

I. ARRESTS BY PEACE OFFICERS

Arrests shall be made for violations of city and county ordinances as well as state and federal laws.

II. FIELD RELEASE ARRESTS

- A. Suspects who are arrested in Justice Precincts for any criminal misdemeanor or for the traffic offenses of DUI, driving with a suspended or revoked license, reckless driving, or leaving the scene of an accident, shall be cited into the appropriate Justice Precinct Court. They are to be cited to appear not less than twenty-one (21) nor more than twenty-eight (28) business days after the arrest, in accordance with the days and times set by the court.

If, however, they are cited to appear in Ajo, Arizona, they are to appear not less than five (5) nor more than ten (10) business days after the arrest, in accordance with the days and times set by the court.

- B. Traffic violators cited for routine violations shall be cited in conformance with Pima County Sheriff's Department Rules and Regulations.

III. MISDEMEANOR FIELD RELEASE ARRESTS

- A. Deputies shall not decide whether it is appropriate to physically arrest or arrest and field release until the conclusion of the investigation.
- B. All persons arrested on probable cause for a misdemeanor shall be physically arrested if one or more of the following circumstances are present:
1. The arrestee refuses to provide adequate identification or uses a false name or home address.
 2. The arrestee refuses to sign the citation.
 3. The arrestee has an outstanding arrest warrant.
 4. The arrestee's release will likely result in injury to another person, e.g., threats against a victim, etc.
 5. The arrestee has committed an act of domestic violence.

6. The arrestee is intoxicated and, after being warned, insists on driving.
 7. The arrestee will be likely to continue to engage in unlawful activity based on facts that the arresting officer can document, e.g., the arrestee was field released for the same or a similar offense within the past twenty-four (24) hours.
- C. If a physical arrest is not mandated, the deputy should still consider the following possible circumstances in determining whether arrest and field release is appropriate:
1. The misdemeanor is under the age of eighteen (18) and comes under the jurisdiction of the Pima County Juvenile Court (excluding routine traffic violations or alcohol offenses).
 2. The arrestee does not have a valid Arizona home address, i.e., works as a cross-country truck driver, a transient, etc.
- D. After arresting a person on probable cause for a misdemeanor that allows for the option of field release of that person, the deputy may consider having fingerprints and photographs of the arrested person to document the identification of the arrestee for the record.
- E. Under no circumstances shall a person be arrested for a civil traffic offense as defined in Title 28. When a person has committed an arrestable offense, in addition to a civil traffic offense, the person may be arrested and booked only for the criminal violation(s). Civil traffic violations shall be listed on the same citation as the charged criminal offense(s).
- F. When an intoxicated person is field released, the arresting deputy shall arrange for the person to return to his/her home or some other acceptable place, e.g., Gateway (LARC) or a friend's home.
- G. Juveniles may be field released by paper referral or by citation, as appropriate.

IV. DOMESTIC VIOLENCE ARRESTS

A. Definition

1. A.R.S. § 13-3601 "domestic violence" refers to certain criminal acts in which the victim's relationship to the defendant, by blood, marriage, familial extensions, or court order, include:
 - a. Spouse or former spouse
 - b. Parent, stepparent, or parent-in-law
 - c. Child or stepchild
 - d. Grandparent, step-grandparent, or grandparent-in-law
 - e. Grandchild or step-grandchild
 - f. Brother, stepbrother, or brother-in-law
 - g. Sister, stepsister, or sister-in-law

Also included are persons residing or having resided in the same household, and those relationships where the victim and defendant have a child in common, or where the victim or the defendant is pregnant by the other party.

2. Criminal acts included in domestic violence are the following (as defined in the A.R.S. citations indicated):
 - a. Endangerment: 13-1201
 - b. Threatening or Intimidating: 13-1202
 - c. Assault: 13-1203
 - d. Aggravated Assault: 13-1204
 - e. Custodial Interference; Child Born out of Wedlock: 13-1302
 - f. Unlawful Imprisonment: 13-1303
 - g. Kidnapping: 13-1304

- h. Trespass: 13-1502 through 13-1504
 - i. Criminal Damage: 13-1602
 - j. Disorderly Conduct: 13-2904A include paragraphs 1, 2, 3, & 6
 - k. Any Dangerous Crime Against Children: 13-604.01
 - l. Harassment: 13-2921
 - m. Stalking: 13-2923
 - n. Child/Vulnerable Adult Abuse or Emotional Abuse: 13-3623
 - o. Use of Telephone to Terrify or Intimidate: 13-2916
 - p. Aggravated Harassment: 13-2921.01
 - q. Interfering with Judicial Proceedings: 13-2810
- B. Deputies shall give victims and potential victims of domestic violence phone numbers of the Sheriff's Department and other emergency agencies and information about Orders of Protection (A.R.S. § 13-3601). The Pima County Sheriff's Department Domestic Violence Information Card contains this information
- C. Felony Domestic Violence Incidents
- 1. If a domestic violence incident occurs and it rises to the level of a felony, or there is a significant history of domestic violence (misdemeanor or felony), the deputy shall make immediate notification to the Domestic Violence Unit Supervisor or the Night Detective Unit Supervisor during the Night Detective Unit shift.
 - 2. Patrol level interviews of children at felony domestic violence incidents shall be kept to a line of questioning necessary to establish the elements of the crime. In-depth interviews shall be the responsibility of the Criminal Investigations Division investigating Unit.

D. Reports

1. All domestic violence incident reports shall be dictated as either: priority one (1) for arrests, all felonies, and all cases involving children; or priority two (2) for all other cases.
2. For all cases involving children, the deputy shall request that a copy of the report be forwarded to Child Protective Services.

E. Arrest Policy

1. A physical arrest SHALL be made when responding to a report of an incident of domestic violence, whether or not the victim wants prosecution, **if any of the following circumstances exist:**
 - a. There is probable cause to believe that the defendant has committed an act of domestic violence and has inflicted physical injury on the victim.
 - b. There is probable cause to believe that the defendant has committed an act of domestic violence and has used a deadly weapon or dangerous instrument in the commission of the act.
 - c. Probable cause exists for an arrest and charge of domestic violence where the underlying offense is any of the following, (as defined in the A.R.S. citations indicated):
 - (1) Assault: 13-1203
 - (2) Aggravated Assault: 13-1204
 - (3) Unlawful Imprisonment: 13-1303
 - (4) Kidnapping: 13-1304
 - (5) Endangerment: 13-1201
 - (6) Any Dangerous Crime Against Children: 13-604.01
 - (7) Child/Vulnerable Adult Abuse or Emotional Abuse: 13-3623
 - (8) Interfering with Judicial Proceedings: 13-2810

- d. This applies to a felony or misdemeanor offense, whether or not it occurred in the presence of a deputy. Charges must include both A.R.S. § 13-3601 and one (1) or more of the criminal acts which constitute domestic violence. Independent probable cause must exist for each person arrested for commission of an act of domestic violence. An act of self-defense that is justified under Title 13 Chapter Four (4) is not deemed to be an act of domestic violence.
 - e. In exceptional circumstances and only if it reasonably appears that the victim will be protected from further injury, a supervisor may authorize a non-arrest decision even though the above criteria apply. The decision and concurrence by the supervisor not to arrest shall be documented by the deputy regarding the deputy's belief that the victim will be protected and the exceptional circumstances that exist.
2. A deputy MAY arrest for a charge of domestic violence where probable cause exists and the underlying offense is any of the following (as defined in the A.R.S. citation indicated):
- a. Custodial Interference; Child Born out of Wedlock: 13-1302
 - b. Trespass: 13-1502 through 13-1504
 - c. Criminal Damage: 13-1602
 - d. Disorderly Conduct: 13-2904A, include paragraphs 1, 2, 3, & 6
 - e. Stalking: 13-2923
 - f. Harassment: 13-2921
 - g. Use of Telephone to Terrify, Intimidate: 13-2916
 - h. Aggravated Harassment: 13-2921.01

If an arrest is made, it shall be a **physical** arrest.

3. Aggravated Domestic Violence (13-3601.02) is an aggravated charge of Domestic Violence (13-3601), not a Criminal Act of 13-3601.

4. In making a non-arrest decision, the deputy shall exercise his/her judgment based on the facts as they reasonably appear and considering the potential for violence or harm.
5. The deputy shall document any action taken, including the decision not to arrest, information furnished to parties involved, and the potential for violence or harm.
6. When a deputy does not find probable cause to believe any of these criminal acts have occurred and thus does not make an arrest, the information on the Domestic Violence Card must still be given to alleged or potential victims.

F. Department Personnel Involved in Domestic Violence

1. Any deputy responding to a report of domestic violence involving a member of the Sheriff's Department shall notify the Supervisor of the Domestic Violence Unit as soon as possible and provide the Supervisor with the facts of the incident.
2. In all cases the Domestic Violence Unit Supervisor shall:
 - a. Notify the appropriate CID Commander who will determine whether or not a criminal investigation will be initiated
 - b. Notify the Office of Special Investigations Supervisor or Commander
 - c. Notify the Peer Support Supervisor, if applicable.
 - d. Notify the member's immediate supervisor
3. Criminal Investigations
 - a. The on-call Domestic Violence Detective shall respond if the CID Commander has determined a criminal investigation will be initiated.
 - b. If circumstances and time permit, the appropriate CID Commander shall be notified prior to physically arresting any Department member.

4. The Office of Special Investigations shall have primary responsibility for the administrative investigation.
5. Any Department member involved in a report of domestic violence investigated by any law enforcement agency shall immediately notify his/her supervisor.
6. Any supervisor being informed of a domestic violence investigation by another agency that involves a Department member shall forward the information via memo to the Office of Special Investigations Commander.

G. Department Personnel Convicted of a Crime of Domestic Violence

1. If a member of the Department is convicted of a crime of Domestic Violence, the member is subject to sanctions of the Federal Firearms Law, and he/she is termed a prohibited possessor of firearms and ammunition.
2. A member of the Department, upon conviction of a crime of Domestic Violence shall immediately notify his/her immediate supervisor of the conviction. If the member is weapon qualified, his/her firearms privilege shall be revoked.
 - a. Members affected shall not possess any weapon or ammunition whether in an on-duty or off-duty status.
 - b. The member shall immediately relinquish all Department issued firearms and ammunition to his/her immediate supervisor who will deliver the weapons and ammunition to the Department Armorer within twenty-four (24) hours.
 - c. When the member is no longer a prohibited possessor under the law, all firearms and ammunition previously relinquished may be reissued to the member by the Department Armorer.

3. Duty Status

- a. Commissioned members affected by the law shall be placed in an off-duty status and shall not work in any capacity or take any law enforcement action.
- b. Members affected shall be permitted to exhaust all accrued annual leave and compensatory time while in an off-duty status under this policy.
- c. Upon exhausting all accrued leave, members may request a leave of absence without pay pursuant to Pima County Personnel Policy 7-108.

4. Resolution of Conviction

Commissioned members shall have twelve (12) months from the date of the conviction to resolve their case in such a manner as to permit possession/use of a weapon. If the case is not resolved in this time period, the affected member shall be terminated.

H. Orders of Protection, Injunctions Against Harassment, and Preliminary Injunctions

1. An Order of Protection (A.R.S. § 13-3602), Injunction Against Harassment (A.R.S. § 12-1809), and Preliminary Injunction (A.R.S. § 25-315) all state that a violator may be arrested and prosecuted for interfering with judicial proceedings and any other crime committed in disobeying the order.
2. Unless otherwise stated, an Order of Protection and the Injunction Against Harassment are effective for twelve (12) months once the Order is served. A certified copy may be filed with Terminal Operations. However, the effectiveness of the order does not depend on its registration with Terminal Operations.

A copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of twelve (12) months from the date of service on the defendant unless information indicates that the order was canceled or modified.

3. Unless otherwise stated, the Preliminary Injunction is effective against the petitioner upon filing the petition and against the respondent upon service of a copy of the order. The Preliminary Injunction remains effective until further order of the court or the entry of a decree of dissolution or legal separation. A certified copy may be filed with Terminal Operations. However, the effectiveness and validity does not depend on this registration.

A certified copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court until further order of the court or the entry of a decree of dissolution or legal separation, unless information indicates that the order was canceled or modified.

4. A deputy who finds probable cause to believe that a person is in violation of a valid Order of Protection, Injunction Against Harassment, or Preliminary Injunction shall physically arrest that person, whether or not the deputy witnessed the violation and even if the victim does not desire prosecution. Violators shall be charged with interfering with judicial proceedings (A.R.S. § 13-2810). Any separate violations of A.R.S. § 13-3601 or other A.R.S. violations shall be charged separately.
5. Orders of Protection issued in any other jurisdiction are given full faith and credit by our jurisdiction. There is no need to obtain an order in this jurisdiction, nor for the order from the other jurisdiction to be registered in this jurisdiction. The charge will be interfering with judicial procedures (A.R.S. § 13-2810).
6. Affidavit of Service

Whenever a deputy serves an Order of Protection, an Affidavit of Service shall be completed and forwarded to the originating court to show service of the Order. An Affidavit of Service is already incorporated on Emergency Orders of Protection.

- a. The Affidavit of Service will be completed by the deputy serving the Order of Protection.
 - (1) The Plaintiff's/Defendant's names will be entered as listed on the Order of Protection.

- (2) The Court Number or Case Number (a Superior Court-issued number), whichever is listed on the Order of Protection, shall be entered on the appropriate line of the Affidavit.
 - (3) The deputy shall note the date the order was received for service, the name of the person it was served on, and the date and time of service. The deputy shall then date and sign the Affidavit.
 - (4) The deputy shall circle the court (see RETURN TO) that issued the Order of Protection.
- b. The original Affidavit of Service should not be attached to case reports or M.I. cards.
 - c. The Affidavit of Service shall be forwarded to the Court Liaison Officer via the Records Section.
- I. Emergency Orders of Protection
1. During the hours that the courts are closed, a judge, justice of the peace, magistrate, or commissioner may issue by telephone an emergency order of protection if a peace officer states that he/she has reasonable grounds to believe that a person is in immediate and present danger of domestic violence based on an allegation of a recent incident of actual domestic violence.
 2. An Emergency Order of Protection expires at the close of the next day of judicial business following the day of issue unless otherwise continued by the court.

3. Procedures

- a. A deputy may request an Emergency Order of Protection when there are reasonable grounds to believe that a person's life or health is in imminent danger from an act of domestic violence. An Emergency Order of Protection shall not serve as a substitute for arrest but may be requested in addition to arrest in those cases where a victim's life or health would be in imminent danger after release of the defendant from jail. The decision to seek an Emergency Order of Protection requires the deputy to use sound judgment based on the circumstances at the time.
- b. The Pima County Sheriff's Department's Terminal Operations shall maintain a list of the names and phone numbers of available judges, justices of the peace, magistrates, and commissioners who may issue Emergency Orders of Protection by telephone. Deputies or other law enforcement officers wishing to obtain an Emergency Order of Protection may contact Terminal Operations to obtain the name and phone number of the on-call judicial officer.
- c. Upon contacting the on-call judicial officer, the deputy shall state the grounds on which he/she believes the emergency order should be issued. If a determination is made to issue the emergency order, the deputy who receives the verbal order shall write and sign the written order and provide a copy to the protected party. If the emergency order is denied, the deputy shall document this fact.
- d. The Emergency Order of Protection must be served on the defendant to be effective. If the defendant cannot be personally served, the deputy may notify the defendant of the existence and content of the order by phone or other means. The deputy shall then document the service or the notification of the defendant. If the defendant has been notified of the existence and substance of the order and commits an act that violates the order, the defendant may be arrested for violating the order.

- e. Deputies shall verbally notify Terminal Operations of all Emergency Orders of Protection as soon as practicable after issuance. If an order is issued but not immediately served on the defendant:
 - (1) An additional notification to Terminal Operations shall be made upon service or notification of the order to the defendant.
 - (2) Terminal Operations will provide the deputy with the court number for the order.
- f. Efforts to obtain an Emergency Order of Protection shall be documented in a departmental incident report. The original of an Emergency Order of Protection that has been served on the defendant shall be forwarded to Records Maintenance.
- g. Records Maintenance shall return to the Clerk of the Superior Court the original of an Emergency Order of Protection that has been issued.
- h. The Pima County Sheriff's Department's Information Services Unit shall maintain a log of all Emergency Orders of Protection issued in Pima County. The log shall contain, but not be limited to, the following information:
 - (1) Order number
 - (2) Plaintiff name
 - (3) Defendant name, description, and date of birth
 - (4) Law enforcement officer and agency receiving order
 - (5) Judge issuing order
 - (6) Date of issuance
 - (7) Date of expiration
 - (8) Date and time of service or interpretation to defendant

- i. A violation of an Emergency Order of Protection is subject to the same mandatory enforcement as an Order of Protection, Injunction Against Harassment, and the Preliminary Injunction under A.R.S. § 13-2810, Interfering with Judicial Proceedings, and any other statute that may have been violated in disobeying the order.
- J. Seizure of Firearms Pursuant to A.R.S. §13-3601
1. A firearm seized by a deputy pursuant to A.R.S. § 13-3601 shall be placed into the Evidence Unit and held for no fewer than fourteen (14) days. The deputy shall give the owner or possessor of the firearm(s) a copy of the Property and Evidence Control Form listing the seized firearm. The deputy shall also provide the victim of the Domestic Violence incident from whom the firearm was seized information regarding how the firearm may be released.
 2. The deputy shall complete an incident report documenting the reason for the seizure. The report shall list circumstance codes for domestic violence (DOMV) and firearm involvement (GUN). The deputy shall ensure that a copy of each such report is forwarded to the supervisor of the Domestic Violence Unit.
 3. Upon receipt of a report documenting seizure of a firearm, the Domestic Violence Supervisor or designee shall present the report to the appropriate Deputy County Attorney for a determination of whether to file a notice of intent to retain the firearm.
 4. In the event a firearm is retained by the Department pursuant to a court order, the firearm shall be held for the duration of the order unless released sooner by the court.
 5. In the event a notice of intent to retain the firearm is not filed, the firearm shall be returned to its true owner after fourteen (14) days, providing the appropriate records indicated that the person to receive the firearm is not a prohibited possessor due to:
 - a. Felony conviction
 - b. Appropriate domestic violence conviction
 - c. A pending domestic violence charge
 6. The deputy or detective authorizing release of the firearm shall

notify, via mail, the victim of the domestic violence incident from which the firearm was seized before the firearm is released.

K. Firearms Transferred Pursuant to an Order of Protection

1. A firearm transferred to the Pima County Sheriff's Department pursuant to an Order of Protection shall be placed into the Evidence Unit and held for the duration of the order unless released sooner by the court.
2. Any Department member who receives a firearm pursuant to an Order of Protection shall complete an incident report documenting the transfer. The report shall list circumstance codes for Domestic Violence (DOMV) and firearm involvement (GUN). The member shall ensure that a copy of each such report is forwarded to the supervisor of the Domestic Violence Unit.
3. The member shall give the owner and/or possessor of the firearm a copy of the Property and Evidence Control Form listing the transferred firearm.

V. CRIMINAL AND FUGITIVE WARRANTS

Arrest warrants shall be confirmed as valid and extraditable by contacting the entering agency. Communications shall obtain such confirmation from agencies other than the Sheriff's Department. Terminal Operations confirms the warrant only when the Sheriff's Department holds the warrant.

A. Felony Warrants

1. Upon confirmation, the detaining deputy shall arrest the fugitive.
2. The arrested felony fugitive shall be advised of his/her Miranda Rights.
3. Arresting deputies shall question fugitives who have waived their Rights. Conversations with fugitives shall be recorded in the deputy's supplemental report.
4. Fugitives shall be transported and booked into the Pima County Jail in conformity with departmental rules, regulations, and procedures.

B. Misdemeanor Arrests

1. Upon confirmation, the detaining deputy shall arrest the fugitive. In cases of out-of-custody misdemeanor warrants, the fugitive shall not be arrested if the agency holding the warrant declines extradition.
2. The arrested misdemeanor fugitive shall be advised of his/her Miranda Rights.
3. Arresting deputies shall question fugitives who have waived their Rights. Conversations with fugitives shall be documented in the deputy's report.
4. Fugitives shall be transported and booked into the Pima County Jail in conformity with Department rules, regulations, and procedures.
5. When an outside agency requests a misdemeanor fugitive be arrested, and a response is required, the request must be approved by a supervisor or above.
6. With approval of a supervisor or above, the detaining deputy may use his/her discretion and NOT arrest the fugitive under exigent circumstances (operational needs far outweigh the need to have a deputy leave the patrol area). This may occur under the following circumstances:
 - a. The foundational charge for the Failure to Appear (FTA) warrant is for criminal traffic, other than DUI, and the fugitive is not in custody for any other reason and no other reason for arrest exists.
 - b. The warrant is for an unusual violation, e.g., leash law, fishing without a license, etc.
 - c. If the circumstances dictate that the fugitive **not** be arrested, the detaining deputy shall initiate a report which will include justification for not arresting the fugitive, the fugitive's current home and business addresses, and any other information that will assist in re-locating the fugitive. The fugitive will also be provided information on how to have the warrant quashed on their own initiative.

VI. EXTRADITIONS

- A. Terminal Operations shall be responsible for coordinating extraditions with the County Attorney's Office and the agency holding the prisoner(s) to be extradited.
- B. Terminal Operations shall be responsible for arranging transportation of all extraditable prisoners from the holding agency to the PCADC.
- C. If Terminal Operations is unable to secure/confirm arrangements for the prisoner's transportation, either with the Department's Air Unit or contracted vendor, they will initiate the Extradition Travel Order Form and forward it to the Extradition Coordinator in the Grants and Planning Section for assistance.
- D. The Extradition Coordinator shall determine the method of transportation, the number of deputies required to accomplish the extradition, and the necessity for car rental and hotel accommodations.
- E. The Extradition Coordinator shall maintain a list of all commissioned personnel that have volunteered to participate in extraditions.
- F. This list shall contain the following information:
 - 1. Deputy's name and badge number
 - 2. Current assignment
 - 3. Desired travel locations
- G. As extraditions arise, the coordinator shall notify the next deputy on the list for that particular location. Names shall be placed on the notification list in the following order of priority:
 - 1. Deputies
 - 2. Sergeants
 - 3. Commanders

- H. If the coordinator does not have anyone on the list and time permits, the coordinator shall advertise in the Daily Bulletin for any deputy, sergeant, or commander interested in the extradition to contact the Extradition Coordinator immediately.
- I. In the event no one responds to the advertisement, the Administrative Services Division Commander shall assign a particular area of the Department to conduct the extradition.
- J. Deputies who volunteer to do extraditions shall not be eligible to receive overtime compensation.
- K. Deputies wanting to be added to the extradition rotation list should submit a memorandum to the Extradition Coordinator, via chain of command, indicating their desired travel locations.
- L. Only those deputies ordered to perform an extradition shall be eligible to receive overtime compensation in accordance with Pima County Administrative Procedures, Business Travel.

VII. CIVIL ARREST WARRANTS

- A. A Civil Arrest Warrant is an order issued by the court in a non-criminal matter, directed to any peace officer in the state, to arrest the individual named therein and bring such person before the court.
- B. All Civil Arrest Warrants have restrictions as to the time and day the warrant may be served. Absent extraordinary circumstances, e.g., instructions from the court not to release or a high bond, civil arrest warrants shall not be served:
 - 1. After 1600 hours and before 0730 hours
 - 2. On weekends
 - 3. On Pima County recognized holidays
- C. When a physical arrest is made solely on the basis of a civil arrest warrant, the subject will be taken immediately before a judge.
 - 1. The arresting deputy shall contact the Corrections Bureau Judicial Security Unit to arrange a court appearance. If a judge is not available the subject will not be arrested.

2. The subject shall be transported to the Judicial Security Unit where he/she shall be turned over to Judicial Security staff with a completed Arrest Information Sheet.
 3. The arresting deputy shall complete a case report to document the circumstances of the arrest.
- D. When a subject is arrested for both criminal and civil offenses, the criminal procedures shall take precedence.
- E. When a civil arrest warrant is not served either because of the limitations of the warrant or this policy, the responsible deputy shall document the circumstances of the contact in a case report and have the report forwarded to the Court Enforcement Section.

VIII. ORDERS FOR CUSTODIAL EVALUATION, PETITIONS TO REVOKE OUTPATIENT TREATMENT PLAN, AND ORDER TO TRANSPORT

A. Definition:

ORDER FOR CUSTODIAL EVALUATION: A Superior Court order commanding a peace officer to take a named person into custody and deliver the person to a specified mental health evaluation agency.

1. In Pima County, Orders for Custodial Evaluation are issued by the Pima County Superior Court and shall be filed in the Pima County Sheriff's Department Terminal Operations.
 2. Orders for Custodial Evaluation are valid for fourteen (14) days from the date of issue (the date of issue is considered one day) unless served sooner.
- B. Judicial Security shall be primarily responsible for the execution of Orders for Custodial Evaluation, although any deputy who identifies a person named in such an order shall be required to serve the order.
1. Upon being advised by the Superior Court that such an order has been issued, the Judicial Security Unit shall obtain three (3) copies of the papers associated with the order from the Civil Desk of the Clerk of the Superior Court and immediately attempt to locate the person named within.

2. The Judicial Security deputy assigned to execute the order shall notify Communications of the order, the location where the order will be executed, and shall request to meet with and brief the on-duty patrol supervisor in that District.
 3. Based upon the circumstances of the order, the on-duty patrol supervisor shall determine what law enforcement resources are required and shall assign those resources as necessary to execute the order.
 4. If unable to locate the named person, the assigned Judicial Security Unit deputy shall deliver one (1) copy of the order papers to the evaluation agency, one (1) copy to Terminal Operations, and one (1) copy to the appropriate District for information purposes.
 - a. The appropriate District personnel shall ensure that the District copy is purged after the fourteenth day from the date of issue.
- C. Terminal Operations personnel shall file all received Orders for Custodial Evaluation and shall accomplish computer entry.
1. If the order has not been served within fourteen (14) days from the date of issue, the Terminal Operations copy shall be purged and sent to the Superior Court, and the computer entry shall be canceled.
 2. When the Judicial Security Unit is able to take the named person into custody before filing a copy with Terminal Operations, the second copy shall not be filed with Terminal Operations but shall be delivered directly to the Superior Court Clerk.
- D. Deputies shall verify that the order is valid by calling Terminal Operations before taking the named person into custody unless the order is served before a copy has been filed.
- E. Upon identifying a person who is the subject of a valid Order for Custodial Evaluation, the following procedure shall be followed:
1. The person shall be transported by the deputy to the evaluation agency named in the order. If the person is elderly, feeble, violent, or otherwise in a state that may result in physical harm to self or others, the deputy may utilize the services of the County contract ambulance to accomplish transport.

- a. Persons transported to Kino Hospital shall be taken to the Emergency Room. The evaluation agency copy of the Order for Custodial Evaluation, if previously delivered, will be located at the SBS reception desk.
 - b. Persons transported to the Arizona Health Sciences Center (University of Arizona Hospital) shall be taken to the Emergency Room where Emergency Room personnel will contact hospital security personnel who will escort the patient to the 7th Floor East. The evaluation agency copy of the Order for Custodial Evaluation papers, if previously delivered, will be located at the In-Patient Unit, 7th Floor East.
 - c. Persons transported to the Veterans Hospital on Mondays through Fridays before 1700 hours shall be taken to the Mental Health Unit, 5th Floor; otherwise, they shall be taken to the Emergency Room. The evaluation agency copy of the Order for Custodial Evaluation, if previously delivered, will be located in the Mental Health Unit, 5th Floor.
2. After transporting the person to the evaluation agency, the deputy shall secure the evaluation agency's copy of the Order and accomplish the following:
 - a. Read to the person the patient's rights portion from the Notice of Right to Hearing
 - b. Complete the Return form of the order to indicate that the order has been served
 - c. Leave a complete copy of the order with the evaluation agency
 3. If a second copy of the order has been filed with Terminal Operations, the deputy shall contact Terminal Operations to advise that the order has been served, and the Terminal Operator shall complete the Terminal Operations copy with the same information that the deputy entered on the evaluation agency's copy.
 - a. The deputy shall obtain the identification number of the Terminal Operator contacted and enter this number in the "Computer Entry Cleared by" block of the Return form of the order.

- b. The Terminal Operator receiving the information shall forward the completed second copy of the order papers to the Superior Court.
4. If the second copy of the order papers has not been filed with Terminal Operations, it shall be delivered to the Superior Court by the deputy.
5. An incident report shall be completed by the deputy to document the actions taken and shall be classified "Civil Matter — Court Order Enforced."

IX. REQUEST FOR LAW ENFORCEMENT ASSISTANCE BY BONDSMEN

A. Authority of Bondsmen

1. Bondsmen are authorized to arrest a fugitive when they are given written authority by the surety endorsed on a certified copy of a bond A.R.S. § 13-3885.
2. "SURETY" is defined as one who undertakes to pay money or to do any other act in the event that his principal fails herein. He is one who is bound with his principal for the payment of a sum of money

or for the performance of some duty or promise and who is entitled to be indemnified by someone who ought to have paid or performed if payment or performance is enforced against him.

Everyone who incurs a liability in person or estate for the benefit of another, without sharing in the consideration, stands in the position of a "surety," whatever may be the form of his obligation (Black's Law Dictionary).
3. Bondsmen are not peace officers and are not empowered to carry concealed weapons without a Concealed Weapons Permit.

B. Responsibility of Department Personnel

1. Department members are permitted to receive information from bondsmen about fugitives but are not authorized to disseminate to them sources of official departmental records or information from those sources.

2. Department members shall not offer bondsmen tactical advice nor oversee nor direct their activities.
3. When Department personnel are present at an arrest, the following procedures shall apply:
 - a. If an Arizona warrant exists, the individual shall be arrested by Department personnel on the warrant.
 - b. If an out-of-state warrant exists, the person shall be arrested by Department personnel pursuant to A.R.S. § 13-3854.
 - c. If no warrant exists, Department personnel have no authority to arrest; the surety may arrest pursuant to A.R.S. § 13-3885 if the surety possesses the appropriate written authority.
 - (1) A bondsman without paperwork has no legal authority to arrest (see 13-3885) unless the surety himself is doing the arrest. When he/she acts as an agent, the certified copy of the bond and written authority is needed.
 - (2) If the arrestee denies that he/she is the person named in the surety bond or questions the Bondsman's authority to make the arrest, the deputy shall gather the facts and contact the on-call County Attorney for guidance.
 - d. Any arrest of a fugitive by Department personnel must follow the prescribed Arizona judicial processes.
 - (1) The arrest must comply with procedures set forth in PCSD Rules and Regulations, Arrest Procedures.
 - (2) The surety shall not be permitted to take the prisoner anywhere once Department personnel have made an arrest.

X. RELEASE OF ARRESTED PERSONS

- A. Arresting deputies shall make every effort to have persons released from custody when they learn probable cause does not exist and there is no reason to retain custody of the arrested person.

- B. Deputies shall utilize the following procedure in order to release persons from custody prior to booking:
 - 1. The arresting officer shall verify that the person in custody should be released by ascertaining that probable cause for arrest does not exist and that there are no holds or other reason for retaining custody of the person.
 - 2. The arresting officer shall make a detailed supplemental report explaining why the person was released.
 - 3. In the case of a misdemeanor, the arresting officer shall void all copies of the misdemeanor criminal citation.
 - 4. In the case of a felony, the arresting officer shall void the interim complaint.
- C. Law enforcement officers are unable to release persons from custody after arrestees have been booked. Should a deputy learn that such a person should be released from custody, the deputy shall:
 - 1. Contact the on-call Deputy County Attorney or the Legal Advisor and explain why the person should be released
 - 2. Write an explanatory supplemental report
- D. An Intake Services member may order the release of an inmate prior to his/her initial appearance when the inmate was arrested for a warrant that was previously served or quashed, thereby invalidating the arrest. In such cases the arresting officer shall do the following:
 - 1. Cooperate with the Intake Services member who must contact the arresting officer and verify that the arrested person can be released
 - 2. Prepare a detailed supplemental report explaining the circumstance under which the arrested person was released

XI. PERSONS IMMUNE TO ARREST

A. Legislators

- 1. Arizona and federal legislators are immune to arrest while the legislature is in session and for fifteen days prior to such session.

2. Legislators are immune to arrest while traveling to their homes at the end of the session or from their homes to attend a session.
 3. Immunity does not apply in cases of treason, felonies, or misdemeanors amounting to a breach of the peace.
 4. Deputies shall arrest for misdemeanors only in cases of violent offenses, or immediate disturbance of the public order, e.g., assault, or in serious cases of driving while under the influence of alcoholic beverages or drugs. The interpretation of the breach of the peace and decision to arrest shall be referred to a supervisor or commander in all cases.
- B. Diplomats and their families are afforded varying types of immunity depending upon their residency, duty status, and assignment. Certain employees of an embassy also enjoy partial immunity. For this reason, verification of type and degree of immunity is essential. Deputies shall refer all such cases to a supervisor or commander. Verification may be made through one (1) of the following:
1. During normal business hours:

Legal Advisor for Consular Affairs
Department of State
Washington, D.C. (202) 647-4415
 2. After normal business hours:

Command Center of the Bureau of Diplomatic Security
Department of State
(202) 663-0812 (24 hours)
- C. Consular officers are immune from arrest while performing official duties, except for felonies that endanger the public. In these cases, a summons may be issued.
1. As a matter of courtesy, vehicles bearing Consular Corp license plates shall not be given parking citations nor shall drivers be cited for traffic violations if they are assigned to the Mexican Consulate.

2. Deputies shall refer any matter involving an offense by a foreign consul to a supervisor or commander. If the Mexican Consul or Deputy Consul is involved, the matter shall be referred to the Uniform Operations Commander.
 3. Immunity is not afforded to the families and servants of the Consul or Deputy Consul. However, whenever practicable, these persons shall be released on misdemeanor offenses in lieu of booking pending issuance of a complaint for the offense.
- D. Federal employees operating federally owned vehicles are subject to the same enforcement policy as other citizens who are in violation of traffic ordinances, except they may not be cited for driver's license violations.
- E. Military personnel are immune from the requirement to have an Arizona driver's license or Arizona vehicle registration if they possess a valid driver's license or vehicle registration from another state or the District of Columbia.
- F. Members of the Arizona National Guard are exempt from arrest while en route to and from Guard drill, encampment, or formation and while engaged in training activities unless charged with a felony.
1. The purpose of affording guardsmen this immunity is to prevent them from missing a scheduled meeting or encampment. Therefore, they may be cited for non-bookable traffic violations.
 2. If a guardsman commits a bookable misdemeanor while in exempt status, an investigation with necessary reports shall be made for purposes of obtaining a warrant or summons for action after the immunity period expires.
- G. Guidelines for deputies stopping or coming in contact with individuals who claim diplomatic, consular, or legislative immunity are as follows:
1. No citation or warning may be issued at the time of the initial contact. (This does not preclude enforcement action following initial contact if it is later determined the subject is not immune from the action.)

2. Deputies shall request identification. Diplomats and consuls, their families, and staff members should have credentials issued by the U.S. State Department. Legislators should have credentials issued by the body of which they are members.
3. The individual shall not be subjected to sobriety tests.
4. Individuals who are a hazard to themselves or the public shall be placed in protective custody until such time as the guidelines in paragraph G.5 below may be followed. Physical restraint shall not be employed unless absolutely necessary to protect public safety.
5. If the individual is not capable of driving safely, the officer may do one or more of the following:
 - a. Transport the individual to a motel or other location
 - b. Contact a friend or relative of the individual to respond
 - c. Request Communications to call a taxi
 - d. Transport the individual to his/her residence
 - e. Inventory and tow the vehicle
 - f. Request that a supervisor or commander contact the Office of Protocol in Washington, D.C., for further assistance in contacts involving diplomatic or consular immunity

H. Verification of Immunity

1. The officer shall request a supervisor's assistance in determining whether or not the subject's claim of immunity is proper.
2. The supervisor shall contact the Office of Protocol in Washington, D.C. or the local office of the Federal Bureau of Investigations to verify claims of immunity.
3. If it is determined that the subject is in fact entitled to immunity from the particular law enforcement action, no further enforcement action shall be taken. If it is determined that the subject is not immune from the action, enforcement action may then be initiated by the officer.

- I. After contacts with individuals claiming immunity, officers shall promptly notify their supervisor or a commander. The supervisor or commander shall within twenty-four (24) hours, notify the Uniform Operations Commander.
 1. Officers shall prepare incident reports for all contacts where immunity is claimed and forward them via chain of command to the Uniform Operations Commander.
 2. The Uniform Operations Commander shall ensure that reports concerning diplomatic or consular contacts are forwarded to:

Command Center- Bureau of Diplomatic Security
U.S. Department of State
Washington, D.C. 20520

XII. CONSULATE NOTIFICATIONS ON ARREST OF FOREIGN NATIONALS

Certain treaties between the United States and other countries require that local law enforcement officials make notification to consulates when a foreign citizen is taken into custody. Failure to make the appropriate notifications may result in the suppression of statements or other evidence against the defendant. The following procedures shall be followed when a foreign citizen is taken into custody.

A. General

1. Deputies are required to notify foreign citizens who are taken into custody of their right to consular notification.
2. This requirement does not allow deputies to ask persons whether or not they are citizens or whether they are legally or illegally in this country. Consular notification procedures should be followed only if an arrestee self-identifies as a foreign national or if the arresting deputy has reasonable grounds to believe the person is not a citizen and has verified that with the person. Consular notification shall be done whether or not a person is legally within the United States.

3. This Order applies only in those situations where a foreign national has been taken into custody and will be detained for more than a brief period of time. This Order does not apply in most situations in which a person is arrested, cited, and field released. The Order applies to all foreign citizens, including permanent resident aliens. This Order does not apply to persons who are both citizens of the United States and another country (dual citizenship).
4. Consulate notification is in addition to any other notification required by law, including Miranda.

B. Notifications

Due to variations in treaties, consulate notification is voluntary (at the arrestee's option) in some situations and mandatory (the arrestee has no option) in others. The Communications Unit will maintain a list of countries that require mandatory notification. Mexico is a voluntary notification country. If you arrest a national of any country other than Mexico, you must contact Communications to determine if notification is mandatory or voluntary.

1. Voluntary Notification Procedures

- a. If the deputy has knowledge that the individual taken into custody is a foreign national from a voluntary notification country, he/she must advise the arrestee of the right to notify the arrestee's consulate. Deputies shall make use of the advisory statements outlined on the back of form PCSD 900.
- b. If the arrestee requests notification to his/her consulate, the deputy shall complete the following:
 - (1) Fill out form PCSD 900 in its entirety
 - (2) Fax the document to the appropriate consulate
 - (3) Forward a copy of the notification to the Pima County Sheriff's Department Fugitive Investigations Strike Force (F.I.S.T.) Supervisor

- (4) Forward the original notification document to:

PIMA COUNTY SHERIFF'S DEPARTMENT, RECORDS UNIT

2. Mandatory Notification Procedures

- a. If a foreign national from a mandatory notification country is taken into custody, the arresting deputy **MUST** advise the arrestee that the arrestee's consulate will be notified of the arrest. Deputies shall make use of the advisory statements outlined on the back of form PCSD 900.
- b. The deputy shall complete the following:
- (1) Fill out form PCSD 900 in its entirety
 - (2) Fax the document to the appropriate consulate
 - (3) Forward a copy to the Pima County Sheriff's Department Fugitive Investigations Strike Unit (F.I.S.T.) supervisor
 - (4) Forward the original notification document to:

PIMA COUNTY SHERIFF'S DEPARTMENT, RECORDS UNIT

C. Continuance of Investigation

Once the Consulate or Embassy notification has been made, internal investigations can continue. If the consulate contacts the deputy handling the case and requests to speak with the suspect, the consulate is entitled to reasonable, private access.

The consulate may not act as an attorney and may not invoke any of the suspect's/arrestee's rights on the suspect's/arrestee's behalf.

XIII. RESTRAINING ARRESTEES

- A. Arrested persons shall be handcuffed and the handcuffs double locked when arrestees are being held or transported outside the detention or corrections facilities.
- B. Other Department approved restraint devices may be used in situations where conventional handcuffing alone is not successful.

- C. After any restraint device has been applied, arrestees who are prone shall be placed in an upright position as soon as possible. Any exceptions shall be for medical purposes only.
- D. Expectorant Shield
1. The Department's authorized expectorant shield is to be used with in-custody subjects who are either spitting at law enforcement personnel, are violent, and/or bleeding from the mouth or head area.
 2. The expectorant shield is made from nylon mesh and is large enough to fit over the head and to be tied in the back. It is imperative that the straps are placed **UNDER** the arms; the shields are **NEVER**, under any circumstances, to be tied around the neck. The shield is designed to allow unrestrictive breathing and yet keep expectorant and/or blood from contacting the Department member.
 3. The expectorant shield is considered a form of restraint in that it effectively restrains the prisoner or inmate, in a safe and humane manner, from projecting expectorant or blood onto Department members.
 4. When the expectorant shield is applied to any inmate or prisoner, that inmate or prisoner shall be **continuously** monitored by the actual physical presence of a Department member in the **immediate** proximity of the inmate or prisoner. At no time shall the inmate or prisoner be left alone and unmonitored.

In situations where the inmate or prisoner is complaining of being claustrophobic or is having difficulty breathing as a result of the shield, the shield shall be immediately removed and the inmate or prisoner evaluated for medical assistance.

5. The expectorant shield shall be removed from the inmate or prisoner as soon as it is believed safe to do so, or as directed by a supervisor. Following use, the expectorant shield is to be disposed of in a manner appropriate for contaminated materials. A replacement shield should then be obtained from Material Management.

XIV. DNA TESTING OF ARRESTEES

- A. Pursuant to A.R.S. §13-610, DNA testing of adults arrested for any of the following criminal violations is required:
1. Negligent Homicide: 13-1102
 2. Manslaughter: 13-1103
 3. Murder, 2nd Degree: 13-1104
 4. Murder, 1st Degree: 13-1105
 5. Indecent Exposure: 13-1402
 6. Public Sexual Indecency; Public Sexual Indecency to a Minor: 13-1403
 7. Sexual Abuse: 13-1404
 8. Sexual Conduct with a Minor: 13-1405
 9. Sexual Assault: 13-1406
 10. Molestation of a Child: 13-1410
 11. Bestiality: 13-1411
 12. Continuous Sexual Abuse of a Child: 13-1417
 13. Burglary, 2nd Degree: 13-1507
 14. Burglary, 1st Degree: 13-1508
 15. Keeping or Residing in House of Prostitution; Employment in Prostitution: 13-3208
 16. Prostitution: 13-3214
 17. Portraying Adult as Minor: 13-3555
 18. Incest: 13-3608

19. The following violations when the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury is involved:
- a. Aggravated Assault: 13-1204
 - b. Arson of an Occupied Structure: 13-1704
 - c. Armed Robbery: 13-1904
 - d. Kidnapping: 13-1304
 - e. Sexual Conduct with a Minor Under Fifteen (15) Years of Age: 13-1405(B)
 - f. Child Prostitution: 13-3212
 - g. Any dangerous crime against children under 13-604.01(N)(1)

B. Adults arrested for any of the above offenses shall be booked into the Pima County Adult Detention Center.

C. Juveniles booked as adults at the Pima County Adult Detention Center will be required to undergo DNA testing under this statute. Samples will not be obtained from juveniles physically referred to the Pima County Juvenile Court Center.

XV. TRANSPORTING PRISONERS

A. Prisoners shall be placed in the front seat of a patrol vehicle if no screen or shield is in the vehicle. When the vehicle is equipped with a screen or shield, the prisoner shall be placed in the rear seat.

B. The seat belt shall be utilized to secure the prisoner.

C. Prisoners shall not be transported while lying on their chest, stomach, or side.

D. Neither juveniles and adults nor males and females shall be transported together unless authorized by a supervisor.

- E. When a deputy transports a member of the opposite sex, other than an observer or member of the Department, in a Department vehicle, the officer shall advise the radio dispatcher of the situation, location, destination, and odometer mileage. Upon arrival at the destination, the odometer mileage shall be given to the radio dispatcher

XVI. INTERVIEW ROOM SECURITY

When a deputy has taken an arrestee into custody and the arrestee is being taken to an interview room, the following policy shall apply:

- A. Upon placing the arrestee in an interview room, the escorting deputy shall ensure that:
 - 1. The arrestee has been searched
 - 2. The arrestee is handcuffed to the rear, and the handcuffs are double locked
- B. The handcuffs shall remain on the arrestee at all times unless in the presence of a deputy who is interviewing or processing the arrestee.
- C. At no time shall an arrestee be left unattended in an interview room.
- D. If the deputy needs to leave the interview room, he/she shall verify that the arrestee is handcuffed to the rear, the door is dead bolted, and a relief deputy has arrived and has been briefed.

XVII. INTERROGATION OF SUSPECTS

- A. A suspect in custody shall be given Miranda Warnings prior to interrogation. If the suspect explicitly indicates he/she does not want to answer questions or desires to talk with an attorney, then all interrogation is to cease. Interrogation may resume **ONLY** if the suspect initiates, without prompting, further communication, exchanges, or conversations with the deputy.
- B. The only exception to this policy may be made in order to meet the need of emergencies that create immediate danger to the public or law enforcement officers, e.g., finding a hidden weapon, locating a victim, etc.

XVIII. TELEPHONE CALLS FOR ARRESTEES

Persons arrested and booked into the Corrections Bureau shall be allowed to complete a telephone call to arrange for release or for other emergency purposes at the time of booking. The number of calls and telephone numbers shall be listed on the arrest information slip.

- A. If the arrested person is combative or too intoxicated to complete telephone calls, this fact shall be noted on the arrest record, and an opportunity shall be given to complete these calls at a later time.
- B. Telephone calls shall be limited to a reasonable length of time and shall be for legitimate purposes.

XIX. INITIAL APPEARANCES

- A. All suspects arrested for a felony offense or an in-custody misdemeanor must be granted an initial appearance before a magistrate within twenty-four (24) hours of the arrest.
- B. The Interim Complaint form must be completed for all felony arrests.

XX. TRANSPORTATION OF SICK OR INJURED PERSONS

- A. Members of the Pima County Sheriff's Department shall not transport a sick or injured person, prisoners excepted, in departmental vehicles. An ambulance shall be dispatched unless the deputy feels that immediate transportation is vital to save the life of the sick or injured person.
- B. Deputies shall not escort other vehicles unless authorized to do so by a supervisor. Deputies shall not use emergency equipment when escorting other vehicles.
- C. A deputy may, through Communications, notify the receiving hospital or medical facility of the approximate ETA and the nature and severity of the victim's illness.

- D. If a person who has been arrested becomes ill or sustains an injury after arrest and prior to being booked into the Pima County Corrections Bureau, the arresting deputy shall:
1. Immediately notify a supervisor
 2. Transport the prisoner to the currently designated hospital by departmental vehicle, if possible, or ambulance, if necessary
 3. Obtain a medical release from the hospital personnel who treat the prisoner
 4. Recount in the offense report or supplement the illness or injury and how it came about
 5. Take photographs of the injury/injuries
- E. Persons who are ill or injured prior to being arrested and are field released need not be treated by medical personnel if:
1. Department personnel are in no way involved in the injury
 2. The person can be field released rather than physically referred to the Pima County Juvenile Court Center or booked into the Pima County Corrections Bureau
 - a. The person is a juvenile who may be released to a parent or guardian rather than being physically referred to the Pima County Juvenile Court Center.
 - b. The person is an adult who is charged with a misdemeanor as provided for in A.R.S. § 13-3903.
 3. Persons who are to be incarcerated must be treated and released in accordance with paragraph D above.

XXI. EMERGENCY ADMISSION OF A MENTALLY DISTURBED PERSON

- A. Procedures for the emergency admission of mentally disturbed persons are provided for under A.R.S. § 36-524. Such admissions are accomplished by telephonic application for emergency admission to an evaluation agency.
1. Health facilities designated as evaluation agencies in Pima County are as follows:
 - a. University Physicians Hospital at Kino
 - b. Arizona Health Sciences Center (University of Arizona)
 - c. Veterans Memorial Hospital
 - d. Palo Verde Hospital
 2. Applications for petitions for emergency admission may be made by applicants only when the following two conditions are met:
 - a. The applicant personally observes overt symptoms of mental illness on the part of the person to be admitted.
 - b. The applicant believes, through personal observation, that the person to be committed is a danger to self or others.
 - (1) "Danger to self" means behavior that constitutes a danger of inflicting substantial bodily harm upon oneself, including attempted suicide.
 - (2) "Danger to others" means behavior that constitutes a danger of inflicting substantial bodily harm upon another person.
 3. In situations where a deputy is the sole observer of the person's behavior, the deputy shall be the applicant for the petition to have the person admitted.
 4. In situations where only a private citizen has observed the person's behavior, the private citizen must be the applicant, and the deputy shall assist the private citizen in seeking application for emergency admission by telephone.

- B. The field procedure for obtaining a telephonic application for emergency admission is as follows:
1. Whenever necessary, deputies may call the SAMHC Crisis Center for advice and assistance when encountering mentally disturbed persons.
 2. Upon personally observing or being informed of acts constituting grounds for emergency admission, the deputy shall attempt to convince the disturbed person to voluntarily submit to hospitalization for evaluation, care, and treatment.
 - a. Persons eighteen (18) years or older shall sign such application themselves.
 - b. Persons under eighteen (18) years of age must be accompanied by a parent, guardian, or next of kin to the evaluation agency.
 - c. Deputies shall transport such voluntary applicants if no other person or means of transportation is available or if the deputy believes police transportation should be utilized for safety reasons.
 3. If the disturbed person refuses voluntary evaluation and the deputy has probable cause to believe that the person meets the conditions for emergency admission per the preceding paragraph A.2. above, the deputy shall seek such admission.
 - a. If no other person qualifies or is willing to act as the applicant, the deputy shall act as applicant as long as the deputy meets the requirements in paragraph A.2. above.
 - b. If another person is present who can act as the applicant, the deputy shall assist in the emergency admission process.
 4. The deputy shall contact one of the evaluation agencies identified in paragraph A.1. above and apply for emergency admission by telephone to the on-call screening physician.
 - a. If the on-call physician is not at the facility, a nurse will take the deputy's phone number, and the physician will be paged and advised to contact the deputy.

- b. Upon contacting the on-call physician, the applicant deputy or private citizen shall provide the following information:
 - (1) A statement that the applicant believes, on the basis of personal observation, that the person is, as a result of mental disorder, a danger to self or others
 - (2) The specific nature of the danger
 - (3) A summary of the observations upon which the statement of danger is based
 - (4) A statement of the facts that called the person to be admitted to the applicant's attention
 - c. The on-call physician will make a determination over the phone, based upon the facts provided, whether the mentally disturbed person will be admitted for observation.
5. Only when the on-call physician has given statutory authority shall a mentally disturbed person be transported to an evaluation agency.
- a. If the responsible deputy perceives no danger in transporting the mentally disturbed person, the individual may be transported in a departmental vehicle. If possible, two (2) deputies shall accompany the person to the evaluation agency or the person shall be transported in a screened unit.
 - b. Should the deputy feel an ambulance is more appropriate to transport the person to the evaluation agency, an ambulance shall be requested. The person shall be restrained as circumstances dictate and then transported to the evaluation agency.
 - c. If a private citizen is the applicant, the citizen should make arrangements for personal transportation to the evaluation agency; however, the deputy, if unable to make such arrangements, may transport the citizen.
 - d. If the private citizen is the sole observer of the disturbed person's behavior under conditions described in A.2. above, the citizen must be present at the evaluation agency to sign the petition for emergency admission.

6. Upon arrival at the evaluation agency, the applicant deputy or private citizen will be required to complete a written report on the application petition and provide the information specified in paragraphs B.4.b. (1) through (4) above.
 - a. Deputies shall prepare an incident report of the incident that shall contain the probable cause leading the deputy to transport the disturbed person to the evaluation agency. The name and title of the evaluating physician and whether the disturbed person was admitted shall be noted.
 - b. If the deputy is the applicant, the deputy shall remain at the evaluation agency until the evaluating physician has determined if the person will be admitted. If the person is not admitted, the deputy shall take appropriate enforcement action or arrange to have the person transported back to the place of apprehension.
- C. When a private citizen wishes to obtain emergency admission of a mentally disturbed person but cannot meet the requirements of paragraph A.2. above, the deputy should advise the citizen to contact one of the indicated evaluation agencies to ascertain what non-emergency procedures are available.