a certified instructor. (GLECP 1.20d)

VI. USE OF TASERS

A. DEFINITIONS

1. CONDUCTED ELECTRICAL WEAPON (CEW): Weapons designed to disrupt a subject’s central nervous system by means of deploying battery powered electrical energy, sufficient to cause uncontrolled muscle contractions, and override an individual’s voluntary motor responses.
2. APHIDS: Confetti-like pieces of paper that are expelled from the Taser cartridge when fired. Each “aphid” contains an alpha-numeric identifier, unique to the specific cartridge used.

3. Taser: The Taser [brand, i.e., Taser International Inc. X-2] device currently in use by the _____________ Department.

B. PROCEDURES

1. Authorized Carry of the Taser (GLECP Std. 1.20a, e)

   The Taser [brand, i.e., Taser International Inc. X-2] or other electrically charged defensive weapon authorized for use by on-duty/extra duty personnel of the _____________ Department. The Taser shall be stored in the rear equipment box of the Supervisor units to be removed only at their discretion. No other Taser, stun gun, or similar device shall be used by any officer of this department.

2. Prior to Deployment:
   a) The Taser shall be issued to and used only by authorized employees who have successfully completed the Taser Certification Training.
   b) All Tasers will be inspected by a Departmental Armorer to ensure that they are charged and functioning properly prior to being issued for field use.
   c) The Taser is a sensitive electronic device (similar to a cell phone) and should be treated with appropriate care. It should not be dropped or thrown around. When not in use it should remain in an approved holster and be protected from rain. If rain gets inside the Taser, it can short-circuit causing the electronic control device to discharge while still in the holster.
   d) The Taser once removed from the unit will be carried in an approved holster on the support side in a cross or straight draw fashion.
   e) Tasers may be deployed in response to civil disorder, crowd control, or other tactical situations.
   f) The Taser will be turned over to any supervisor upon request to investigate improper uses of the electronic control device. Only Taser PPM batteries should be used in the Taser when feasible. The Taser batteries should be recharged when they display 50% battery life remaining.
   g) Taser cartridges should be replaced by the expiration date. Expired cartridges should be used for training purposes only.
   h) Each Taser Certified Employee is responsible for conducting a one (1) second spark test weekly on the Taser in his assigned vehicle.
   i) When the Taser is experiencing any type of malfunction, it is to be removed from service and turned in to the Departmental Armorer as soon as practically possible for repair. Malfunctions include but are
not limited to: being dropped and causing damage, safety switch broken on any of the models, battery light not working, CID display not working properly, or displaying “00,” “EE,” or any type of error reading, etc. Tasers that cannot be repaired onsite will be shipped to manufacturer.

C. Decision to Deploy Taser CEW

1. An officer’s response level to a subject’s resistance should always be based on reasonable objectiveness. This should take into account factors such as the seriousness of the offense, whether the subject is resisting arrest or attempting to flee, and the threat posed by the subject.

2. The primary purpose in the decision to deploy the ECD is to make an arrest while preventing a continuing escalation of the subject’s resistance or violence and minimizing the likelihood of injury to both the officer and the subject.

3. The Taser would be a possible option to use on a handcuffed subject only if the risk of injury for the officer and/or the subject is greater if another force option is used instead of the Taser.

4. The Taser should not be used on a visibly pregnant woman. The electrical current will not harm the baby but the muscular contractions caused by the Taser may send the woman into labor, or cause harm by the mother falling on the child. Officers should consider the particular subject and any vulnerability they have such as someone very small or frail.

5. The Taser is prohibited from being used in questioning or interrogating a suspect. The Taser shall not be considered for the passively resistant subject, such as on a seated protestor who goes limp. The Taser shall never be used as a punitive measure.

D. Method of Deployment

The Taser can be deployed in two (2) different modes.

1. The preferred mode of deployment is used when the Taser is fired, propelling two (2) probes up to a distance of 25 feet from a replaceable cartridge. These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the target, the Taser transmits powerful electrical impulses along the wires and into the body of the target through up to two (2) inches of clothing. The electrical impulses temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, which physically incapacitates the target regardless of pain tolerance or mental focus. The greater the spread of the probes on the body, the greater the muscle mass is affected, therefore usually achieving better control of the subject being tased.

2. The other mode of deployment is known as the “drive-stun,” and does not involve firing the cartridges. The drive-stun only allows electricity to pass back and forth between the metal points (roughly 1 ½” apart) on the front of the Taser device itself.
The current runs back and forth between those points and only affects the 1½” area being touched by the Taser, which does not allow for good muscle control. The drive-stun may be used when necessary, but is not the preferred use of this tool. The cartridge deployment is more effective because it can be fired at a greater distance than the drive-stun allows for. The cartridge deployment mode usually requires less cycles as the probes are stuck to the subject being tased and not losing contact, as the Taser possibly could when used in the drive-stun mode.

3. The Taser is less likely to cause injury than empty hand control techniques. As such, the Taser may be used to control person(s) resisting arrest prior to empty hand techniques. When the Taser is deployed in situations involving deadly weapons, a back-up officer is to directly accompany the Taser user and will be designated to utilize lethal force, if necessary, consistent with law, departmental policies and procedures.

4. The Taser should never be used near flammable liquids and fumes. The Taser can ignite gasoline or other flammables. The Taser should not be used on an individual who has been O.C. sprayed, unless they were sprayed by a member of the Department. Some self-defense sprays/O.C. sprays are flammable and would be extremely dangerous to use in conjunction with the Taser. Do not deploy the Taser near suspected meth labs.

5. The human body reacts to the Taser by involuntarily becoming rigid and straight. Consideration must be given prior to using the Taser on a person who is in physical control of a moving vehicle or in any other situation where the body’s reaction might place the subject or others at an increased risk of injury beyond that which would be considered reasonable given the situation. The primary risk of serious injury or death during a Taser deployment is the risk related to falls. Users should avoid deploying the Taser on persons next to swimming pools, on elevated platforms, or other places where a fall can be more injurious.

6. If practical, a verbal warning should be issued to the subject that they will be “TASED” if they do not comply. The verbal warnings of “TASER, TASER” should be shouted to let others know that the Taser is being deployed.

7. **Back shots are the preferred target area when practical to do so. The preferred point of aim for frontal shots is low center mass.** Officers shall make all reasonable efforts to avoid striking persons in the head, neck, heart area, or genitals.

8. The Taser has a built-in five (5) second timer. The electrical current will continue for the full five (5) seconds every time the trigger is depressed, the cycle should never be stopped unless special circumstances dictate. If additional cycles are required, each five (5) second cycle, or extended exposure of any time frame, shall be evaluated independently. Multiple cycles may increase the likelihood of serious injury where the individual is suffering from other symptoms such as cocaine intoxication. A contributing factor to serious injury or death is the level of a subject’s exhaustion. Studies recommend that when an officer believes that control of a subject will be necessary and met with resistance, deployment of the Taser should be considered early on in the event so that the person has not reached a level of exhaustion.

E. After Deployment:
1. Once the subject is in custody or the situation is safe to do so, Communications will be notified that the subject has been “Tased.”

2. With a witness nearby, the Taser probes should be removed. When removing the probes, employees should wear latex gloves, as the probes will have biohazard material on them when removed. Probes embedded in non-sensitive areas can be removed by firmly grasping the probe and pulling straight out quickly. After probe removal, the probe wounds will be cleaned with antiseptic and dressed. (GLECP Std. 1.19)

3. Qualified medical personnel should remove probes embedded in the neck, head, groin, woman’s breasts, and as special circumstances dictate. Personnel transporting the subject should take a previously fired probe to show medical personnel if needed.

4. Photographs should be taken of probe impact sites and any other related injuries. Photographs should also be taken of the probes after they have been removed from the subject.

5. All persons who have been Tased shall be monitored for at least 10 minutes for signs and symptoms of physical distress. Persons exhibiting distress, vulnerable classes such as juveniles, pregnant women, the elderly, persons small in stature, and those with pre-existing conditions should get medical clearance at a Hospital.

6. Personnel that deploy the Taser on subjects exhibiting symptoms of exhaustion, distress or agitated/excited delirium will request that EMS respond to the scene to provide immediate medical attention.

7. Current research has concluded that the close distance between the Taser dart and the heart is the primary factor in determining whether the Taser will affect the heart. The risk of an adverse cardiac event related to a Taser discharge is deemed to be extremely low.

Therefore, should a probe strike, or a drive-stun application be used on a subject in the chest region, EMS will be requested to respond to the scene to provide immediate medical attention and supervisory notification will be made. If EMS is unable to evaluate on scene when the subject is struck in the chest region with a probe or a drive-stun, then they will get medical clearance from a Hospital.

F. Documentation (GLECP Std. 1.21b, c)

1. All deployments of the Taser shall be documented including those cases where a subject complies once threatened with the device.

2. Photographs of the affected area shall be taken following removal of the darts including “drive-stun” usage because of the increased potential for scarring.

3. Darts/Cartridges shall be properly stored and maintained as evidence. They will be secured in a Biohazard container after the serial number has been obtained from the cartridge.
4. The Supervisor will complete the “Taser Report” and follow the reporting guidelines in 11-3 Use of Force.

VII. LESS-LETHAL WEAPON INSPECTION (GLECP Std. 1.20c)

Biennially, each less-lethal weapon will be inspected by the departmental armorer or instructor on that particular less-lethal weapon platform during re-certification. Weapons found to be deficient shall be removed from service by the armorer or instructor then repaired or replaced. The employee will receive a replacement weapon until their issued weapon is repaired or replaced. The Taser shall be inspected annually during the required training by the departmental armorer.
S.O.P. 11-6 USE OF FORCE WHEN DEALING WITH ANIMALS

I. PURPOSE

Provide members of the department guidelines for encounters with potentially dangerous animals such as dogs, cats, birds or other domestic animals or reptiles.

II. POLICY

It is the policy of this department to use the least amount of force necessary when encountering an animal. As with other use of force options, deadly force will only be used to defend the officer, other person or animal from being bitten by a vicious animal. The department recognizes that not all domestic animals, especially dogs, are inherently vicious. However, some are vicious by nature or may be protecting their area and officers should be aware of signs, warnings and visual/audio cues as to the intent of the animal.

ATTENTION CEO: This policy is designed to protect domestic pets from being intentionally shot by officers for no apparent reason other than the, in this case, a dog appeared to be aggressive towards the officer(s). Courts have ruled that the unnecessary shooting of an animal may constitute a seizure under the 4th Amendment to the Constitution thus making the department and officer liable. The department should consider training officers on the behavioral traits of dogs. Each officer, however, will have his/her interpretation on what constitutes a vicious animal.

ATTENTION CEO: The agency should consider equipping patrol vehicles at a minimum at the supervisor level specialized equipment to enable the officers to take control of a vicious animal. Tranquilizer Guns are a very specialized piece of equipment that are usually only carried by a trained animal control officer. Careful consideration should be used if the agency considers this. Specialized training shall be required if issued.

ATTENTION CEO: If the agency has access to an Animal Control Unit, then a statement should be inserted stating that the animal control shall be called prior to the officer attempting to do so him/herself.

III. DEFINITIONS

A. DEADLY FORCE: Any force that is likely to cause serious bodily harm or death.

B. NON-DEADLY FORCE: All uses of force other than those likely to cause serious bodily harm or death.

C. IMMINENT: Impending or about to occur.

IV. PROCEDURE

A. Calls for Service, Routine/Non-Emergency. When an officer is dispatched to a call for service that is non-emergency in nature and is encountered by a vicious animal the following shall be followed;

1. If the caller is at the home and the officer can speak directly to the person, the officer will ask the owner to restrain the animal and keep it on a leash, in a pen or other secure space that allows security for the officer while working the call for service.

2. If direct contact cannot be made by the officer, the officer will ask the dispatcher to contact the caller by phone and have him/her come out to take control of the animal prior to the officer leaving a place of safety. (car, hardened structure) Should contact by phone fail, the officer should leave the scene and stand by a short distance away in the event contact is made allowing the officer to handle the call. If no contact is made the officer will resume normal patrol and periodically have the dispatcher call in an attempt to make contact with the complainant.

B. Calls for Service, Welfare Checks and Emergencies. When an officer receives a call of an emergency nature or welfare check the following applies;

1. On a welfare check, if the vicious animal is out of the residence, and the officer does have control equipment, he/she shall request another officer to assist in taking control of the animal in the quickest manner possible. Once the animal is secured, the welfare check will continue.

   NOTE: Officers should always be aware of a second animal in the area and be vigilant at all times.

2. If the animal is inside the house, the same procedures outlined above will be followed. If no one can be seen inside from the outside by the officer then the officer will not enter a residence without a second officer present who can take control of the animal.

3. If a person can be seen and the officer has knowledge of a medical emergency either from dispatch or personal knowledge (previous calls) then the officer is authorized to use the necessary force to save the human life.

   NOTE: Human life will always take priority over that of an animal.

   NOTE: Deadly force is authorized only if the potential for receiving an injury from the animal is imminent.

4. In the event of an emergency call where it is necessary for the officer to save a human life or prevent further injury, the officer is authorized to use the necessary force to save a human life over that of an animal. See note above.

C. Search Warrants;

   ATTENTION CEO: The sensitive nature of search warrants, the execution of same and officer safety should always be considered. Accordingly, good intelligence
should be gathered and disseminated to officers prior to the execution of a search warrant regarding the presence of animals and what actions may be taken.

1. When an officer/s attempt to conduct a search warrant that is a regular search warrant, officer safety will always take precedent. Similarly, the preservation of evidence is important as well. Any vicious animals encountered pose a serious concern to both of the above. Not all animals are necessarily vicious just because it is barking, snarling or growling. Officers should be aware of this and try to control the animal as stated in paragraph A above.

2. Prior to the execution of a search warrant, as much intelligence shall be gathered regarding the existence of potentially vicious animals. The officer in charge of the investigation will brief all officers accompanying him/her as to the presence of animals on the property.

3. The only time an officer is allowed to use deadly force in the execution of a search warrant is when the potential for receiving injury from the animal is imminent.

4. When an officer/unit is attempting to execute a “no knock” search warrant, the OIC will gather and disseminate intelligence regarding the presence of potentially vicious animals at the site.

   NOTE: Many criminals have dogs present to provide prior warning to the presence of others on their property. Some also use these animals to protect any illegal substances being stored there as well.

5. The commander of the unit executing the no knock warrant shall have a plan for dealing with vicious animals encountered when attempting the execution of the warrant. The plan shall have specific details on what types of specialized weapons shall be used against a vicious animal. Deadly force is authorized only in the event of an imminent injury by a vicious animal.
I. PURPOSE

The purpose of this policy is to direct the members of this agency on the lawful limits of authority with respect to contacts with persons.

II. POLICY

The policy of this department is to protect and serve the constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

III. DEFINITIONS

A. PROBABLE CAUSE (SEARCH): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.

B. PROBABLE CAUSE (ARREST): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

C. REASONABLE SUSPICION (TEMPORARILY DETAIN): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

D. REASONABLE SUSPICION (FRISK): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

E. FRISK (WEAPON): A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject’s immediate area of control.

F. STRIP SEARCH: The removal or rearrangement of clothing that results in the exposure or observation of a portion of a person’s body where that person has a reasonable expectation of privacy.

G. CONSENSUAL CONTACT: An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown
no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer’s efforts. Under this type of contact an officer has no power to detain an individual who chooses not to participate in the contact.

IV. PROCEDURES

A. Consensual Contact - An officer may approach anyone and attempt a consensual contact.
   1. Officers are not required to have reasonable suspicion for this type of contact.
   2. Officers may not take any steps through words or conduct to stop the person’s movement under this type of stop.
   3. A person cannot be compelled in any way to participate in the stop.

B. Reasonable Suspicion Based Stops/Terry Stops-An officer who is aware of facts and circumstances that would lead a reasonable law enforcement officer to conclude that criminal activity is afoot, may stop a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.
   1. Officers may detain the person for a reasonable amount of time at the location of the stop while a diligent investigation is conducted such that the officer has an opportunity to confirm or dispel their suspicion.
   2. Anonymous tips that merely describe a person’s location and physical/clothing description without providing a prediction of the subject’s future actions that can be corroborated by law enforcement prior to contact are insufficient to justify a stop or frisk.
   3. The duration of the stop should not exceed the amount of time that it would normally take to investigate the conduct that the officer suspected at the time the stop was made.
   4. Officers may not frisk every person who is stopped in accord with this policy. An officer may only frisk those individuals for whom the officer has reasonable suspicion to believe is armed with a weapon.

C. Reasonable Suspicion Based Frisk - An officer may conduct a limited frisk/pat-down of a person’s outer clothing when the officer has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the officer or others present.
   1. Items that may support reasonable suspicion:
      a) The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon.
      b) The officer observes a bulge in the subject’s clothing that has the
appearance of a weapon.

c) The officer has information (anonymous tip merely providing description and location is not enough) indicating that a person is armed.

d) The officer is aware of the subject’s history of carrying weapons.

e) The officer observes the subject reach as if reaching for, or reaching to hide a weapon (furtive movements).

2. The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the officer feels an item during the frisk that the officer reasonably believes is a weapon.

D. Arrest: An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established an officer may take custody of the subject and involuntarily transport the subject.

NOTE: If the person to be arrested is in a dwelling, refer to Home Search Policy; if the person to be arrested is in a vehicle, refer to vehicle search policy.

1. Under Georgia law officers may make an arrest with or without a warrant:

   a) if the offense is committed in such officer's presence or within such officer's immediate knowledge;

   b) if the offender is trying to escape;

   c) if the officer has probable cause to believe that an act of family violence, as defined by law has been committed;

   d) If the officer has probable cause to believe that an offense involving physical abuse has been committed against a vulnerable adult, who shall be for the purposes of this subsection a person 18 years old or older who is unable to protect himself or herself from physical or mental abuse because of a physical or mental impairment; or

   e) For other cause if there is likely to be failure of justice for want of a judicial officer to issue a warrant.

2. Officers may make warrant less arrests outside of a person’s residence if probable cause exists for the arrest. The sources of probable cause include:

   a) Officer observations through 5 senses

   b) Officer background and experience
c) Specialized Training

d) Information Received
   i. Good Citizens
   ii. Government
   iii. Paid Informants
   iv. Anonymous

e) Physical Evidence
   i. At Scene
   ii. On Suspect

f) Circumstantial Evidence
   i. Description of subject
   ii. Time and Place relationship between crime scene and stop
   iii. Suspect History
   iv. Suspect Flight
   v. Type of Area, i.e., high crime area

g) Traffic Arrests: Under the Georgia Code
   i. Officers may issue a citation in lieu of a custodial arrest for violations of traffic laws committed in their presence or involving a traffic collision.
   ii. An officer may make warrant less arrests for misdemeanors committed in the presence of the officer.
   iii. Where the operator of a vehicle displays a valid license, the officer shall not make a custodial arrest unless the traffic offense falls within one of the following violations.

   (a) 40-5-20.1 - No License
   (b) 40-5-58 – Habitual Violator
   (c) 40-5-120 - Unlawful use of license or personal identification card
   (d) 40-5-121 - Suspended License
(e) 40-5-125 - Violations relating to application for and use of driver’s license

(f) 40-6-15 - Operating a vehicle with a suspended, canceled or revoked registration

(g) 40-6-270 - Duty in accidents involving personal injury to or death of person or damage to vehicle.

(h) 40-6-390 - Reckless driving

(i) 40-6-391 - DUI

(j) 40-6-393 - Homicide by vehicle

(k) 40-6-394 - Serious injury by vehicle

(l) 40-6-395 - Fleeing or attempting to elude a police officer

(m) 40-6-396 - Homicide/serious injury by interference with official traffic control device

(n) 40-6-397 - Aggressive driving

(o) 40-6-186 - Racing on Highways or Streets

(p) Any felony where a vehicle is used

(q) Any offense for which a driver’s license may be suspended for the first offense by the commission of motor vehicle safety

NOTE: this code section specifically exempts violations of 40-5-72 and 40-6-10 from custodial arrests if the driver displays a license in lieu of bail.
I. POLICY

To establish guidelines for the ________ Department officers in controlling search and seizure of property and persons through an overview of existing laws. It shall be the policy of the department to conduct searches of persons, places and things pursuant to established state and federal laws governing search warrants and/or warrantless searches. Law enforcement officers shall have due regard for the protection guaranteed under the provisions of the Fourth Amendment to the U.S. Constitution. The following procedures shall address search and seizure policy and shall cite major case law and/or state statutes where applicable.

II. EXECUTION OF A SEARCH WARRANT

A. When a Search Warrant can be Executed

The search warrant may be executed at any reasonable time, day or night; a reasonable time depends on the facts in each individual case (OCSA 17-5-26). A search warrant must be served within ten (10) days from date of issuance. If the warrant is served, a "duplicate copy shall be left with any person from whom any instruments, articles, or things are seized; or if no person is available, the copy shall be left in a conspicuous place on the premises from which the instruments, articles, or things were seized". Any search warrant not served within ten (10) days from the date of issuance shall be void and will be returned to the court of the judicial officer who issued the warrant (OCSA 17-5-25)" A written return of all instruments, articles, or things seized shall be made without unnecessary delay before the judicial officer named in the warrant or before any court of competent jurisdiction. An inventory of any instruments, articles, or things seized shall be filed with the return and signed under oath by the officer executing the warrant" (OCSA 17-5-29).
Upon application of the search warrant, the officer shall obtain three copies. The first copy shall be left with the magistrate after the warrant is approved. The second copy shall be left pursuant to the previous paragraph above, and the final copy shall be returned to the Magistrate’s Court upon completion of the search.

B. Force Used in the Execution of a Search Warrant

1. An officer has a right under a lawful search warrant to use all necessary and reasonable force to get into any building, dwelling or other area described in a search warrant (OCGA 17-5-27).

2. Unless the search warrant contains a no-knock provision, an officer is required to give oral notice to the person or persons inside, if any, of the identity of the officer and of the fact that the officer has a search warrant to search the premises (OCGA 17-5-27).

3. If the person or persons inside refuse to acknowledge an officer's notice, or if an officer cannot determine if anyone is present inside, or if it is unoccupied, an officer can then use reasonable force to gain entrance (OCGA 17-5-27).

4. Any action taken by the officer should be recorded as to each action taken prior to making a forced entry, such as: “... knocked on door, identified myself by position and advised I have a search warrant for the premises and no one responded to my call and so entrance was gained.” The purpose of the record is that the officer will have to testify in court concerning the reason for his actions. (Jackson v. State, 129 Ga. App. 901; 1973).

5. Whenever force is used in order to gain entry into a premise or place, and any amount of damage occurs, the superior officer in charge of the search shall insure that all damage is documented and photographs taken if necessary.

6. The appropriate amount of time that the officer should allow will depend on the conditions of each search.

C. Locations/ Persons to be Searched, Pursuant to a Search Warrant

1. Officers shall be limited to search in areas particularly described by the search warrant.

2. Officers shall also be limited to searching only for those items particularly described in the search warrant.

3. Officers shall be limited to searching individuals named or described in the search warrant. Officers should have more descriptive information than “a male,” “a white female,” etc., if the officer is to list an individual on the warrant to be searched.

4. In the execution of the search warrant, the officer executing the same may reasonably detain and/or search any person in the place at the time:
   a) To protect himself from attack; or
   b) To prevent the disposal or concealment of any instruments, articles, or things particularly described in the search warrant (OCGA 17-5-28).

D. Personnel Executing Search Warrants

1. Supervisory Personnel
a) Prior to the execution of a search warrant, an officer of supervisory rank or detective should have reviewed the affidavit and warrant and the circumstances of its issuance to ensure that requirements of law are being met and that all the necessary elements are present even though the warrant may have already been signed by the appropriate authority. All search warrants and affidavits obtained by any officer should, if at all possible, be reviewed first by a supervisor or detective prior to review and approval by a magistrate.

b) When appropriate, the District Attorney's Office will be consulted prior to, during and after the service of search warrants for advice, recommendation, or for any other purpose the officer deems appropriate (e.g., preparation for prosecution).

c) An officer of supervisory rank or detective shall be present at the execution of any search warrant along with other personnel as needed. If possible, the supervisor is to be from the unit concerned; if unavailable, a Sergeant or higher ranking officer from another Unit shall assist.

2. Assigned Officers

All involved personnel shall conduct themselves in a professional manner by:

a) Restricting their actions in such a manner as is consistent with the scope of the warrant;

b) Whenever possible, leaving property not seized in an orderly fashion (or as found) and insuring that it is not left in an unreasonable state of disorder or destroyed;

c) Insuring all evidence seized is documented on the inventory and forwarded to the Evidence Room and/or Crime Lab.

NOTE: Items considered to be illegal and/or contraband are not to be destroyed without either the appropriate order of the court or, in cases where prosecution is not to follow, by proper documentation.

E. Obtaining and Execution of a No Knock Search Warrant

1. To gain entrance to any building or dwelling without giving notice, a search warrant must contain a no-knock provision. This provision should be in the body of the affidavit.

2. A no-knock provision cannot be based upon a mere suspicion, but rather must be predicated upon probable cause from an investigation and/or informant. The following would be examples of probable cause for a no-knock provision:

a) A reliable informant or other source provided information concerning a suspect who kept evidence in a bathroom, such as drugs, and would destroy the evidence when the officer knocked on the door (Scull v. State, 122 Ga. App. 696).

b) A reliable informant or other source provided information concerning a suspect who kept firearms next to a door, and when an officer
knocked on a door, the suspect would shoot through a door in an attempt to kill or harm the officer (Jones v. State, 127 Ga. App. 137).

3. Since an officer has a right to use necessary and reasonable force it is also a responsibility of an officer to obtain the correct address and location of property or premises to be searched. Searching the wrong person or premises could lead to prosecution and/or civil liability of an officer.

III. SEARCHES WITH AND WITHOUT A WARRANT

A. Search with a Warrant

The following is required of all search warrants and search warrant affidavits:

1. Issuance

The warrant must be issued by a judicial officer authorized to hold a court of inquiry (OCGA Section 17-5-21).

2. Probable Cause

The judicial officer must find probable cause that the place to be searched contains items connected with criminal activity. (Berger v. New York, 388 U.S. 41) The officer must swear or affirm under oath that the facts presented for establishing probable cause are true. Probable cause is defined as "what facts and circumstances within an officer's knowledge would lead a reasonable man to believe that an offense has been committed or is being committed and/or that a particular individual has committed or is committing the offense."

3. Description

The warrant must describe with sufficient particularity the person or the place to be searched and the items to be seized (OCGA 17-5-23). If a place can be easily identified by a street number or address, then no further information shall be necessary; however, an officer or may elect to give a physical description the place to be searched. Also by giving a legal description by giving directions from the closest major intersection.

NOTE: A warrant may be issued based on an affidavit containing only hearsay where the reliability of the informant is established and the underlying factual circumstances are described.

B. Search without a Warrant/ Incident to Arrest

1. Scope

A search incident to a lawful arrest must be limited in scope to the arrestee's person and the area "within his immediate control." (Chimel v. California, 395 U.S. 752; 1969).

2. When authorized

A search incident to an arrest shall be authorized for the following reasons:

   a) For the security of the officer
b) To secure items that might aid in an arrested individual's escape

c) To prevent the destruction of instruments or fruits of a crime

3. Nature
A search incident to a lawful arrest must be concurrent in time and place with the arrest.

4. Booking or Administrative Searches
A custodial search of an arrested individual during booking is justified as an administrative search. A custodial search of the arrestee's person may be justified as either an administrative search or as an inventory procedure. Once an officer has taken any property discovered during the search into his control, a further non-contemporaneous search is no longer an incident of the arrest.

C. Consent Search (GLECP Std. 4.1a)

1. Voluntariness
The law enforcement officer obtaining consent to search has the burden of proving that the defendant's consent to a warrantless search was given freely and voluntarily.

2. Test
The voluntariness of a person's consent is measured by the totality of the circumstances.

3. Consent after Arrest
If the consenting party is in custody, the voluntariness of the consent is still measured by the totality of the circumstances, although courts will analyze the relevant factors more critically.

4. Third Party Consent
Consent for a warrantless search may be given by a third party who shares control of (or has common authority over) the premises or items to be searched. Areas belonging exclusively to parties not present or not giving consent shall not be searched.

D. Exigent Circumstances (GLECP Std. 4.1e)

1. Justification
A warrantless search is permitted when there is both probable cause and exigent circumstances. The ultimate test is whether there is such a compelling necessity for immediate action that proceeding without a warrant is justified.
2. Exigent Circumstances Defined

Hot pursuit, a fleeing suspect, imminent destruction of evidence, or other situations in which speed is essential to the accomplishment of lawful law enforcement action are examples of exigent circumstances.

E. Crime Scene Search (GLECP Std. 4.1d)

Mincey v Arizona 437 U.S. 385 (1978) The Supreme Court ruled there is no crime scene exception to the search warrant requirement. This means that the general rule with regard to Crime Scene is “Get a search warrant!”

There are many exceptions to this rule and some of them are the following:

1. When the defendant does not possess a reasonable expectation of privacy in the premises, a search warrant is not necessary. (The defendant is a trespasser; no warrant is required)

2. When the search is conducted for the purpose of finding dead or injured crime victims or when rendering aid to a victim, no warrant is required.

3. When evidence is being protected during the time it takes to obtain a search warrant, no warrant is required to enter the crime scene.

4. No warrant is required to enter the crime scene in order to find the perpetrator who may still be present on the scene.

5. A crime scene search may be made without a warrant if:
   a) It is an emergency and there is reasonable belief that there is imminent danger to person. In an emergency crime scene search, contraband in plain view may be seized. If evidence is scene which is not contraband, it is best to get a warrant before seizing it.
   b) A homicide victim is the sole occupant.
   c) The scene is a public place.

IV. STOP AND FRISK (GLECP Std. 4.1b)

A. Grounds for a Stop

To lawfully stop an individual, the law enforcement officer must have a reasonable suspicion that the person stopped is involved in criminal activity.

B. Grounds for a Frisk

To lawfully frisk an individual, the law enforcement officer must have a reasonable belief that the person stopped is armed and/or dangerous. In the case of the self-protective search for weapons, he must be able to point to particular facts from which he reasonable inferred that the individual was armed and/or dangerous. The frisk must be limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby. (Terry v. Ohio, 392 U. S. 1) Officers are reminded that a frisk is not a "search.”

C. Nature of a Frisk
The frisk for weapons must be only a limited intrusion of a person (pat down). Pockets cannot be entered during a pat down unless the officer feels an object which is consistent with a weapon in its size, shape, or feel or unless by plain feel it is clearly identifiable as contraband.

D. Search after a Frisk
Feeling an object which might be a weapon will justify a more extensive intrusion to obtain the suspected weapon. An officer may enter pockets to dispel the alarm that a weapon is present.

V. VEHICLE STOPS

A. Significance of Stop
A "seizure" occurs whenever a vehicle is stopped, even though the purpose is generally limited and the detention quite brief; therefore, the Fourth Amendment applies.

B. Grounds for Stop
There must be reasonable suspicion to justify an investigatory stop of an individual vehicle. Law enforcement officers do not have an unrestricted right to stop people, either pedestrians or drivers.

C. Vehicle Roadblocks
Vehicles may also be stopped at general roadblocks which serve legitimate law enforcement purposes. If the purpose of the roadblock is legitimate, (e.g., to check drivers licenses and proof of insurance), and if an attempt to stop all vehicles and not randomly stop vehicles, and if evidence of other crimes is observed, the officer has the right to take reasonable investigative steps. Vehicle roadblocks shall be prohibited unless approved by a uniform watch commander.

D. Initial Intrusion
Law enforcement officers may take reasonable actions to protect themselves after a lawful stop of a motor vehicle. An officer may prefer to ask the driver or passengers of a vehicle to step out of the vehicle or remain inside, at his discretion. Law enforcement officers may consider external factors such as weather, crowds, etc., prior to asking anyone to step out of their vehicle. (Maryland v Wilson; US v Sanders; Brendlin v. California)

E. Further Intrusion
If a law enforcement officer has a reasonable belief that a person stopped is presently armed and dangerous, he may conduct a limited protective search of the vehicle and frisk of the person.

VI. VEHICLE SEARCHES

A. Arrest of Occupant
If a person is arrested after his vehicle is stopped, areas of the vehicle accessible to him may be searched incident to the arrest if the officer can articulate a reasonable belief that the vehicle contains evidence of the offense of arrest. If there is no reasonable belief that evidence of the offense might be present, no search shall be
done. However, if the vehicle is being impounded, a thorough inventory will be conducted as a matter of department policy.

B. Exigent Circumstances (GLECP Std. 4.1c)

The mobility of motor vehicles often constitutes exigent circumstances authorizing a warrantless search. The "automobile exception" to the warrant requirement demonstrates a willingness of courts to excuse the absence of a warrant when spontaneous searches are required of a vehicle. (Gondor v. State, 129 Ga. App. 665; 1973)

C. Standard

To search under exigent circumstances, the law enforcement officer must have probable cause to believe the vehicle contains items subject to seizure.

D. Time and Place of Search

If probable cause and exigent circumstances existed originally, law enforcement may search the vehicle after towing it to the impound lot without securing a search warrant.

VII. CONTAINER AND LUGGAGE SEARCHES

A. Standard

Containers generally may only be searched pursuant to a warrant based on probable cause.

B. Automobiles

A law enforcement officer who has legitimately stopped an automobile and who has probable cause to believe contraband is located somewhere within the car may conduct a warrantless search of the vehicle, including compartments and containers within the vehicle whose contents are not in plain view. (U. S. v. Ross, 456 U. S. 798, 31 CrL 3051; 1982)

C. Inventory

Closed containers may be opened during a personal effects inventory. (Ill. v. Lafayette, 162 U.S. 640, 33 CrL 3183; 1983)

VIII. INVENTORY OF VEHICLES STD 4.1f

A. Seizure of Vehicle

For an inventory of a vehicle to be valid, law enforcement custody of the vehicle must be lawful. An inventory of a vehicle is not a search. An inventory is a departmental policy designed to insure that valuable possessions within a vehicle under law enforcement custody are accounted for. Any items illegal to possess which are found

B. Justification

The inventory must be conducted only to fulfill the law enforcement care taking function of securing the contents of the vehicle.

C. Nature of Inventory

The search must be a routine part of standard law enforcement procedures for impounding vehicles, rather than a pretext for an investigatory search, and may not
extend to locked luggage or other similar repositories of personal effects. It shall be
standard operating procedure for _________ law enforcement officers to inventory
all impounded vehicles.

IX. PLAIN VIEW DOCTRINE STD 4.1g

A. In order for the Plain View Doctrine to apply:
   1. The law enforcement officer must be at a location where he has a legal right
to be;
   2. The seized items must appear on their face to be incriminating, and;
   3. The items seized must be plainly visible to the law enforcement officer.

X. ABANDONMENT

A. Act
   Abandonment is a voluntary relinquishment of control of property, i.e., disposing of,
denying ownership.

B. Implications
   Abandoned property is not protected by the Fourth Amendment. Officers may seize
abandoned property without probable cause and without a warrant. Whether or not
property has been abandoned is a question of intent, which must be shown by clear,
unequivocal and decisive evidence.

XI. CURTILAGE

A. The Curtilage Doctrine
   Curtilage is afforded the same Fourth Amendment protections as is the home.
Generally speaking, curtilage has been held to include all buildings in close
proximity to a dwelling, which are continually used for carrying on domestic
purposes; or such places as are necessary and convenient to a dwelling, and are
habitually used for family purposes (including a patio).

B. The Open Field Doctrine
   The Fourth Amendment protections do not extend to the "open fields" surrounding
the curtilage and the home.

C. Legitimate Expectation of Privacy
   The determination of whether Fourth Amendment protections will be extended to
items seized from the curtilage or open fields focuses on whether the person
challenging the search has a legitimate expectation of privacy in the place which was
searched.

XII. GREATER INTRUSION SEARCHES

A. Exterior Intrusion
   Intrusions on the body's surface (swabbing, hair samples, retrieval of evidence from
the mouth, etc.) are governed by the Fourth Amendment. Such searches are
permissible as long as they are conducted in a reasonable manner and are justified
under the circumstances (e.g. probable cause to search).
B. Interior Intrusion

Certain intrusions into the body (e.g., stomach pumping, surgery) have been held to be in violation of the Fourth Amendment (Rochin v. California, 342 U.S. 165; Winston v. Lee, 470 U.S. 753). Hence, only under the most exigent circumstances and only pursuant to a search warrant, could such a procedure be allowed. However, other more common interior intrusions, such as blood tests, may be conducted without a warrant if the setting and procedures are reasonable, as when blood is drawn by a doctor in a hospital (Schmerber v. California, 384 U.S. 757). Probable cause must exist in all cases.

XIII. MOTOR VEHICLE FORFEITURE

ATTENTION CEO: Laws related to seizures and forfeitures are subject to constant change. Consult with your District Attorney before implementing any portion of Chapter 9. Because of recent changes, properties can be seized or forfeited for a variety of criminal offenses (e.g., pornography, drugs, RICO, habitual-violator, etc.). Again, check with your district attorney to verify that proper procedures are followed for seizures and forfeitures. See OCGA 16-13-49 and 16-14.

A. INTRODUCTION

It is the policy of this Agency to utilize to the fullest extent the forfeiture provisions available in state and federal drug laws.

B. PURPOSE

The purpose of this policy is to direct the seizure and forfeiture of motor vehicles used during the commission of a felony involving transportation, facilitation of transportation, concealment, manufacture, or protection of controlled substances.

C. DEFINITIONS

1. SEIZURE OF MOTOR VEHICLES - Any assertion of dominion and control over a vehicle by a law enforcement officer or agency pursuant to suspected criminal acts that interferes with the full possessory rights of the vehicle title owner constitutes a seizure.

2. FORFEITURE OF MOTOR VEHICLES - Forfeiture is the procedure by which title to seized property is finally transferred to the seizing agency. Forfeiture can be obtained through a final order of the court having jurisdiction over the seized property, or through negotiated settlements with those persons having a lawful legal interest in the seized property.

3. STATUTORY AUTHORITY FOR CIVIL FORFEITURES OF MOTOR VEHICLES - Distinct procedures for seizure and forfeiture of motor vehicles can vary depending on federal, state and municipal law. The Agency continuously consults relevant federal, state and municipal regulations to ensure that seizure and forfeiture policies of the Agency meet current standards.
D. PROCEDURES

1. Seizure of Vehicle for Forfeiture

The seizing officer shall:

   a) Determine if the motor vehicle used in the commission of a drug-related felony is subject to seizure. Agency members shall not seize a motor vehicle for forfeiture purposes:

      (1) If it is a common carrier and the owner is not consenting or a conspirator to the violation;

      (2) If the owner has no knowledge of the offense or has not given consent;

      (3) If it is encumbered by a bona fide security interest and is subject to the interest of the secured party, and he neither had knowledge of nor consented to the act; and

      (4) If the vehicle is leased.

   b) Obtain clearance to seize for forfeiture purposes. The seizing officer must contact his supervisor, advise of the facts and circumstances surrounding the potential seizure and forfeiture and receive authorization to continue the forfeiture investigation.

   c) Determine whether the violator owns the vehicle and, if not, identify the registered owner or title holder by name, address and telephone number.

   d) Obtain, or attempt to obtain, the registration and title and forward them to the drug enforcement unit.

   e) When possible, obtain post-Miranda statements implicating the motor vehicle, and in those cases where the violator is not the owner, implicate the owner (and/or co-owner) as knowledgeable about the use of the motor vehicle by the violator.

   f) Determine if the vehicle is to be processed by evidence technicians. Any motor vehicle seized for forfeiture will be handled as evidence as provided by Agency policies concerning property and evidence control and vehicle storage and inventory. All receipts and inventory forms will be marked "Hold for Forfeiture."

   g) Have vehicle towed to the Agency's vehicle storage facility or to evidence section.

   h) Complete ________________ report, particularly describing the circumstances of the seizure.
2. Supervising the Seizure

The shift supervisor shall:

a) Consider the type, condition and approximate value of the seized motor vehicle, in determining the practicality of recommending a forfeiture action. If it is obvious that the property is of no use to the Agency or would have little value at auction, the supervisor may instruct the seizing or investigating officer to discontinue the forfeiture investigation.

b) If the supervisor determines that forfeiture is appropriate or is unsure of the practicality of the processing, the supervisor shall contact the drug enforcement unit or appropriate seizure control officer, and report the facts and circumstances of the seizure and potential forfeiture. If the drug enforcement unit or appropriate seizure control officer authorizes a continuance of the forfeiture investigation, the supervisor shall so advise the seizing or investigating officer and shall comply with steps 3 through 8 above.

c) Ensure that a complete and accurate report, including all supplemental follow-ups, detailing the seizure has been completed, and a copy delivered to the drug enforcement unit.

d) Prepare and submit a written memo describing the article seized, the offense number and the location of the seized motor vehicle, with a copy forwarded directly to the drug enforcement unit. A copy of the inventory of the motor vehicle shall be forwarded to the drug enforcement unit.

3. Vehicle Storage and Processing

4. When a vehicle is seized for forfeiture, the law enforcement Agency’s towing service will tow the vehicle.

5. The inventory section of a vehicle/property receipt shall be completed and all personal property shall be removed. If the vehicle is to be processed and it is determined that the vehicle would be contaminated by the removal of any personal property, the seizing officer may wait until the processing is completed.

   The seizing officer shall be responsible for ensuring that personal property is removed.

6. Personal property not being held for evidence or seizure shall be returned to the owner. If the owner has been arrested or is otherwise unavailable to take possession of the property, it shall be placed in the property unit to be returned to the owner at a later date. The property receipt shall be completed, including the authorization for release.
7. Any property seized as evidence shall be packaged and entered into evidence separately from any personal property.

8. The seizing or assisting officer shall meet the tow truck driver at the vehicle storage facility. After the vehicle has been placed in storage, the seizing officer will secure the keys as evidence by turning the keys over to the Evidence Custodian.

9. When vehicles are seized for forfeiture, the officer handling the paperwork must ensure the vehicle identification number is obtained from the vehicle itself rather than from a registration check.

E. Duties of Criminal Investigation Division

1. Receive copies of all reports from the seizing officer, verify that the keys to the vehicle were turned over to the Evidence Custodian for safekeeping. The Evidence Custodian is responsible for proper maintenance of the vehicle during the holding period.

2. Ensure that the proper administrative hold has been or is placed on the property, and place a hold on vehicle/files through NCIC/GCIC.

3. Determine and identify any lien-holder, person or lending institution or other person having financial or equitable interest in the vehicle. Request a copy of the title from the Georgia Department of Revenue.

4. Determine the value of the vehicle for future sale or for use as Agency property.

5. Contact the evidence unit to photograph the seized vehicle.

6. Prepare all necessary documents for forfeiture of the vehicle and submit them to the District Attorney within 20 calendar days of the day of seizure. See O.C.G.A. 16-13-48-1.

7. Coordinate forfeiture process with the appropriate legal division (i.e., district attorney, law enforcement legal advisor).

8. Dispose of the vehicle either through sale or conversion to Agency property in accordance with the Superior Court Order. If released to an owner or repossessed (ensure if applicable) that all towing and/or storage fees are reimbursed to the Agency, prior to release of vehicle. If converted to Agency property, assign the vehicle a property number and place the vehicle into the inventory system.

9. Release the hold on the vehicle file through NCIC/GCIC.
ATTENTION CEO: The following Juvenile Arrest Procedures are generic and should be carefully reviewed to insure compliance with current state law and your local juvenile court/intake facility. See GLECP Std. 5.30 and also GLECP Std. 5.15 for juvenile traffic citations. See also S.O.P. 8-2 for Juvenile arrests.

1. When a child may be taken into custody in accordance with O.C.G.A. 15-11-45, a child may be taken into custody:
   a) Pursuant to an order of the court
   b) Pursuant to the laws of arrest;
   c) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has committed a delinquent act or if there are reasonable grounds to believe that he or she is an unruly child;
   d) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his or her surroundings and that his or her removal is necessary;
   e) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has run away from his or her parents, guardian, or other custodian;
   f) By a law enforcement officer or duly authorized officer of the court if a parent or guardian of a child has contacted a law enforcement agency and reported that the child is absent from parental custody without consent and a proper facility is available for placement of the child; or
   g) By a law enforcement officer or duly authorized officer of the court if a child is violating a curfew and a proper facility is available for placement of the child.

2. In accordance with O.C.G.A. 15-11-46, a child that has been taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless:
   a) The child's detention or care is required to protect the person or property of others or of the child;
   b) The child may abscond or be removed from the jurisdiction of the court;
   c) The child has no parent, guardian, or custodian or other person able to provide supervision and care for him or her and return him or her to the court when required; or
   d) An order for the child's detention or shelter care has been made by the court pursuant to this article.

3. When interim detention or control of children is permitted, as a matter of public
policy, restraints on the freedom of accused children prior to adjudication shall be imposed only when there is probable cause to believe that the accused child did the act of which he or she is accused and there is clear and convincing evidence that the child's freedom should be restrained. The permitted purposes of such restraints shall be in accordance with O.C.G.A. 15-11-46.1.

4. Procedure on taking child into custody; detention; bail; detention of child alleged to be unruly.

   a) Release to parents; delivery to medical facility, intake officer, or court. A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:

   b) Forthwith release without bond the child to the child's parents, guardian, or other custodian upon their promise to bring the child before the court when requested by the court;

   c) Forthwith deliver the child to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact a juvenile court intake officer.

   d) Bring the child immediately before the juvenile court or promptly contact a juvenile court intake officer. The intake officer shall determine if the child should be released or detained. Prior to an informal detention hearing, the child shall be placed in detention, if necessary, only in such places as are authorized by Code Section 15-11-48; or

   e) Bring the child who is suspected of committing a delinquent act before the superior court of the county where the delinquent act occurred if the act is an act over which the superior court has exclusive or concurrent jurisdiction as provided in subsection (b) of Code Section 15-11-28; however, pending a commitment hearing authorized under Code Sections 17-6-15 and 17-6-16 and Articles 1, 2, and 8 of Chapter 7 of Title 17 or an indictment, the child shall be returned and placed in detention, if necessary, only in such places as are authorized by Code Section 15-11-48.

Note: Temporary detention or questioning of a juvenile - The person taking a child into custody shall promptly give notice thereof, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court. Any temporary detention or questioning of the child necessary to comply with this Code section shall conform to the procedures and conditions prescribed by this article and rules of court.

5. Treatment of unruly child. With respect to a child suspected of being unruly as defined in paragraph (12) of Code Section 15-11-2 or a child who is in violation of a curfew, a person taking such a child into custody shall not exercise custody over the child except for a period of 12 hours. A child taken into custody may be detained in a holding facility for unruly children as provided for in paragraph (2) of this subsection. If a parent or guardian has not assumed custody of the child at the end of such period or if the child has not been brought before the juvenile court or if an intake officer has not made a detention decision, the child shall be released from custody.
In no case shall such a child in custody be detained in a jail.

Counties and municipalities are authorized to establish facilities where a child who is suspected of being unruly or who is in violation of a curfew may be informally detained until the parent or guardian assumes custody of the child. Immediately after a child is brought into such a facility, every effort shall be made to contact the parent or guardian of the child. A child shall not be restrained in a cell or other such place apart from other children unless such child engages in disruptive or unruly behavior while at the holding facility.
I. PURPOSE

A. Establishes the scope of a patrol officer's responsibilities.
B. Establishes a priority system for handling calls for services.
C. Establishes a standard operating procedure for responding to calls for service.
D. Establishes a standard operating procedure for traffic accident investigation.
E. Establishes a standard operating procedure for the management of disputes, both civil and criminal.
F. Establishes a standard operating procedure for the investigation of suspicious persons and/or vehicles.
G. Establishes a standard operating procedure for conducting building checks and searches.
H. Establishes a standard operating procedure for managing mentally ill or intoxicated persons.
I. Establishes a standard operating procedure for responding to missing persons.
J. Establishes a standard operating procedure for the use of patrol vehicle video equipment and body worn cameras or recording devices.
K. Establishes a standard operating procedure prohibiting bias based profiling.

X. MANAGING MENTALLY ILL OR INTOXICATED PERSONS

Most law enforcement officers will have some experience with one or more persons who behave abnormally. When confronted with this situation, an officer should endeavor to gain as much background information about the individual as possible.

A. Signs to Help in the Recognition of Mental Illness in a Person:
1. Significant changes in behavior:
   a) Others will say that an impaired person is not "himself";
   b) They may behave in a way dangerous to themselves or to others; and
   c) They may withdraw into themselves, talking only to themselves.
2. They may have sensations that are not based on reality:
   a) Visions, strange odors, peculiar tastes or voices -- all or any one of these sensations may be experienced by the impaired person;
   b) They may have sensations about themselves that are not realistic.
3. The impaired person may have unrealistic ideas about themselves:
   a) They may believe that they have a grand position;
   b) They may believe that they are worthless (e.g., extreme depression);
   c) They may have delusions (e.g., unrealistic ideas) about the world;
   d) They may exaggerate events that occur;
   e) They may believe the world is more unfriendly than it is;
   f) They may have strange losses of memory or not know the time, or where they are, or who they are.

B. When officers encounter someone who is exhibiting symptoms of a mentally ill or impaired person they should:
   1. Take time to evaluate the situation;
   2. Not abuse or threaten the person;
   3. Avoid unnecessary excitement;
   4. Not become overly excited or emotional; and
   5. Not lie to them.

C. The types of impaired (abnormal) behavior that are most dangerous are the violent, depressed/suicidal, or where physical illness or loss of memory is involved;

D. Impaired (abnormal) behaviors seen most often by law enforcement officers include:
   1. The psychopathic personality;
   2. The alcoholic;
   3. The drug addict;
   4. The sex offender;
   5. The mentally retarded; and
   6. The mental disorders of old age.

E. Handling Intoxicated Persons:

   When a complaint is received from a person an intoxicated condition, mere drinking is not sufficient, that any information from them is doubtful or unfounded, without witnesses and/or physical evidence, the officer shall:
1. Make a miscellaneous incident report noting the condition of the complainant;
2. Advise the complainant that a report will be taken by the Department if he/she call back when he/she is sober; and
3. If the complainant is arrested, his/her complaint will be noted in the narrative section of any Incident Report that is made.
4. Exceptions:
   a) There is visible injury to the complainant or another;
   b) The offense was witnessed by a sober person; and
   c) It is obvious that a crime has occurred.
5. If there is continued harassment (numerous unfounded calls by the complainant) the officer should initiate steps to have the person provided treatment or place criminal charges against them for the appropriate offenses.
6. Procedure for Transporting Mental Patients
   a) Any peace officer (peace officer is defined as being any federal, city, or county police officer, and any officer of the Georgia State Patrol, or any sheriff or deputy sheriff) within 72 hours after receiving a physician's certificate stating that a person appears to be mentally ill and in need of involuntary treatment must make a diligent effort to take the person, named in the certificate, into custody and deliver him or her to the nearest available emergency receiving facility serving the county for an examination O.C.G.A. 37-3-41-(a).

   Any peace officer taking into custody and delivering for examination a person, as authorized by O.C.G.A. 37-3-41, shall execute a written report detailing the circumstances under which such person was taken into custody. The report and either the physician's certificate or court order authorizing such custody shall be made a part of the patient's record.

   b) A court (probate, or juvenile if person is under 17 years of age) may issue an order requiring any peace officer to take a person into custody and deliver that person for examination to the nearest available receiving facility or to a physician who has agreed to examine the individual for the purpose of deciding if he or she is mentally ill and in need of involuntary treatment. The court order must be based either on a timely physician's certificate or on the affidavits of two persons attesting that they have seen the person within the past 48 hours, and based on their observations, they have reason to believe that such person is mentally ill and in need of involuntary treatment. The court order shall expire seven days after it is executed. O.C.G.A. 37-3-41(b).

   c) Any peace officer may take any person to a physician or directly to an emergency receiving facility for an examination, if the person is committing a penal offense and the officer has probable cause for believing that the person is mentally ill and in need of involuntary treatment. The officer need not formally tender charges against the individual prior to taking him or her in for an examination O.C.G.A.-37-3-42(a). Whenever a person is taken into custody for the purpose of transport to a physician or a medical facility for an examination, the officer must complete a written report detailing the
circumstances under which such person was taken into custody O.C.G.A. 37-3-41; 37-3-42.

d) The governing authority of the county of the patient's residence is responsible for arranging all required transportation of mental patients. The type vehicle used shall be in the discretion of the governing authority, but whenever possible, marked vehicles normally used to transport criminals or those accused of crimes should not be used for the transport of mental patients. The court shall, upon the request of the county board of health, order the sheriff to transport the patient in such manner as the patient's condition demands. At any time the county board of health is satisfied that the patient can be transported safely by family members or friends, such private transportation shall be encouraged and authorized (O.C.G.A. 37-3-101.)

e) Upon request of the county board of health, the probate court, or juvenile court if the individual is under 17 years of age; O.C.G.A. 37-3-1(4) must order the sheriff to transport the mental patient to a state owned or operated facility in such manner as the patient's condition demands. No female patient shall be transported at any time without another female in attendance who is not a patient, unless such female patient is accompanied by her husband, father, adult brother, or adult son O.C.G.A. 37-3-101.
SEARCH WARRANTS WITHIN THE INCORPORATED AREA OF DEKALB COUNTY AND OUTSIDE OF DEKALB COUNTY

Whenever a law enforcement officer attempts to serve a search warrant at any location within the incorporated area of DeKalb County or at any location outside of DeKalb County, the officer will have uniform officers from the agency responsible for law enforcement within that location present during the warrant execution. A departmental supervisor will also be present during the warrant execution.

SERVING CRIMINAL ARREST AND SEARCH WARRANTS WITHOUT UNIFORM LAW ENFORCEMENT OFFICERS

In certain situations, such as using the element of surprise in order to affect an arrest or a search, the execution of criminal arrest and search warrants may be done, periodically or on a routine basis, without the presence of uniform law enforcement officers. This practice will be an exception to the rule and will only be done after approval of a division or section commander.

4-5.8 GOOD FAITH

Whenever a departmental law enforcement officer executes any phase of the legal process function, that officer will do so in good faith and pursuant to all federal, state, and local laws, and in accordance with departmental procedures and policies. In situations where procedures are not clearly set out by law or policy, the officer will consult with their supervisors, prosecutors or the County Attorney.

Officers and detectives will stay abreast of current laws, ordinances and court decisions which may affect their duties on an annual basis. This information will be obtained through independent study, in-service training, legal bulletins, specialized training and roll-call training.

4-5.9 SEARCH AND SEIZURE

GUIDELINES

To establish guidelines for the DeKalb County Police Department in controlling search and seizure of property and persons through an overview of existing laws. It shall be the policy of the Department to conduct searches of persons, places and things pursuant to established State and Federal laws governing search warrants and/or warrantless searches. Law enforcement officers shall have due regard for the protections guaranteed under the provisions of the Fourth Amendment to the U. S. Constitution. The following procedures shall address search and seizure policy and shall cite major case law and/or state statutes where applicable.

GENERAL

Searches with a Search Warrant

The following is required of all search warrants and search warrant affidavits:

a. Issuance

The warrant must be issued by a judicial officer authorized to hold a court of inquiry. (O.C.G.A. 17-5-21) For search warrants within DeKalb County, officers shall use the DeKalb County Magistrates Court. For areas outside DeKalb County, officers shall use the appropriate judicial officer.
b. Probable Cause
The magistrate must find probable cause that the place to be searched contains items connected with criminal activity. (Berger v. New York, 388 U. S. 41) The officer must swear or affirm under oath that the facts presented for establishing probable cause are true.

Probable cause is defined as "what facts and circumstances within an officer's knowledge would lead a reasonable man to believe that an offense has been committed or is being committed and/or that a particular individual has committed or is committing the offense."

c. Description
The warrant must describe with sufficient particularity the person or the place to be searched and the items to be seized (O.C.G.A. 17-5-23). If a place can be easily identified by a street number or address, then no further information shall be necessary; however, an officer or investigative component may elect to further describe the place to be searched.

NOTE: A warrant may be issued based on an affidavit containing only hearsay where the reliability of the informant is established and the underlying factual circumstances are described.

Searches Without a Warrant/Searches Incident to Arrest

Scope
A search incident to a lawful arrest must be limited in scope to the arrestee's person and the area "within his immediate control". (Chimel v. California, 395 U. S. 752; 1969).

When Authorized
A search incident to an arrest shall be authorized for the following reasons:
For the safety of the officer.
To secure items that might aid in an arrested individual's escape.
To prevent the destruction of instruments or fruits of a crime.
At or near the scene of a crime where exigent circumstances warrant. (see 3b)

Nature
A search incident to a lawful arrest must be concurrent in time and place with the arrest.

Booking or Administrative Searches
A jailhouse search of an arrested individual is justified as an administrative search.

Exigent Circumstances
Justification
A warrantless search is permitted when there is both probable cause and exigent circumstances. The ultimate test is whether there is such a compelling necessity for immediate action that proceeding without a warrant is justified.

Exigent Circumstances Defined

Hot pursuit, a fleeing suspect, destruction of evidence, or other situations in which speed is essential to the accomplishment of lawful police action are examples of exigent circumstances.

STOP AND FRISK

Grounds for Stop

To lawfully stop an individual, the law enforcement officer must have a reasonable suspicion that the person stopped is involved in criminal activity. In appropriate situations, a criminal activity report should be filled out on all such stops of suspicious persons and forwarded to the appropriate investigative component. A detailed description of the activity and of the person should be included.

Grounds for Frisk

To lawfully frisk an individual, the law enforcement officer must have a reasonable belief that the person stopped is armed and dangerous. In the case of the self-protective search for weapons, he must be able to point to particular facts from which he reasonable inferred that the individual was armed and dangerous. The frisk must be limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby. (Terry v. Ohio, 392 U. S. 1) Officers are reminded that a frisk is not a "search".

Nature of Frisk

The frisk for weapons must be only a limited intrusion of a person (pat down). Pockets cannot be entered during a pat down unless the officer feels an object which is consistent with a weapon in its size, shape or feel.

Search After Frisk

Feeling an object which might be a weapon will justify a more extensive intrusion to obtain the suspected weapon. An officer may enter pockets to dispel the alarm that a weapon is present.

VEHICLE STOPS

Significance of Stop

A "seizure" occurs whenever a vehicle is stopped, even though the purpose is generally limited and the detention quite brief; therefore, the Fourth Amendment applies.
Grounds for Stop

There must be reasonable suspicion to justify an investigatory stop of an individual vehicle. Law enforcement officers do not have an unrestricted right to stop people, either pedestrians or drivers.

Vehicle Checkpoints

Vehicles may also be stopped at general checkpoints which serve legitimate law enforcement purposes. If the purpose of the checkpoint is legitimate, (e.g., to check drivers licenses and proof of insurance), and if an attempt to stop all vehicles and not randomly stop vehicles, and if evidence of other crimes is observed, the officer has the right to take reasonable investigative steps. (see section G below) Vehicle checkpoints shall be prohibited unless approved by a uniform watch commander.

Initial Intrusion

Law enforcement officers may take reasonable action to protect themselves after a lawful stop of a motor vehicle. An officer may prefer to ask the driver of a vehicle to step out of the vehicle. Law enforcement officers may consider external factors such as weather, crowds, etc., prior to asking anyone to step out of their vehicle.

Further Intrusion

If the police officer has a reasonable belief that a person stopped is presently armed and dangerous, he may conduct a limited protective search of the vehicle and frisk of the person.

Vehicle Searches

If a person is arrested after his vehicle is stopped, areas of the vehicle accessible to him may be searched incident to the arrest. The courts have construed this area to include the passenger compartment of the vehicle. Included in the category of vehicles are vans and recreational vehicles which are used primarily for transportation and not kept in an area which indicates that the purpose of the vehicle is for use as a residence.

VEHICLE SEARCHES

Exigent Circumstances

The mobility of motor vehicles often constitutes exigent circumstances authorizing a warrantless search. The "automobile exception" to the warrant requirement demonstrates a willingness of courts to excuse the absence of a warrant when spontaneous searches are required of a vehicle. (Gondor v. State, 129 Ga. App. 665; 1973)

Standard

To search under exigent circumstances, the police officer must have probable cause to believe the vehicle contains seizable items.
Time and Place of Search

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. When probable cause exists without exigent circumstances, a warrant is required. (Caito et al. v. State, 130 GA. App. 88; 1974)

Arrest of Occupant

If a person is arrested after a vehicle stop, the passenger compartment of the vehicle may be searched incident to the arrest.

CONTAINER AND LUGGAGE SEARCHES

Standard

Containers generally may only be searched pursuant to a warrant based on probable cause.

Automobiles

A law enforcement officer who has legitimately stopped an automobile and who has probable cause to believe contraband is located somewhere within the car may conduct a warrantless search of the vehicle, including compartments and containers within the vehicle whose contents are not in plain view. (U. S. v. Ross, 456 U. S. 798, 31 Crl 3051; 1982)

Exceptions

The Search Incident to Arrest and Plain View doctrines will generally make unnecessary the need to secure a warrant to search containers. When a lawful arrest has been made, the officer may examine the contents of any container found within the passenger compartment within reach of the arrestee. (Area of immediate control).

Inventory

Closed containers may be opened during a personal effects inventory.

(Ill. v. Lafayette, 162 U.S. 640, 33 CrL 3183; 1983)

INVENTORY OF VEHICLES

Seizure of Vehicle

For an inventory of a vehicle to be valid, the police custody of the vehicle must be lawful. An inventory of a vehicle is not a search. An inventory is a departmental policy designed to insure that valuable possessions within a vehicle under police custody are accounted for. Any items illegal to possess which are found inadvertently during an inventory may be seized.

Justification

The inventory must be conducted only to fulfill the police care taking function of securing the contents of the vehicle.
Nature of Inventory

The search must be a routine part of standard police procedures for impounding vehicles, rather than a pretext for an investigatory search, and may not extend to locked luggage or other similar repositories of personal effects. It shall be standard operating procedure for DeKalb law enforcement officers to inventory all impounded vehicles.

Booking Searches (Administrative Searches)

A custodial search of the arrestee’s person may be justified as either an administrative search or as an inventory procedure. Once an officer has taken any property discovered during the search into his control, a further non-contemporaneous search is no longer an incident of the arrest.

PLAIN VIEW DOCTRINE

In order for the Plain View Doctrine to apply:

The law enforcement officer must be at a location where he has a legal right to be;

The discovery of seized items must be inadvertent;

The seized items must appear on their face to be incriminating;

The items seized must be plainly visible to the law enforcement officer.

ABANDONMENT

Act

Abandonment is a voluntary relinquishment of control of property, i.e., disposing of, denying ownership.

Implications

Abandoned property is not protected by the Fourth Amendment. Officers may seize abandoned property without probable cause and without a warrant. Whether or not property has been abandoned is a question of intent, which must be shown by clear, unequivocal and decisive evidence.

CURTILAGE

The Curtilage Doctrine

Curtilage is afforded the same Fourth Amendment protections as is the home. Generally speaking, curtilage has been held to include all buildings in close proximity to a dwelling, which are continually used for carrying on domestic purposes; or such places as are necessary and convenient to a dwelling, and are habitually used for family purposes (including a patio).

The Open Field Doctrine

The Fourth Amendment protections do not extend to the "open fields" surrounding the curtilage and the home.
Legitimate Expectation of Privacy

The determination of whether Fourth Amendment protections will be extended to items seized from the curtilage or open fields focuses on whether the person challenging the search has a legitimate expectation of privacy in the place which was searched.

CONSENT

Voluntariness

The law enforcement officer obtaining consent has the burden of proving that the defendant's consent to a warrantless search was given freely and voluntarily.

Test

The voluntariness of a person's consent is measured by the totality of the circumstances.

Consent After Arrest

If the consenting party is in custody, the voluntariness of the consent is still measured by the totality of the circumstances, although courts will analyze the relevant factors more critically.

Third Party Consent

Consent for a warrantless search may be given by a third party who shares control of (or has common authority over) the premises or items to be searched. Areas belonging exclusively to parties not present or not giving consent shall not be searched.

Law enforcement officers will make every reasonable attempt to get a signed consent to search. Officers are reminded that an oral consent will be subject to the same scrutiny as a written consent.

GREATER INTRUSION SEARCHES

Exterior Intrusions

Intrusions on the body's surface (swabbing, hair samples, retrieval of evidence from the mouth, etc.) are governed by the Fourth Amendment. Such searches are permissible as long as they are conducted in a reasonable manner and are justified under the circumstances (e.g. probable cause to search).

Interior Intrusions

Certain intrusions into the body (e.g., stomach pumping, surgery) have been held to be violative of the Fourth Amendment (Rochin v. California, 342 U. S. 165, Winston v. Lee, 470 U. S. 753). Hence, only under the most exigent circumstances, and only pursuant to a search warrant, could such a procedure be allowed. However, other more common interior intrusions, such as blood tests, may be conducted without a warrant if the setting and procedures are reasonable, as when blood is drawn by a doctor in a hospital (Schmerber v. California 384 U.S. 757). Probable cause must exist in all cases.
SEARCH WARRANT EXECUTIONS IN THIRD PARTY PREMISES

Absent exigent circumstances or consent by an owner or legal occupant, an arrest warrant issued to arrest an individual does not justify the entry into or search of a residence or premise of a third party without first obtaining a search warrant. (Steagald v. U.S., 101 S.Ct. 1642; 1981).

4-5.10 EXECUTION OF SEARCH WARRANTS

SUPERVISORY PERSONNEL

Prior to the execution of a search warrant, an officer of supervisory rank should have reviewed the affidavit and warrant and the circumstances of its issuance to ensure that requirements of law are being met and that all the necessary elements are present even though the warrant may have already been signed by the appropriate authority. All search warrants and affidavits obtained by any officer should, if at all possible, be reviewed first by a supervisor prior to review and approval by a magistrate.

When appropriate, the District Attorney’s Office will be consulted prior to, during and after serving search warrants for their advice, recommendation, or for whatever other purpose the officer deems appropriate (e.g., preparation for prosecution).

NOTE: All requests for wiretap warrants must be approved in advance by a Division Commander, the Chief of Police, and the District Attorney’s Office. (The actual written application for interception of wire or oral transmissions by law enforcement officers must be executed by the District Attorney of the circuit wherein a device is to be physically placed, or by the Attorney General. O.C.G.A. 16-11-64.)

An officer of supervisory rank shall be present at the execution of any search warrant along with other personnel as needed. If possible, the supervisor is to be from the unit concerned; if unavailable, a sergeant or higher ranking officer from another unit shall assist.

Following the execution of the warrant, the designated supervisor shall insure that the appropriate follow-up steps are handled expeditiously (i.e., return, inventory, arrest warrant).

ASSIGNED OFFICERS

All involved personnel shall conduct themselves in a professional manner by:

Restricting their actions in such manner as is consistent with the scope of the warrant;

Whenever possible, leaving property not seized in an orderly fashion (or as found) and insuring that it is not left in an unreasonable state of disorder or destroyed;

Insuring all evidence seized is documented on the inventory and forwarded to the Property and Evidence Section and/or Crime Lab.

NOTE: Items considered to be illegal and/or contraband are not to be destroyed without either the appropriate order of the court or, in cases where prosecution is not to follow, by proper documentation.
I. PURPOSE
The purpose of this policy is to establish guidelines for officers in controlling search and seizure of property and persons through an overview of existing laws.

II. POLICY
It shall be the policy of the department to conduct searches of persons, places and things pursuant to established state and federal laws governing search warrants and/or warrantless searches. Law enforcement officers shall have due regard for the protection guaranteed under the provisions of the Fourth Amendment to the U.S. Constitution. The Fourth Amendment of the United States Constitution recognizes the right of the people "to be secure in their persons, houses, papers and effects against unreasonable searches and seizures".

III. PROCEDURES
The following procedures shall address search and seizure policy and shall cite major case law and/or state statutes where applicable.

A. General Guidelines for Warranted & Warrantless Searches

1. Warranted Searches

   a. The warrant must be issued by a judicial officer authorized to hold a court of inquiry based upon a written complaint by a certified police officer O.C.G.A. §17-5-21. For a search warrant to be valid, it must be shown "whether by recitals in the affidavit or by an independent showing before the magistrate that the facts would lead a man of prudence and caution to believe that the offense has been committed". For search warrants within DeKalb County, officers shall use the DeKalb County Magistrate Court. Officers shall also have the option of using the City of Dunwoody Municipal Court for search warrants that will be served within the incorporated city limits of Dunwoody. For areas outside of
b. The neutral magistrate or city judge must find probable cause that the place to be searched contains items connected with criminal activity. The officer must swear or affirm under oath that the facts presented for establishing probable cause are true. Probable cause must exist before the search is made and cannot be supplied after discovered facts.

Probable cause is defined as "what facts and circumstances within an officer's knowledge would lead a reasonable man to believe that an offense has been committed or is being committed and/or that a particular individual has committed or is committing the offense". Mere speculation, conjecture or opinion is not enough.

c. The warrant must describe with sufficient particularity the person and/or the place to be searched and the items to be seized, O.C.G.A. §§ 17-5-21, 17-5-23. If a place can be easily identified by a street number or address, then no further information shall be necessary. However, an officer or investigative component may elect to further describe the place to be searched. The warrant shall also state the time and date of issuance. O.C.G.A. §17-5-22.

NOTE: A warrant may be issued based on an affidavit containing only hearsay where the reliability of the informant is established and the underlying factual circumstances are described.

d. A warrant which identifies the premises and its owners/occupants is not void as a general warrant because it authorizes the search of other persons who may be involved in the commission of the crime for which the warrant was issued.

2. **Warrantless Searches**

a. A search incident to a lawful arrest must be limited in scope to the arrestee's person and the area "within his immediate control".

b. A search incident to an arrest shall be authorized for the following reasons:

i. The safety of the officer;
ii. To secure items that might aid in an arrested individual's escape;

iii. To prevent the destruction of instruments or fruits of a crime;

iv. At or near the scene of a crime where exigent circumstances warrant;

v. Pending danger of injury to an individual.

c. A search incident to a lawful arrest must be concurrent in time and place with the arrest.

d. A custodial search of the arrestee's person during the booking procedure may be justified as either an administrative search or as an inventory procedure. Once an officer has taken any property discovered during the search into his control, a further search is no longer an incident of the arrest.

3. Exigent Circumstances

a. A warrantless search is permitted when there is both probable cause and exigent circumstances. An exigent circumstance that justifies a warrantless search is the officer's reasonable belief that such action is a necessary response on his part to an emergency situation. The ultimate test is whether there is such a compelling necessity for immediate action that proceeding without a warrant is justified.

b. Hot pursuit, a fleeing suspect, destruction of evidence, or other situations in which public safety is endangered and speed is essential to the accomplishment of lawful police action are examples of exigent circumstances.

4. Stop and Frisk

a. To lawfully stop an individual, the officer must have a reasonable suspicion that the person stopped is involved in criminal activity. Specific articulable suspicion must be based on totality of the circumstances including objective observations, known patterns of certain kinds of law breakers, and inferences drawn and deductions made by trained law enforcement personnel. In appropriate situations, an Incident Report should be filled out on all such stops of suspicious persons and forwarded to the appropriate
investigative component. A detailed description of the activity and of the person should be included.

b. To lawfully frisk an individual, the law enforcement officer must have a reasonable belief that the person stopped is armed and dangerous. In the case of the self-protective search for weapons, he must be able to point to particular facts from which he reasonably inferred that the individual was armed and dangerous. The frisk must be limited to that which is necessary for the discovery of weapons which might be used to harm the officer or others nearby. Officers are reminded that a frisk is not a "search".

c. The frisk for weapons must be only a limited intrusion of a person (pat down). Pockets cannot be entered during a pat down unless the officer feels an object which is consistent with a weapon or illegal contraband in its size, shape or feel.

d. Feeling an object which might be a weapon or illegal contraband will justify a more extensive intrusion to obtain the suspected object. An officer may enter pockets to dispel the alarm that a weapon or illegal contraband is present.

5. Vehicle Stops

a. A "seizure" occurs whenever a vehicle is stopped, even though the purpose is generally limited and the detention quite brief. Therefore, the Fourth Amendment applies.

b. There must be reasonable suspicion to justify an investigatory stop of an individual vehicle. A brief investigative stop of a vehicle is reasonable if it is "justified by some objective manifestation that the person stopped is, or is about to be engaged in criminal activity". For an investigative stop of a vehicle to be reasonable, there must be a specific articulable suspicion which is determined by looking at the totality of the circumstances, including objective observations, information from police reports, modes of patterns of certain kinds of law breakers, and inferences drawn and deductions made by a trained law enforcement officer. Officers do not have an unrestricted right to stop citizens, whether pedestrians or drivers.

c. If evidence of other crimes is observed, the officer has the right to take reasonable investigative steps.
d. Vehicles may also be stopped at traffic safety checkpoints which serve legitimate law enforcement purposes with the following guidelines:

i. The purpose of the roadblock must be legitimate (e.g., to check driver's license and proof of insurance)

ii. The roadblock must be authorized by the Chief of Police;

iii. Vehicles may not be stopped randomly. All vehicles must be stopped or every third vehicle, etc. It is advisable to stop every vehicle unless the amount of traffic makes it necessary to stop vehicles in a different manner (every third vehicle, every fourth vehicle, etc.);

iv. The delay must be minimal;

v. The operation must be identified as a traffic safety checkpoint.

e. Officers may take reasonable action to protect themselves after a lawful stop of a motor vehicle. An officer has the right to order the driver and the passengers of the vehicle to step out of the vehicle pending completion of the stop. Officers will consider external safety factors such as crowds and traffic prior to asking anyone to step out of a vehicle.

f. An officer may deploy a K-9 during a vehicle stop if approved by a supervisor as noted below:

i. The K-9 is present at the time of the stop and makes a free air check of the vehicle immediately after the vehicle is stopped;

ii. The officer has articulable suspicion that the use of a K-9 will result in the K-9 indicating (alerting) drugs or contraband is to be found within the vehicle. The officer making the K-9 request will complete an Incident report documenting the articulable suspicion and or probable cause indicating a K-9 was to be called.

6. Vehicle Searches

a. The mobility of motor vehicles often constitutes exigent circumstances authorizing a warrantless search. The "automobile exception" to the warrant requirement
demonstrates a willingness of courts to excuse the absence of a warrant when spontaneous searches are required of a vehicle.

b. To search under exigent circumstances, the police officer must have probable cause to believe the vehicle contains sizeable items. The search may not be based on an unparticularized suspicion or hunch.

c. If probable cause and exigent circumstances existed originally, the police may search the vehicle on the spot or after towing it to the impound lot without securing a search warrant. When probable cause exists without exigent circumstances, a warrant is required.

d. If the police officer has a reasonable belief that a person stopped is presently armed and dangerous, he may conduct a limited protective search of the vehicle and frisk the person.

e. If a person is arrested after his vehicle is stopped, areas of the vehicle accessible to him may be searched incident to the arrest. The courts have construed this area to include the passenger compartment of the vehicle. Included in the category of vehicles are vans and recreational vehicles which are used primarily for transportation and not kept in an area which indicates that the purpose of the vehicle is for use as a residence.

f. When the search of a vehicle originates with an informant, the police officers should be informed of some of the underlying circumstances from which the informant concludes that the contraband is where he/she claims it is, and some of the underlying circumstances from which the officer concludes that the informant (whose identity need not be disclosed) is credible, or his/her information is reliable.

7. Container and Luggage Searches

a. Containers generally may only be searched pursuant to a warrant based on probable cause.

b. An officer, who has legitimately stopped an automobile and who has probable cause to believe contraband is located somewhere within the car, may conduct a warrantless search of the vehicle including compartments and containers within the vehicle whose contents are not in plain view.
c. The Search Incident to Arrest and Plain View Doctrines will generally make unnecessary the need to secure a warrant to search containers. When a lawful arrest has been made, the officer may examine the contents of any container found within the passenger compartment within reach of the arrestee (area of immediate control).

d. Closed containers may be opened during a personal effects inventory.

8. Inventory of Vehicles

a. Inventory searches have been upheld because they serve three legitimate interests: (1) protection of the property while in custody; (2) protection of the police from potential dangers; and (3) protection of the police against claims of lost or stolen property.

b. For an inventory of a vehicle to be valid, the police custody of the vehicle must be lawful. Impoundment of a vehicle is valid only if there is some necessity for the police to take charge of the property. The State's right to impound may be justified out of necessity "where an unsuccessful attempt was made to locate the owner to obtain dispositional instructions".

Impoundment of a vehicle is not permissible following arrest where another occupant is present and capable of safely removing it. If the impoundment is unreasonable, the resulting inventory search is invalid. An inventory of a vehicle is not a search. An inventory is a departmental policy designed to ensure that valuable possessions within a vehicle under police custody are accounted for. Any items illegal to possess which are found inadvertently during an inventory may be seized.

c. The inventory must be conducted only to fulfill the police care-taking function of securing the contents of the vehicle.

d. The inventory must be a routine part of standard police procedures for impounding vehicles, rather than a pretext for an investigatory search, and may not extend to locked luggage or other similar repositories of personal effects. It shall be standard operating procedure for Dunwoody Police Department officers to inventory all impounded vehicles.
9. **Plain View Doctrine**  
The following guidelines apply to the Plain View Doctrine which operates an exception to the warrant requirement:

a. the officer must be at a location where he/she has a legal right to be;

b. while most plain view cases are inadvertent, inadvertence is not a necessary element of plain view;

c. the seized items must appear on their face to be incriminating;

d. the items seized must be plainly visible to the officer.

10. **Abandonment**

a. Abandonment is a voluntary relinquishment of control of property such as disposing of or denying ownership of the property.

b. Abandoned property is not protected by the Fourth Amendment. Officers may seize abandoned property without probable cause and without a warrant. There can be nothing unlawful in the government's appropriation of such abandoned property. Whether or not property has been abandoned is a question of intent, which must be shown by clear, unequivocal and decisive evidence.

11. **Curtilage**

a. Curtilage is afforded the same Fourth Amendment protection as is the home. "Curtilage" has been defined as "the yards and grounds of a particular address, its gardens, barns, and buildings." Generally speaking, curtilage has been held to include all buildings in close proximity to a dwelling, which are continually used for carrying on domestic purposes, or such places as are necessary and convenient to a dwelling, and are habitually used for family purposes (including a patio or lawn).

b. The Fourth Amendment protection does not extend to the "open fields" surrounding the curtilage and the home.

c. The determination of whether Fourth Amendment protection will be extended to items seized from the curtilage
or open fields focuses on whether the person challenging the search has a legitimate expectation of privacy in the place which was searched. Factors to consider in defining extent of curtilage include proximity to home, whether area is included within enclosure surrounding home, nature of uses to which area is put, and steps taken by residents to protect area from observation by people passing by. The posting of no trespass and no hunting signs do not create a zone of privacy in which entry by law enforcement officers is forbidden.

12. Consent Searches

a. The officer obtaining consent has the burden of proving that the defendant's consent to a warrantless search was given freely and voluntarily, and that it was not the product of an illegal detention or coercion (the use of a K9 as threat or coercive action is prohibited).

b. The voluntariness of a person's consent is measured by the totality of the circumstances with no single factor controlling.

c. If the consenting party is in custody, the voluntariness of the consent is still measured by the totality of the circumstances, although courts will analyze the relevant factors more critically.

d. Consent for a warrantless search may be given by a third party who shares control of (or has common authority over) the premises or items to be searched. Areas belonging exclusively to parties not present or not giving consent shall not be searched.

e. Officers are reminded that an oral and written consent will be subject to the same scrutiny. The standard for measuring the scope of a suspect's consent under the Fourth Amendment is that of “objective reasonableness, what would the typical reasonable person have understood by the exchange between the officer and the suspect”.

13. Greater Intrusion Searches

a. Intrusions on the body's surface (swabbing, hair samples, retrieval of evidence from the mouth, etc.) are governed by the Fourth Amendment. Such searches are permissible as long as they are conducted in a reasonable manner and are justified under the circumstances (e.g., probable cause to search). A search into a person's body against his will is authorized in instances where the State has good reason to believe that the person had committed a
crime, and where the manner of the search is reasonable. However, a search for evidence by intrusion into a person's body, against his will, can be reasonable only under very limited circumstances. **Intrusive cavity searches will be conducted only pursuant to a search warrant and by medical personnel.**

NOTE: Visual inspection of a suspect's mouth for concealed evidentiary material and / or contraband is not an intrusive cavity search. The consensual swabbing of the mouth of a victim or suspect will not require a search warrant.

b. Certain intrusions into the body (e.g., stomach pumping, surgery) have been held to be violative of the Fourth Amendment. Hence, only under the most exigent circumstances, and only pursuant to a search warrant, could such a procedure be allowed. Surgical removal of a bullet pursuant to a search warrant does not constitute unreasonable search and seizure. However, other more common interior intrusions, such as blood tests, may be conducted without a warrant if the setting and procedures are reasonable, as when blood is drawn by a doctor in a hospital. Evidence concealed within the body of a prisoner may, under proper circumstances, be removed where there is no danger to life or limb. The Court found that removal of a bullet from a defendant's body would amount to a minor intrusion. Probable cause must exist in all cases. Intrusive cavity searches will be conducted only pursuant to a search warrant and by medical personnel.

NOTE: Visual inspection of a suspect's mouth for concealed evidentiary material and / or contraband is not an intrusive cavity search. The consensual swabbing of the mouth of a victim or suspect will not require a search warrant.

Absent exigent circumstances or consent by an owner or legal occupant, an arrest warrant issued to arrest an individual does not justify entry into or search of a residence or premise of a third party without first obtaining a search warrant.

B. Execution of Search Warrants

1. Supervisory Personnel

a. Prior to the execution of a search warrant, a supervisor must review the warrant and the circumstances of its issuance to ensure that requirements of law are being met and that all the
necessary elements are present, even though the warrant may have already been signed by the appropriate authority. All search warrants and affidavits obtained by any officer should, if at all possible, be reviewed first by a supervisor prior to review and approval by a magistrate.

b. When appropriate, the District Attorney's Office will be consulted prior to, during, and after serving search warrants for their advice, recommendation or for whichever other purpose the officer deems appropriate (e.g., preparation for prosecution).

c. An officer of supervisory rank shall be present at the execution of any search warrant along with other personnel as needed. If possible, the supervisor is to be from the unit concerned. If unavailable, a supervisor from another unit shall assist.

d. Following the execution of the warrant, the supervisor shall ensure that the appropriate follow-up steps are handled expeditiously (i.e., warrant return, inventory, arrest warrant).

2. Assigned Officers

All involved personnel shall conduct themselves in a professional manner by:

a. restricting their actions in such manner as is consistent with the scope of the warrant;

b. whenever possible, leaving property not seized in an orderly fashion (or as found) and ensuring that it is not left in an unreasonable state of disorder or destroyed;

c. ensuring all evidence seized is documented with a description (including I.D. or serial numbers when available), name of the owner or suspect when available, name of the officer performing the inventory, date and time received on the inventory and forwarded to Property & Evidence or the Crime Lab.

NOTE: Items considered illegal and/or contraband are not to be destroyed without either the appropriate order of the court or, in cases where prosecution is not to follow, by proper documentation.
C. **Force Used to Execute a Search Warrant**

1. An officer has a right under a lawful search to use all necessary and reasonable force to get into any building, dwelling or other area described in a search warrant O.C.G.A.§ 17-5-27.

2. Unless the search warrant contains a No-Knock provision, an officer is required to give oral notice to the person or persons inside, if any, of the identity of the officer and of the fact that the officer has a search warrant to search the premises O.C.G.A.§ 17-5-27. A search warrant with a No-Knock provision may be issued where the facts set out in the affidavit demonstrate exigent circumstances justifying entry by police officers without notice. Exigent circumstances exist where the police have reasonable grounds to believe that forewarning would either greatly increase their peril or lead to the immediate destruction of the evidence.

3. If the person or persons inside refuse to acknowledge an officer's notice, or if an officer cannot determine if anyone is present inside, or if it is unoccupied, an officer can then use reasonable force to gain entrance.

4. Any action taken by the officer should be recorded as to each action taken prior to making a forced entry, such as "...knocked on door, identified myself by position and advised I held a search warrant for the within premises and no one responded to my call and then entrance was gained". The officer must permit a reasonably sufficient interval to elapse before exercising physical force to enter the premises. The purpose of the record is that the officer will have to testify in court concerning the reason for his actions.

5. Whenever force is used in order to gain entry into a premise or place, and any amount of damage occurs, the supervisor in charge of the search shall ensure that all damage is documented and photographs taken if necessary.

6. The appropriate amount of time that the officer should allow for the occupant to recognize the officer's presence will depend on the conditions of each search.

D. **How to Obtain a No-Knock Search Warrant**

1. To gain entrance to any building or dwelling without giving notice, a search warrant must contain a No-Knock provision. This provision should be in the body of the affidavit.

2. A No-Knock provision cannot be based upon a mere suspicion, but rather must be predicated upon probable cause from an investigation.
and/or informant. Listed below are examples of probable cause for a No-Knock provision:

a. a reliable informer or other source provided information concerning a suspect who had a pistol and bragged that he/she would not let the "fuzz" take him/her and who made a practice of keeping the drugs near a sink or commode so they could dispose of it quickly should the police attempt a forced entry.

b. a reliable informer or other source provided information concerning a suspect who kept firearms next to a door, and when an officer knocked on a door, the suspect would shoot through a door in an attempt to kill or harm the officer.

E. Liability
Since an officer has a right to use necessary and reasonable force, it is also the responsibility of an officer to obtain the correct address and location of the property or premises to be searched. Searching the wrong person or premises could lead to prosecution and/or civil liability on the part of an officer.

F. When a Search Warrant May be Executed

1. The search warrant may be issued at any reasonable time, day or night. A reasonable time depends on the facts in each individual case O.C.G.A.§ 17-5-26.

2. A search warrant must be served within ten days from date of issuance. If the warrant is served, a "duplicate copy shall be left with any person from whom any instruments, articles or things are seized, or if no person is available, the copy shall be left in a conspicuous place on the premises from which the instruments, articles or things were seized". Any search warrant not served within ten days from the date of issuance shall be void and will be returned to the court of the judicial officer who issued the warrant.

3. "A written return of all instruments, articles or things seized shall be made without unnecessary delay before the judicial officer named in the warrant or before any court of competent jurisdiction. An inventory of any instruments, articles or things seized shall be filed with the return and signed under oath by the officer executing the warrant" O.C.G.A. 17-5-29. Failure to make the return does not affect the validity of the search.

4. Upon application of the search warrant, the officer shall obtain three copies. The first copy shall be left with the proper court after the
warrant is approved. The second copy shall be left pursuant to paragraph 2 mentioned above and the final copy shall be turned in with the Incident Report for records. The original warrant will be returned to the proper court upon completion of the search.

G. **Location & Persons to be Searched Pursuant to a Warrant**

1. Officers shall be limited to search in areas particularly described by the search warrant.

2. Officers shall also be limited to searching only for those items particularly described in the search warrant. A search warrant must describe the item sought with enough particularity to enable the executing officer to seize those items with reasonable certainty; however, where circumstances make the exact description impossible, it is permissible that the warrant describe only generic class of items sought. Additionally, plain view items which are evidence of the commission of crimes other than that referred to in the warrant may be seized when executing a search warrant even if those items are not specified in the warrant. For example, the "discovering or seizing" of private papers which are simply tangible evidence and not contraband.

"Private papers" would include diaries, personal letters and other documents where the author's personal thoughts are recorded.

3. Search warrants are not directed at persons but authorize the search of places and the seizures of things, and as a constitutional matter, need not even name the person from whom the things will be seized. When possible, officers should have more descriptive information than a “male”, a “white female” etc., if the officers are to list an individual on the warrant to be searched.

4. In the execution of the search warrant, the officer executing the same may reasonably detain and/or search any person in the place to be searched at the time:

   a. to protect himself/herself from attack;

   b. and to prevent the disposal or concealment of any instruments, articles or things particularly described in the search warrant O.C.G.A.§ 17-5-28;

A warrant to search for contraband founded on probable cause carries with it the authority to detain the occupants of the premises while a proper search is conducted.
H. **Protective Sweeps During Search Warrants**
The U.S. Supreme Court has ruled that officers may undertake a protective sweep of the premises without a warrant following the arrest upon a warrant. Certain limitations must be observed, however:

1. the purpose of the protective sweep is to discover persons or weapons on the premises who might present a danger to officers;

2. incident to arrest, officers may without probable cause or reasonable suspicion look in closets or other spaces immediately adjoining the place of arrest or where threatening persons might be located. However, general exploratory no warrant searches of an entire residence is prohibited;

3. in order to extend a protective sweep beyond the closets and adjoining spaces, the officer must have reasonable suspicion for fearing that persons may be on the premises who pose a threat. In such cases, the sweep is limited to examining places where a person might hide. It is important that officers carefully document their reasonable suspicion;

4. during a protective sweep, evidence discovered in plain view may be seized. Officers are not authorized, however, to open closed containers or discover contraband not in plain view;

5. the sweep must cease when officers have dispelled any reasonable suspicion of danger.

I. **Reporting**
When any officer of this department serves or attempts to serve a search warrant, an Incident or Supplemental Report will be completed and will contain the following information at a minimum:

1. the date and time the service was attempted or executed;

2. the names of the officer(s) attempting or executing the search warrant;

3. the name of the person on whom the search warrant was served if available;

4. the method of service (No-Knock, etc.) of the search warrant;

5. the address or location where the warrant attempt or service was made.
Billy Grogan, Chief of Police
Dunwoody Police Department

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1. As defined below, the SWAT Commander or the ranking officer taking command of a hostage situation, barricaded person, sniper, or other unusual occurrence will retain such command until some other law enforcement agency clearly indicates that jurisdictional responsibility is theirs.

2. In the case of concurrent jurisdiction with local, state, or federal agencies where initial control of the operation is by DeKalb County, the Department will retain control until the senior or ranking official of the concurrent agency at the scene declares responsibility.

If a situation develops inside DeKalb County and eventually moves outside DeKalb County into another jurisdiction, it will become necessary, at the appropriate time, to transfer command and operations over to the agency with jurisdiction. It is understood that this transfer will not occur immediately, but once it does occur, it should be done so in a smooth and orderly manner. Command personnel should remain with the other jurisdiction's command staff in order to advise and assist if needed.

If the situation is one that is considered a "Local Emergency" as defined by the "Georgia Mutual Aid Act" and the other jurisdiction has a mutual aid agreement with DeKalb County, then reference should be made to the section within this chapter on mutual aid.

3.4.6 EMERGENCY MENTAL CASES

A. POLICY

Police Officers of this Department respond to a wide variety of complaints, many of which require the resolution of some conflict or dispute where good judgment and experience are the only guides to what action should or may be taken. One of the most difficult assignments is the call that involves a mentally ill person who is causing a disturbance, behaving in an abnormal manner or committing some infraction of the law. It is not the intent of this directive to explain in detail how such assignments should be handled or to serve as a substitute for judgment and common sense, but to insure that such actions as may be taken are within the law and contribute to the attainment of our goals of protecting life, individual liberty and property, preserving the peace, preventing crime and disorder, enforcing the laws and providing public service to the community.

B. RESPONDING TO EMERGENCY MENTAL CASES

Whenever a public safety officer (Police/Fire/EMS) is dispatched to a call involving an alleged mentally ill or deranged person, a supervisor should also respond. Whenever fire or EMS personnel arrive at a scene where a mentally ill or deranged person is located, police will be summoned immediately.

If the complaint does not involve a penal offense or a disturbance, the complainant should be advised that there is no basis for police action. If the complainant is seeking commitment or wanting another committed, the officer should advise that commitment is a civil process, not a criminal action; that a mentally ill person may be voluntarily committed; and that involuntary commitment is made by a physician pursuant to State law or by petitioning a judge.

Upon arrival at the scene of an offense or disturbance, the responding officers will take the appropriate action to restore order and seek the identification of all present.

If the conduct observed is a penal offense (criminal act or ordinance violation), the officer may arrest the suspect under the appropriate violation. After the suspect is transported to the jail the
officer should advise the Magistrate of any conduct or behavior, which would indicate that the suspect was mentally ill.

If the conduct observed is a violation of a penal offense, and no arrest is made and the officer has probable cause to believe the suspect is either mentally ill or a drug or alcohol dependent requiring involuntary treatment, the officer may place the suspect into custody and transport him to an approved mental health facility.

C. INVOLUNTARY MENTAL HEALTH TREATMENT

O.C.G.A. § 37-3-42 states: "A peace officer may take any person to a physician within the county or an adjoining county for emergency examination by the physician...or directly to an emergency receiving facility if (1) the person is committing a penal offense, and (2) the peace officer has probable cause for believing that the person is a mentally ill person requiring involuntary treatment. The peace officer need not formally tender charges against the individual prior to taking the individual to a physician or an emergency receiving facility under this code section. The peace officer will execute a written report detailing the circumstances under which the person was taken into custody; and the report will be made part of the patient's clinical record."

O.C.G.A. § 37-3-1 defines mentally ill "as a person having a disorder of thought or mood which significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life."

D. 1013 or 2013 FORMS

The 1013 or 2013 State forms are forms provided by mental health facilities for peace officers to complete after placing someone in custody pursuant to the Georgia Mental Health Act. These forms are silent as to the issue of penal offenses committed by the suspect, therefore it is important to keep in mind that when filling out these forms the officer must state what penal offenses were committed.

E. DEPARTMENTAL REPORTING

After lodging an individual in a mental health facility, the officer must complete an incident report and title it "Georgia Mental Health Act." Under the offender block on the face sheet the officer will list the charge as "Georgia Mental Health Act 37-3-42." The penal offense committed by the defendant should be mentioned in the narrative.

F. MENTAL HEALTH FACILITIES IN DEKLAB COUNTY

The following is the emergency mental health facility to be used for involuntary treatment:

DeKalb Crisis Center
450 Winn Way
Decatur, Georgia 30032
404-892-4646

G. CUSTODY

The involuntary hospitalization procedures of the Georgia Mental Health Act authorizes an officer to take a person into custody without a warrant and deliver him to an emergency mental health facility. This custody is considered an "arrest", therefore officers are expected to follow proper arrest procedures such as searching and handcuffing while in the officer's custody.

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H. TRANSPORTING MENTAL HEALTH PATIENTS

Once an individual has been placed into custody pursuant to the Georgia Mental Health Act, the officer will transport the individual to the appropriate mental health facility. Employees of this Department will not transport mental patients from one mental health facility to another if the patient has been admitted or examined by personnel of the mental health facility where the patient was first taken.

I. DEKALB COUNTY MOBILE CRISIS UNIT

The DeKalb County Mobile Crisis Unit (MCU) is a cooperative effort between the DeKalb County Police Department, the DeKalb County Sheriff and DeKalb County Mental Health. The purpose of the unit is to assist officers when responding to crisis situations. The unit presently operates on the evening watch and will routinely respond to the following types of calls:

- Suicide
- Drug/Alcohol Addiction
- Mental Health
- Mental Retardation

When the MCU is available it will respond to these types of calls and offer assistance to the officer on the scene or relieve the officer and allow him/her to return to service. The MCU will handle all reporting once the call is turned over to them.

During hours the MCU is not working, officers may refer the aforementioned types of calls to the appropriate Recovery Unit or emergency receiving facility.
39.1.1 PURPOSE:
Establish guidelines for safe and proper handling of mentally ill people; to provide for taking into custody; to provide for transportation; and provide for immediate care for the mentally ill to prevent said persons from causing harm to themselves and/or others.

39.1.2 POLICY:
The Griffin Police Department will normally refer those persons requesting transportation of mentally ill persons/patients to the Spalding County Sheriff’s Department. An exception could be if the person is exhibiting signs of mental illness to the extent he/she may be danger to him/herself and/or others and constitutes an emergency situation. In these situations, the officer shall take that individual into custody.

39.1.3 PROCEDURES:
Identification of the Mentally Ill
The following type of characteristics maybe indicative of mental illness if encountered during normal citizens contacts, interviews and or interrogations, the person should be transported to an appropriate treatment facility.

A. Exhibiting strange behavior, that leads an officer to believe they are unable to care for themselves, is disoriented, etc.,
B. Suicidal
C. Threatening to inflict injury to others; and
D. Exhibiting psychotic type behavior, i.e., displaying signs of serious disorientation, disorganization and appears to be incoherent.

E. Obvious signs of auditory and visual hallucinations, i.e., exhibiting signs of reacting to environmental stimuli that are not real.

F. Obvious lack of personal hygiene and/or nutrition maintenance.

Transporting the Mentally Ill

A. Voluntary Commitments
If the person is requesting help (i.e., suicidal) and is not considered to be violent, the officer should attempt to make arrangements to have him/her transported by a private service or individual. When this is not possible, the officer should try to evaluate the situation to determine if the person is exhibiting signs of mental illness. The officer will then provide that person with transportation to the nearest state authorized mental health receiving/treatment facility, this will be a courtesy transport, any treatment release documents or necessary medical paperwork will be the responsibility of the patient and/or patient's guardian or health insurance provider. The person may be restrained within the established departmental guidelines for transporting prisoners for safety of the person being transported and for the safety of the officer providing the transportation.

B. Non-Voluntary Commitments

Upon arrival at the scene, the officer should attempt to evaluate the person to determine if he/she is exhibiting signs of mental illness and is a potential danger to themselves or to others. If the officer determines the person should be taken into custody, the officer should request the assistance of other officers prior to making any attempts to retrain him/her. The person should be restrained in accordance to established departmental procedures and transported to the
nearest authorized mental health receiving/treatment facility. At the receiving/treatment facility, the officer will stay with the person until the physician, psychologist, psychiatrist or social worker evaluates him/her. If the attending evaluator has made a determination to have him/her committed, the officer should release the person into their custody. If there are pending felony charges, officers will be rotated in and out of the facility to maintain continuous 24-hour security. In cases where the person is not considered to be a threat to themselves or to others, the officer should refer the complainant to the Spalding County Probate Court to obtain any necessary commitment orders. If the complainant has a signed commitment order (Physicians Form 1013/2013), the officer may inform them to provide private transportation or they may contact Spalding County Sheriff’s Department. The officer should not offer to transport non-violent persons unless it is necessary. If the officer is presented with documentation of a signed 1013 or 2013 commitment orders, he/she should provide the Spalding County Sheriff’s Deputy or the family members with any needed assistance to assure everyone’s safety.

39.1.4 Mentally Ill Inmates:

When an inmate or in-custody arrestee exhibits mental illness characteristics, the officer will notify the shift supervisor as soon as possible. The supervisor will assess the situation and attempt to establish what characteristics they appear to be exhibiting. If it is determined the inmate needs to receive further professional help, they should be transported to the nearest authorized mental health receiving/treatment facility as soon as possible. The transporting officer(s) should exercise extreme caution when transporting this person, due to the potential escape risk. The supervisor should consider sending two officers to transport. The inmate should be restrained in accordance with department procedures. The transporting officer
will stay with the inmate until the physician signs off on the jail release form. If the inmate is in custody for a felony charge, the Supervisor will arrange for continuous rotating security on a 24 hours basis.

39.2.1 PURPOSE:
Establish guidelines and procedures for alternatives to physical arrest and provide the department’s employees with information on available resources for those in need.

39.2.2 POLICY:
Officers and employees often encounter people in need of assistance or services that may be best provided by a public agency outside the criminal justice system or by social service agencies. In the event an officer encounters any person where an arrest is not authorized, or where an arrest may be authorized but resolution to the situation would be better served if an arrest is not made (for reasons to be detailed in an incident report), the officer may refer, or when necessary, transport the person(s) to one of the facilities outlined in this chapter.

39.2.3 TRAINING:
Officers employed by GPD after initial Academy training will be required to attend a “refresher” course on mental illness every three years, minimally.

This chapter is not intended to limit the employee to the enumerated resources, not intended to promote any private business or enterprise, but to provide the employee with facilities readily or easily accessible to the city. Other known public or social service agencies may be used with the exception in matters involving involuntary commitment.

39.2.4 PROCEDURES:
Alternative Resources
The officer or employee should assess the situation and examine all the available facts and circumstances in the determination of his/her
course of action. If intervention, other than arrest, is warranted, the appropriate agency should be determined and a determination made whether the intervention is of immediate need or that of referral only.

If immediate assistance is called for, the officer should contact the agency to ensure acceptance. In order to facilitate and expedite the encounter, the officer or employee should provide the agency with any pertinent information needed for intake, and should confirm their policies on acceptance or referrals.

The following listed agencies should be considered as a resource for these alternatives:
1. Department of Family and Children’s Services
2. Personal Growth Center
3. Spalding Regional Hospital
4. Local Churches and Counseling Centers.

END OF TEXT
I. PURPOSE
The purpose of this policy is to set guidelines for all personnel to follow pertaining to the proper treatment of persons who are mentally ill or displaying characteristics indicative of mental illness.

II. POLICY
It is the policy of the Dunwoody Police Department to treat persons who may be mentally ill or displaying characteristics indicative of mental illness in a safe and ethical manner. Georgia Law, O.C.G.A. 37-3-1 sets the limitations for both police and medical personnel when dealing with the mentally ill. State law follows the principle of “Least Restrictive Environment” meaning that a person who is mentally ill may only be restricted as much as necessary to meet treatment goals for the individual. Being mentally ill is not sufficient, unless a medical officer indicates, to place someone in custody. Being mentally ill is not in of itself a crime.

III. PROCEDURES
A. Identification of the Mentally Ill
When officers are dealing with a suspected mentally ill person on the street or in any other capacity, they should observe the person’s behavior and their actions. Any documentation pertaining to the person’s behavior should be written only to describe their behavior or actions and not to include any statements or terminology indicating an opinion of the person’s mental status. The exception would be in quoting another party, such as a family member. The following characteristics or behaviors may be indicative of mental illness:

1. Significant changes in a person’s behavior;

2. A statement by others that the impaired person is not behaving like they normally do;
3. They may behave or talk in a way which is dangerous to themselves or to others;

4. They may withdraw into themselves, talking only to themselves;

5. They complain of seeing visions, smelling strange odors, or hearing voices;

6. They may have unrealistic ideas about themselves;

7. They may believe that they are someone they obviously are not;

8. They may believe they are worthless;

9. They may have delusions about the world;

10. They may have strange losses of memory or don’t know the time, where they are, or who they are;

11. They may be a victim of Alzheimer’s disease and related dementias as hallmarked by progressive memory loss, the disability to think clearly, to recognize persons, landmarks or other familiar objects;

12. They may be a victim of Alzheimer’s disease and related dementias and may be unable to remember the names of objects or unable to operate a vehicle and may often react irrationally under what is considered normal situations;

13. They may be a victim of Alzheimer’s disease and related dementias and may become disoriented while they are conducting a routine activity. When disoriented, the victim may become lost and continue to travel without the ability to recognize familiar territory.

During field and in-custody interviews, officers should always be observant for any behavior that would be indicative of a mental illness and take the necessary safety precautions.

The Alzheimer’s Association provides the following as indicators of a person suffering from Alzheimer’s disease:

1. Memory loss that disrupts daily life. One of the most common signs of Alzheimer’s, especially in the early stages, is forgetting recently learned information. Others include forgetting important dates or events; asking for the same information over and over; relying on memory aides (e.g., reminder notes or electronic devices) or family members for things they used to handle on their own. What’s typical? Sometimes forgetting names or appointments, but remembering them later.
2. Challenges in planning or solving problems. Some people may experience changes in their ability to develop and follow a plan or work with numbers. They may have trouble following a familiar recipe or keeping track of monthly bills. They may have difficulty concentrating and take much longer to do things than they did before. What's typical? Making occasional errors when balancing a checkbook?

3. Difficulty completing familiar tasks at home, at work or at leisure. People with Alzheimer's often find it hard to complete daily tasks. Sometimes, people may have trouble driving to a familiar location, managing a budget at work or remembering the rules of a favorite game. What's typical: Occasionally needing help to use the settings on a microwave or to record a television show?

4. Confusion with time or place. People with Alzheimer's can lose track of dates, seasons and the passage of time. They may have trouble understanding something if it is not happening immediately. Sometimes they may forget where they are or how they got there. What's typical: Getting confused about the day of the week but figuring it out later.

5. Trouble understanding visual images and spatial relationships. For some people, having vision problems is a sign of Alzheimer's. They may have difficulty reading, judging distance and determining color or contrast. In terms of perception, they may pass a mirror and think someone else is in the room. They may not recognize their own reflection. What's typical: Vision changes related to cataracts.

6. New problems with words in speaking or writing. People with Alzheimer's may have trouble following or joining a conversation. They may stop in the middle of a conversation and have no idea how to continue or they may repeat themselves. They may struggle with vocabulary, have problems finding the right word or calling things by the wrong name (e.g., calling a watch a "hand clock"). What's typical: Sometimes having trouble finding the right word.

7. Misplacing things and losing the ability to retrace steps. A person with Alzheimer's disease may put things in unusual places. They may lose things and be unable to go back over their steps to find them again. Sometimes, they may accuse others of stealing. This may occur more frequently over time. What's typical: Misplacing things from time to time, such as a pair of glasses or the remote control?

8. Decreased or poor judgment. People with Alzheimer's may experience changes in judgment or decision making. For example, they may use poor judgment when dealing with money, giving large amounts to telemarketers. They may pay less attention to grooming or keeping themselves clean. What's typical: Making a bad decision once in a while.
9. Withdrawal from work or social activities. A person with Alzheimer's may start to remove themselves from hobbies, social activities, work projects or sports. They may have trouble keeping up with a favorite sports team or remembering how to complete a favorite hobby. They may also avoid being social because of the changes they have experienced. What's typical: Sometimes feeling weary of work, family and social obligations.

10. Changes in mood and personality. The mood and personalities of people with Alzheimer's can change. They can become confused, suspicious, depressed, fearful or anxious. They may be easily upset at home, at work, with friends or in places where they are out of their comfort zone. What's typical: Developing very specific ways of doing things and becoming irritable when a routine is disrupted.

Field Contact – Identification of Alzheimer's Victims (Alzheimer's Association of Georgia)

Determining is a person is lost of confused:

- Say “my name is Officer ______. I want you to remember that my name is Officer _______ because in a few minutes I am going to ask you again;
- Ask what time of day it is;
- Have the person tell you where he / she is;
- After a few minutes, ask them to tell you what your name is again.

If the person cannot successfully answer the test questions:

- Try to ask for family contact information;
- Ask to search the wallet, vehicle, or cell phone for contact information;
- Look for ICE lists in the cell phone;
- Look for Medic Alert bracelets or chains;
- Look for the person’s name on a clothing tag.

Alzheimer’s Association of Georgia contact 1 (800) 272-3900

B. Guidelines for Considering Action

When officers come into contact with persons on the street or in interview situations who are exhibiting behaviors indicative of a mental illness, they should consider the following guidelines:

1. Always take time to evaluate the situation and consider the totality of the circumstances in which the encounter has occurred;

2. Do not abuse or threaten the individual;

3. Avoid any unnecessary excitement;
4. Do not become overly excited or emotional;

5. Attempt to contact someone who may be familiar with the individual in order to better understand their situation;

6. In the event of an interview or interrogation situation, the officer and/or detective must consider the perceived mental state of the individual prior to obtaining any statement;

7. Always attempt to determine the level of risk the person is to themselves and others.

C. Procedures for Accessing Mental Health Resources

These guidelines will be followed in the listed circumstances:

In Custody

1. If a person has committed a crime, an officer may transport an individual to a receiving facility (hospital emergency room) for an evaluation if the officer has observed behavior indicative of mental illness. This behavior will need to be documented in the officer’s arrest report.

2. O.C.G.A. 37-3-42 requires that the person will remain in the officer’s custody until the physician authorizes the Committal form (10-13 for mental illness or 20-13 for drug addiction). Charges against the individual do not have to be formally tendered prior to transporting the individual to the receiving facility. The officer should never leave the patient until the physician has determined to approve the Committal process. The officer will document the physician’s name and chart number in the Incident Report.

3. Once a Committal order has been signed by a physician, it will be the responsibility of the DeKalb County Sheriff’s Office to transport the individual to the designated mental health facility.

D. Voluntary Commitment

When there has not been a criminal offense committed by a person who is displaying characteristics or behavior of a mentally ill person, an officer should:

1. Attempt to convince the individual to voluntarily accept transport to the receiving facility (hospital emergency room) for an evaluation. Threats of arrest should never be made towards the individual.
2. An officer may transport a person seeking voluntarily commitment to a receiving facility (hospital emergency room) at any time (O.C.G.A. 37-3-20) after the notification of a supervisor.

3. Police personnel should escort the individual into the receiving facility (hospital emergency room) and inform the registration personnel of the situation. At no time should an officer let the patient enter the receiving facility (hospital emergency room) unescorted.

4. If an individual refuses transport to the medical receiving facility, officers should suggest to the individual to see a medical professional of their choosing. If a physician is contacted, officers cannot transport the person based on the word of the doctor obtained by phone. O.C.G.A. 37-3-41 requires that a physician personally examine the individual.

5. Officers should attempt to notify relatives or friends of the person if possible.

6. If it has been determined that a Commitment order has been signed by a complainant, an officer may contact the DeKalb County Sheriff's Office who will be responsible for transporting the individual to the appropriate mental health facility.

E. **Missing Alzheimer's disease and related dementias victims (AD/D)**

A report of a missing person who is a victim of Alzheimer's disease and related dementias should be treated as an emergency and a search should begin as soon as is reasonably possible.

1. Missing persons who are victims of AD/D tend to hide or seclude themselves.

2. Missing persons who are victims of AD/D may not recognize the body’s signals to stop and as such may travel much farther than other missing persons or persons of similar age and physical ability.

3. Missing persons who are victims of AD/D may not take the most coherent path of travel. Searchers must take this into consideration and modify their searches accordingly.

4. Missing persons who are victims of AD/D may not respond to their own names and may seek to actively avoid contact with searchers.

5. Missing persons who are victims of AD/D primarily travel on foot. Those who travel via vehicle are found within their county of residence less than sixty percent of the time.
F. **Training**
In order to prepare Dunwoody Police personnel who, during the course of their duties, may interact with persons exhibiting behavior consistent with mental illness, the department will provide training to all personnel.

In-service training will be provided to personnel annually in order to keep personnel up to date with guidelines on interacting with persons with mental illness. In addition, all newly hired officers will receive training on interacting with persons with mental illness during the ALERT phase of training.

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Billy Grogan, Chief of Police  
Dunwoody Police Department

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GPSTC’s Basic Mandate Peace Officer Training program consists of 408 course hours and takes 11 weeks to complete. Outside independent study is required.

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**BASIC LAW**

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**LAW ENFORCEMENT PROCEDURES**

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<td><strong>INVESTIGATIVE SERVICES</strong></td>
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<td>Bombs, Explosives and Arson Investigation</td>
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<td>Motor Vehicle Theft Investigation</td>
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<td>Organized Crime and Gangs Investigation</td>
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<td>Controlled Substances Investigation</td>
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<td>Death Investigation</td>
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<td>Topic</td>
<td>Score</td>
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<td>Traffic Enforcement</td>
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<td>Accident Reporting</td>
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<td>Vehicle Occupant Protection</td>
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<td><strong>LAW ENFORCEMENT SKILLS</strong></td>
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<td>First Aid and Cardio-Pulmonary Resuscitation</td>
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<td>Universal Precautions</td>
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<td>Judgmental Simulation in the Use of Deadly Force</td>
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<td>Use of Force</td>
<td>4</td>
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<td><strong>ADMINISTRATIVE</strong></td>
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</table>
Dear __________:

All Georgians should live in communities that are safe and where we all engage each other with the highest level of mutual dignity, respect and responsibility. The recent highly publicized incidents of police-involved shootings of citizens in Ferguson, North Charleston, Baltimore, and elsewhere (including Georgia), set the stage for needed crucial conversations and collaborative action—action designed to assure that such tragedies are avoided to the fullest extent possible and that, if they do occur, the ensuing investigation and charging decision process is fair.

The Georgia Appleseed Center for Law & Justice, in cooperation with _____, is seeking the views of community members throughout Georgia---law enforcement personnel; prosecutors, neighborhood associations, faith leaders, political leaders, nonprofits, and others---to help in assessing the nature of police-community relations in our state and to seek recommendations for changes to law, policies and practices that could improve or enhance them.

We bring to this effort a firm commitment to objective, data driven assessment, a deep respect for the extraordinarily difficult and important service that law enforcement personnel provide to our society, and an abiding belief that all of Georgia’s citizens must be afforded the rights to which they are entitled under the federal and state constitutions.

We hope that you will team with us in this important work. I will be following up with you in the very near future to discuss this effort and to answer any questions that you may have. Once we confirm your willingness to share your insights, a representative from one of our volunteer law firms will be contacting you to arrange a specific time to meet with you.

Thank you in advance for your participation.
### Personal and Professional Identification Information

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<th>Field</th>
<th>Information</th>
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<tr>
<td>Name</td>
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<td>Education *</td>
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<td>Race *</td>
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<tr>
<td>Gender *</td>
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<tr>
<td>City * Residence</td>
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<tr>
<td>Age Range *</td>
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<tr>
<td>Professional Experience *</td>
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<tr>
<td>Current Position and Responsibilities *</td>
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</table>

### Overview-Policy

How would you describe the overall relationship of the police departments in your area with the communities they serve?

Why do you say that?

Are you familiar with the practice of “community policing”? (If not, provide a brief description.)

- Yes
- No
- Don't Know
- Didn't Answer

Do any of the police departments in your community practice “community policing”?

- Yes
- No
- Don't Know
- Didn't Answer
If so, please describe the specific community policing initiatives of which you are aware.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</thead>
</table>

Do the police departments in your community have written policies related to stop, search, and arrest practices?

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
</tr>
</thead>
</table>

If so, what is your opinion of the adequacy of these policies?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</thead>
</table>

Do the police departments in your community have written policies related to use of force and physical force techniques?

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<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</thead>
</table>

If so, what is your opinion of the adequacy of such policies?

<table>
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<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</table>

Do the police departments in your community have written policies related to interactions with vulnerable populations such as persons in mental health crises, with developmental disabilities or suffering from addiction?

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</thead>
</table>

If so, what is your opinion of the adequacy of such vulnerable populations policies?

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</table>

Do the police departments in your community provide law enforcement personnel ("school resource officers") to serve local schools or school districts?

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<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</table>

If so, do the police departments have written policies specifically addressing the role of such officers interacting with the student population?

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<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
</tr>
</thead>
</table>

If so, what is your opinion of the adequacy of such written policies?
Have you or any other member of your organization sought to have any input in the development of or to review any such policies and any other law enforcement and safety policies of the police departments in your community?

- Yes
- No
- Don't Know
- Didn't Answer

Please describe the input in policy development.

Do the police departments in your community currently make use of body cameras or similar individual surveillance devices?

- Yes
- No
- Don't Know
- Didn't Answer

If so, please describe the extent of use.

What is your opinion about the reliability of any such devices?

What is your opinion on the value of the use of such devices?

What is your opinion on any challenges presented by the use of such devices?

What are critical factors that should be considered in deciding whether and to what extent to start to use or to expand use of such individual surveillance devices?

Do the police departments in your community employ "less than lethal" technology that can be used when attempting to control combative suspects?

- Yes
- No
- Don't Know
- Didn't Answer

Please describe the "less than lethal" technology being used of which you are aware.

In your opinion, what are critical factors that should be considered in deciding whether and to what extent to start to use such new technology?
## Training

Are you aware of the nature and extent of training required for and provided to sworn officers in your community?

- Yes
- No
- Don't Know
- Didn't Answer

In your opinion, how adequate is the training provided to sworn officers serving in your community?

- More Than Adequate
- Adequate
- Uncertain
- Inadequate
- Didn't Answer
- Other _______________________

What recommendations, if any, would you make for changes to the officer training curriculum that would enhance community relations?

## Data Collection, Use, and Accessibility

Do you know whether police departments in your community collect information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community you serve to include traffic and pedestrian stops, searches, and arrests?

- Yes
- No
- Don't Know
- Didn't Answer

Do you know whether police departments in your community collect information (including gender, race/ethnicity, age, etc.) concerning officer involved shootings (fatal or nonfatal) and any in-custody deaths?

- Yes
- No
- Don't Know
- Didn't Answer

Are such data, in whole or in part, accessible to the members of your community?

- In Whole
- In Part
- Inaccessible
- Don't Know
- Didn't Answer

In your opinion, should such data be accessible (or more accessible) to members of your community?

- Yes
- No
- Don't Know
- Didn't Answer
## Community Engagement

In addition to community policing activities discussed earlier, do the police departments in your community take any steps to seek input from the community in policy development, assessment of training curricula, or other aspects of policing?

If so, please describe.

<table>
<thead>
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<th></th>
<th>Yes</th>
<th>No</th>
<th>Don't知</th>
<th>Didn't Answer</th>
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</table>

Does your community have a citizen review board or similar organization in place?

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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Don't知</th>
<th>Didn't Answer</th>
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</table>

Please describe your community's organization.

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<thead>
<tr>
<th></th>
<th>Highly Effective</th>
<th>Effective</th>
<th>Uncertain</th>
<th>Ineffective</th>
<th>Highly Ineffective</th>
<th>Didn't Answer</th>
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</thead>
</table>

How effective is this organization from your perspective?

Do the police departments in your community:

(Select all that apply)

<table>
<thead>
<tr>
<th></th>
<th>--make all up-to-date policies accessible to the public.</th>
<th>--report on the demographics of the department.</th>
<th>--report data on police engagements (stop, search, arrests, shootings, in-custody deaths) with the public.</th>
<th>Didn't Answer.</th>
</tr>
</thead>
</table>

Do the departments in your community have a process in place for accepting, investigating, and responding to complaints of police misconduct?

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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Don't知</th>
<th>Didn't answer</th>
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</table>

Do you have information concerning the extent to which this process has been used and how it has been working?

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<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Don't知</th>
<th>Didn't answer</th>
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</table>

Please describe your information.
## Incident Response

In the event of a police-involved shooting of a member of the public, do the police departments in your community have policies in place with regard to what entity will be responsible for investigating the facts and circumstances and providing a report to the prosecuting authority?

- Yes
- No
- Don't Know
- Didn't Answer

Do you know what entity would handle the investigation?

- Agree
- Disagree
- Don't Know
- Didn't Answer

Why do you agree or disagree?

- Georgia Bureau of Investigation
- Separate county or municipal police department
- Separate investigatory units within prosecutor’s office
- Didn’t Answer

Other options?

- Yes
- No
- Don’t Know
- Didn’t Answer
Do you have an opinion as to how information about the incident should be disclosed while the investigation is underway?

Some have suggested that police departments should not disclose the identity of the involved officer and of the alleged victim for some period of time to allow the investigation to mature. Do you agree or disagree with such recommendation?

Why do you agree or disagree with such recommendation?

What factors should be taken into account when assessing such a practice?

Charging Decisions

Some have suggested creating a mandate that an independent prosecutor be appointed to monitor the investigation of and be responsible for the potential criminal charging decision process in a police-involved shooting. Do you agree or disagree with the creation of any such mandate?

Why do you agree or disagree with the creation of any such mandate?

In your opinion, what are the advantages and disadvantages of involving an independent prosecutor?

Who do you think should be granted the authority to appoint an independent prosecutor?
Who do you think should be appointed as the independent prosecutor and what criteria should be considered in making this determination?

Who do you think should be responsible for paying the costs associated with the independent prosecutor?

If an independent prosecutor is not involved (or even if one is), some have suggested measures to limit prosecutorial discretion in the case of police-involved shootings. Some options are to: Create an “inquest” process similar to that used in Europe or a similar approach in which a quasi-judicial advisory determination is presented to the prosecutor as to whether or not charges should be brought – OR- Use a special purpose grand jury to advise the prosecutor as to whether or not to bring charges. What do you think about these options?

Would you suggest any other options for restraining prosecutorial discretion in these cases?
Recent police-involved shooting incidents and subsequent grand jury decisions have led some to recommend changes to the overall use of grand juries to include:  (a) Allowing all witnesses to have counsel; (b) Requiring prosecutors to present exculpatory evidence;  (c) Prohibiting use of hearsay or other evidence not admissible at trial; (d) Allowing accused and counsel to be present; (e) Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney; (f) Having a judge preside over grand jury proceedings; (g) Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. Do you agree or disagree with these suggestions to change the grand jury process in Georgia?

Why do you agree and/or disagree with any of these suggestions?

Is there another way to determine these types of cases, other than using a grand jury?

Please describe any other way to determine these types of cases.

Past or present law enforcement officers are afforded certain rights under Georgia law in connection with the criminal charging process for incidents in the course of duty (mandatory use of grand jury; grand jury participation rights). Do you believe these rights should be retained, abolished, or modified?

| (a) AGREE - Allowing all witnesses to have counsel. |
| (a) DISAGREE - Allowing all witnesses to have counsel. |
| (b) AGREE - Requiring prosecutors to present exculpatory evidence. |
| (b) DISAGREE - Requiring prosecutors to present exculpatory evidence. |
| (c) AGREE - Prohibiting use of hearsay or other evidence not admissible at trial. |
| (c) DISAGREE – Prohibiting use of hearsay or other evidence not admissible at trial. |
| (d) AGREE - Allowing accused and counsel to be present. |
| (d) DISAGREE - Allowing accused and counsel to be present. |
| (e) AGREE - Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney. |
| (e) DISAGREE - Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney. |
| (f) AGREE - Having a judge preside over grand jury proceedings. |
| (f) DISAGREE - Having a judge preside over grand jury proceedings. |
| (g) AGREE - Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. |
| (g) DISAGREE - Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. |
| Didn’t Answer. |

| Yes |
| No |
| Don’t Know |
| Didn’t Answer |

| Retained |
| Abolished |
| Modified |
| Don’t Know |
| Didn’t Answer |
Why do you believe these rights should be retained, abolished, or modified?

Suggestions

Do you have any recommendations for changes to law, policy, or practices that would enhance the relationship of the police departments in your location with the communities that they serve that have not been previously discussed in this interview?

Please describe your recommendations for changes.

Do you have any recommendations for changes to law, policy, or practices that would assure that investigations and subsequent charging decisions related to police-involved shootings are handled in an objective and fair manner and are perceived by the public to be so handled that have not been previously discussed in this interview?

Please describe your recommendations.
## Personal and Professional Identification Information

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<td>Age Range</td>
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<td>Professional Experience</td>
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<tr>
<td>Association's Purpose and Structure</td>
<td></td>
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<tr>
<td>Current Position and Responsibilities in the Association</td>
<td></td>
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</table>

## Overview-Policy

Does the association attempt to assess the nature of law enforcement-community relations on a state-wide, regional, or local basis?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

If so, what methodologies are used in an assessment?

Are any findings from such efforts publically available?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer
Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to the practice of “community policing”? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to stop, search, and arrest policies/practices? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to use of force policies/practices and physical restraint techniques? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to policies related to interactions with vulnerable populations such as persons in mental health crises, with developmental disabilities, or suffering from addiction? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to policies specifically addressing the role of school resource officers interacting with the student population? If so, please describe.
Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to the use by law enforcement personnel of body cameras or similar individual surveillance devices? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to the use of “less than lethal” technology that can be used when attempting to control combative suspects? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) with regard to the role of reserve officers or similar personnel working with law enforcement? If so, please describe.

Are any formally articulated positions publically available?

- Yes
- No
- Don't Know
- Didn't Answer

If so, how?

Training

Does the association actively participate in developing, assessing, or otherwise reviewing the training requirements for sworn officers in Georgia?

- Yes
- No
- Don't Know
- Didn't Answer

Please describe any such efforts.
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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<tbody>
<tr>
<td>Are there minimum training and education requirements for sworn officers in Georgia?</td>
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<tr>
<td>What are they?</td>
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<tr>
<td>Are there minimum continuing professional education and training requirements during an officer's career?</td>
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<tr>
<td>Describe the requirements.</td>
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<tr>
<td>Do supervisory officers receive training in leadership and management supervision?</td>
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<td>Do officers receive Crisis Intervention Training (&quot;CIT&quot;)?</td>
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<tr>
<td>Do the current training requirements address stop, search, and arrest procedures? If so, please describe.</td>
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<td>Do the current training requirements address use of force? If so, please describe.</td>
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<tr>
<td>Do the current training requirements address de-escalation techniques? If so, please describe.</td>
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<tr>
<td>Do the current training requirements address interactions with vulnerable populations? If so, please describe.</td>
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<tr>
<td>Do the current training requirements address interactions with students? If so, please describe.</td>
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<tr>
<td>Do the current training requirements include a cultural sensitivity curriculum or similar offerings?</td>
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</table>
Do you have any recommendation for changes to the officer training curriculum that would enhance community relations? If so, please describe.

Data Collection, Use, and Accessibility

Describe any processes in place by which your association tracks information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community in Georgia to include traffic and pedestrian stops, searches, and arrests.

Describe any processes in place at the association by which you track information (including gender, race/ethnicity, age, etc.) concerning officer involved shootings (fatal or nonfatal) and any in-custody deaths.

How are any such data used?

Who receives the data on a regular basis?

Are such data, in whole or in part, accessible to the public?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

Staffing Demographic Information

Does the association collect information concerning the demographic makeup of police departments in Georgia?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

What type of information is collected?

How often is the information collected?
Is the information available to the public?

- Yes
- No
- Don't Know
- Didn't Answer

**Community Engagement**

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) on efforts by law enforcement to seek input from the civilian community in policy development, assessment of training curricula, or other aspects of policing? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) on use of citizen review boards or similar organizations? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) on collection and regular public reporting of data on police engagements (stop, search, arrests, shootings, in-custody deaths) with the public? If so, please describe.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices, etc.) on citizen access to processes for accepting, investigating, and responding to complaints of police misconduct? If so, please describe.
Incident Response

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices etc.) in the event of a police-involved shooting of a member of the public, what entity will be responsible for investigating the facts and circumstances and providing a report to the prosecuting authority?

If so, please describe the association’s position.

Does the association take any position (such as issuing formal recommendations, providing training, identifying best practices etc.) on how information related to such an incident should be disclosed to the media and the public during the course of the investigation?

If so, please describe the position.

Charging Decisions

Some have suggested creating a mandate that an independent prosecutor be appointed to monitor the investigation of and be responsible for the potential criminal charging decision process in a police-involved shooting. Does the association agree or disagree with the creation of any such mandate?

Why does the association agree or disagree with the creation of any such mandate?

What are the advantages and disadvantages of involving an independent prosecutor?
<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
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<tbody>
<tr>
<td>Who should be granted the authority to appoint an independent prosecutor?</td>
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<tr>
<td>Who should be appointed as the independent prosecutor?</td>
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<tr>
<td>What criteria should be considered in making this determination?</td>
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<tr>
<td>Who should be responsible for paying the costs associated with the independent prosecutor?</td>
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<tr>
<td>If an independent prosecutor is not involved (or even if one is), some have suggested measures to limit prosecutorial discretion in the case of police-involved shootings. Some options are to: Create an “inquest” process similar to that used in Europe or a similar approach in which a quasi-judicial advisory determination is presented to the prosecutor as to whether or not charges should be brought – OR- Use a special purpose grand jury to advise the prosecutor as to whether or not to bring charges. Does the association have an opinion concerning these or other options for restraining prosecutorial discretion in these cases?</td>
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Recent police-involved shooting incidents and subsequent grand jury decisions have led some to recommend changes to the overall use of grand juries to include: (a) Allowing all witnesses to have counsel; (b) Requiring prosecutors to present exculpatory evidence; (c) Prohibiting use of hearsay or other evidence not admissible at trial; (d) Allowing accused and counsel to be present; (e) Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney; (f) Having a judge preside over grand jury proceedings; (g) Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. Does the association have an opinion on these suggestions to change the grand jury process in Georgia?

Is there another way to determine these types of cases than using a grand jury?

Past or present law enforcement officers are afforded certain rights under Georgia law in connection with the criminal charging process for incidents in the course of duty (mandatory use of grand jury; grand jury participation rights). Does the association take a position on whether these rights should be retained, abolished, or modified?

| (a) AGREE - Allowing all witnesses to have counsel. |
| (a) DISAGREE - Allowing all witnesses to have counsel. |
| (b) AGREE - Requiring prosecutors to present exculpatory evidence. |
| (b) DISAGREE - Requiring prosecutors to present exculpatory evidence. |
| (c) AGREE - Prohibiting use of hearsay or other evidence not admissible at trial. |
| (c) DISAGREE - Prohibiting use of hearsay or other evidence not admissible at trial. |
| (d) AGREE - Allowing accused and counsel to be present. |
| (d) DISAGREE - Allowing accused and counsel to be present. |
| (e) AGREE - Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney. |
| (e) DISAGREE - Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney. |
| (f) AGREE - Having a judge preside over grand jury proceedings. |
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| (g) AGREE - Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. |
| (g) DISAGREE - Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. |
| Didn’t Answer. |

| Yes, Retained |
| Yes, Retained But Modified |
| Yes, Abolished |
| No Position |
| Didn’t Answer |
**Suggestions**

Does the association have any recommendations for changes to law, policy, or practices that would enhance the relationship of law enforcement departments with the communities that they serve?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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Please describe the association’s recommendations for changes.

Does the association have any recommendations for changes to law, policy, or practices that would assure that investigations and subsequent charging decisions related to police-involved shootings are handled in an objective and fair manner?

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Please describe the association’s recommendations.
Law Enforcement-Police-Individual Departments

Personal and Professional Identification Information

Overview-Policy

Training

Data Collection, Use, and Accessibility

Department Staffing Information

Community Engagement

Incident Response

Charging Decisions

Suggestions

Personal and Professional Identification Information

Name

Education *

Race *

Gender *

□ Female

□ Male

City *

Residence

Age Range *

Professional Experience *

Current Position and Responsibilities *

Overview-Policy

How would you describe the overall relationship of the department with the communities you serve?

Why do you say that?

Does the department use surveys or other methods to gauge the nature of its relationship with the communities served?

□ Yes

□ No

□ Don't Know

□ Didn't Answer

If so, please describe any such methods.
<table>
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<td>Does the department practice “community policing”?</td>
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<td>If so, how long has the department engaged in community policing?</td>
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<td>If so, please outline specific community policing initiatives in use.</td>
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<td>Don't Know</td>
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<td>Are copies of any such written policies available to the public?</td>
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<td>Does the department currently make use of body cameras or similar individual surveillance devices?</td>
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<td>If so, please describe the extent of use.</td>
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<td>Please discuss the reliability of any such devices.</td>
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<td>What is your view of the value of the use of such devices?</td>
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<td>Does the use of such devices present any challenges to the department?</td>
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<td>If the department does not currently use such devices (or if the use is limited) do you plan on introducing or expanding the use of these devices in the future?</td>
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<td>In your opinion, what are critical factors that should be considered in deciding whether and to what extent to start to use or to expand use of such individual surveillance devices?</td>
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<tr>
<td>Does the department employ “less than lethal” technology that can be used when attempting to control combative suspects?</td>
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<td>Must</td>
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</table>
Please describe the technology.

<table>
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<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</table>

Is the department considering or evaluating the use of newly developed less than lethal technology?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
</tr>
</thead>
</table>

In your opinion, what are critical factors that should be considered in deciding whether and to what extent to start to use such new technology?

### Training

What are the minimum training and education requirements for sworn officers to be hired by the department?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
</tr>
</thead>
</table>

Are there minimum continuing professional education and training requirements during an officer’s career with the department?

Describe these requirements.

Do supervisory officers receive training in leadership and management supervision?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</thead>
</table>

Do any of the officers in the department receive Crisis Intervention Training (“CIT”)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
</tr>
</thead>
</table>

Do the current training requirements address: stop, search, and arrest procedures; use of force; de-escalation techniques; interactions with vulnerable populations; or interactions with juveniles?

If so, please describe the nature and extent of such elements of training.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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</table>
Do the current training requirements include a cultural sensitivity curriculum or similar offerings?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t Know</th>
<th>Didn’t Answer</th>
</tr>
</thead>
</table>

Do you have any recommendation for changes to the officer training curriculum that would enhance community relations?

Data Collection, Use, and Accessibility

Describe any processes in place in the department by which you collect information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community you serve. This includes traffic and pedestrian stops, searches, and arrests.

Describe any processes in place in the department by which you collect information (including gender, race/ethnicity, age, etc.) concerning officer involved shootings (fatal or nonfatal) and any in-custody deaths.

How are any such data used?

Who receives the data on a regular basis?

Are such data, in whole or in part, accessible to the members of the communities you serve?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t Know</th>
<th>Didn’t Answer</th>
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</table>

Department Staffing Information

How many sworn officers are employed by the department?

What are the sworn officer demographics (race ethnicity; gender) of the department as a whole?
Describe the organizational structure of the department.

What are the demographics of personnel considered to be “senior management”?

What are the demographics of officers who serve in mid-level supervisory positions?

Does the Department utilize “reserve” or “auxiliary” personnel?

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer

If so, in what capacity do such personnel serve?

Does the department have policies designed to assure that its hiring practices are nondiscriminatory?

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer

Please describe the policies.

Community Engagement

In addition to community policing activities discussed earlier, does the department take any steps to seek input from the civilian community in policy development, assessment of training curricula, or other aspects of policing?

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer

If so, describe the steps.

Does your community have a citizen review board or similar organization in place?

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer

Please describe the organization.

Does the department make all up-to-date policies accessible to the public?

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer
<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
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</thead>
<tbody>
<tr>
<td>Does the department report on the demographics of the department to the public?</td>
<td>Yes, No, Don't Know, Didn't Answer</td>
</tr>
<tr>
<td>Please describe the reporting process.</td>
<td></td>
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<tr>
<td>Does the department report to the public data on police engagements (stop, search, arrests, shootings, in-custody deaths)?</td>
<td>Yes, No, Don't Know, Didn't Answer</td>
</tr>
<tr>
<td>Please describe the process.</td>
<td></td>
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<tr>
<td>Does the department have a process in place for accepting, investigating, and responding to complaints of police misconduct?</td>
<td>Yes, No, Don't Know, Didn’t Answer</td>
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<tr>
<td>Please describe this process.</td>
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<tr>
<td>Is there information available concerning the number of complaints filed on an annual basis?</td>
<td>Yes, No, Don't Know, Didn't Answer</td>
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<tr>
<td>Is this information available to the public?</td>
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<tr>
<td>Is there information available concerning process outcomes such as complaints determined to be justified, to be unjustified, or to be under investigation?</td>
<td>Yes, No, Don't Know, Didn’t Answer</td>
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Incident Response

In the event of a police-involved shooting of a member of the public, does your department have policies in place with regard to what entity will be responsible for investigating the facts and circumstances and providing a report to the prosecuting authority?

If so, what entity is responsible for the investigation?

Some have suggested that, after any immediate action needed to secure the incident scene, the investigation of a police-involved shooting should be required to be handled by an entity entirely independent of the involved department. Do you agree or disagree with creating such a mandate?

Why do you agree or disagree?

If a separate investigatory entity is to be engaged, which entity do you think is the most appropriate entity to conduct the investigation?

Other options?

Does your department have in place a policy or protocol concerning how information related to police-involved shooting incidents should be disclosed to the media and the public during the course of the investigation?

Is such policy or protocol available to the public?
Some have suggested that police departments should not disclose the identity of the involved officer and of the alleged victim for some period of time to allow the investigation to mature. Do you agree with such recommendation?

Why do you agree or disagree with such recommendation?

Charging Decisions

Does the prosecuting attorney in your jurisdiction handle investigative oversight and charging decision management for police-involved shooting matters?

If not, who does?

Some have suggested creating a mandate that an independent prosecutor be appointed to monitor the investigation of and be responsible for the potential criminal charging decision process in a police-involved shooting. Do you agree with the creation of any such mandate?

Why do you agree or disagree with the creation of any such mandate?

In your opinion, what are the advantages and disadvantages of involving an independent prosecutor?

Who do you think should be granted the authority to appoint an independent prosecutor?

Who do you think should be appointed as the independent prosecutor?
What criteria do you think should be considered in making an appointment?

Who do you think should be responsible for paying the costs associated with the independent prosecutor?

If an independent prosecutor is not involved (or even if one is), some have suggested measures to limit prosecutorial discretion in the case of police-involved shootings. Some options are to: Create an “inquest” process similar to that used in Europe or a similar approach in which a quasi-judicial advisory determination is presented to the prosecutor as to whether or not charges should be brought – OR- Use a special purpose grand jury to advise the prosecutor as to whether or not to bring charges. What do you think about these options?

Do think that there are other options that should be used to limit prosecutorial discretion in these cases?
Recent police-involved shooting incidents and subsequent grand jury decisions have led some to recommend changes to the overall use of grand juries to include: (a) Allowing all witnesses to have counsel; (b) Requiring prosecutors to present exculpatory evidence; (c) Prohibiting use of hearsay or other evidence not admissible at trial; (d) Allowing accused and counsel to be present; (e) Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney; (f) Having a judge preside over grand jury proceedings; (g) Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. Do you agree or disagree with these suggestions to change the grand jury process in Georgia?

What do you think about these suggestions to change the grand jury process in Georgia? (a) Allowing all witnesses to have counsel; (b) Requiring prosecutors to present exculpatory evidence; (c) Prohibiting use of hearsay or other evidence not admissible at trial; (d) Allowing accused and counsel to be present; (e) Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney; (f) Having a judge preside over grand jury proceedings; (g) Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. Do you think that there is another way to determine these types of cases than using a grand jury?

☐ (a) AGREE - Allowing all witnesses to have counsel.
☐ (a) DISAGREE - Allowing all witnesses to have counsel.
☐ (b) AGREE - Requiring prosecutors to present exculpatory evidence.
☐ (b) DISAGREE - Requiring prosecutors to present exculpatory evidence.
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☐ Didn’t Answer.

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer
Past or present law enforcement officers are afforded certain rights under Georgia law in connection with the criminal charging process for incidents in the course of duty (mandatory use of grand jury; grand jury participation rights). Do you believe that law enforcement officers should have such rights?

Why do you believe law enforcement officers should have such rights?

Do you believe that there should be any changes to the law establishing such rights?

What changes would you suggest?

Suggestions

Do you have any recommendations for changes to law, policy, or practices that would enhance the relationship of your department with the communities that you serve?

Please describe your recommendations for changes.

Do you have any recommendations for changes to law, policy, or practices that would assure that investigations and subsequent charging decisions related to police-involved shootings are handled in an objective and fair manner?

Please describe your recommendations.
## Law Enforcement-Prosecuting Attorneys

### Personal and Professional Identification Information

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<tr>
<th>Name</th>
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<td>Education *</td>
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<td>Age Range *</td>
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<tr>
<td>Professional Experience *</td>
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<tr>
<td>Current Position and Responsibilities *</td>
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### Overview-Policy

How would you describe the overall relationship of the police departments in your jurisdiction with the communities they serve?

Why do you say that?

Do the departments use surveys or other methods to gauge the nature of the relationship with the communities served?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

If so, please describe.
How would you describe the overall relationship of your office with the communities you serve?

Why?

Does your office use surveys or other methods to gauge the nature of its relationship with the communities served?

Please describe the use of surveys.

Do any of the police departments in your jurisdiction practice “community policing”?

If so, how long has (have) the department(s) engaged in community policing?

If so, describe the specific community policing initiatives that are in use.

Is the commitment to community policing articulated in a written policy?

If so, is such policy available to the public?

Does your office participate in or otherwise support such community policing efforts?

If so, describe how your office supports such initiatives.

Does your office engage in community outreach efforts separate from or supplemental to any police department community policing efforts in your jurisdiction?

If so, please describe any such efforts.
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If so, do the police departments have written policies specifically addressing the role of such school resource officers interacting with the student population?

| Yes | No | Don't Know | Didn't Answer |

Did your office assist in the development of such school resource officers policies?

| Yes | No | Don't Know | Didn't Answer |

Does your office regularly review such school resource officers policies?

| Yes | No | Don't Know | Didn't Answer |

Do the police departments in your jurisdiction currently make use of body cameras or similar individual surveillance devices?

| Yes | No | Don't Know | Didn't Answer |

If so, please describe the extent of use.

What is your opinion on the reliability of any such devices?

What is your opinion with regard to any challenges that the use of such devices may present?

In your opinion, what are critical factors that should be considered in deciding whether and to what extent to start to use or to expand use of such individual surveillance devices?

Do the police departments in your jurisdiction employ “less than lethal” technology that can be used when attempting to control combative suspects?

| Yes | No | Don't Know | Didn't Answer |

Please describe the “less than lethal” technology.

In your opinion, what are critical factors that should be considered in deciding whether and to what extent to start to use such new technology?
## Training

Does your office participate in any way in the training of sworn police officers in your jurisdiction?

- Yes
- No
- Don't Know
- Didn't Answer

What is your opinion about the adequacy of training provided to sworn officers serving in the departments in your jurisdiction?

What changes, if any, to the officer training curriculum would enhance community relations?

## Data Collection, Use, and Accessibility

Describe any processes in place in police departments in your jurisdiction to collect information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community you serve. This would include traffic and pedestrian stops, searches, and arrests.

Describe any processes in place in police departments in your jurisdiction to collect information (including gender, race/ethnicity, age, etc.) concerning officer-involved shootings (fatal or nonfatal) and any in-custody deaths.

How are the data used?

To whom are the data sent?

Are these data, in whole or in part, accessible to the members of the communities you serve?

- Yes
- No
- Don't Know
- Didn't Answer
Describe any processes in place in your office by which you track key information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community you serve. This would include traffic and pedestrian stops, searches, and arrests.

Describe any processes in place in your office by which you track key information (including gender, race/ethnicity, age, etc.) concerning officer involved shootings (fatal or nonfatal) and any in-custody deaths.

How are the key information data used?

To whom are the key information data sent?

Are these key information data, in whole or in part, accessible to the members of the communities you serve?

- Yes
- No
- Don’t Know
- Didn’t Answer

### Community Engagement

In addition to community policing activities discussed earlier, do the police departments in your jurisdiction department take any steps to seek input from the civilian community in policy development, assessment of training curricula, or other aspects of policing?

If so, describe the steps.

Does your office engage in any efforts to seek community input on law enforcement issues?

- Yes
- No
- Don’t Know
- Didn’t Answer
Does your community have a citizen review board or similar organization in place?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

To what extent does your office interact with any such organization?

Do the police departments in your jurisdiction: (Multiple choice allowed)

- [ ] Make all up to date policies accessible to the public.
- [ ] Regularly report on the demographics of the department.
- [ ] Regularly report data on police engagements (stop, search, arrests, shootings, in-custody deaths) with the public.
- [ ] Didn’t Answer

Does your office make any reports to the public concerning the information discussed in the previous question?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

Does the department have a process in place for accepting, investigating, and responding to complaints of police misconduct?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

Please describe the process.

Is there information available concerning the number of complaints filed on an annual basis?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

Is there information available concerning process outcomes such as complaints determined to be justified, to be unjustified, or to be under investigation?

- [ ] Yes
- [ ] No
- [ ] Don't Know
- [ ] Didn't Answer

To what extent does your office participate in any such citizen complaint process?
Incident Response

In the event of a police-involved shooting of a member of the public, do the police departments in your jurisdiction have policies in place with regard to what entity will be responsible for investigating the facts and circumstances and providing a report to the prosecuting authority?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

If so, what entity would handle such investigation?

☐ Agree
☐ Disagree
☐ Don't Know
☐ Didn't Answer

Some have suggested that, after any immediate action needed to secure the incident scene, the investigation of a police-involved shooting should be required to be handled by an entity entirely independent of the involved department. What do you think about creating such a mandate?

What are the critical factors that should be considered in the decision-making process either to create a state-wide mandate or to leave the determination to the local police force on a case-by-case basis?

If a separate investigatory entity is to be engaged, which entity do you think is the most appropriate entity to conduct the investigation?

☐ Georgia Bureau of Investigation
☐ Separate county or municipal department
☐ Separate investigatory units within prosecutor’s office
☐ Didn’t Answer

Other options?

Do the police departments in your jurisdiction have in place a policy or protocol concerning how information related to police-involved shooting incidents should be disclosed to the media and the public during the course of the investigation?

☐ Yes
☐ No
☐ Don’t Know
☐ Didn’t Answer
Does your office have in place such a communications plan?

- Yes
- No
- Don't Know
- Didn't Answer

Some have suggested that police departments should not disclose the identity of the involved officer and of the alleged victim for some period of time to allow the investigation to mature. Do you agree or disagree with such recommendation?

- Agree
- Disagree
- Don't Know
- Didn't Answer

Why do you agree or disagree with any such recommendation?

In your opinion, what factors should be taken into account when assessing such a practice?

### Charging Decisions

Does your office handle investigative oversight and charging decision management for police-involved shooting matters?

- Yes
- No
- Don't Know
- Didn't Answer

Some have suggested creating a mandate that an independent prosecutor be appointed to monitor the investigation of and be responsible for the potential criminal charging decision process in a police-involved shooting. Do you agree with such any such mandate?

- Agree
- Disagree
- Don't Know
- Didn't Answer

Why do you agree or disagree with any such mandate?

In your opinion, what are the advantages and disadvantages of involving an independent prosecutor?

Who do you think should be granted the authority to appoint an independent prosecutor?
Who do you think should be appointed as the independent prosecutor?

In your opinion, what criteria should be considered in making this determination?

Who should be responsible for paying the costs associated with the independent prosecutor?

If an independent prosecutor is not involved (or even if one is), some have suggested measures to limit prosecutorial discretion in the case of police-involved shootings. Some options are to: Create an “inquest” process similar to that used in Europe or a similar approach in which a quasi-judicial advisory determination is presented to the prosecutor as to whether or not charges should be brought – OR- Use a special purpose grand jury to advise the prosecutor as to whether or not to bring charges. What do you think about these options for restraining prosecutorial discretion in these cases?

Are there other options that you would recommend?
Recent police-involved shooting incidents and subsequent grand jury decisions have led some to recommend changes to the overall use of grand juries to include: (a) Allowing all witnesses to have counsel; (b) Requiring prosecutors to present exculpatory evidence; (c) Prohibiting use of hearsay or other evidence not admissible at trial; (d) Allowing accused and counsel to be present; (e) Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney; (f) Having a judge preside over grand jury proceedings; (g) Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. What do you think about these suggestions to change the grand jury process in Georgia?

Do you have any additional suggestions about changing the grand jury process in Georgia?

In your opinion, is there another way to determine these types of cases than using a grand jury?

Please describe any other ways.

Past or present law enforcement officers are afforded certain rights under Georgia law in connection with the criminal charging process for incidents in the course of duty (mandatory use of grand jury; grand jury participation rights). In your opinion, should these rights be retained, abolished, or modified?

Why should the rights be retained, abolished, or modified?
Suggestions

Do you have any recommendations for changes to law, policy, or practices that would enhance the relationship of the police departments in your jurisdiction and of your office with the communities that you serve?

If so, please describe your recommendations.

Do you have any recommendations for changes to law, policy or practices that would assure that investigations and subsequent charging decisions related to police-involved shootings are handled in an objective and fair manner and are perceived by the public to be so handled?

If so, please describe your recommendations.
Appendix E-5

Municipal Officials-Non-Law Enforcement

Personal and Professional Identification Information
Overview-Policy
Training
Data Collection, Use, and Accessibility
Community Engagement
Incident Response
Charging Decisions
Suggestions

Personal and Professional Identification Information

Name
Education *
Race *
Gender *
 Female
 Male
City *
Residence
Age Range *
Professional Experience *
Current Position and Responsibilities *

Overview-Policy

How would you describe the overall relationship of the police departments in your jurisdiction with the communities they serve?

Why do you say that?

Do the departments use surveys or other methods to gauge the nature of the relationship with the communities served?

 Yes
 No
 Don't Know
 Didn't Answer

If so, please describe.
How would you describe the overall relationship of your office with the communities you serve with specific regard to law enforcement and safety issues?

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<tr>
<th>Why?</th>
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<td>□ Yes</td>
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<td>□ No</td>
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<tr>
<td>□ Don't Know</td>
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<td>□ Didn't Answer</td>
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</table>

Does your office use surveys or other methods to gauge the nature of its relationship with the communities served with regard to law enforcement and safety issues?

<table>
<thead>
<tr>
<th>If so, please describe the use of surveys.</th>
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<tr>
<td>□ Yes</td>
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<td>□ No</td>
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<td>□ Don't Know</td>
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<td>□ Didn't Answer</td>
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</table>

Do any of the police departments in your jurisdiction practice “community policing”?

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<thead>
<tr>
<th>If so, how long has (have) the department(s) engaged in community policing?</th>
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<td>□ Yes</td>
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<td>□ No</td>
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<td>□ Don't Know</td>
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<td>□ Didn't Answer</td>
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</table>

If so, please describe any specific community policing initiatives that are in use.

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<thead>
<tr>
<th>Is the commitment to community policing articulated in a written policy?</th>
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<td>□ Yes</td>
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<td>□ No</td>
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<td>□ Don't Know</td>
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<td>□ Didn't Answer</td>
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Is such policy available to the public?

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<tr>
<th>Does your office participate in or otherwise support such community policing efforts?</th>
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<td>□ Yes</td>
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<td>□ No</td>
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<td>□ Don't Know</td>
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<td>□ Didn't Answer</td>
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If so, please describe how your office supports such initiatives.
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<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
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<tr>
<td>Does your office engage in community outreach efforts focused on law</td>
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<td>enforcement and safety issues separate from or supplemental to any police</td>
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<td>department community policing efforts in your jurisdiction?</td>
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<td>If so, please describe any such efforts.</td>
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<td>Do the police departments in your jurisdiction have written policies</td>
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<td>related to stop, search, and arrest practices?</td>
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<td>Do the police departments in your jurisdiction have written policies</td>
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<td>related to use of force and physical force techniques?</td>
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<td>Do the police departments in your jurisdiction have written policies</td>
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<td>related to interactions with vulnerable populations such as persons in</td>
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<td>mental health crises, with developmental disabilities, or suffering from</td>
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<td>addiction?</td>
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<td>Do the police departments in your jurisdiction provide law enforcement</td>
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<td>personnel (&quot;school resource officers&quot;) to serve local schools or school</td>
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<td>districts?</td>
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<td>If so, do the police departments have written policies specifically</td>
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<td>addressing the role of such officers interacting with the student</td>
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<td>population?</td>
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<td>Does your office have any input in the development of any policies as</td>
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<td>discussed above or other policies related to law enforcement and safety</td>
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<td>issues?</td>
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<td>Does your office regularly review any policies as discussed above or</td>
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<td>other policies related to law enforcement and safety issues?</td>
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</table>
Do the police departments in your jurisdiction currently make use of body cameras or similar individual surveillance devices?
□ Yes
□ No
□ Don't Know
□ Didn't Answer

If so, please describe the extent of use.

What is your opinion on the reliability of any such devices?

What is your opinion of the value of the use of such devices?

What in your opinion are any challenges that the use of such devices may present?

In your opinion, what are critical factors that should be considered in deciding whether to start to use or to expand use of such individual surveillance devices?

Do the police departments in your jurisdiction employ “less than lethal” technology that can be used when attempting to control combative suspects?
□ Yes
□ No
□ Don't Know
□ Didn’t Answer

Please describe the “less than lethal” technology.

In your opinion, what are critical factors that should be considered in deciding whether and to what extent to start or expand use such new technology?

Training

Are you aware of the nature and extent of training required for and provided to sworn officers in your jurisdiction?
□ Yes
□ No
□ Don't Know
□ Didn’t Answer
What is your opinion concerning the adequacy of training provided to sworn officers serving in the departments in your jurisdiction?

What changes, if any, would you make for changes to the officer training curriculum that would enhance community relations?

Data Collection, Use, and Accessibility

Describe any processes in place in the police departments in your jurisdiction to track information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community you serve. This includes traffic and pedestrian stops, searches, and arrests.

Describe any processes in place in the police departments in your jurisdiction to track information (including gender, race/ethnicity, age, etc.) concerning officer involved shootings (fatal or nonfatal) and any in-custody deaths.

Describe any processes in place in your office by which you track information (including gender, race/ethnicity, age, etc.) concerning police interactions with members of the community you serve. This includes traffic and pedestrian stops, searches, and arrests.

Describe any processes in place in your office by which you track information (including gender, race/ethnicity, age, etc.) concerning officer involved shootings (fatal or nonfatal) and any in-custody deaths.
### How are the data used?

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<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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<tbody>
<tr>
<td>To whom do you regularly send these data?</td>
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<td>Are these data, in whole or in part, accessible to the members of the communities you serve?</td>
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### Community Engagement

In addition to community policing activities discussed earlier, do the police departments in your jurisdiction take any steps to seek input from the civilian community in policy development, assessment of training curricula, or other aspects of policing?

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<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
<th>Didn't Answer</th>
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<td>If so, please describe the steps.</td>
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<td>Does your office engage in any similar efforts to seek community input on law enforcement and safety issues?</td>
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<tr>
<td>If so, please describe the efforts.</td>
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<tr>
<td>Does your community have a citizen review board or similar organization in place?</td>
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<tr>
<td>Please describe the organization.</td>
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<tr>
<td>To what extent does your office interact with any such organization?</td>
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<tr>
<td>Do the police departments in your jurisdiction: (Multiple choice allowed)</td>
<td>Make all up to date policies accessible to the public.</td>
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<td></td>
<td>Regularly report on the demographics of the department.</td>
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<td></td>
<td>Regularly report data on police engagements (stop, search, arrests, shootings, in-custody deaths) with the public.</td>
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<td></td>
<td>Didn’t Answer</td>
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</table>
Does your office make any reports to the public containing similar information or otherwise report on law enforcement activities?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

Please describe the reports.

Do the departments in your jurisdiction have a process in place for accepting, investigating, and responding to complaints of police misconduct?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

Please describe the process.

Is there information available concerning the number of complaints filed on an annual basis?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

Is there information available on the number of complaints determined to be justified, to be unjustified, or under continuing investigation?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

To what extent does your office participate in any such process?

Incident Response

In the event of a police-involved shooting of a member of the public, do the police departments in your jurisdiction have policies in place with regard to what entity will be responsible for investigating the facts and circumstances and providing a report to the prosecuting authority?

☐ Yes
☐ No
☐ Don't Know
☐ Didn't Answer

If so, what entity would handle such investigation?
Some have suggested that, after any immediate action needed to secure the incident scene, the investigation of a police-involved shooting should be required to be handled by an entity entirely independent of the involved department. What do you think about creating such a mandate?

Why do you agree or disagree?

If a separate investigatory entity is to be engaged, which entity do you think is the most appropriate entity to conduct the investigation?

Other options?

Do the police departments in your jurisdiction have in place a policy or protocol concerning how information related to police-involved shooting incidents should be disclosed to the media and the public during the course of the investigation?

Does your office have in place such a communications plan?

Some have suggested that police departments should not disclose the identity of the involved officer and of the alleged victim for some period of time to allow the investigation to mature. Do you agree or disagree with such recommendation?

Why do you agree or disagree with the recommendation?
Charging Decisions

Some have suggested creating a mandate that an independent prosecutor be appointed to monitor the investigation of and be responsible for the potential criminal charging decision process in a police-involved shooting. Do you agree or disagree with the creation of any such mandate?

Why do you agree or disagree with any such mandate?

What are the advantages and disadvantages of involving an independent prosecutor?

Who should be granted the authority to appoint an independent prosecutor?

Who should be appointed as the independent prosecutor? What criteria should be considered in making this determination?

Who should be responsible for paying the costs associated with the independent prosecutor?
If an independent prosecutor is not involved (or even if one is), some have suggested measures to limit prosecutorial discretion in the case of police-involved shootings. Some options are to: Create an “inquest” process similar to that used in Europe or a similar approach in which a quasi-judicial advisory determination is presented to the prosecutor as to whether or not charges should be brought – OR- Use a special purpose grand jury to advise the prosecutor as to whether or not to bring charges. Do you have an opinion concerning these or other options for restraining prosecutorial discretion in these cases?

Recent police-involved shooting incidents and subsequent grand jury decisions have led some to recommend changes to the overall use of grand juries to include: (a) Allowing all witnesses to have counsel; (b) Requiring prosecutors to present exculpatory evidence; (c) Prohibiting use of hearsay or other evidence not admissible at trial; (d) Allowing accused and counsel to be present; (e) Providing an independent lawyer to advise the grand jury separate and apart from the prosecuting attorney; (f) Having a judge preside over grand jury proceedings; (g) Expanding public accessibility to grand jury proceedings or at least to transcripts of proceedings. What do you think about these suggestions to change the grand jury process in Georgia?

Are there other ways to determine these types of cases than using a grand jury?
Past or present law enforcement officers are afforded certain rights under Georgia law in connection with the criminal charging process for incidents in the course of duty (mandatory use of grand jury; grand jury participation rights). Do you believe that these rights should be retained, abolished or modified?

- [ ] Yes, Retained
- [ ] Yes, Retained But Modified
- [ ] Yes, Abolished
- [ ] No Position
- [ ] Didn't Answer

Suggestions

Do you have any recommendations for changes to law, policy, or practices that would enhance the relationship of the police departments in your jurisdiction and of your office with the communities that you serve?

If so, please describe your recommendations.

- [ ] Yes
- [ ] No
- [ ] Don’t Know
- [ ] Didn’t Answer

Do you have any recommendations for changes to law, policy, or practices that would assure that investigations and subsequent charging decisions related to police-involved shootings are handled in an objective and fair manner and are perceived by the public to be so handled?

If so, please describe your recommendations.

- [ ] Yes
- [ ] No
- [ ] Don’t Know
- [ ] Didn’t Answer
Excerpts from Interviews

How would you describe the relationship between police and citizens in your community?

Civil Rights Advocate, Northeast Georgia (African American): "Police relations in Atlanta and all across the country are out of control. This needs to be repaired because we need the police and they need to be trusted. [My city] is a university town but it is one of the poorest per capita income counties in the United States. One has to appreciate that for this question, police relationships with the predominantly African American poor community are not as bad as some urban areas but I think there are the same issues with trust.

Elected Official, Rural County in Central Georgia (African American): "Relations are great here. We do not have incidents."

Community Leader, Metro Atlanta (Asian): "Below average -- There are not enough language services to assist these communities with law enforcement related issues. Very few police departments in metro Atlanta have a Spanish language hotline for citizens to use to voice concerns or complaints, or a Spanish language 911 call center, and it is extremely rare for any police department to have a hotline or 911 call center manned by individuals who speak any other language. There are very few beat police or detectives who are bilingual." "Improvements are being made, and some Police departments are reaching out more to minority communities, visiting in the communities and at cultural events occurring in those communities. The value of bilingual law enforcement officers being present in minority communities cannot be overstated."

Attorney, Metro Atlanta (Caucasian): Noting that his neighborhood is a low crime neighborhood: "Police officers in my neighborhood are generally responsive to community needs; the police are not adversarial."

Police Administrator, West Georgia (Caucasian): "We have a good relationship."

Criminal Lawyer, Metro Atlanta (Latino): "Depending on the officer, it can be decent or fairly poor."

Judge and Former Prosecutor, Metro Atlanta (African American): "Law enforcement should reflect the community in which they serve and must be educated to understand the community they serve."

Child Development Specialist, Fairburn (African American): "There is tension with officers as well as within the communities they serve. This is primarily due to media reports and individuals not being educated on the issues. The relationship in the general community could be better. I attribute this to a lack of education and misunderstanding within the general community."

Minister, Augusta (African American): "Not good. The community needs to have better understanding on how to interact with the police. More education and training for the community are necessary. It goes both ways."
Police Educator, Metro Atlanta (Caucasian): "I think overall the relationship between communities and law enforcement in the state is good but there are some officers who probably need to either find another profession or get more training. Different people get in that profession for different reasons. If somebody has an authority issue, they like to bully people, then I think they are in the wrong profession. I think those are the minority, but there are some out there. In our CIT training class, some officers sit there with their arms crossed for the first 2-3 days because they really don't want to be there, but then the majority of them get very educated about cultural issues, disability issues such as personality disorders, schizophrenia, and say 'that's the best training I've ever received.' I think it is so important that we continue to educate people about the issues."

City Planner, Metro Atlanta (Caucasian): "In Atlanta, neighborhoods partner with the APD. There are neighborhood meetings. The police are visible. Interactions with the police are positive. My perception though is that there are differences in how the police treat different demographic groups."

University Professor, Metro Atlanta (Asian): "Relatively poor. There is a lot of distrust of the police and at the same time a feeling that the police aren't doing enough. There are few interactions between neighborhood associations and police and police are frustrated because they do not feel they have control over the problems they are being asked to control."

Police Chief, South Georgia (Caucasian): "Our police/community relationship is excellent, but not good enough."

Police Chief, Middle Georgia (Caucasian): "It’s a good relationship, but the department has put much work into it."

Prosecutor, Metro Atlanta (African American): "I think there is a misunderstanding of what the police can and cannot do under the 4th Amendment, which leads to negative reactions by citizens relative to interactions with police. There is no understanding by citizens of why police do what they do. The problems with the current relationships are everybody's fault. The root solutions are complex."

Internal Affairs Superintendent, Metro Atlanta (Caucasian): "Improving."

Police Sergeant, Pike County (Caucasian): "Improving."

Sheriff’s Department Officer, Northeast Georgia, (Caucasian): "We have a good relationship with the community. We attend neighborhood watch program meetings with the community, we partner with zones in communities, and the deputies often meet with people. The neighborhood patrols encourage deputies to talk with neighbors; we often ask ‘Is there anything we can do for you, anything we need to know about?’ There is a relatively open line of communication, and not just the troubled areas, in all areas. Neighborhood meetings happen regularly, and both a deputy and a supervisor go to these meetings. It's always helpful to know what's going on in the areas, that way we are able to know about history in areas and potential problems. We can also
establish positive relationships in communities. The police department becomes a stakeholder in the community."

Community policing, what it is and what is its value?

University Professor, Metro Atlanta (African American): "It was very productive and I would like to see more police officers out in the communities on bicycles."

Police Administrator, West Georgia (Caucasian): "Community policing requires law enforcement officers to converse with the community and Muscogee County law enforcement is well connected with the community. Law enforcement officers are trained to interact with the community."

Criminal Lawyer, Metro Atlanta (Latino): "Police patrol the neighborhood in the Acworth area and offer their cell phone numbers to citizens so they can be readily reached."

Child Development Specialist, Fairburn (African American): "Community policing initiatives in my community include outreach programs and seminars to keep the community well-informed on issues and how to handle problems the correct way. In addition, initiatives included officers walking around and talking to citizens and other attempts to relate with them on a personal level."

University Professor, Metro Atlanta (Asian): "In Atlanta, there are efforts to set up communication with communities- to be nice to kids and make everyone feel better about the police. This is more social work and PR- which is not a bad thing, but it is not community policing. There is nothing about race in these initiatives. This seems to be the elephant in the room."

Police departments' policies and adequacy of policies.

Community Leader, Atlanta (Latino): "The passage and implementation in Georgia a few years ago of legislation which permitted and encouraged law enforcement officers to confront citizens about their immigration status led to profiling and substantially raised the fear and distrust of police in the Latino community. This consequence is only beginning to abate somewhat now."

Business Leader, West Georgia (African American): “I would have to say adequate. I haven't heard of any problems or incidents.”

Attorney, Atlanta (Caucasian): "In my experience in an intown Atlanta neighborhood, the police demonstrate understanding in dealing with situations involving homeless or mentally ill people who are reported as present in the area."

University Professor, Athens (Caucasian): "Communication matters -- a mentally challenged, roughly twenty year old, male was outside of his home - an unarmed man shot and killed. The
DA refused to take the case to the grand jury. At the same time he had been in office a long time and lost a close election because the black community voted against him based in part on his decision not to send the case to the grand jury. The long-term response from the police department was to add more training on mental health. Now there is a festival in his memory."

Child Development Specialist, Fairburn (African American): "The adequacy of these policies is difficult to measure and depends on how they are interpreted by individuals who are implementing them. In general, the policies are good."

Police Educator, Atlanta (Caucasian): "The jurisdictions that are really engaged in CIT do have policies. For instance, the Atlanta Police Department was one of the first jurisdictions to be involved in CIT so they changed quite a few of their policies to deal with people that are in a crisis or have a disability. I think the policies are effective and it has improved the job for officers because it is hard enough for law enforcement to deal with criminals, but when they can separate out criminal intent from the people who are reacting because of the disability it just makes their job so much easier."

Attorney, Atlanta (African American): “When you use deadly force, there are good reasons for policy, but it comes down to the practice in many instances and the judgment call to be made about when to actually use it. The policies I hesitate to second-guess; they make sense as written. The problem is police officers have to decide when to use deadly force which can vary from person to person and situation to situation.”

Attorney, Albany (Caucasian): “It is not necessarily an adequacy question but it is the practice or teaching of it that is lacking. Granted, the police officer's work is not an easy job.”

Attorney, Metro Atlanta (Caucasian): “A policy is only as good as its honest enforcement. I believe that the policy indicates that force is to be used only when no other method is possible. There should always be an alternate to deadly force. I believe the policy isn't being followed because of a lack of sufficient training.”

Judge and Former Prosecutor, Metro Atlanta (African American): “The policy is only as good as the man or woman who carries it out.”

**Citizen input into policies of police departments.**

University Professor, Metro Atlanta (African American): "I have challenged rules and policies that allow racial profiling."

Minister, Augusta (African American): "Law enforcement needs to invite us to do this."

Former District Attorney, Monroe, (Caucasian): "Yes, there are semi-regular in-service training/continuing education courses provided to local law enforcement agencies by prosecutors in the District Attorney's Office (either requested by the police departments or presented by the
DA's office on its own initiative. Topics included domestic violence training; traffic stops and search and seizure issues."

Business Leader, Metro Atlanta (African American): "At the Neighborhood Planning Unit meetings, we discuss crime statistics and the policy of how to address crime. Nuisance issues are also discussed and how to address those issues in the communities."

Business Leader, South Georgia (African American): "The city commissioner has appointed board members to review and implement policies."

Attorney, Metro Atlanta (African American): "Through membership in community organizations like the Georgia Gate City Bar Association and the New Leaders Council we try to engage officers and community members to be more involved with proper policing."

**Body camera use and usefulness.**

University Professor, Metro Atlanta (African American): "I am in favor of body cameras. Police interaction with the public should be transparent. The devices would benefit police officers and the community."

Police Administrator, Metro Atlanta (Caucasian): "The devices are overall dependable and valuable. How reliable they are as far as gathering evidence varies on what side of the defense you are on. The challenge is placement of device since the point of view varies depending on where the device is recording from. Also of concern is record storage for this material, maintaining records can be very expensive. There are issues relating to privacy, filming inside someone's home will be a challenge. There are issues of picking up private conversations of the officers wearing the cameras."

Criminal Lawyer, Metro Atlanta (Latino): "In Cobb County, the police use patrol car cameras but have very limited use of body cameras. Patrol car cameras allow for 'lost videos'."

Former Police Officer, Metro Atlanta (African American): "Body cameras are a very valuable resource in keeping people accountable for their actions. Of course, technology can be manipulated. However, cameras should be used more than they are currently being used."

Former District Attorney, Metro Atlanta (Caucasian): "Cameras are valuable. They can act as a deterrent to misbehavior by suspects."

City Planner, Metro Atlanta (Caucasian): "They are not much value. Several of the incidents that we have witnessed in the news were caught on tape and the police officers act in the moment. Their first instincts and safety are their first priority and not whether or not the incidents are being recorded."
University Professor, Metro Atlanta (Asian): "The underlying structure of the institutions of law enforcement and their actual communications with community are what is key. You can’t just look at it from perspective of the use of the technology to solve things."

Lawyer, Metro Atlanta (Caucasian): "Video is what it is, but it's better than eye witness description (including officers). People don't always tell the truth. On the other hand, video is susceptible to being tampered with or altered. Individual privacy must also be respected."

Business Leader, Metro Atlanta (Asian): "Body cameras are absolutely necessary" to record what occurred in an incident particularly where “non-English speakers may be unable to explain the situation they find themselves in" as victims or alleged perpetrators of a crime. "Funding for these devices is a difficult challenge."

Criminal Lawyer, Metro Atlanta (Latino): "Use of cameras is inconsistent and there is failure to maintain the video records. Body cameras are very valuable tools to exonerate or convict. They should be used across the board."

Judge and Former Prosecutor, Metro Atlanta (African American): "There are privacy concerns; however, use of body cameras is valuable for reducing complaints against police departments."

Former District Attorney, Metro Atlanta (Caucasian): "There can be technical problems with cameras, and intent to disable them. They cannot capture events from behind the police officer. Cameras may present a problem at trial as cameras will not capture everything and juries might begin to expect they must have a video of the event to convict. The cost of cameras is prohibitive for some police departments, and there are challenges with storage, retention and public access to the material."

Civil Rights Lawyer, Metro Atlanta (African American): "There needs to be a policy on use that is consistent. As with the state troopers, when the siren starts, the recording starts. Cost of the cameras is an issue, how that can be funded and how constitutional issues are balanced between protection of police and community privacy interests."

Law Enforcement Supervisor, South Georgia (Caucasian): "Value of body cameras. I would consider them to have a lot of value, but they shouldn't be considered as the single piece of information used to indict or dismiss. The challenge will be convincing officers the devices are for their benefit. You can expect push-back from police unions claiming violation of privacy and other issues."

Prosecutor, Metro Atlanta (African American): "I think the use of cameras is good across the board. Citizens expect there to be video recordings of police interactions now. Jurors in particular expect there to be evidence provided to them through recordings at the scene. Failure to have these could negatively impact how we can prosecute a case."

Prosecutor, Metro Atlanta (African American): "I see no challenges. I do not see any constitutional challenges to their use. If a police officer is somewhere that he is not supposed to
be (a warrantless search, for example) what he observes will not be admissible. The same should be true of events captured by a body camera."

**Police use of nonlethal technology to control suspects.**

Police Administrator, Metro Atlanta (Caucasian): "Pepper spray is very effective, the ASP baton is as well –but can inflict injury. Strenuous testing of officers using devices under multiple situations and scenarios should be enforced."

Coach and Former Police Officer, Metro Atlanta (African American): "Just because you may be a police officer in a difficult environment, there is no need to primarily rely on lethal weapons. Officers need to know how to be personal with the public/people."

Minister, East Georgia (African American): "Police need to be protected from harm. Police should use whatever force is necessary to stay protected. It is a judgment call - what is necessary."

Police Educator, Metro Atlanta (Caucasian): "Officers need to be thoroughly trained and certified. They also need to be trained in other methods using less than lethal technology and I think if somebody reports having used those devices a lot, there needs to be an investigation because I don't think it's really necessary use."

University Professor, Metro Atlanta (Asian): "The goal should be that all interactions are non-lethal/abusive, and we should start from presumption that minimal level of force is the appropriate one."

**Police Training issues.**

Lawyer, Metro Atlanta (Caucasian): "Training of Atlanta Police is not 100%. My number one problem with police is the police's heightened sense of power while in uniform and carrying a gun. It is tempting to abuse such power. 'I am in charge, how dare you question my authority.' As a law abiding citizen, I should not feel threatened in a communication with a police officer nor have the police officer react completely disproportionately to the situation. It will take a fundamental change for this scenario to improve."

University Professor, Northeast Georgia (African American): "I would recommend better psychological examinations of police officers prior to them coming into the force."

University Professor, Metro Atlanta (Caucasian): "It is inadequate. They are trained to shoot to kill. They are primed in training to do that reflexively. Police do have a hierarchy of force. They get to the use of deadly force very quickly. Also, police need training around the issue of authority – how not to react to perceived affronts to their authority."
Police Administrator, West Georgia (Caucasian): "Training is adequate in many respects but officers are only required to get 20 hours of training a year to maintain POST certification. Only about 4 hours is use of force training. The CIT 40-hour course is not mandatory. FOP (Fraternal Order of Police) has attempted to push more training but has received push back. Fire arm skills diminish with time and lack of use. Training needs to be repetitive. With mental health issues, we have to temper the use of force and focus on de-escalation. Policies have been tweaked to protect officers addressing mental health crises. The policies addressing mental health crises are good, but developmental disability policies are barely adequate. It is hard to write a policy for developmental disability and addiction. There are so many unknown factors involved."

Judge and Former Prosecutor, Metro Atlanta (African American): "Officer training is inadequate. Law enforcement needs to have more interactive training rather than just classroom training. For example, the police department can review old cases and create training scenarios and modify policies from them."

Coach and Former Police Officer, Metro Atlanta (African American): "Training is adequate if the trainers are good. The quality of the training experience varies based on the trainer. Training should be more in depth and more interactive. For example, integrity training is currently completed on-line. This is not the best method, as the department cannot adequately assess whether the officer is truly learning the methods."

Civil Rights Lawyer, Metro Atlanta (African American): "Training should be improved, particularly as to interacting with different populations in the general public. The challenge would be funding a mandate for such improvement."

Coach and Former Police Officer, Metro Atlanta (African American): "The training lacks ongoing diversity and cultural training to prepare officers on dealing with people they encounter. I believe there should be ongoing ‘cross-cultural’ training to deal with people of different race and culture."

University Professor, Metro Atlanta (Asian): "It is not police officer training as much as it is having an actual incentives structure under which they can work. If the incentives were to reinforce and reward positive interactions and to penalize/prosecute negative and criminal conduct, we would have a more effective system."

South Georgia Police Department (Caucasian): "Georgia is behind in policy and training. We need a longer police academy. There is more need to teach people how to talk to each other. Officers need to be more aware of cultural diversity. I tell my officers to not tell people to ‘have a nice day’ after giving them a ticket, because getting a ticket can ruin a day. "We need more classes on cultural diversity. It should be an annual requirement."

West Georgia Police Department (African American): "Current training requirements don't have cultural sensitivity curriculum, but this is a conversation that needs to be had. That is why I came up with the presentation ‘Do we all see the same thing?’ Also, I tried to get more training on the implicit/explicit racial bias. We need to better understand these biases and how the perception can cause someone to inflict harm or deadly force on a person. You think with your
heart, not your mind. I told a sheriff the other day that if you have a genuine relationship with the community you serve, then if there is an issue with some population in the community, it shouldn’t matter who the officer is, they should care because it is their community. All officers should care no matter if they are male, female, white, black, Hispanic or whatever. So many times agencies don’t do the three things necessary in a crisis: recognize that there is a problem, have a solution to that problem, and tell the public under leadership that these types of things will not happen again.”

West Georgia Police Department (Caucasian): "Every sworn officer ought to have CIT training expanded a week. In addition, they need better training on developing communication skills. There should be a combination of class room training and role playing, or practical exercise. The academy talks about community policing but as far as coming out, understanding and applying it, the philosophy is not well taught or understood. Law enforcement is a misnomer. Fifteen percent of what officers do is actual law enforcement, with the overwhelming majority being social work, mediation, and counseling."

Metro Atlanta Police Department (Caucasian): "Training curriculums should train procedural justice: (1) treat people with respect; (2) give them a voice (an opportunity to say what they believe the issue is); (3) treat them fairly; and (4) communicate (tell them what you are doing and why). The officer may know exactly what is going on, but if the communication is not there, the person may not know. Officers should always get the community member's side of every story. One challenge occurs when police departments have to interact with people in mental crisis – that is, those people who may have been in treatment facilities in the past, but are now out on the streets. For that reason, CIT training is critical. Officers need to understand how to de-escalate situations where someone is in crisis, and the officer should have the communication skills to de-escalate the situation without using force. Training can assist in understanding and recognizing when someone is in a crisis and how to determine the best method to defuse the situation."

Former Police Officer, Metro Atlanta (African American): "Basic and effective communication skills training is needed. A patrol officer has a ‘safe haven’ in the car. It doesn't allow for officers to interact with the community. If the officer who patrolling - especially in a residential area - driving through the neighborhoods slowly versus setting up speed traps in the same location, people would be more apt to disclose critical information, offer hospitality (a glass of water, use of the restroom, etc.). Not to say that the officers would accept, but at least the community would feel comfortable engaging in a conversation with the officer because they see them all the time."

Metro Atlanta Police Department (Caucasian): "I think it would be nice if citizens could see our training and what we see when we go through it. For instance I've heard 'they didn't have to shoot them in the chest' and 'they could have shot them in the leg'. Comments like that wouldn't be made. Deadly force is already the last resort."

Law Enforcement Supervisor, South Georgia (Caucasian): "We should require more hours of training, more scenario-based training, more time on the range using their weapons, more training on dealing with the mentally ill and drug-addicted, and more simulator training using
real world examples. There is a state-of-the-art interactive simulator training available in many communities, which is helpful."

**Citizen review boards use and effectiveness.**

Police Educator, Metro Atlanta (Caucasian): "I can see how a citizen review board could be effective, but I can also see how it could get in the way of law enforcement doing their job--you know, trying to please everyone rather than trying to protect the citizens from criminals. I think it would just depend on who was involved and what their motives were."

City Planner, Metro Atlanta (Caucasian): "The citizen review board is a city-wide board (in Atlanta) and is highly ineffective. The process to join the board is political and once members join the board, they are not very enthusiastic about taking action or bringing about change."

**Investigations of police misconduct reports: whether independent investigation is appropriate.**

Coach and Former Police officer, Metro Atlanta (African American): "Sometimes politics can change things in a way you would not expect. It can change how hard they will push or do not push towards prosecution. If a different entity, it would be better."

Lawyer, former prosecutor, Metro Atlanta (Caucasian): "There is a public perception that police culture is one of cover up, and there might be some truth to that. No inside investigator is going to do as thorough a job as an outside investigator."

University professor, Metro Atlanta (African American): "It is difficult to investigate yourself. Having an independent entity would be better for public relations because it adds credibility to the process."

University professor, Metro Atlanta (Caucasian): "An independent investigator for police misconduct cases insures no bias, no conflict of interest."

Police Administrator, Middle Georgia (Caucasian): "The district attorney should be responsible for reviewing investigation. That is the job of a DA. Let the DA do his or her job. Not creating an additional layer of bureaucracy beyond the assigned DA, and not treating the police officer any different than any other citizen, is best."

Judge and Former Prosecutor, Metro Atlanta (African American): "Yes, an independent investigation is advisable and should be mandated state wide in the event of a police involved shooting. Self-policing is ineffective."

Minister, East Georgia (African American): "Not every case should be handled by an outside investigating agency. An outside agency should be involved when there is serious controversy"
surrounding an event. This should be done to make sure there is no partiality or cover up out of concern about political fallout. Credibility is better when an independent agency is involved."

Former District Attorney, Northeast Georgia (Caucasian): "Appointment of an independent prosecutor in such cases is a good idea. The investigating agency needs to be perceived by the public as objective and even handed. In addition, it can be difficult for the local agency to investigate and prosecute its own employees due to relationships."

Civil Rights Lawyer, Metro Atlanta (African American): "The challenge is getting the Legislature to fund this process and what agency could perform the investigations? The GBI is already swamped with work."

City Planner, Metro Atlanta (Caucasian): "There should be a complete third-party investigation. There is a sense of collegiality among police departments which would lead to biased investigations. Even the GBI should not be allowed to be the investigating party, except through a special GBI unit, because they view the police within the departments as colleagues seeing that they use some of the same resources."

Former Police Officer, Metro Atlanta (African American): "There are advantages to the independent investigator: oversight and an open dialogue from a different perspective. There are also disadvantages: it could cause a rift with the prosecutor, making him feel his competence or integrity is being challenged, and it could decrease morale in the department. Also are there enough independent prosecutors to do this job?"

University Professor, Metro Atlanta (Asian): "There should be an entirely independent investigation, but I cannot conceive of what entity would be entirely independent because there is such interlocking between local, state, and federal investigating entities. A multi-agency plus community body that could be created to balance out the organizational incentives."

Former Prosecutor and Educator, Northeast Georgia (Caucasian): "There should be a blanket rule that is legislated with no options and no discretion that, if there is a police involved shooting with injuries, GBI steps in immediately to take over the investigation."

Police Educator, Metro Atlanta (Caucasian): "The advantage would be if you have some people that are not honest and they have something to hide, and if you have corruption at some level, that would help. I've read about the corruption in some of the other states, but I do not see if here. I believe it would not be necessary here."

Lawyer, Former Prosecutor, Metro Atlanta (Caucasian): "I would not want a separate investigatory unit from the prosecutor's office having jurisdiction over the event as that can be too political. Regarding a separate county or municipal police department handling the investigation, I see a problem with the disparity between rural and suburban departments and what manpower is available to each."

Police Educator, Metro Atlanta (Caucasian): "I disagree that mandating an independent investigation is needed. It depends on circumstances. Sometimes you do not need to bring in
another independent agency and spend taxpayer dollars and adding more red tape when it can be handled internally."

Central Georgia Police Department (Caucasian): "It is beneficial. It allows you to take away from any emotions so it can put any biases out of the jurors' minds."

Central Georgia Police Department (African American): "It helps prevent cover-ups."

South Georgia Police Department (Caucasian): "It allows for complete transparency."

West Georgia Police Department (Caucasian): "The GBI has means to handle fairly and thoroughly."

Central Georgia Police Department (Caucasian): "Public perception is extremely important, and some may feel there cannot be an impartial investigation without an outside investigator."

Central Georgia Police Department (Caucasian): "I agree. It's hard to be impartial if one of their own is involved. It keeps the investigation fair and impartial. GBI has better resources to handle the investigation."

Metro Atlanta Police Department (African American): “I disagree. Say it's an officer involved shooting and there's a body lying on the ground . . . [and] you have to wait for GBI to reach the site. Now you are waiting for the medical examiner (which takes an hour or so) and the GBI. The body can't be moved until the coroner clears it to be moved. The GBI have local officers who are designated to respond to police shootings. However, if they are not local, the response time is longer."

Prosecutor Metro Atlanta (African American): "Where there is a state or local police involved incident, the FBI may, and sometimes does, investigate and the US Attorney's office may, and sometimes does, prosecute those cases. In cases where an independent investigation is warranted, my office is equipped to handle such an investigation. We have the experience. We are not elected officials [of the community where we may be called in to conduct the independent investigation] so we do not have the pressure to respond to constituents that elected officials might have. We have an independence that is helpful in these situations. The disadvantage to the US Attorney being involved in prosecuting such cases is that the prosecutions are governed by federal (not state) law which typically requires stricter proof for a conviction than under state law."

Accessiblity of police data to the public regarding crime generally.

Broadcast journalist, Metro Atlanta (Asian): "Frequently when my company requests data from police departments, we are told the police department has to charge for the compilation of this material and it is expensive to obtain, which has on occasions made obtaining the data impractical."
Criminal lawyer, Metro Atlanta County (Latino): "The data does not seem accessible to the public."

Judge and Former Prosecutor, Metro Atlanta (African American): "The data is there; it is valuable; it is inaccessible."

Law Enforcement Supervisor, South Georgia (Caucasian): "That type of data should be available because it is a public record. But contrast Georgia with Florida: Georgia does not have a central computerized database, whereas upon an e-mail request, FDLE will provide access to an electronic database with 20 years of data and over 12,000 searchable entries."

**Accessibility of police information to the public relating to police involved incidents of concern.**

Broadcast Journalist and Community Leader, Metro Atlanta (Asian): "Before announcement of an incident is made, the community should be secured, (which in her experience is typically done) and then information should be released in 4 to 5 hours to avoid speculation, turmoil, misinformation and assumption from building in the community."

Judge and Former Prosecutor, Metro Atlanta (African American): "Once a suspect is arrested, facts may be disclosed but the identity of the involved police officer or victim should not be immediately disclosed to save the suspect and his family from embarrassment, and disclosure should occur only after proper notifications of family have been done."

Coach and Former Police Officer, Metro Atlanta (African American): "The public has a right to know once things are in place for their protection also and to know what is going on in their community."

Lawyer Former Prosecutor, Metro Atlanta (Caucasian): "It is irresponsible to make a statement until investigation is complete. Initially there should be notice of the event, notice that an investigation is ongoing, and then no comment until the investigation is complete at which time notice that the investigation is complete should be provided along with information about whether or not an indictment was issued and against whom, with no comment what the outcome of the indictment should be because who is at fault in the event can be wrong."

University Professor, Metro Atlanta (African American): "Other than the identity of the victim and the accused, the incident should not be discussed with the public until all of the evidence is collected. Then, it should be discussed based on the facts. We currently disclose too much, too soon. The media is controlling this and is a culprit in what is happening across the country. We need to discuss the influence of the media and lack of integrity in its reporting."

University Professor, Metro Atlanta (Caucasian): "I think videotapes and audio recordings should be released and I would say also written reports by the officer in question and other officers."
Criminal lawyer, Metro Atlanta (Latino): “Little information should be disclosed until the matter is resolved, but some information about the incident should be shared.”

Coach and Former Police Officer, Metro Atlanta (African American): "I can understand why you may not disclose too much information and that only general or broad information is provided. You don't want people to overreact and cause chaos or friction in the investigation. However the incident should not be hidden. The public should know what the event was and what is being done."

Minister, East Georgia (African American): "We should be very careful when providing information to the media to make sure nobody's due process is violated: to make sure facts are correct and that there is time to develop the facts."

Former District Attorney, Metro Atlanta (Caucasian): "A GBI press officer should be the exclusive voice for any such investigation and local authorities should defer to the GBI officer."

University Professor, Metro Atlanta (Asian): "The decision should be more heavily influenced by victims and not the perpetrators- how much is released and to whom."

**Community Engagement and Outreach.**

Business Leader, West Georgia (African American): "The Mayor's Forum and City Council meetings give plenty of opportunities for citizens to hear what is happening and to have a voice."

Business Manager, Metro Atlanta (African American): "In my area there are town hall meetings quarterly and workshops for the community on topics such as gun safety and neighborhood watch."

Business Manager, Metro Atlanta (African American): "Police officers frequently attend neighborhood association meetings, but the interaction generally concerns small issues only."

Non-Profit Organization Worker, Metro Atlanta (Caucasian): "Police show up at the Neighborhood Planning meeting, they listen to issues raised by the community, and officers are open to feedback from the community on training and other issues."

**Disclosure of identity of police officers or others involved in an incident of concern.**

Lawyer Former Prosecutor, Metro Atlanta (Caucasian): "Identities should not be made public -- but that is not realistic with the media today. It's a tough call. If the information about identity would be beneficial, it should be released. With regard to the police officer, he may or may not be criminally responsible and publicizing his identity may affect his ability to continue to work based on public opinion response."
University Professor, Metro Atlanta (African American): "Only the identity of the victim and accused should be disclosed while the investigation is underway. Not disclosing the parties involved creates suspicion."

University Professor, Metro Atlanta (Caucasian): "Whether to identify the victim of an alleged police involved incident should be no different from what is done relative to victim identification in other violent crimes."

Criminal lawyer, Metro Atlanta (Latino): "No, it may interfere with objective and full investigation of the incident. Factors to consider in what information to disclose would include, the length of service and record of service of the officer, the age of the victim."

Former District Attorney, Metro Atlanta (Caucasian): "The names of the persons involved in a police-involved shooting should ordinarily be made public soon after the incident. There are, however, legitimate reasons for delaying such disclosure: (1) notification of next of kin (if someone has been seriously injured or killed), [and] (2) disclosure of the identities of the persons involved may unduly influence eyewitness testimony (including identification procedures such as photo lineups, live lineups, etc.)."

City Planner, Metro Atlanta (Caucasian): "The officers should be identified. Police officers are employees of the city and the incidents should be public information."

University Professor, Metro Atlanta (Asian): "With respect to police, the fact that they are public officials and it’s their job- it should be full disclosure."

Department of Corrections Employee, Metro Atlanta (Caucasian): “There are different aspects of an investigation you can't give out to the public right away. It gets plastered all over Facebook. The family does need to be notified though.”

Police Chief, North Georgia (Caucasian): “I would take it case-by-case. You need to protect some information while other information is safe to be released. Officer identity needs to be protected because they are known in the community and the current climate is not cop-friendly. The police officer has a right to be protected.”

Sheriff, East Georgia (Caucasian): “The information should be made public very quickly--unless the safety of the officer or the victim is at issue. Someone in command needs to take charge of the situation as quickly as possible.”

**Should there be mandate to appoint an independent prosecutor in the event of police involved incidents of concern?**

Community Leader, Metro Atlanta (Asian): "I strongly agree that an independent prosecutor should be appointed to investigate and be responsible for charging decisions in a police related shooting incident so that an unquestionably fair investigation process can take place and the public's perception will be that it is fair."
Lawyer Former Prosecutor, Metro Atlanta (Caucasian): "Such a mandate is not necessary. If there are things in an individual prosecutor's background which might affect impartiality, the prosecutor should recuse himself. Prosecutors do a reasonable job of recusing themselves where appropriate but on the other hand many prosecutors are not likely to see there is a conflict of interest in a situation involving a police involved incident. It is important to find someone with a neutral view, someone who does not have a vested interest. . . . Prosecutors may be influenced by the notoriety or high profile nature of an event. But that notoriety may cause them to be more cautious too."

University Professor, Metro Atlanta (Caucasian): "The fact that the prosecutor is not beholden to local law enforcement and the community is especially important."

Criminal Lawyer, Metro Atlanta (Latino): "Yes, it is important to hold police officers to the same or higher standard to which citizens are held."

Coach and Former Police Officer, Metro Atlanta (African American): "Yes, it strikes out potential bias and local politics to allow for true justice. A number of injustices have set precedent of need for it. For the sake of justice for police and citizens it should be mandatory."

University Professor, Metro Atlanta (Asian): "I disagree with it being mandatory in every case. However, independence from political pressure in the existing relationship between police and prosecutors is a tremendous advantage. Disadvantages include that it gives the illusion of objective findings that may not be true because there are no such things as independent prosecutors."

Central Georgia Police Department (Caucasian): "We do have a relationship with our prosecutors so there is real bias and the perception of bias so this takes away from the biases."

West Georgia Police Department (African American): "When you have a local prosecutor you are dealing with an elected official, and depending on when the shooting happens, politics come into play. I had an incident in the DAs office for a while that has been pending since 2013. It is a problem when you have people that can't make decisions. Personally I have problems with this because this person needs a yay or nay. Take it to the grand jury and if they give an indictment, then it's not on you. It's on them. To me it makes sense to do that but to leave it sitting on the desk and not doing anything; that is unacceptable. They don’t get criticized for it. They don’t get opposition. A lot of people are so focused on staying in office that it costs them their integrity."

South Georgia Police Department (Caucasian): "I disagree: The local prosecutor knows the officer’s intentions."

West Georgia Police Department (Caucasian): "I don’t think that is necessary. The DA is accountable to the community. If they are not making decisions consistent with the legal standard, then they will be held accountable."
Metro Atlanta Police Department (Caucasian): "The DA is elected by the people to prosecute criminal cases in his judicial circuit. If he is not prosecuting those cases that the voting public believes should be prosecuted, then the correct way to handle the situation is to vote for someone else. The DA is a professional, separate from the police department. While there may be some DAs who are not as unbiased as others, the process to deal with such issues is the electoral process."

Prosecutor, Metro Atlanta (African American): "Where there is a state or local police involved incident, the FBI may, and sometimes does, investigate and the US Attorney's office may, and sometimes does, prosecute those cases. In cases where an independent investigation is warranted, the US Attorney's office is equipped to handle such an investigation and because it does not consist of elected officials it does not have the pressure to respond to constituents that elected officials might have. It holds an independence that is helpful in these situations. Not every case involving a police involved event is appropriate to be prosecuted by the US Attorney's office, however."

Central Georgia Police Department (Caucasian): "I disagree. The local prosecutor has the capability; prosecutors would probably be offended that people would suggest that they are incapable of being unable of investigating law enforcement."

Central Georgia Police Department (Caucasian): "It is needless to create another entity."

When an independent prosecutor is appointed, who should that be?

Community Leader, Metro Atlanta (Asian): "It should be a person of excellent character for honesty, integrity, needs to be a person with 10 to 15 years’ experience as prosecutor, needs to not be appointed if he/she has worked with law enforcement people in the jurisdiction at issue."

Criminal Lawyer, Metro Atlanta (Latino): "The facts of the shooting or incident, apparent justification or lack thereof."

Project Manager, Metro Atlanta (African American): "It should be a state-wide mandate - no room for gray areas or interpretation."

Educator, Middle Georgia (African American): "A statewide mandate would be appropriate. I think we should have some neutral entity or process made public so that the people know what happens in these cases."

University Professor, Metro Atlanta (African American): "I think that each jurisdiction should have a list of independent prosecutors who have been vetted and approved prior to an incident occurring. This approach would eliminate any concern among the public regarding the fairness or biases in the process."
University Professor, Metro Atlanta (Caucasian): "I think that the Georgia Supreme Court should, as a matter of separation of powers, be the one."

Criminal Lawyer, Metro Atlanta (Latino): "State Attorney General."

Former Police Officer, Atlanta (African American): "A nonprofit organization designed solely for this particular job."

Former District Attorney, Metro Atlanta (Caucasian): "An individual with specific prosecutorial experience. An elected District Attorney in a district nearby where the incident occurred, so that the prosecutor has some local knowledge."

If an independent prosecutor is not appointed, should there be limits on prosecutorial discretion.

Attorney and Educator, Northeast Georgia (Caucasian): "I strongly disagree. Whatever system is adopted, it should not eliminate prosecutorial discretion. This is especially true if an independent prosecutor is appointed to investigate and make the prosecution / no prosecution decision. Prosecutorial discretion serves to protect those who have been wrongfully accused from public cries for a meritless prosecution or 'show trial'."

Coach and Former Police Officer, Metro Atlanta (African American): "A number of injustices have set precedent of need for it. For the sake of justice for police and citizens it should be mandatory."

Prosecutor, Metro Atlanta (African American): "I am anti-mandate. Only trust between the community and law enforcement is going to improve this situation; not every event requires an investigation of this type; and we have limited resources. How can this be paid for?"

Law Enforcement Supervisor, South Georgia (Caucasian): "I am anti-mandate on requirement of independent investigation. On the one hand, having an outside agency removes the perception of bias. On the other hand, the state agency may not have the experience and expertise required to ensure the matter is properly investigated. Experience and familiarity with the community at the local agency may be better and more valuable than the state agency. One solution might be to have a designated team of investigators, prosecutors, forensics, etc., all external to the local and state agencies."

Potential changes to the grand jury system.

Attorney and Educator, Northeast Georgia (Caucasian): "The grand jury system is not broken. The grand jury is a deliberative body composed of citizens. So long as the investigation is conducted by an independent agency and the prosecution is overseen by an independent prosecutor, there is no reason to believe that the grand jury as it is presently constituted is incapable of rendering a fair decision regarding prosecution / no prosecution."
Community Leader, Metro Atlanta (Asian): "I believe that changes to the grand jury system could be made which would improve the fairness of the process, including providing an attorney to advise the grand jury directly, a judge to preside over the proceedings, requiring presentation of exculpatory evidence, excluding hearsay and other evidence not admissible at trial, and allowing the accused and his counsel to participate but not by expanding public access to grand jury proceedings."

Lawyer Former Prosecutor, Metro Atlanta (Caucasian): "The point of a Grand Jury is not to convict -- the problem is not with the system. If the government wants to indict an individual, that will happen regardless. The issue is more with charging the individual- which goes back to prosecutorial discretion. An improvement to the system would be to ensure the defendant has good legal counsel."

University Professor, Northeast Georgia (Caucasian): "You could require the Grand Jury in such cases to make a written finding and explanation on decisions not to prosecute in these cases. The rubber hits the road when someone sues them to prosecute. There is no right to make them prosecute so legislative action would be needed. Having grand juries be transparent about it may be some small help but the check would be the right of citizens to send a case to the grand jury -- that would be one you could call "citizen discretion," requiring a standard of probable cause."

Police Administrator, Metro Atlanta (Caucasian): "Take away the grand jury. Require prosecutors to present every case the same way. If we are going to allow officers to explain their case, each citizen should have the same opportunity if they choose. If the grand jury is maintained, public access to that process should be limited. Allowing public more accessibility provides too much opportunity to influence the grand jury. A review of grand jury procedures should be undertaken and we should insure that the pool being used to select the grand jury is fair."

Criminal lawyer (Latino): "Changes to the grand jury system that allow for more transparency and more balance in the evidence submitted is a good idea, but I disagree that public access to grand jury proceedings is helpful."

Minister, East Georgia (African American): "The grand jury process works well. Changes could be made allowing a more balanced presentation of evidence and the public should have access to transcripts of grand jury proceedings."

Civil Rights lawyer (African American): "I disagree with making changes to the grand jury system. The purpose of the grand jury is to see if the prosecutor has probable cause to take a case to trial, not to be a trial."

Attorney, Metro Atlanta (African American): "Grand juries too often defer to the prosecutor. They may not completely understand the process, and will defer to the perceived expert in the room, who is the prosecutor. Charges would be prepared by advisory board with members selected by same process as Grand Jury selection. The board would be citizens presenting a recommendation to the prosecutor, not prosecutor presenting case to citizens."
Attorney, South Georgia (African American): "The current level of prosecutorial discretion is a flaw in the system, not specific to only matters of police misconduct. It allows for personal biases and results in unequal distribution of how cases are dealt with. There should be some entity to check up on how things are handled among different groups of people."

Law Enforcement Supervisor, South Georgia (Caucasian): "I am not in favor of removing or limiting prosecutorial discretion – this is a foundation of our system. I am a strong supporter of prosecutorial discretion. There is no need for special purpose grand jury – we already have a system . . . ."

Prosecutor Metro Atlanta (African American): "I disagree with making changes to Grand Jury system. If we made these changes to the grand jury system we would grind to a halt. We would never have an indictment or a prosecution. That would break the criminal justice system. We would be buried in these cases. There are not enough resources, people, or time in the day to do what is suggested here. The grand jury is simply a starting place. It says there is enough evidence to move forward. It is not a trial."

**Should law enforcement officers have different rights relative to criminal charging than for other citizens?**

Attorney, Middle Georgia (African American): "Police officers' interest in job security and avoidance of criminal charges do not outweigh the public's interest in not being harmed by the police."

Educator, West Georgia (African American): "These laws should be retained. The police put their lives on the line to keep the community protected and they should be given those rights in order to protect them."

University professor, Northeast Georgia (Caucasian): "The rights should be afforded to anyone or to no one. I don't think the police should be considered privileged citizens."

Police Administrator, Metro Atlanta (Caucasian): “Police officers should not have rights different from any other citizen.”

Former Police Officer, Metro Atlanta (African American): "Law enforcement officers should be treated the same as regular civilians and should experience the same system that the public experiences. If anything, there should have harsher requirements on law enforcement officers who have a duty to uphold the law."

Minister, South Georgia (African American): "The process should be the same for public and for law enforcement officers."
Former District Attorney, Metro Atlanta (Caucasian): "This should be abolished. The law gives the perception of favoritism and is unnecessary to protect rights of police officers. Their rights are protected by the system itself, such as independent prosecutor."

City Planner, Metro Atlanta (Caucasian): "Everyone should be equal in the eyes of the law. Police officers should not be treated differently based on employment."

Business Leader, West Georgia (African American): "These laws probably need to be updated for current times; I am not sure why police would be afforded special rights."

Attorney, Metro Atlanta (Caucasian): "These laws should be retained."

Chief of Police, Middle Georgia (Caucasian): “Because of the type of job the police have, the expectation for law enforcement is that we are held to a higher standard anyway. Like it or not, we are. Because we are, that sets us apart in these scenarios and processes. There are very few, if any, professions that are like this where we have the authority to take someone’s freedom, life, and rights so that puts us in a different category completely than almost every other segment in our community. So yes, there are certain things that have to be done differently when reviewing what cops have done, especially when determining if what was done is right or wrong. And there’s a justification for being able to do that.”

Marshall, West Georgia (African American): “If they are going to be in a courtroom then they should have the right to be in front of the grand jury when their career is on the line. If someone has misinterpreted what they said, then they need to be there.”

Chief of Police, North Georgia (Caucasian): “Police have the perception of self-defense versus act of duty- and that needs to be fully evaluated-- only the officer can give his side of the story to the grand jury.”

Chief of Police, South Georgia (Caucasian): “If the incidents occur in the line of duty, then the officers should be afforded these rights, because they are acting on behalf of the community and they should be able to describe what their perceptions were and the threat that they believed existed that justified the use of force.”

Police Officer, Middle Georgia (Caucasian): “Officers are held to a higher standard than most, actions follow on duty and off; sometimes people make frivolous claims against officers, so there need to be extra steps to protect this officer.”

Police Officer, Metro Atlanta (African American): “I think the rights should be retained so that the grand jury can hear firsthand why the officer was at the scene.”

Chief of Police, Metro Atlanta (Caucasian): “Law enforcement officers put their lives on the line and make these kinds of decisions in a split second. I believe the process is fair, because all an officer can do is provide a statement. Their attorneys cannot ask questions.”
Chief of Police, Middle Georgia (Caucasian): “Police officers are given the task by the community to serve and protect—they should be afforded the right to tell their side.”

Business Person, West Georgia (African American): “These policies need to be reviewed. Do they fit today's needs?”

Attorney, Metro Atlanta (Caucasian): “Retained. I do not believe these special rights are inappropriate.”

Recommendations for enhancing police/community relations.

Community Leader, Metro Atlanta (Asian): "There needs to be a confidential complaint line that citizens can use to report police incidents and if a jurisdiction has more than 10% of its population speaking another language, that complaint line should provide a bilingual operator and the jurisdiction should retain bilingual police officers and investigators. . . . Police departments should track response times to calls and how they are handled and look at the demographics related to those response times and resolutions and how they may be different for minority citizens."

Former Prosecutor, Metro Atlanta (Caucasian): "If police were paid more, we might have a more professional work force which may be more corruption proof. There are some exceptional people who do this type of work for all the right reasons. I admire the people who go into and deal with danger and difficult situations associated with this work. Those people are built differently."

Police Administration, West Georgia (Caucasian): "Expand length of police academy. Increase annual training. Require local government body to be more transparent with function of law enforcement. Offer more educational opportunity. Put more information out."

Criminal lawyer, Metro Atlanta (Latino): "Police Departments should be more transparent in information provided to the community, particularly, related to policies and initiatives. They should publish the results of cases. There should be a citizen review board to review the results."

Coach and Former Police Officer, Metro Atlanta (African American): "Criminal justice departments in small towns in Georgia are not focused on promoting justice; rather they just want to keep their departments going. Many citizens are being given time that does not match the crime. Law enforcement is not supposed to be there to invoke fear; rather it should be working together with law enforcement officers protecting the citizens and the citizens abiding by the laws. Changes need to be made in bringing police officers into the field including in-depth assessments in selecting leaders in these positions."

Minister, East Georgia (African American): "There should be more community education about polices and procedures for police work to foster better relationships. Police training should be improved. Civilians need to better understand the duties of a police officer which could be done in community forums. Faith based groups could support this process."
Law Enforcement Supervisor, South Georgia (Caucasian): "Agencies should be encouraged and (incentivized or given the resources) to become accredited, but it should not be mandated. Accreditation may not solve all problems, but it would require policies to be reviewed and/or created and problems to be debated and possibly addressed, rather than ignored."

Former District Attorney, Metro Atlanta (Caucasian): "The vast majority of conflict between the police and community occurs in the 14-25 year old age group. We need better education in schools about law, police powers and individual rights. If people understood police powers, they would understand where the line is. If we teach people to stop when told to stop (right or wrong), that there are remedies for inappropriate police stops, that running is not the answer; we will save lives."

Civil Rights Lawyer, Metro Atlanta (African American): "Training of officers and law enforcement doing more community outreach. Police need to know the people that they are policing; officers and citizens need to have interactions other than only when there is a law enforcement problem."

Police Educator, Metro Atlanta (Caucasian): "I read the papers and keep up with these incidents. I don't see it with being a huge problem in Georgia. I know it is in the news a lot. I spoke to an officer the other day who said ‘I don't feel like I can do my job like I've been trained to do my job.’ I think that's the danger of putting a microscope and second guessing what police officers do. I think the majority of the police officers do a good job. I'm just not sure that we really need to get into this right now in Georgia."

City Planner, Metro Atlanta (Caucasian): "Increase law enforcement pay; reward officers for excellence; hold officers accountable."

West Georgia Police Department (African American): "Anytime there is an officer involved shooting, the Governor's office should have somebody assigned that can come down and oversee the investigation -- to actually work alongside the investigators and make sure that everything is being gathered, nothing is being hidden, laws are followed, and to insure that all of the evidence is being turned over."

West Georgia Police Department (Caucasian): "GBI should investigate all police-involved shootings, and there should be funding for it. There may also need to be state protocols that DAs have to follow because right now they have unfettered discretion. Whenever there is inconsistency people assume there is favoritism. I don’t know if there might be a way to deal with the statute in a manner to eliminate discretion as far as the process you go through in making the decision to charge."

Metro Atlanta Police Department (Caucasian): "There could be a requirement that police departments not be allowed to investigate their own shootings, but that it not be too prescriptive on who the investigator must be. There could be an issue in using the GBI, because of the time it may take GBI to get to a scene and interview witnesses. The GBI does not reach conclusions or make charging recommendations."
Central Georgia Police Department (Caucasian): "These systems have been in place for a while and people have been ok with this system for a while. As long as the police get off in cases like this, people don’t care that murderers may still walk the streets. The system, until recently, has been the best system. Now people are concerned that the police are not honest, that the system is broken or it’s not fair. If you look at the statistical information on the shootings, how many there are, who’s being shot, the numbers, what you find is that the perception is not reality, but we deal with it everyday."

Metro Atlanta Police Department (African American): "I would like to see the age requirements changed for police officers who enter the academy. Eighteen to 21 years of age is too young for someone to have a badge and a gun. Between 23 and 25 years of age is a good place to start and cross-collaboration and training from other agencies (for example, mental health agencies)."

Central Georgia Police Department (Caucasian): "More community involvement. For example, having police officer liaisons who attend community/neighborhood association meetings on a regular basis."

Central Georgia Police Department (Caucasian): "Have an outside agency investigate to keep it impartial, such as a state agency. As for the incident in Baltimore, when you have public officials charging the police community with murder, it ruins the reputation of the police and it is harder when the police can't trust the people who are supposed to be 'looking out' for them. The crime rates are up in Baltimore and the police are accused of murder. There's a dichotomy: the police do their job, the people are unhappy, so they riot against officers, the officers are scared to do their job, then people are angry that police aren't willing to do their job in the face of violence against them. This is ruining trust in communities."

Prosecutor, Metro Atlanta (African American): "I think there is a misunderstanding of what the police can and cannot do under the Fourth Amendment, which leads to negative reactions by citizens relative to interactions with police. There is NO understanding by citizens of why police do what they do. The problems with the current relationships are everybody's fault. The root solutions are complex."

Prosecutor, Metro Atlanta (African American): "Trust is my big soap box. There is such a lack of trust by many in the community for police and vice versa. There is a level of disrespect, particularly by teenagers, for the police. They are not being accurately taught their rights and perhaps do not engage with why the police do what they do. But again it comes back to trust. Some of the lack of trust is earned, but we have to develop trust in the police. As long as we don't we will have problem. I think we need to encourage integration in this state, people of different races and backgrounds actually living in the same community and interacting on a daily basis. People tend to self-segregate, or just stay with what is comfortable and what is known. We need to have more friendships and interactions. Since we do not do this very well, when an event happens, people resort to their base historical view of other people and their prejudices, implicit and overt, make themselves apparent. People need to be around each other enough to recognize that people are people and we are all very similar. We have stereotypes that need to be
broken down. There will be gaps but we have to have people we trust in law enforcement – that's it."

Law Enforcement Supervisor, South Georgia (African American): "Agencies should be encouraged and incentivized or given the resources to become accredited, but it should not be mandated. Accreditation may not solve all problems, but it would require policies to be reviewed and/or created and problems to be debated and possible addressed, rather than ignored."