The Allegheny County Chiefs of Police Association

MODEL

ARREST POLICY

An Allegheny County Criminal Justice Advisory Board Project

Initial issue 2010, reissued 2022

In Partnership With

The Allegheny County District Attorney's Office

Reviewed March 2024

This model policy should serve as a starting point. To best serve your department, any changes to your existing Adult Arrest Policy should be reviewed by you, your municipality, and its insurance carrier to coincide with department size, population density and other unique characteristics of your community before being implemented.

ACCPA-DA MODEL
ADULT ARREST POLICY

01. PURPOSE

a. The purpose of this policy is to provide all Officers with guidelines on arrest and warrant service and possible related activity. Changes in law and procedure, as well as training provided on this procedure, will give rise to modifications and updates.

b. The primary emphasis of a Police-Citizen encounter should not be on the race/ethnicity or gender of the person being stopped, but the focus should be whether the stop was based on Reasonable Suspicion or Probable Cause that criminal activity may be afoot or a violation of the Motor Vehicle Code has occurred.

c. It is unethical and illegal to stop, issue a citation or arrest an individual or motorist based solely on his/her race/ethnicity or gender. Factors of race, gender, and ethnicity, when used to describe a criminal suspect, can of course be used to justify stopping an individual who fits the description of the alleged perpetrator. (i.e. a broadcast that two (2) white males with red hair just robbed a store and drove away in a gray van would justify an Officer stopping a vehicle where the occupants fit that description).

02. POLICY

a. Persons, regardless of their involvement in a situation, shall be treated with humanity, courtesy and the dignity due any human being to the extent that such treatment is allowed by the subject's actions. Officers and civilian employees shall maintain a professional bearing at all times. They shall not be argumentative or engage in acts that might incite a subject to become physically aggressive. Emphasis shall always be on obtaining control over the situation rather than forcing submission. Personnel shall not physically, verbally or mentally abuse any person that they contact or take into custody or control.

b. A Officer, when making an arrest, need not retreat or desist from efforts to make a lawful arrest just because of resistance or threatened resistance to the arrest. The Officer is justified in the use of any force which he/she believes to be **objectively reasonable** to defend himself/herself from bodily harm when making the arrest.

c. Officers should use an appropriate/proportional force option based on subject behavior.

d. Officers are not required to use the least intrusive degree of force possible but are required to use reasonable force. Officers should continually assess the situation and adjust the use of force accordingly (Use of Force Policy Section 05 Force Options).

e. **De-escalation** (MPOETC 17-002 PJ, 18-002 De-escalation, 21-004 Special Needs, 22-301 Use of Force)
When feasible, officers will employ de-escalation (slowing things down) techniques in an effort to increase the likelihood of voluntary compliance.

f. **Duty to Intervene** (MPOETC 19-001, 21-001 & 22-30, 23-201, 24-201 Legal Updates).
When in a position to do so, officers have a duty to intervene should they know or have reason to know that **any** officer regardless of rank is about to use, or is using, unreasonable force or a person in custody needs medical aid.(Use of Force Policy Section 14 Medical Considerations).

03. OPERATIONS

a. Before any pre-planned arrest, warrant service or detail a Warrant Operational Plan (Attachment #1) will be completed and a copy submitted to the Chief or Deputy Chief for review & approval.

b. An informative briefing SHALL be held prior to any preplanned arrest, warrant service, and detail which involves multiple officers, raid teams, or outside agencies. Officer assignments, vehicle assignments, suspect information and location plans will be distributed and discussed with all participants. Warrant Operational Plan Sheets will be utilized.
EXCEPTIONS: When an individual is voluntarily meeting a officer(s) at a Magisterial District Office or City Municipal Court in response to a pending warrant or known charges to be filed and when serving a Search Warrant on a Financial Institution for records. The Chief or Deputy Chief will still be notified in advance.

c. During any arrest, warrant service or detail members shall wear sufficient articles to ensure their recognition as **"POLICE"** to suspects, the public and other police officers. This could include, but not be limited to, raid shirts, raid vests, raid jackets, police ball caps, and badges.

d. All members participating on a detail or as arrest teams, raid teams or warrant service teams shall wear the agency issued ballistic vests.

e. All members participating on a detail or as arrest teams, raid teams or warrant service teams, shall use an agency approved weapon that they currently qualified with and have enough ammunition for at least one reload.

f. All members participating on a detail or as arrest teams, raid teams or warrant service teams, shall wear the agency issued equipment i.e. OC, baton, TASER and handcuffs.

g. All members should also be equipped with a flashlight, protective gloves, and rubber gloves.

h. The above gear may not be needed on an interaction that gives no prior indication of a concern for officer safety such as a search warrant on a financial institution or a suspect surrendering at a magistrate's office.

i. Unless it compromises "Officer Safety" or for tactical purposes/reasons, **prior** to the execution of any arrest and/or search warrant service outside of our jurisdiction, the Municipal Police Department having primary jurisdiction where the incident/action will occur shall be contacted and requested to supply a Uniform Officer(s) and a marked police vehicle(s) to assist.

j. In the event that you have the basis for a valid "Officer Safety" concern or are unfamiliar with the Police Department in question, prior to the execution of the arrest and/or search warrant, contact County 911 (911 or 412-473-7027) and request that a Supervisor/OIC from the Police Department in question meet with you at the location of your choice and at that time request the assistance of a Uniform Officer(s) and a marked police vehicle(s) on your detail.

k. If assistance from that Police Department is unavailable and you believe that you cannot delay your action, when you arrive at the location of the arrest and/or search warrant is to be executed, contact County 911, give them your assigned call signs, address number, street name (including Municipality) of the location, action to be taken ie. arrest/search warrant and request a Supervisor/OIC from the Police Department having primary jurisdiction respond to that location when available.

04. ADULT ARREST PROCEDURES

a. Every individual who is taken into custody shall be properly restrained by the use of handcuffs or flexible handcuffs. So as to eliminate the possibility of the prisoner utilizing the handcuffs as a weapon, unless a pre-existing injury, medical condition, age or physical reasons prohibit, the prisoner's hands are to be handcuffed behind the back with palms together or back-to-back.

b. **Once controlled, based on subject size, consider using "Double Cuffing" option. This allows the chest to have better expansion for breathing.** An exception to this procedure will be the use of a approved handcuff waste belt (Use of Force Handcuffs-flex cuffs–leg shackles guidelines).

c. Officers must be particularly aware of **asphyxia issues** in conjunction with prone or compressed and restrained positioning. As soon as possible and safe to do so, get him/her off their stomach and place in a side, seated or standing position.

SIX (6) REMINDERS:

* **ASAP and safe to do so, get him/her off their stomach and place in a side, seated or standing position.**
* ASAP and safe to do so, check for fit after the cuffs/shackles are applied (visual inspection, finger sweep test).
* Always, double lock.
* ASAP and safe to do so, respond to any *complaint of tight restraints and* document your response.
* Remove cuffs/shackles when safe to do so.
* Once controlled, based on subject size, consider using "Double Cuffing" option. Allows better chest expansion for breathing.

d. Arrestees shall not be handcuffed to any part of the transporting vehicle, such as a door post.

e. In the event an individual is handcuffed for "Officer Safety" purposes and not arrested or cited, the reporting officer must be able to articulate facts and circumstances that would lead an objectively reasonable officer to believe that there was a reasonable safety concern.

f. Additional restraint devices may be approved and be used to secure an individual who violently resists arrest or who acts in a manner that indicates he or she poses a threat to him/her or to the public. Officers should use only those restraints that appear necessary to control the situation and only for the period of time required.

g. When practicable, the requirements of this directive will be followed when transporting mentally disturbed prisoners. For those situations in which the mentally disturbed prisoner poses a

significant threat to him/her self or the officer(s), EMS and an additional restraining device, such as medical restraints or a stretcher with restraining devices, may be used in order to securely restrain the individual.

h. All subjects taken into custody shall be searched by an Officer. When possible, a search will be conducted on scene. In the case that a subject who was not searched is turned over to another Officer, that Officer shall be informed that the subject was not searched. If circumstances on scene do not allow for a search to be conducted, one will be completed as soon as reasonable.

i. If the prisoner must be transported in an uncaged vehicle, the transporting Officer will acquire the assistance of another Officer. The prisoner should be placed in the rear of the vehicle and seated on the passenger side with the seatbelt on. The assisting Officer shall be seated in the rear of the vehicle, behind the operator.

j. If the subject is returned to the station or another holding facility, a search will be conducted prior to the start of processing, regardless of whether the subject has already been searched.

k. If the subject is returned to the station, for "Officer Safety" reasons, two (2) officers should accompany the subject at all times.

l. All efforts shall be made for a same gender search to subject in custody. When reasonable, officers from another department may be requested. Officer safety is always the primary consideration. If a same gender search is not possible, the search should be conducted in front of another officer/witness. When possible, the back of the hand should be used during the search, if it does not interfere with officer safety (See Search & Seizure Policy).

05. TRANSPORTATION OF PRISONERS

a. In the event a member of the department transports a prisoner, the transporting member shall notify County 911 (**412-473-7027**) of such transport. The member shall identify himself/herself, give their 4-digit call sign, state the location, current mileage and destination to the operator and request a time check. Upon arrival at the destination, the transporting member shall again contact County 911 state the location and mileage to the operator, again request a time check and document the information in the incident/arrest report.

06. MEDICAL TREATMENT

a. Appropriate medical assistance is to be obtained as quickly as reasonably possible for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Such individual shall be continuously monitored until she/he can be medically assessed. If reasonably safe to do so, while waiting for medical assistance officers will render appropriate medical aid within the limits of their training (Use of Force Section 11 Medical Consideration).