

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 likely 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 also 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. Victims and potential victims of domestic violence shall be given the Pima County Sheriff's Department Victims' Rights Pamphlet (PCSD88).

- B. 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), immediate notification shall be made to the Domestic Violence Unit Supervisor or the Night Detective Unit Supervisor, as applicable.
- C. Reports
1. All domestic violence incident reports shall be dictated as either:
 - a. Priority one (1) for arrests, felonies, and cases involving children; or
 - b. Priority two (2) for other cases.
 2. In cases involving children:
 - a. A report shall be made to the Department of Child Safety's law enforcement hotline.
 - b. Children's information shall be entered in Spillman and connected to the incident report.
 - c. The name of each child's legal guardian shall be included in the incident report.
- D. Arrest Policy
1. Pursuant to A.R.S. § 13-3601, 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 the defendant has committed an act of domestic violence and has inflicted physical injury on the victim.
 - b. There is probable cause to believe 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 commissioned member. 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 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 in the case report, to include the commissioned member's belief that the victim will be protected and the exceptional circumstances that exist.
2. In all other cases, a person may be arrested if there is probable cause to believe that domestic violence has been committed **and** there is probable cause to believe that the person to be arrested committed the offense, whether the offense is a felony or misdemeanor and whether or not the offense was committed in the presence of the commissioned member. If an arrest is made, it shall be a **physical** arrest.

- a. A juvenile transported to the Crisis Response Center (CRC), shall be paper referred to their parent, legal guardian, or custodian (if available). This does not apply to a juvenile that is arrested/charged as an adult under A.R.S. § 13-501.
 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 commissioned member shall exercise his/her judgment based on the facts as they reasonably appear and considering the potential for violence or harm.
 5. The commissioned member 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 probable cause does not exist and no arrest is made, the alleged or potential victims shall be given the Victims' Right Pamphlet.
- E. Department Members Involved in Domestic Violence
1. When responding to a report of domestic violence involving a Department member, a commissioned member shall notify the Domestic Violence Unit Supervisor as soon as possible and provide the facts of the incident.
 2. In all cases the Domestic Violence Unit Supervisor shall notify:
 - a. The appropriate CID Commander who will determine if a criminal investigation will be initiated
 - b. The Office of Professional Standards Commander
 - c. The Peer Support Supervisor, if applicable.
 - d. The member's immediate supervisor
 3. The Office of Professional Standards shall have primary responsibility for the administrative investigation.

4. Any member involved in a report of domestic violence investigated by any law enforcement agency shall immediately notify his/her supervisor.
5. Any supervisor informed of a domestic violence investigation by another agency involving a Department member shall forward the information, via memorandum, to the Office of Professional Standards Commander.

F. Department Members Convicted of a Crime of Domestic Violence

1. If a member is convicted of a crime of Domestic Violence, the member is subject to sanctions of the Federal Firearms Law and may be termed a prohibited possessor of firearms and ammunition.
2. A member convicted of a crime of Domestic Violence shall immediately notify his/her immediate supervisor of the conviction. The member's firearms privilege shall be revoked, if applicable.
 - a. Members who have their firearm privileges revoked 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 shall deliver the weapons and ammunition to the Department Armorer within twenty-four (24) hours.
 - c. When the member is no longer a prohibited possessor, all firearms and ammunition previously relinquished may be reissued to the member by the Department Armorer.
3. Commissioned members affected by the law shall be placed in a limited-duty status for up to thirty (30) work days.
4. Resolution of Conviction – Commissioned Members
 - a. The member will be placed on Administrative Suspension without pay if the case is not resolved in thirty (30) work days.

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

G. 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. An Order of Protection and the Injunction Against Harassment are effective for one (1) year from the date of service. When served in the field, the member making service shall complete the affidavit or certificate of service and forward it to the Civil Unit for processing through the originating court, thereby initiating the registration process through 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 one (1) year from the date of service on the defendant.

3. Unless otherwise stated, the Preliminary Injunction is effective against the petitioner when the petition is filed and against the respondent on service of a copy of the order or on actual notice of the order, whichever is sooner. The Preliminary Injunction remains effective until further order of the court or the entry of a decree of dissolution, legal separation, or annulment. The member making service shall complete the affidavit or certificate of service and forward it to the Civil Unit for processing through the originating court, thereby initiating the registration process through Terminal Operations.

A certified copy of an injunction, 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, legal separation, or annulment.

4. If probable cause exists to believe that a person is in violation of a valid Order of Protection, Injunction Against Harassment, or Preliminary Injunction, that person shall be physically arrested, whether or not the arresting member 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 and/or other A.R.S. violations shall be charged separately.
5. Orders of Protection issued in any jurisdiction, so long as they are effective in the issuing jurisdiction, are given full faith and credit and will be enforced accordingly. 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 or Certificate of Service

Whenever an Order of Protection is served, an Affidavit or Certificate of Service shall be completed and forwarded to the Civil Unit for processing through the originating court. An Affidavit or Certificate of Service is already incorporated on Emergency Orders of Protection.

- a. The Affidavit or Certificate of Service shall be completed by the member 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 (issuing Court assigned number), whichever is listed on the Order of Protection, shall be entered on the appropriate line of the Affidavit or Certificate of Service.
 - (3) The member shall note the date the order was received for service, the name and date of birth of the person it was served on, and the date, time, and location of service. The serving member shall date and sign the Affidavit or Certificate of Service.
 - (4) Circle the court (see RETURN TO) that issued the Order of Protection.

- b. The original Affidavit or Certificate of Service shall not be attached to case reports or M.I. cards.
- c. The Affidavit or Certificate of Service shall be forwarded to the Civil Unit.

H. Emergency Orders of Protection

1. During the hours that the courts are closed, a judge, justice of the peace, magistrate, or commissioner may telephonically issue an emergency order of protection if a peace officer states that he/she has reasonable grounds to believe 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. An Emergency Order of Protection may be requested 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.
 - b. Terminal Operations shall maintain a list of names and phone numbers of available judges, justices of the peace, magistrates, and commissioners who may issue Emergency Orders of Protection telephonically.
 - c. The commissioned member shall provide the on-call judicial officer the grounds on which the emergency order should be issued. If the emergency order is issued, the member 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, this fact shall be documented in the case report.

- d. The Emergency Order of Protection must be served on the defendant to be effective. If the defendant cannot be personally served, the member may notify the defendant of the existence and content of the order by phone or other means. The service or notification of the defendant shall be documented. 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. Terminal Operations shall be verbally notified of all Emergency Orders of Protection as soon as practicable after service or notification. Terminal Operations will provide an assigned court number for the order at this time.
- f. Efforts to obtain an Emergency Order of Protection shall be documented in a case report. The original Emergency Order of Protection that was served on the defendant shall be forwarded to the Records Maintenance Unit.
- g. Records Maintenance shall return to the Clerk of the Superior Court the original Emergency Order of Protection that was issued.
- h. The Terminal Operations 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.

I. Victim Address Confidentiality Program

The Address Confidentiality Program (ACP) provides victims of domestic violence, sexual abuse, or stalking a mechanism to keep their physical address confidential. The Secretary of State is responsible for administering this program.

1. Victims must register with the Secretary of State to be eligible for participation in the Address Confidentiality Program. The victim will be issued a card after registering.
2. If an ACP registrant's physical address is needed for investigative purposes, contact the ACP emergency phone number (602-542-1892) to verify the participant is still enrolled in the ACP. After verification, fax to the ACP Director, or their designee, a completed "Emergency Disclosure of Participant Information" form with a formal written request on Department letterhead. (Form is available on the Portal and/or the Secretary of State website.)
 - a. Copy of the packet faxed to the ACP Director shall be forwarded to the Records Maintenance Unit. ACP documentation shall be kept in a separate "secure" file to maintain confidentiality.
3. Department Reports and/or Records
 - a. The victim's actual physical address shall remain confidential in all Department records.
 - b. The victim's substitute address shall be used in the case report and in all Department records.

- c. Circumstance code “ACP” shall be entered.
 - d. All reports shall be designated as “Restricted Access – Address Confidentiality Program.”
- J. Seizure of Firearms Pursuant to A.R.S. §13-3601
1. A firearm seized pursuant to A.R.S. § 13-3601 shall be placed into the Evidence Unit and held for no fewer than fourteen (14) days.
 - a. The owner or possessor of the firearm(s) shall be given a copy of the Property and Evidence Control Form listing the seized firearm.
 - b. The victim of the Domestic Violence incident shall be given information regarding how the firearm may be released.
 2. A case report shall be completed documenting the reason for the seizure. The report shall list circumstance codes for domestic violence (DOMV) and firearm involvement (GUN). A copy of the report shall be forwarded to the Domestic Violence Unit Supervisor.
 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 as defined in A.R.S. § 13-3101.7.
 6. The member 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 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 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 and Misdemeanor Warrants

1. Upon confirmation, the detaining commissioned member shall arrest the fugitive. In cases of out-of-custody warrants, the fugitive shall not be arrested if the agency holding the warrant declines extradition.
2. The arresting member, or detective(s), shall question fugitives who have waived their Rights when necessary. Conversations with fugitives shall be documented in the member's report.
3. Fugitives shall be transported and booked into the Pima County Jail in conformity with Department rules, regulations, and procedures.
4. 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.

5. With approval of a supervisor or above, the detaining commissioned member may use his/her discretion and NOT arrest the fugitive under exigent circumstances (operational needs far outweigh the need to have a member 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 commissioned member 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.

B. Corrections Officers Serving Warrants

Pursuant to A.R.S. §13-3907, a corrections officer may arrest and serve warrants on individuals who are incarcerated in the Pima County Adult Detention Center or those who surrender themselves to that facility with an active warrant.

1. The corrections officer serving the warrant shall:
 - a. Contact Communications to confirm the validity of the warrant prior to service;
 - b. Verify the agency holding the warrant will extradite;
 - c. Verify the identity of the individual and ensure the warrant is for that specific individual through in-person contact when possible; and
 - d. Document actions taken in a supplement or original law incident report.

VI. EXTRADITIONS

- A. Terminal Operations shall be responsible for coordinating extraditions with the County Attorney or Arizona Attorney General'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.
 - 1. Coordinate transportation with the contract vendor and/or the Department's Air Unit.
 - 2. A Terminal Operations Supervisor shall authorize any extradition less than \$1,000. Extraditions \$1,000 or greater shall be authorized by the Information Systems Section Manager.
- C. If Terminal Operations is unable to secure/confirm arrangements for the prisoner's transportation, they will complete an Extradition Travel Order Form and forward to the Grants and Planning Unit Supervisor for assistance.
- D. The Grants and Planning Supervisor shall determine the method of transportation, the number of commissioned members required to accomplish the extradition, and the necessity for car rental and hotel accommodations.
- E. The Grants and Planning Unit shall maintain a list of commissioned members that have volunteered to participate in extraditions. The list shall contain the following information:
 - 1. Name and badge number
 - 2. Current assignment
 - 3. Desired travel location(s)
- F. Names shall be placed on the list in the following order of priority:
 - 1. Deputies
 - 2. Sergeants
 - 3. Commanders

- G. An extradition shall be advertised in the Daily Bulletin if time permits and there are no volunteers on the list for a specific location.
 - 1. If no one responds, the Support Services Division Commander shall assign an area of the Department to conduct the extradition.
- H. Commissioned members wanting to be on the extradition rotation list shall submit a memorandum to the Grants and Planning Supervisor, via chain of command, indicating desired travel locations (city and/or state).
- I. Only members ordered to perform an extradition shall be eligible to receive overtime compensation in accordance with Pima County Administrative Procedures, Business Travel. Volunteers shall not be eligible to receive overtime compensation.

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 Section 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 Section 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.

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 Section 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 Section 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 Section 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, 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).

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 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 Division 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 or consular 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 appropriate Division Commander.
 1. Officers shall prepare incident reports for all contacts where immunity is claimed and forward, via chain of command, to their Division Commander.
 2. The Division 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. INTERNATIONAL BORDER RELATED ISSUES

Pima County shares approximately 125 miles of border with Mexico which allows trans-national traffic to pass, including illegal drug and human trafficking. The Department will act to detect, deter, and investigate State and local crimes related to cross-border traffic while also cooperating with Federal authorities.

A. Definitions

1. **RACIAL OR BIAS-BASED PROFILING:** An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.
2. **FEDERAL IMMIGRATION AUTHORITIES:** Law enforcement officers authorized by the Federal government under title 8 U.S.C. § 1357 to verify or ascertain immigration status including Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Border Patrol (USBP).

- B. Department members shall **NOT** proactively pursue investigations regarding Federal immigration law.
1. Members shall not inquire as to how a person entered the United States unless it is a valid element of a criminal investigation.
 2. Members shall not inquire about immigration status while on the grounds of a public or private educational institution unless such inquiry is a valid part of a criminal investigation.
 3. Members shall not inquire about immigration status during consensual contacts.
- C. Department members shall not engage in racial or bias-based profiling.
1. In establishing reasonable suspicion or probable cause, members shall not consider race, color, or national origin except when it is part of a specific suspect description.
 2. No single factor, other than an admission, is sufficient to develop reasonable suspicion that a person is in the United States without proper documentation and would give rise to a request for Federal immigration authorities.
 3. Members shall document the existing reasonable suspicion in a case report.
- D. When reasonable suspicion exists that a person is unlawfully present in the United States, a reasonable attempt shall be made to determine the immigration status of the person.
1. Members shall not inquire of victims and witnesses about immigration status unless the crime involved includes an element related to immigration status.
 2. Such efforts should not be made if determination of immigration status may hinder or obstruct an investigation.
 3. Attempts to determine the immigration status of a person should not prolong the time it takes to complete the original investigation or other enforcement action.
 4. Persons determined, by Federal immigration authorities, to be in the United States unlawfully shall be turned over to Federal custody.

5. Members shall not transport or deliver an individual to Federal immigration authorities unless Federal immigration authorities verify the person is wanted for a criminal immigration violation or the person has a civil immigration violation only and consents to a transport.
6. All persons booked into the Pima County Adult Detention Center shall have their immigration status determined prior to release from custody.

E. Verification

1. Immigration status shall be verified with Federal immigration authorities.
2. A person is presumed to be lawfully present in the United States if the person provides any of the following.
 - a. A valid Arizona driver license
 - b. A valid Arizona non-operating identification
 - c. A valid Tribal enrollment card or other form of Tribal identification
 - d. Any other valid United States government – Federal, State, or local – issued identification, if such entity requires proof of legal presence before issuance.

F. Interaction with Federal Immigration Authorities

1. Members shall cooperate with Federal immigration authorities.
2. Members shall not participate in immigration checkpoints except when requested to respond and enforce a specific State or local statute.
3. Members may participate in border security missions when approved by a Chief.
4. Members shall comply with all Federal and Department reporting requirements.

- G. Requests for assistance from Federal immigration authorities shall be made via the Department's Communications Section.
1. Communications shall track Department requests for Federal immigration authority assistance or response.
 2. The Communications Section Commander shall complete a monthly synopsis of this data.
 3. Unless absolutely necessary, requests for Federal immigration authorities shall not be made by personal or Department-issued cell phones.

XIII. 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. Commissioned Members are required to notify foreign citizens who are taken into custody of their right to consular notification.
2. This requirement does not allow members 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 member 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. Mexico is a voluntary notification country. If you arrest a national of any country other than Mexico, visit the U.S. Department of State website (travel.state.gov/CNA) to determine if notification is mandatory or voluntary.

1. Voluntary Notification Procedures

- a. If the member 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. Members 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 member 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 Investigative Strike Team (F.I.S.T.) Supervisor
 - (4) Forward the original notification document to:

**PIMA COUNTY SHERIFF'S DEPARTMENT, RECORDS
MAINTENANCE UNIT**

2. Mandatory Notification Procedures

- a. If a foreign national from a mandatory notification country is taken into custody, the arresting member **MUST** advise the arrestee that the arrestee's consulate will be notified of the arrest. Members shall make use of the advisory statements outlined on the back of form PCSD 900.

- b. The member 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 Investigative Strike Team (F.I.S.T.) supervisor
 - (4) Forward the original notification document to:

**PIMA COUNTY SHERIFF'S DEPARTMENT, RECORDS
MAINTENANCE UNIT**

C. Continuance of Investigation

Once the Consulate or Embassy notification has been made, internal investigations can continue. If the consulate contacts the member 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.

XIV. 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 the Logistics Section.

XV. 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.

XVI. 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.

XVII. INTERVIEW ROOM SECURITY

When a commissioned member 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 member 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 member who is interviewing or processing the arrestee.
- C. At no time shall an arrestee be left unattended in an interview room.
- D. If the member 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 member has arrived and has been briefed.

XVIII. 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, all interrogation is to cease. Interrogation may resume ONLY if the suspect initiates, without prompting, further communication, exchanges, or conversations with the commissioned member.
- 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.

XIX. TELEPHONE CALLS FOR ARRESTEES

Persons arrested and booked into the Pima County Adult Detention Center 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 called 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 the arrestee given an opportunity 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.

XX. 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.

XXI. 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 there is reason to believe that immediate transportation is vital to save the life of the sick or injured person.
- B. Department members shall not escort other vehicles unless authorized to do so by a supervisor. Emergency equipment shall not be used when escorting other vehicles.
- C. Upon request, Communications may notify the receiving hospital or medical facility of the approximate ETA and the nature and severity of the victim's illness.
- D. If an arrestee becomes ill or sustains an injury after arrest but prior to being booked into the Pima County Adult Detention Center, the arresting member shall:
 - 1. Immediately notify a supervisor
 - 2. Transport the prisoner to the 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 Adult Detention Center
 - 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.

XXII. 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. The Crisis Response Center (CRC) located at the University of Arizona Medical Center South Campus is the only designated evaluation facility for mental issues in Pima County.
 2. Applications for petitions for emergency admission may be made by applicants only when the following two (2) 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 commissioned member is the sole observer of the person's behavior, the member 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; the member shall assist the private citizen in seeking the application.
- B. The field procedure for obtaining a telephonic application for emergency admission is as follows:
1. Whenever necessary, commissioned members may call the CRC at (520) 622-6000 for advice and assistance when encountering persons with mental illnesses.
 2. Upon personally observing or being informed of acts constituting grounds for emergency admission, the member shall attempt to convince the person to voluntarily seek evaluation, care, and treatment at the CRC.
 - a. Persons eighteen (18) years or older shall sign such application themselves.
 - b. Persons under eighteen (18) years of age cannot be admitted to the CRC without the consent for treatment of a parent, legal guardian, or Department of Child Safety representative.
 - (1) Members must remain at the CRC until permission to treat the juvenile has been granted.
 - c. Members shall transport such voluntary applicants if no other person or means of transportation is available or if the member believes police transportation should be utilized for safety reasons.

3. If the person refuses voluntary evaluation and the member has probable cause to believe that the person meets the conditions for emergency admission per the preceding paragraph A.2. above, the member shall seek such admission.
 - a. If no other person qualifies or is willing to act as the applicant, the member shall act as applicant as long as the member meets the requirements in paragraph A.2. above.
 - b. If another person is present who can act as the applicant, the member shall assist in the emergency admission process.

4. The member shall contact the CRC and apply for emergency permission to transport for treatment.
 - a. If the on-call physician is not at the facility, a nurse will take the member's phone number, and the physician will be paged and advised to contact the member.
 - b. Upon contacting the on-call physician, the applicant member 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 person will be admitted for observation.

5. Only when the on-call physician has given statutory authority shall the person be transported to the CRC, in a departmental vehicle.
 - a. Two (2) members shall accompany the person to the evaluation agency or the person shall be transported in a screened unit.
 - b. Ambulances shall not be used for transport to the CRC. Ambulances will only be utilized if there is an immediate medical emergency which supersedes the need for a mental evaluation.
 - c. If a private citizen is the applicant, the citizen should make arrangements for personal transportation to the evaluation agency; however, if unable to make such arrangements the member may transport the citizen.
 - d. If the private citizen is the sole observer of the person's behavior under conditions described in A.2. above, the citizen must be present at the CRC to sign the petition for emergency admission. In order to transfer statutory authority to treat, the member must remain at the CRC until the petition has been signed by the private citizen and notarized by the staff.
6. Upon arrival at the CRC, the applicant member 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. Members shall prepare a case report of the incident that shall contain the probable cause leading the member to transport the person to the CRC. The name and title of the evaluating physician and whether the person was admitted shall be noted.
 - b. If the member is the applicant, the member shall remain at the CRC until the person is accepted by CRC staff for evaluation and treatment.
- C. When a private citizen wishes to obtain emergency admission of a person but cannot meet the requirements of paragraph A.2. above, the member should advise the citizen to contact the Crisis Call Center at (520) 622-6000 to ascertain what non-emergency procedures are available.