



City of Atlanta

Atlanta Police Department

Internal Correspondence

Office of Professional Standards

MEMORANDUM

TO: Officer Zaniya Davis
FROM: Investigator D.S. Smith, OPS Internal Affairs
DATE: August 23, 2023
RE: OPS Investigation Statement Required

ATTENTION: Please Respond to this Notification Immediately

The Office of Professional Standards is conducting an investigation where you have been identified as a **SUBJECT** in an Internal Investigation. This investigation concerns a complaint under Internal Affairs Investigation File # **23-I-0417-ICD**.

You are hereby requested to contact this office immediately upon receipt of this notice, Monday through Friday at (404)546-5945 between 8:00am and 4:00pm.

You will be required to provide a statement at the Office of Professional Standards, located at **185 Ted Turner Dr SW Suite 2100, Atlanta, GA 30303**.

APD.SOP.2020 section 3.6, Disciplinary Process, describes your rights as an employee and your right to have an attorney or representative present during an administrative investigation.

Please contact me, Investigator D.S. Smith, upon receipt of this letter.

Thank you in advance for your cooperation and time.

C: OPS Complaint File: **23-I-0417-ICD 1st Notice**

P-19-6-9



MEMORANDUM

TO: Officer Rontarin David
FROM: Investigator D.S. Smith, OPS Internal Affairs
DATE: August 23, 2023
RE: OPS Investigation Statement Required

ATTENTION: Please Respond to this Notification Immediately

The Office of Professional Standards is conducting an investigation where you have been identified as a **SUBJECT** in an Internal Investigation. This investigation concerns a complaint under Internal Affairs Investigation File # **23-I-0417-ICD**.

You are hereby requested to contact this office immediately upon receipt of this notice, Monday through Friday at (404)546-5945 between 8:00am and 4:00pm.

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Please contact me, Investigator D.S. Smith, upon receipt of this letter.

Thank you in advance for your cooperation and time.

C: OPS Complaint File: **23-I-0417-ICD 1st Notice**

P-19-7-9



City of Atlanta

Atlanta Police Department

Internal Correspondence

Office of Professional Standards

MEMORANDUM

TO: Officer Lamar Jacobs
FROM: Investigator D.S. Smith, OPS Internal Affairs
DATE: August 23, 2023
RE: OPS Investigation Statement Required

ATTENTION: Please Respond to this Notification Immediately

The Office of Professional Standards is conducting an investigation where you have been identified as a **SUBJECT** in an Internal Investigation. This investigation concerns a complaint under Internal Affairs Investigation File # **23-I-0417-ICD**.

You are hereby requested to contact this office immediately upon receipt of this notice, Monday through Friday at (404)546-5945 between 8:00am and 4:00pm.

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Thank you in advance for your cooperation and time.

C: OPS Complaint File: **23-I-0417-ICD 1st Notice**

P-19-8-9



MEMORANDUM

TO: Officer Kerry Gilles
FROM: Investigator D.S. Smith, OPS Internal Affairs
DATE: August 23, 2023
RE: OPS Investigation Statement Required

ATTENTION: Please Respond to this Notification Immediately

The Office of Professional Standards is conducting an investigation where you have been identified as a **SUBJECT** in an Internal Investigation. This investigation concerns a complaint under Internal Affairs Investigation File # **23-I-0417-ICD**.

You are hereby requested to contact this office immediately upon receipt of this notice, Monday through Friday at (404)546-5945 between 8:00am and 4:00pm.

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APD.SOP.2020 section 3.6, Disciplinary Process, describes your rights as an employee and your right to have an attorney or representative present during an administrative investigation.

Please contact me, Investigator D.S. Smith, upon receipt of this letter.

Thank you in advance for your cooperation and time.

C: OPS Complaint File: **23-I-0417-ICD 1st Notice**

P-19-9-9



Atlanta Police Department, GA
 226 Peachtree St SW
 Atlanta, GA, 30303
 (140) 424-3663

Draft

Use of Force S-232221937-1

Use of Force S-232221937-1

Primary Officer: Skeens, William (4307)

Overview

Event Information

Event Details

Incident ID: 232221937 Date: 08/10/2023 Time: 23:59 Location: 435 Joseph E Lowery Blvd SW, Atlanta, GA, 30310, USA
 Location Type: Highway/Road/Alley/Street/Sidewalk Zone of Occurrence : 1 Beat of Occurrence: 104
 INITIAL SIGNAL ON CALL?: 41 FINAL SIGNAL ON CALL?: 41/29 Incident Type: Traffic
 Reason For Initial Contact: Call for Service Video of Incident: On-Officer Ambushed: No Was Senior Officer Present?: No
 Other Agencies Involved?: No

Duty to Intercede

Was there an attempt to intercede regarding the force used?: No

Offense: 16-10-24(b) - 16-10-24(b) - WILLFUL OBSTRUCTION OF LAW ENFORCEMENT OFFICERS BY USE OF THREATS OR VIOLENCE - FEL

Citizens

Hollman, Johnny

Citizen Role

Role: Subject

Citizen Details

Last Name: Hollman First Name: Johnny DOB: [REDACTED]/1961 Age: 62 Sex: Male Race: Black

Identifying Documents

ID Type: Driver's License

Contact

Address Type: Home Location: 2479 Abner Ter NW, Atlanta, GA, 30318, USA
 Phone Number Type: Home

Use Of Force Circumstances

Subject Armed: No Subject Impaired: No Subject Resisted: Yes Resistance Level: Active Aggressive, Defensive, Passive
 Types of Resistance: Hands/Fists/Feet, Noncompliance, Resisted Being Handcuffed/Arrested, Verbal Subject Arrested: Yes
 Restraint Used: Yes Types of Restraint: Handcuffs

Injury & Medical Treatment

Subject Injury After Police Contact: Death Injury Cause: Unknown
 Injury Description



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Use of Force S-232221937-1

Citizens (continued)

Hollman, Johnny (continued)

After a physically resisting being placed into custody and striking the officer, the subject was drive stunned by the officer's city issued Taser. The subject was placed into custody only after a concerned citizen assisted the officer. Once in custody the officer observed the subject was not alert and called for medical assistance.

Medical Treatment: Yes Types Of Treatment: EMS Provided on-site, Medical Care at Custody Site, Transported to Medical Facility
 Injury Location: Nose Injury Type: Skin Lacerations (> 0.5 cm)

Roberson, Eric

Citizen Role

Role: Witness

Citizen Details

Last Name: Roberson First Name: Eric DOB: [REDACTED]/1970 Age: 52 Sex: Male Race: Black

Identifying Documents

ID Type: Driver's License

Contact

Address Type: Work Location: 2559 Jonesboro Rd SE, Atlanta, GA, 30315, USA

Phone Number Type: Home Phone Number: [REDACTED]

Officers

Kimbrough, Kiran (7951)

Officer Details

Role: Involved Officer / Employee Number: Kimbrough, Kiran (7951) Officer Years of Service: 2 Officer Identifiable: Yes
 Officer Was Uniformed: Yes Officer Was On Duty: Yes Rank: Police Officer Officer Gender: Male Officer's Race: Black
 Officer's Age: 23 Division: Field Operations (FOD) Section: Zone 1 Unit/Watch: Morning Officer Injured: Yes
 Officer Injury Type: Minor Injury Injury Cause: Subject Aggression

Injury Description

laceration to lip and complaint of back pain

Force

Force Used Against: Citizen Citizen Force Use Against: Hollman, Johnny Subject Injury From Force: Minor / Intended Effects
 Injury Description: minor laceration to nose Force Objective: Compliance
 Did the Officer attempt to deescalate the situation?: Yes Is there BWC footage of the incident?: Yes
 Describe Deescalation attempted: Verbal Threat Perceived: Other
 Force Type: TASER CEW Effectiveness: Slight Effect CEW Model: TASER 7 Serial Number: X4000387X
 CEW Use Type: Drive Stun Drive Stun Discharge Time Delivered (Seconds): 5

Reviewing Sergeant



Officers (continued)

Kimbrough, Kiran (7951) (continued)

Sergeant: Skeens, William (4307) Recommended Disposition: Justified
 Sergeants additional comments

Officer K. Kimbrough was dispatched to a traffic accident. During the course of his on-scene investigation Officer Kimbrough found Mr. Hollman to be at fault and wrote him a citation. When Officer Kimbrough presented the citation to Mr. Hollman, he became verbally combative and refused to sign the citation. Officer Kimbrough explained the citation and provided Mr. Hollman several opportunities to sign the citation.

Mr. Hollman refused to sign the citation and Officer Kimbrough started to place Mr. Hollman into custody when Mr. Hollman started to physically resist. Officer Kimbrough provided several verbal commands to Mr. Hollman to comply, and Mr. Hollman refused. Officer Kimbrough arced his city issued Taser several times to get Mr. Hollman to comply and Mr. Hollman kept resisting. At one point during the physical altercation Mr. Hollman struck Officer Kimbrough in the face splitting Officer Kimbrough's lip. Officer Kimbrough applied a drive stun with his city issued Taser. This provided some effect, but Mr. Hollman kept resisting. A concerned citizen assisted Officer Kimbrough in getting Mr. Hollman into custody.

I, Sgt. W. Skeens find that the force used to effect the arrest of Mr. Hollman was justified under APD SOP 3010 section 4.1.2

Reviewing Lieutenant

Lieutenant: Dearlove, Germain (4971) Recommended Disposition: Justified
 Lieutenants Additional Comments
 Use of force justified.

Reviewing Captain

Captain: Childers, Jeffery (3574) Recommended Disposition: Justified

Reviewing Major

Major: Malecki, Peter (4533) Recommended Disposition: Justified
 Majors Additional Comments
 Use of force justified, however additional de-escalation warranted.

Investigative Summary

Investigative Summary

Investigative Summary

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Use of Force S-232221937-1

Investigative Summary (continued)

Investigative Summary

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A20-4-4


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date June 4, 2019		APD.SOP.3089 Supervisor Notification
Applicable To: All Employees		Review Due: 2023
Approval Authority: Chief Erika Shields		
Signature: Sign by ES		Date Signed: 6/4/2019

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1. PURPOSE

The intent of this directive is to provide officers and supervisors with situations where supervisor presence or notification is required.

2. POLICY

The officers of the Atlanta Police Department (APD) will keep their immediate chain of command informed of their actions through prompt notifications in all applicable situations.

3. RESPONSIBILITIES

3.1 All supervisors are to be notified by officers in all the situations listed in section 4.1. They are to be present in all the situations listed in Section 4.2, and any other situation where he/she feels that their supervision is required to insure the safety of the officers under their command and the efficient resolution to an incident.

3.2 Officers are responsible for notifying and/or requesting the presence of a supervisor in all the following situations to include, but not limited the following listed in this directive.

4. ACTION

4.1 Supervisor Notification

4.1.1 An officer must notify his or her supervisor if any of the following situations exist. See the cited SOP in the Policy Manual for more detail:

1. When an officer plans to transport a critically ill or injured person in a police vehicle (APD.SOP.3088 "Signals and Codes," Section 4.10, No.4);
2. When transporting stranded persons in a police vehicle (APD.SOP.3087 "Civilians in Patrol Vehicles," Section 4.2.1, No. 2);



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APD.SOP.3089
Supervisor Notification



3. Accidents involving hazardous materials
(APD.SOP.4010 "Traffic," Section 4.18.15, No. 1);
4. Vehicle pursuit situations
(APD.SOP.3050 "Pursuit Policy," Section 4.5.2);
5. Kidnappings, hostage, barricaded person, and suicide situations
(APD.SOP.3180 "Unusual Occurrences," Section 4.2);
6. Bomb threats and sniper situations
(APD.SOP.3180 "Unusual Occurrences," Section 4.3);
7. Evacuation of a building
(APD.SOP.3180 "Unusual Occurrences," Section 4.6.10, No.1);
8. Building search
9. Notify the zone supervisor of intention to execute a warrant
10. An officer or other department employee is injured
(APD.SOP.2150 "Injury on Duty," Section 4.1.1);
11. Death notifications;
12. Any occurrence which generates, or has the potential to generate, coverage by the news media
13. When an on-duty officer must leave the city;
14. When a call involves a person injured;
15. When a call involves missing persons, adults or children;
(APD.SOP.3085 "Missing Persons," Section 3.2);
16. When an officer initiates a code 31 "Removing Shotgun" and/or when an officer removes his/her patrol rifle from their patrol vehicle for a non-administrative purpose ;
17. When an officer uses any force outlined in APD.SOP.3010 "Use of Force."
18. When a citizen requests the presence of a supervisor;
19. When a department employee or law enforcement officer from any jurisdiction is involved in any matter requiring police intervention.
20. When an officer plans to place a hold on a vehicle
(APD.SOP.3068 "Vehicle Storage for Investigative Purposes," Section 3.5);
21. When an officer plans to impound a government vehicle
(APD.SOP.4010 "Traffic," Section 4.15.7, No.1);
22. When an officer receives a LoJack activation



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(APD.SOP.4010 "Traffic," Section 4.11.4, No. 1));

23. Traffic accidents involving on-duty employees of the department
(APD.SOP. 3152 "Employee Involved Motor Vehicle Collisions," Section 4.1.2);
24. When a call involves an active shooter
(APD.SOP 3185 "Active Shooter," Section 4.1.4, No. 2);
25. When an officer observes a protest or demonstration
26. When an officer has a priority report involving a stolen vehicle or missing person
(APD.SOP.3062 In-Vehicle Computers, Section 4.5.1, No. 2); and
28. Any of the following incidents involving the Atlanta Streetcar System:
 - a. Any traffic accident involving the Atlanta Streetcar ;
 - b. Physical altercations occurring on any of the Atlanta Streetcar System stations, which are situated on City of Atlanta sidewalks and streets, to the Atlanta Streetcar System;
 - c. Damage to streetcar track and/or high voltage wires associated with the Overhead Catenary System that are causing a road hazard or general hazard to the public at large.

4.2 Supervisor Response

- 4.2.1 The supervisor must give his or her estimated time of arrival and respond directly to the following calls, to include but not limited to:
1. When an arrestee, complainant, or other citizen requests to have a supervisor present;
 2. When a sworn police employee is arrested or there is potential for such arrest;
 3. When an officer's family or friends are involved in a situation requiring official action by that officer;
 4. When a demented or disabled person may be taken into custody
 5. When a person suffering from mental illness may be taken into custody;
 6. When a person with physical disabilities may be taken into custody;
 7. Accidents involving fatalities
(APD.SOP.4010 "Traffic," Section 4.18.5);
 8. Traffic accidents involving on-duty employees of the department
(APD.SOP.3152 "Employee Involved Motor Vehicle Collisions," Section 4.1.2);
 9. Help calls
(APD.SOP.3088 "Signals and Codes, Section 4.10, Signal 59 'Right Away' and Signal 63");



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Supervisor Notification



10. When an officer responds to calls involving terrorist activity, civil disorders, riots, barricaded gunmen, snipers, hostages, and suicide threats (APD.SOP.3180 "Unusual Occurrences, Section 4.2 and 4.3");
11. When an officer responds to calls involving homicides, deaths of questionable cause, serious injury, or major property loss;
12. When an officer uses any force outlined in APD.SOP.3010 "Use of Force."
13. Any incident arising from the activation of a Bank alarm;
14. When a person to be charged claims exemption from arrest as a member of the General Assembly, a member of the volunteer forces, or a poll official; claims diplomatic immunity or is an elected state or local official (APD.SOP.3030 "Arrest, Section 4.12");
15. An officer or other department employee is injured (APD.SOP.2150 "Injury on Duty," Section 4.1.1);
16. When employees execute a search warrant with a forcible entry (APD.SOP.3020 "Search and Seizure," Section 4.2.8, No. 5);
17. A robbery or burglary in progress call;
18. When an officer responds to a call involving an active shooter (APD.SOP.3185 "Active Shooter," Section 4.1.4, No. 2); and
19. When an officer requests a supervisor.
20. Any of the following incidents involving the Atlanta Streetcar System:
 - a. Any traffic accident involving the Atlanta Streetcar;
 - b. Physical altercations occurring at any of the Atlanta Streetcar System stations. These stations are located on City sidewalks and streets like MARTA bus stops.
 - c. Damage to-streetcar track and/or high voltage wires associated with the Overhead Catenary System that are causing a road hazard or general hazard to the public at large.

5. DEFINITIONS

N/A

5.1 Definition: Text

6. CANCELLATIONS

APD.SOP.3089, "Supervisor Notification," effective August 1, 2014



Atlanta Police Department Policy Manual

APD.SOP.3089
Supervisor Notification



7. REFERENCES

APD.SOP.2010 "Work Rules"
APD.SOP.2150 "Injury on Duty"
APD.SOP.3010 "Use of Force"
APD.SOP.3030 "Arrest"
APD.SOP.3050 "Pursuit Policy"
APD.SOP.3062 "In-Vehicle Computers"
APD.SOP.3068 " Vehicle Storage for Investigative Purposes"
APD.SOP.3085 "Missing Persons"
APD.SOP.3088 "Signals and Codes"
APD.SOP.3087 "Civilians in Patrol Vehicles"
APD.SOP.3152 "Employee involved Motor Vehicle Collisions"
APD.SOP.3180 "Unusual Occurrences"
APD.SOP.3185 "Active Shooter"
APD.SOP.3220 "Atlanta Streetcar System"
APD.SOP.4010 "Traffic"
APD.SOP.5030 "Special Enforcement Section"

8. SIGNIFICANT CHANGES

8.1 Addition to policy

Section 3.1 added to read: All supervisors are to be notified by officers in all the situations listed in section 4.1. They are to be present in all the situation listed in Section 4.2, and any other situation where he/she feels that their supervision is required to insure the safety of the officers under their command and the efficient resolution to an incident.

8.2 Revision to policy

Section 3.2 revised to read: "Officers are responsible for notifying and/or requesting the presence of a supervisor in all the following situations to include, but not limited the following listed in this directive."

Section 4.1, No.15 revised to read, "When a call involves missing persons, adults or children."

Section 4.1, No.16 revised to read, "When an officer initiates a code 31"Removing Shotgun" and/or when an officer removes his/her patrol rifle from their patrol vehicle for a non-administrative purpose."

Section 4.1, No. 28 & Section 4.2, No. 20 revised to read, "Any of the following incidents involving the Atlanta Streetcar System:

- a. Any traffic accident involving the Atlanta Streetcar ;
- b. Physical altercations occurring on any of the Atlanta Streetcar System stations, which are situated on City of Atlanta sidewalks and streets. to the Atlanta Streetcar System;
- c. Damage to streetcar track and/or high voltage wires associated with the Overhead Catenary System that are causing a road hazard or general hazard to the public at large."



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Section 4.2, No. 13, revised to read, "Any incident arising from the activation of a Bank alarm."

8.3 Replaced in policy

Section 4.1.1, No 17-19 & 4.1.2, No. 12 replaced to read: "When an officer uses any force outlined in APD.SOP.3010 "Use of Force."

8.3 References reviewed and revised throughout policy

Atlanta Police Department
Policy Manual



Standard Operating
Procedure

Effective Date
March 28, 2022

APD.SOP.3010
Use of Force

Applicable To: All sworn employees

Review Due: 2026

Approval Authority: Chief Rodney Bryant

Signature: Signed by RB

Date Signed: 3/16/2022

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1. PURPOSE

The purpose of this directive is to establish the policy and procedure governing the use of force by employees of the Atlanta Police Department.

2. POLICY

2.1 The Atlanta Police Department recognizes and respects the value of human life and the right of people to be secure in their persons and property. Sworn employees, who in the performance of their duties, encounter situations where the use of force reasonably appears necessary to affect an arrest or detention, overcome resistance, control a subject, or protect themselves or others from injury or death will only use that force which is reasonable and necessary in order to accomplish lawful objectives.

2.2 This policy and procedure is for the Atlanta Police Department's use only. The policies and procedures contained herein do not apply in any criminal or civil proceedings. If departmental policies and procedures are more stringent than legal standards as it concerns criminal or civil liability, they will not be construed as creating a higher legal standard of safety to care by which an employee is to be bound in an evidentiary sense with respect to claims by others involving criminal or civil liability. The violation of this policy and procedure will subject employees to departmental administrative disciplinary action only and cannot form the basis for any civil and/or criminal action.

2.3 Duty to Intercede

Any police officer or public safety associate present and observing another police officer using force that is beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such force. Officers shall immediately report these observations to an on-duty supervisor. (CALEA 6th ed. Standard 1.2.10)



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Use of Force



2.4 Any employee is strictly prohibited from retaliating, interfering, intimidating, or coercing against employees who intervene or report inappropriate uses of force.

3. RESPONSIBILITIES

3.1 Division, section, and unit commanders are responsible for ensuring that all employees within their chain of command comply with the requirements of this directive.

3.2 Supervisors are responsible for ensuring compliance with this directive and submitting the required use of force documentation to the Central Records Unit.

3.3 All employees are responsible for complying with the requirements of this directive.

3.4 The Central Records Unit will be the central repository for Use of Force reports.

3.5 The Training Section will review all use of force reports and also maintain records of the issuance of the department's use of force policy to employees.

3.6 The Office of Professional Standards (OPS) will investigate suspected employee work rule violations arising out of an employee's use of force in accordance with APD.SOP.2020 "Disciplinary Process."

4. ACTION

4.1 Use of Force Generally
(CALEA 6th ed. Standard 4.1.1; 4.1.3; 4.2.3)

4.1.1 In all interactions, officers will strive to employ de-escalation techniques taught by the training academy to utilize the least amount of force necessary. They are expressly prohibited from the unnecessary or unreasonable use of force against any person or property.

4.1.2 Employees will use only the amount of objectively reasonable force (as defined in Section 5.6 Reasonable) necessary to successfully protect themselves and others, to effect an arrest, or to bring an incident under control when dealing with members of the community, suspects or prisoners.

4.1.3 The definition of objectively reasonable force will be included and reviewed during annual In-service training. (CALEA 6th ed. Standard 4.1.2)

4.1.4 Employees will only use city-issued and/or authorized lethal and less lethal weapons and ammunition. These weapons will be used in a manner consistent with established federal and state guidelines governing the use of force. (O.C.G.A 16-3-21)

4.1.5 De-escalation techniques shall be continuously developed, updated and made part of the continuing training delivered to all police officers by the training academy.

4.1.6 Employees shall use all learned de-escalation techniques instructed by the Training Academy with every suspect encounter in an effort to reduce the chances of force of any kind being used. These techniques should not be used if they pose a danger to the safety of the employee.



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- 4.1.7 An employee's ultimate goal with every encounter involving a suspect is to gain voluntary compliance without having to use any of the APD approved use of force options. Warnings should be given to the suspect and opportunities for compliance made available when it does not pose a threat to the safety of the employee.
- 4.1.8 Employees should consider the following when making a decision to use force:
1. Subject's Age
 2. Frailty
 3. Medical Condition
 4. Mental Health
- 4.1.9 In emergency situations or under exigent circumstances where it is immediately necessary to use force to prevent serious bodily injury or death, and city-issued and/or authorized lethal or less lethal weapons are inoperable, inaccessible, or otherwise not available or effective, employees may use any object or weaponless control techniques available.
- 4.1.10 Employees whose use of force results in death or serious physical injury will be placed on Force Usage Review Assignment. (See APD.SOP.2020 "Disciplinary Process")
- 4.1.11 Warning shots, or the discharging of a firearm to caution or deter a specified and undesirable course of action, are prohibited due to the potential for harm.
- 4.1.12 Any restraint or hold that restricts the intake of oxygen, such as but not limited to, choke holds, neck restraints and carotid artery holds are not taught and are not approved for use by the department due to the potential for serious injury or death. Employees shall not utilize neck restraints or carotid artery holds except under exigent circumstances where it is immediately necessary to use force to prevent serious bodily injury or death and city-issued and/or authorized lethal or less lethal weapons are inoperable, inaccessible, or otherwise not available or effective. (CALEA 6th ed. Standard 4.1.6 & 4.1.7)
- 4.1.13 Other weaponless control techniques that are not taught should not be used due to the potential for serious injury or death; unless they are in an emergency situation or under exigent circumstances where it is immediately necessary to use force to prevent serious bodily injury or death and city-issued and/or authorized lethal or less lethal weapons are inoperable, inaccessible, or otherwise not available or effective.
- 4.1.14 Employees are strictly prohibited from using force against subjects:
1. Retaliatory Force; and
 2. Subjects who only verbally confront employees and are not involved in criminal conduct.
- 4.1.15 All department sworn personnel who carry less lethal or lethal weapons are required to receive annual in-service training on the department's use of force policies. The annual in-service training on the department's use of force policies must be documented and the curriculum shall cover weaponless control techniques. (State Law Enforcement Certification Program, 5th Edition standards, 1.14; and CALEA 6th ed., Standard 4.3.3)



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- 4.2 Use of Deadly Force
(CALEA 6th ed. Standard 4.2.1)
- 4.2.1 All employees present during a police/citizen contact will make every effort throughout the entire encounter to de-escalate a situation and exhaust other means reasonably available in order to prevent the use of deadly force. The use of lethal force should be an officer's last resort.
- 4.2.2 An employee may use deadly force to apprehend a suspected felon only when:
1. The officer reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm. [OCGA 17-4-20 (b)]
 2. When there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm (O.C.G.A. Section 17-4-20) and the employee reasonably believes that the suspect's escape would create a continuing danger of serious physical harm to any person.
 3. Where feasible, some warning has been given [Tennessee v. Garner, 471 US 1 (1985)].
- 4.2.3 Use of lethal force against individuals who are only a danger to themselves and not others shall be strictly prohibited.
- 4.2.4 The concept of deadly force will be updated in accordance with the latest legal precedent and reviewed during annual In-service training.
- 4.3 Medical Attention Required
(CALEA 6th ed. Standard 4.1.5)
- 4.3.1 Employees are required to render first aid, to the best of their training, to individuals who are injured or complain of an injury after a use-of-force incident until an EMT arrives.
- 4.3.2 Medical aid and/or assistance will be requested immediately and provided as soon as practical without further endangering the employee or others.
- 4.3.3 In officers' incident report, they shall write in detail the requested medical aid and/or assistance available to all persons who have sustained a physical injury occurring as a result of an employee's use of force. (APD. SOP.3060 "Reports and Report Writing")
- 4.4 Lethal and Less Lethal Weapons
(CALEA 6th ed. Standards 4.1.4; 4.3.1, 4.3.2, 4.3.3, and 4.3.4)
- 4.4.1 Employees will only be allowed to carry and use city issued and/or authorized lethal and less lethal weapons after demonstrating proficiency in their use; including, but not limited to the following: achieving minimum qualifying scores on a prescribed course or test; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of departmental policy on the use of force, escalating force, and deadly force; and being familiar with safe handling procedures of these weapons. Employees, while engaged in law enforcement responsibilities with the Atlanta Police Department, will not carry or use unauthorized lethal and/or less lethal weapons while on or off duty.



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- 4.4.2 All employees authorized to carry and use city-issued and/or authorized firearms will (on at least an annual basis) receive in-service training on the department's use of deadly force policy and demonstrate proficiency with all approved firearms that the employee is authorized to use. A Peace Officer Standards and Training Council (P.O.S.T.) certified weapons instructor will monitor firearm proficiency training. The Training Section will maintain documentation of firearm proficiency. (State Law Enforcement Certification Program, 6th ed. Standard 1.15)
- 4.4.3 All employees authorized to carry and use city-issued and/or authorized less lethal weapons will (on at least an annual basis) receive training and demonstrate proficiency on the use of all approved less lethal weapons that the employee is authorized to use. (State Law Enforcement Certification Program, 6th ed. Standard 2.3)
- 4.4.4 Employees who are unable to qualify with authorized lethal or less lethal weapons, and fail to meet minimum POST standards, must successfully complete remedial training prior to resuming official law enforcement duties.
- 4.4.5 All employees authorized to carry and use city-issued and/or authorized lethal and less lethal weapons will be issued a copy of the department's use of force policy prior to being issued such weapon(s). The issuance and instruction of the department's use of force policy must be documented. Training Section shall maintain such documentation.
- 4.5 Reporting Requirements
(CALEA 6th ed. Standard 4.2.1)
- 4.5.1 Any employee who discharges a city-issued or approved firearm for any reason other than for training purposes or target practice at an established firing range is required to immediately notify his or her supervisor.
1. An incident report describing the incident must be completed and submitted prior to the end of that employee's tour of duty.
 2. If the incident occurs off duty and outside the city's jurisdiction, an incident report describing the incident must be completed and submitted the next day the employee reports for duty.
- 4.5.2 Any employee who points or aims a firearm at a subject or applies force or takes an action that results in, or is alleged to have resulted in, the physical injury or death of another person is required to immediately notify his or her supervisor. An incident report describing the incident must be completed and submitted prior to the end of that employee's tour of duty.
- 4.5.3 Any employee who applies force through the use of lethal or less lethal weapons is required to immediately notify his or her supervisor. An incident report describing the incident must be completed and submitted prior to the end of that employee's tour of duty.
- 4.5.4 Any employee who applies weaponless control techniques to the extent that it is likely to cause or lead to physical injury, a claim of injury, or an allegation of excessive force is required to immediately notify his or her supervisor. An incident report describing the incident must be completed and submitted prior to the end of that employee's tour of duty. This does not require reporting the use of techniques that have little or no chance of producing injuries when gaining control over, subduing non-compliant or resisting persons when no injury results. These techniques include, but are not limited to physical touching, holding, frisking, come-along, handcuffing, or other custodial procedures.



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- 4.5.5 Any employee who applies intentional force against property that results in damage to that property is required to immediately notify his or her supervisor. An incident report describing the incident must be completed and submitted prior to the end of that employee's tour of duty. The supervisor is required to complete a Use of Force Report in the Axon Standards UOF Module. In instances whereby more than one officer intentionally utilizes force against one's property which results in damage to that property, all involved officers shall be listed on the incident report and the use of force report.
- 4.5.6 Employees who are off duty and use force while acting in a law enforcement capacity as outlined in sections 4.6.1 through 4.6.5 must immediately contact an on-duty supervisor in the zone of occurrence. The supervisor responding to the scene is required to complete a Use of Force Report in the Axon Standards UOF Module on Evidence.com. The UOF Report will be forwarded to the Lieutenant or Unit Commander of the employee who used force. An incident report describing the incident must be completed and submitted at that time as well.
- 4.5.7 Employees who are working an extra job and use force as defined in sections 4.6.1 through 4.6.5 must immediately contact an on-duty supervisor in the zone of occurrence. An incident report describing the incident must be completed and submitted at that time. The responding supervisor will complete a Use of Force Report in the Axon Standards Use of Force Module located on Evidence.com and forward the UOF Report to the Lieutenant or Unit Commander of the employee who used force.
- 4.5.8 The following time-line will be adhered as it pertains for the review, approval, and routing of the incident report completed on the approved RMS and the Axon Standards Use of Force Module located on Evidence.com:
1. RMS Incident and Axon Standards Use of Force Module submitted by the end of the occurring shift.
 2. Routing to the responding supervisor's immediate supervisor, Training Academy, and OPS by the end of the occurring shift.
 3. The Use of Force module should be forwarded through the respective chain of command to the section commander for review occurring without unnecessary delay not to exceed 7-days unless approved leave legitimately prevents this deadline.
- 4.5.9 All parties that receive the documentation of the use of force event will acknowledge that receiving immediately to the sender.
- 4.5.10 Employees will use the pull-in code of "17F" after all incidents requiring the use of force. The supervisor completing the Use of Force report will verify with radio that the "17F" pull-in was used.
- 4.5.11 The communications dispatcher will record in the call narrative which supervisor verified the use of the "17F" pull-in.
- 4.5.12 In instances whereby an employee is injured or otherwise unable to complete an incident report, as outlined in section 4.5 of this directive, his or her supervisor will complete that report. Whereby the employee's supervisor is unavailable, the on-duty supervisor will complete the report. When, and if able to do so, the employee shall complete and submit a follow-up supplemental incident report detailing their use of force.



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- 4.6 Chain of Command Review
(CALEA 6th ed. Standard 4.2.2)
- 4.6.1 The employee's supervisor must report to the scene of any incident defined in sections 4.6.2 through 4.6.5.
- 4.6.2 An on-duty supervisor will report to the scene of any incident described in sections 4.6.6 and 4.6.7.
- 4.6.3 The employee's supervisor will assist the officer as necessary and will investigate the employee's use of force.
- 4.6.4 The responding supervisor must complete a Use of Force Report in Axon Standards UOF Module on Evidence.com on any incident defined in sections 4.6.2 through 4.6.7 before the end of that tour of duty. The responding supervisor will forward the UOF Report to the Lieutenant or Unit Commander of the employee who used force.
- 4.6.5 The preparing supervisor must forward a copy of the UOF Supplement to the Atlanta Police Training Academy via email to APDUOF@atlantaga.gov by the end of the shift. A paper copy of the APD Form 809 supplement will still be forwarded for signatures by the chain of command and submitted to Central Records.
- 4.6.6 Supervisors will be responsible for initiating an investigation of suspected employee work rule violations arising out of an employee's use of force. The Office of Professional Standards will investigate suspected employee work rule violations arising out of an employee's use of force in accordance with APD.SOP.2020 "Disciplinary Process."
- 4.7 Analysis of Use of Force Reports
(CALEA 6th ed. Standard 4.2.4)
- 4.7.1 The Training Section will conduct an annual analysis of all use of force reports filed to determine if any patterns or trends in the use of force exist within the department that would affect the training needs of employees, equipment issued to employees, or departmental policy and procedure. Copies will be provided to the Chief of Police, the Office of Professional Standards, the Planning and Research/Accreditation Unit, and the City of Atlanta Law Department. Copies of this report will be kept on file for five years by the Training Section.
- 4.7.2 The Training Unit will refer any employee work rule violations to the Office of Professional Standards.
- 4.7.3 The Office of Professional Standards (OPS) shall notify the Atlanta Citizen's Review Board (ACRB) within 72 hours of any use of deadly force.
5. DEFINITIONS
- 5.1 Authorized weapon: a lethal or less lethal tool or instrument approved or issued by the Department for official use by employees.
- 5.2 Deadly force: that amount or degree of force that is likely to cause or actually results in, death or serious physical injury.



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- 5.3 De-escalation: the practice by taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.
- 5.4 Lethal weapon: a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury or anything that in the manner of its use or intended use can cause death or serious physical injury.
- 5.5 Less lethal weapon: any weapon or instrument used as a weapon that is not manifestly designed, made, or adapted for the purpose of inflicting death or serious physical injury. These specifically include OC spray, Conducted Energy Weapons (CEW), and expandable batons (ASP).
- 5.6 Physical injury: visible impairment of physical condition or the complaint of physical pain.
- 5.7 Reasonable: the reasonableness inquiry refers to whether officer's actions are "objectively reasonable" in light of the facts and circumstances confronting him or her, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split second decisions about the amount of force necessary in a particular situation (Graham v. Connor, 490 U.S. 386 (1989) pp. 396-397). Reasonableness, in analyzing the use of force, is not capable of precise definition or mechanical application. In determining whether an employee's use of force is reasonable in a particular case, it is necessary to evaluate the facts and circumstances confronting the employee at the time force was administered. All of the surrounding circumstances will be considered, including but not limited to whether the subject against whom force was used posed an immediate threat to the safety of the employee or others, the severity of the crime in question, and whether the subject actively resisted or attempted to flee. The evaluation of an employee's use of force will be undertaken from the perspective of a reasonable officer present on the scene. The central inquiry in every use of force case is whether or not the amount of force applied was objectively reasonable in light of the particular circumstances perceived by the employee.
- 5.8 Serious physical injury: a bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ. (CALEA 6th ed. Standard 4.1.2)
- 5.9 Weaponless Control Techniques: Any touching or handling of an individual in order to overcome resistance and establish control.
6. CANCELLATIONS
- APD.SOP.3010 "Use of Force" revised December 28, 2021.
7. REFERENCES
- APD.SOP.2010 "Work Rules"
APD.SOP.2020 "Disciplinary Process"
APD.SOP.2060 "Extra Jobs"
APD.SOP.3040 "Weapons"



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APD.SOP.3060 "Reports and Report Writing"

APD FORM 809 "Use of Force Report"

Commission on Accreditation for Law Enforcement Agencies (CALEA 6th ed. Standards 4.1.1; 4.1.2; 4.1.3; 4.1.4; 4.1.5; 4.2.1; 4.2.2; 4.2.3; 4.3.1; 4.3.2; 4.3.3; 4.3.4; 4.2.4)

State Law Enforcement Certification Program, 5th ed. Standards, 1.14, 1.15

Georgia Criminal Code 17-4-20 (b)

Graham v. Connor, 490 U.S. 386 (1989)

8. SIGNIFICANT CHANGES

All reference to APD Form 809 Supervisor's Use of Force Supplement have been removed. All UOF Reports are now done on the Axon Standards UOF Module in Evidence.com.

The responding supervisor will forward the UOF Report in the Axon Standards UOF Module to the Lieutenant or Unit Commander of the employee who used force.



Effective Date
December 8, 2021

APD.SOP.3042
Conducted Energy Weapon
(CEW)

Applicable To: All Sworn Employees

Review Due: 2025

Approval Authority: Chief Rodney Bryant

Signature: Signed by RB

Date Signed: 12/7/2021

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1. PURPOSE

To establish policies and procedures for authorizing, issuing, and the maintenance of the city-issued Conducted Energy Weapons (CEW)

2. POLICY

All sworn employees of the rank of Sergeant and below shall carry, use, and maintain the CEW, Smart Cartridges, and battery authorized by the Atlanta Police Department under the terms of this directive. All sworn employees the rank of Lieutenant or higher shall have the option, but are not required, to be issued a CEW. All sworn employees, regardless of rank, shall be required to attend CEW training.

The Atlanta Police Department recognizes and respects the value of human life and the right of people to be secure in their persons and property. Sworn employees, who in the performance of their duties, encounter situations where the use of force reasonably appears necessary to affect an arrest or detention, overcome resistance, control a subject, or protect themselves or others from injury or death will only use that force which is reasonable and necessary in order to accomplish lawful objectives.

3. RESPONSIBILITIES

3.1 The Chief of Police is responsible for determining the make and model of CEW that shall be issued to sworn employees of the department. The Chief of Police, or his/her designee, shall also be responsible for identifying the employee designated with the highest level of administrative privileges on Evidence.com data repository.

3.2 Division and section commanders are responsible for ensuring that sworn employees under their command are in compliance with this directive. They shall also be responsible for the selection of

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supervisors (rank of Sergeant and above) under their respective commands that shall be responsible for the uploading of data from a CEW to Evidence.com.

- 3.3 All supervisors are responsible for ensuring that sworn employees under their command are in compliance with this directive. Supervisors are also responsible for inspecting officers issued CEW and taking immediate corrective action when necessary.
- 3.4 Supervisors shall be responsible for immediately initiating an investigation of suspected employee work rule violations arising out of an employee's use of the CEW.
- 3.5 The Training Section Commander is responsible for ensuring that all training meets department policies and procedures and is compliant with the Commission on Accreditation for Law Enforcement Agencies (CALEA), Georgia Police Accreditation Coalition (GPAC), OCGA § 35-8-26 TASER and Electronic Control Weapons Act, and the CEW manufacturer's requirements regarding the training of sworn personnel in the use of a CEW. (CALEA 6th ed. Standard 4.3.3, State Law Enforcement Certification Program, 6th ed. Standard 1.17)
- 3.6 Central Records shall be the final repository for all reports associated with the use of the CEW.
- 3.7 The Office of Professional Standards shall investigate suspected employee work rule violations arising out of an employee's use of the CEW in accordance with APD.SOP.2020 "Disciplinary Process."
4. ACTION
- 4.1 Authorization
(CALEA 6th ed. Standard 1.2.2, 4.1.4, 4.3.1, 4.3.3)
- 4.1.1 Only officers who have completed the Training Section's approved certification course of instruction on the carry, use, and maintenance of the CEW shall be authorized to carry and use the device.
- 4.1.2 Basic certification for the carry, use, and maintenance of a CEW shall not be less than the minimum recommendations of the CEW manufacturer.
- 4.1.3 All sworn personnel, certified in the carry, use, and maintenance of a CEW shall go through re-qualification annually. (GPAC, 6th ed. standard 1.17, CALEA 6th ed. standard 4.3.3)
- 4.1.4 All training of sworn personnel in the carry, use, and maintenance of a CEW shall only be conducted by instructors that have successfully completed the CEW manufacturer's Instructor, Advanced Instructor, or Master Instructor courses and hold one of these levels of the CEW manufacturer's instructor certification.
- 4.1.5 All sworn personnel shall carry only a department authorized CEW in a department-issued holster, which shall be carried on the service belt between the ammo pouch and the radio. (CALEA 6th ed. standard 4.3.1)
- 4.1.6 The CEW shall be carried with the safety switch in the "safe" position in the department issued holster. (CALEA 6th ed. standard 4.3.1)
- 4.1.7 The CEW "probe deployment" shall be the primary setting option with the "drive stun mode" used as a secondary option. (CALEA 6th ed. standard 4.3.1)



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- 4.1.8 Officers shall carry two designated cartridges, either Close Quarters cartridges (12 degree) or Stand Off cartridges (3 degree) in their issued CEW. Cartridges not in their issued CEW shall be carried in the issued pouch on the issued holster or in a manner reasonably accessible during the performance of their duties. Close Quarters cartridges and Stand Off cartridges shall be interchangeable as the situation dictates.
- 4.2 Actions Prior to CEW Deployment
(CALEA 6th ed. standard 4.1.4)
- 4.2.1 De-escalation tactics for the CEW include, but are not limited to: "painting" the suspect with the laser prior to deployment and arcing the CEW upon drawing the CEW from the holster. These de-escalation tactics are meant to gain compliance prior to deployment of the CEW.
- 4.2.2 An officer's decision to deploy the CEW shall involve a physical arrest or a situation where the subject is escalating from passive resistance to active resistance.
- 4.2.3 A CEW deployment is to prevent further escalation of a situation and to minimize injury to the officer, suspect, or a third party.
- 4.2.4 Environmental factors which could lead to serious injury or death shall be taken into consideration. Environmental factors may include:
1. A subject in an elevated position who may suffer serious injury or death as a result of a fall.
 2. A subject in the presence of flammable items and/or explosives.
 3. A subject under the influence of drugs and/or exhibiting symptoms associated with excited delirium.
- 4.3 CEW Utilization Circumstances
(CALEA 6th ed. standard 4.1.4)
- 4.3.1 The subject initiates active physical resistance to defeat an officer's ability to affect an arrest.
- 4.3.2 The subject makes overt, hostile, attacking movements with or without a weapon with the intent and ability to cause harm to the officer or others.
- 4.4 Deployment of CEW
(CALEA 6th ed. standard 4.1.4)
- 4.4.1 Prior to the deployment of the CEW, the officer has the responsibility to visually and physically confirm that the use of force tool selected is their assigned CEW.
- 4.4.2 A warning shall be given to a subject prior to activating the CEW unless doing so would place any person at risk. Warnings may be in the form of verbalization, display, laser painting, arcing, or a combination of these tactics.
- 4.4.3 When multiple officers are present and a CEW is to be used, only one officer shall deploy the device. In the event of CEW malfunctions or both probes are not in contact with the subject, an additional officer may deploy a CEW if compliance from the subject has not been achieved. Officers shall verbally coordinate with each other on who shall deploy the CEW and who shall act



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to take the subject into custody. When feasible, an announcement should be made to other personnel on the scene that a CEW is going to be activated.

- 4.4.4 The CEW shall not be targeted at the neck or head of a subject. The target area for a frontal deployment shall be the lower center area of the subject's mid-section (below the rib cage). In a rear deployment, the CEW should be targeted at the subject's back anywhere below the head and neck and splitting the hemisphere if possible.
- 4.4.5 When deploying the CEW, the officer shall activate it for one cycle (one trigger pull – 5 seconds), then stop and evaluate the situation. Additional CEW discharges can be administered when reasonable and necessary to gain control of the subject, if the initial 5 seconds deployment was ineffective. The CEW should be deployed in conjunction with verbal commands. No subject shall be exposed to a CEW deployment for any longer than fifteen (15) seconds.
- 4.4.6 An attempt shall be made by the officer to physically restrain the subject by utilizing departmental issued handcuffs or flex-cuffs as quickly as possible after the initial CEW cycle to reduce the need for additional cycles.
- 4.4.7 Transition shall be made to different force options if the CEW deployment is determined to be ineffective.
- 4.4.8 The CEW shall not knowingly be deployed near flammable liquids and/or combustible vapors.
- 4.4.9 The CEW shall not be deployed against handcuffed subjects, subjects actively running on foot from officers on hard surfaces or rugged terrain, visibly pregnant women, the elderly, small children, or visibly frail persons unless exigent circumstances exist that endanger the safety of the officer, suspect, or third party.
- 4.4.10 The CEW shall not be used as coercion in the questioning or interrogation of a subject.
- 4.4.11 The CEW shall not be deployed against a subject in control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters) unless exigent circumstances exist that endanger the safety of the officer, suspect, or a third party.
- 4.4.12 The CEW is an effective tool in stopping the aggressive behavior of wild and domesticated dangerous animals. It is to be used when possible and practical, but should not be substituted for a higher force option if the situation warrants such action.
- 4.5 Post Deployment Procedures
- 4.5.1 After the subject has been secured and placed in custody, the primary officer shall:
1. Notify Radio dispatch and their immediate supervisor of the CEW deployment. The officer shall do this by announcing over the radio, "Code – 20T."
 2. Advise Radio dispatch to start Grady EMS and/or Atlanta Fire Rescue (AFR) to the scene.
 3. Upon arrival, the immediate supervisor, when practical, shall take photos of the subject with the probes still attached, the facial and bodily features of the subject and position of the probes on the subject. The photos shall be downloaded onto the reporting officer's incident report before being submitted.



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4. The officer shall not remove the probes from any subject. All probe removal shall be conducted by EMS, AFR, or medical personnel.
5. The responding supervisor shall have the deploying officer(s) remain out of service and return to the precinct. Upon the officer's arrival, his/her immediate supervisor shall take temporary possession of the officer's CEW and upload the data from the CEW onto Evidence.com. After the upload is complete, the CEW is then returned to the officer.
6. The responding supervisor and deploying officer will NOT view the uploaded data (audio and video) prior to completing any reports regarding the incident.
7. The deploying officer shall complete an incident report. If photographs are taken at the deployment scene by the supervisor, the photographs shall be uploaded to Evidence.com under the appropriate incident number. The responding supervisor shall complete a Supervisor's Use of Force Supplement (Form APD 809). All reports shall be completed before the end of the employees' tours of duty.
8. The hard copy of the Supervisor's Use of Force Supplement (Form APD 809) shall be *immediately* forwarded together up through the responding supervisor's chain of command, with the appropriate signatures, to the Central Records Unit for retention and assignment of a control number. The reports shall be maintained by the Central Records Unit for five (5) years. (APD.SOP.6020 Central Records)
9. The Central Records Unit shall forward copies of the Supervisor's Use of Force Supplement (Form APD 809) to the Training Academy.
10. Upon completion of the data upload and all required reports, the officer shall go to the Property Unit to be issued a fresh Smart Cartridge for his/her CEW.
11. In the event of unusual circumstances in which a supervisor is unable to upload the CEW data, the officer shall go to the Property Unit and have the CEW data uploaded to Evidence.com by a Property supervisor.
12. The responding supervisor and primary reporting officer on the scene of the CEW deployment shall ensure the call is pulled in by Radio Dispatch, **Code 17T**.
13. Supervisors should ensure officers have their CEW inspected by training academy staff if an unintended deployment of the CEW occurs.

4.6 Medical Treatment
(CALEA 6th ed. Standard 4.1.5, State Law Enforcement Certification Program, 6th ed. Standard 1.19)

4.6.1 EMS and/or AFR shall be called to the scene of a CEW deployment to evaluate and treat the subject. The primary officer should provide the emergency medical personnel with as much information as possible regarding the incident and the subject. The information should include, but not limited to:

1. If the probes have been embedded in the eye or inside the mouth;
2. The time subject became unconscious;



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3. If subject had a visible seizure when CEW is not being deployed;
4. Injury due to CEW deployment;
5. If the subject advises that they are having chest pains;
6. If the subject exhibits confusion or altered mental states that persist more than one minute after CEW deployment; and
7. Any known or suspected physician prescribed medication or medical therapy the subject may be receiving.

4.7 Care & Maintenance of CEW

- 4.7.1 Only the CEW approved by the Chief of Police and issued by the Department shall be used. Any change in the make and model of the CEW approved and used by departmental personnel shall be solely at the discretion of the Chief of Police.
 - 4.7.2 All sworn personnel issued a CEW are responsible for taking proper care of the equipment. It shall be cleaned, kept dry, and in proper working order at all times.
 - 4.7.3 Officers shall check their assigned CEW as well as the battery and Smart Cartridges to ensure that they are in proper working order prior to the start of their tour of duty. The battery shall remain inserted at all times. A functional test shall be conducted once a week. Any problems with the CEW shall be reported to their immediate supervisor.
 - 4.7.4 Field supervisors shall inspect the CEW of all the officers under their command every 90 days and report the inspection on Line Inspection Checklist for Sworn Employees (Form APD 838). Supervisors are required every quarter (3 months) to conduct a CEW Evidence.com diagnostic upload for all sworn employees under his/her command.
 - 4.7.5 Only department issued batteries and Smart Cartridges shall be used with the department issued CEW. No alterations or modifications shall be made to any department issued CEW. All CEW's shall be sent to the manufacturer for service.
- 4.8 CEW Tracking Data – Retrieval & Analysis
- 4.8.1 Each CEW is equipped with an internal tracking chip, which stores the time and date of the last 1500 firings. The information in the data chip can be retrieved for analysis purposes.
 - 4.8.2 The CEW is updated by inserting a charged battery obtained from any docking bay into the CEW. All information stored on the device shall be automatically uploaded to Evidence.com once the previously used battery is placed back into the dock. Officers are responsible for ensuring their battery is sufficiently charged and the device is operational at all times. Officers are encouraged to swap their batteries at any docking station as needed or at least every thirty (30) days to make sure updates and uploads are successfully completed.
 - 4.8.3 The Training Academy shall conduct an annual analysis of the Supervisor's Use of Force Supplement (Form APD 809) to determine if any patterns or trends in the use of the CEW exist within the department that would affect the training needs of employees, equipment issued to employees, or departmental policy and procedure. Copies shall be provided to the Chief of Police, the Office of Professional Standards (OPS), the Planning, Research, and Accreditation



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Unit (PRAU), and the City Attorney. Copies of this report shall be kept for five (5) years. (CALEA 6th ed. Standard 4.2.1)

- 4.8.4 The 24 hours a day/seven days a week customer service phone number to Evidence.com is (480) 515-6374.

5. DEFINITIONS

- 5.1 **Arcing:** Prior to cartridge deployment, arcing is the act of pressing and holding the ARC switch and displaying a discharge across the front of the CEW. With a warning arc display, the user may deter a subject without having to use actual force.

After cartridge deployment, a press of the ARC switch will initiate a high voltage discharge across both bays for 5 seconds.

- 5.2 **Armed setting:** The CEW is fully armed and ready for immediate deployment.

- 5.3 **Battery:** The re-chargeable lithium power supply system for the CEW.

- 5.4 **Conducted Energy Weapon (CEW):** A product having the capability of passing an electrical current through tissue of a human or animal to disrupt the human or animal by causing muscle contraction.

- 5.5 **De-escalation:** The process of taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

- 5.6 **Drive Stun:** The process where the CEW user makes physical contact with the target, exposing the target to the devices electrical current without the deployment of the probes.

- 5.7 **Excited delirium:** A condition that manifests as a combination of delirium, psychomotor agitation, anxiety, hallucinations, speech disturbances, disorientation, violent and bizarre behavior, insensitivity to pain, elevated body temperature, and superhuman strength. It is a result of a neural chemical imbalance in the brain. Excited delirium arises most commonly in subjects with a history of mental health issues and/or acute or chronic drug abuse.

- 5.8 **Painting:** The act of overlaying the laser sighting system of the CEW on a subject as a visual deterrent.

- 5.9 **Probes:** Metal projectiles that are connected to high voltage insulated wires that are propelled from the Smart Cartridge of the CEW, delivering the electrical current from the CEW to the target.

- 5.10 **Probe Deployment Setting:** The primary setting of the CEW, where if activated will deploy the probes at the selected target.

- 5.11 **Smart Cartridge:** A magazine fitting on the front of the CEW which contains two probes and high voltage insulated wires that are propelled with a non – flammable nitrogen propellant. These cartridges are equipped with a micro-chip that communicates information to the user via the Central Information Display (CID), such as the CEW status, the length of the insulated wires within the cartridge, and whether there has been a non-deployment.



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6. CANCELLATIONS

APD.SOP.3042 Conducted Electronic Weapon, effective January 25, 2021

7. REFERENCES

2011 Electronic Control Weapons Guidelines
U. S. Department of Justice, Office of Community Oriented Policing Services

OCGA § 35-8-26 TASER and electronic control weapons (TAZER and Electronic Control Weapons Act)

APD.SOP.3010, Use of Force
APD.SOP.3060, Reports and Report Writing
APD.SOP.4040, Weapons

Commission on Accreditation for Law Enforcement Agencies (CALEA), 6th ed. Standards 1.2.2, 4.1.4, 4.1.5, 4.2.1, 4.3.1 and 4.3.3.

State Law Enforcement Certification Program, 6th edition Standards 1.17, 1.19

8. SIGNIFICANT CHANGES

8.1 Section 2 amended to include language from APD.SOP.3010 – Use of Force.

8.2 Section 4.2.4 amended to include examples of environmental factors.

8.3 Section 4.4.2 added.

8.4 Section 4.4.3 amended to include the use of a warning to other officers on scene of a potential CEW deployment.

8.5 Section 5.5 and 5.7 added.

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Standard Operating
Procedure

Effective Date
September 7, 2021

APD.SOP.4010
Traffic

Applies to: All Employees

Review Due: 2025

Approval Authority: Chief Rodney Bryant

Signature: Signed by RB

Date Signed: 9/7/2021

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1. PURPOSE

The purpose of this directive is to establish the policy and procedures of the Atlanta Police Department's (APD) traffic enforcement operations.

2. POLICY

It is the policy of the APD to use patrol and specialized resources to aggressively reduce the occurrence of unsafe drivers who threaten the lives, safety, and property of others in the City of Atlanta.

3. RESPONSIBILITIES

3.1 The Special Operations Section (SOS) commander will be responsible for monitoring the implementation of all traffic enforcement operations within the Department. He or she will ensure proper analysis of traffic patterns and the use of effective selective traffic enforcement activities. The commander will also monitor significant traffic collision and engineering issues and have completed an annual analysis report available to the zones for utilization in selective traffic enforcement activities.

3.2 Zone commanders will be responsible for implementing traffic enforcement operations into daily patrol activities. He or she will ensure officers are trained and use selective traffic enforcement techniques to reduce the occurrence of unsafe driving in their assigned service areas.

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Commanders will also be responsible for ensuring that all supervisors assigned to their zone or unit are provided traffic analysis reports for traffic enforcement activities.

- 3.3 Zone and SOS supervisors will be responsible for the enforcement of traffic policies and laws and ordinances procedures for areas under their supervision. He or she will review all traffic-related reports and citations for accuracy and completeness. They will also ensure officers are utilizing selective elective traffic enforcement techniques to reduce traffic collisions. Supervisors will be responsible for ensuring reported deficiencies are made to the appropriate streets and highway departments concerning identified patterns or contributing conditions.
- 3.4 Sworn employees will be responsible for following Departmental traffic policy while enforcing state traffic laws. They will selective enforcement techniques in locations or at times when traffic patterns indicate such techniques are necessary. Officers will also be responsible for reporting to their immediate supervisor as well as the appropriate street or highway department of any traffic patterns or engineering issues that impede safe traffic flow for their patrol area. All reports and citations will be accurate and complete upon submission to the immediate supervisor.
- 3.5 Traffic Analysis Unit will be responsible for compiling and reviewing traffic citations and collision reports issued by officers in the field to identify traffic pattern problems, engineering design issues, and enforcement techniques. They will distribute the report annually to the zone and section commanders for their utilization of selective traffic enforcement activities.
4. ACTION
- 4.1 Selective Traffic Enforcement
(CALEA 6th ed. standard 61.1.1)
- 4.1.1 APD officers have the authority to arrest a person accused of violating any law or ordinance governing the operation, licensing, registration, maintenance, or inspection of motor vehicles by the issuance of a Uniform Traffic Citation (Form APD 008 or such electronic form as approved by the Department); provided the offense is committed in his or her presence or information constituting a basis for arrest was received by the arresting officer from an officer observing the offense being committed (O.C.G.A. 17-4-23 a).
- 4.1.2 Selective traffic enforcement involves many interrelated activities that maximize the Department's effectiveness in combating problem locations, hazardous conditions, and unsafe drivers. These activities should be applied using the appropriate enforcement measures and strategies based on the frequency and seriousness of the traffic violations. Selective traffic enforcement will also educate the public on the proper compliance with traffic laws and regulations to encourage safe driving behavior.
- 4.1.3 Those selective traffic enforcement activities include:
1. Compilation, Review, and Comparison of Traffic Collision Data (CALEA 6th ed. standard 61.1.1a, c): The compilation, review, and comparison of location, time/day, and violation factors in vehicle collision will be based upon data enforcement generated by the Department's and by the Georgia State Patrol. The analysis will also analyze the fluctuations caused by seasonal or man-made variations (e.g. adverse weather conditions, special events, sports events, rush hour) that result in increases of traffic volume and/or collisions.



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2. **Compilation, Review, and Comparison of Traffic Enforcement Activities Data (CALEA 6th ed. standard 61.1.1b, c):** The compilation, review, and comparison of traffic enforcement activities will be accomplished by reviewing Uniform Traffic Citation and Accident Reports completed by patrol officers, Traffic Unit officers, parking enforcement, DUI Task Force, and the Accident Investigation Unit to identify specific traffic-related problems, the location, and time of day of occurrence.
3. **Implementation of Selective Enforcement Techniques and Procedures (CALEA 6th ed. standard 61.1.1d):** Safety checkpoints, speed measuring devices, and other enforcement measures will be used at specific locations that have been identified as problem areas through data analysis, citizen complaints, engineering, or other roadway hazards.
4. **Deployment of Employees (CALEA 6th ed. standard 61.1.1e):**
 - a. The deployment of officers on traffic enforcement will be based upon identification of specific problems or general trends occurring in a service area. This identification will be based in part on analysis data issued to section commanders and officer observation of traffic patterns.
 - b. Special patrol or observation will be given to traffic problems identified by civic groups and local media.
 - c. The method of deployment will be either stationary observation or directed traffic patrol at specific locations.
5. **Evaluation of Activities (CALEA 6th ed. standard 61.1.1f):**
 - a. The effectiveness of various traffic enforcement measures will be measured by reviewing citations and traffic-related reports. This comparison will be done against historical and demographic data or engineering changes in the service area.
 - b. If a particular traffic enforcement measure does not produce the desired results in an area by reducing or eliminating a traffic-related condition, then the measure will be discontinued, re-evaluated, identification of the specific problem, and re-implemented using the adjusted traffic enforcement measures or a completely different strategy to accomplish the objective.
 - c. A memorandum will be completed by the watch or unit supervisor illustrating their plan of action regarding the enforcement measures for an identified traffic problem. The memorandum will outline the enforcement objective, the specific enforcement measures to be used, location of operation, the time frame for the operation, and the expected results from enforcement measure. At the end of the operations time frame, the supervisor will complete a follow-up report outlining the results of the enforcement measure and whether they were successful, were adjusted for better effectiveness, or discontinued and why.
 - d. This memorandum and the subsequent follow-up memorandum should be forwarded through the chain of command to the Community Services Division (CSD) and the Special Operations Section (SOS) commanders.



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4.2 Traffic Enforcement Policy

4.2.1 The Atlanta Police Department seeks to promote traffic safety, uniform enforcement of all traffic laws, to education of the public regarding traffic safety, and recognizing the multiple options officers have when enforcing traffic laws.

4.2.2 Uniform Enforcement Policies (CALEA 6th ed. standard 61.1.5)

The following guidelines are provided to assist officers in making decisions as to whether or not a traffic citation is warranted. These guidelines are to be used as guidance only, and as such should not supplant officer judgment in situations involving traffic violations. It is the policy of APD to enforce all laws and regulations relating to traffic enforcement.

1. **Speed Violations:** traffic, weather and road conditions should be considered when making speed violation cases (e.g., congested areas, school zones, etc.).(CALEA 6th ed. standard 61.1.5c)
2. **Public Carrier and Commercial Vehicle Violations:** The severity of the hazard or violation must be considered when making these cases. Departments with specialized training in these areas can be called upon for assistance with these cases, such as the Georgia Department of Transportation (GDOT), The Public Service Commission, etc. (CALEA 6th ed. standard 61.1.5e)
3. **Pedestrian and Bicycle Violations:** The officer should consider traffic, weather, and road conditions as well as the potential of a collision occurring from the cyclist actions may cause (CALEA 6th ed. standard 61.1.5i).
4. **Off-Road Vehicle Violations:** Officers will enforce these traffic laws in a manner similar to any other traffic violation. Officers will be pro-active in regard to any violations involving unlicensed vehicles on the city streets, violations of off-road vehicle registration laws, misuse of public trails and parks, and improper use of traffic way crossings. (CALEA 6th ed. standard 61.1.5e)
5. **Equipment Violations:** With only an emission inspection now required on vehicles, consider issuing citations for any equipment defect that has the potential to cause a potentially hazardous condition (CALEA 6th ed. standard 61.1.5d).
6. **Other Hazardous Violations:** The traffic, weather and road conditions as well as the degree of the hazard should be considered when making these cases. The locations previous collision history may also be taken into consideration (CALEA 6th ed. standard 61.1.5d).
7. **Non-Hazardous Violations:** Officers may consider issuing a verbal warning unless repetitive or flagrant violations have occurred (CALEA 6th ed. standard 61.1.5d).
8. **Multiple Violations:** The officer may cite a violator for all offenses, if deemed necessary. For example, a motorist stopped for following too closely and subsequently found to be operating without a driver's license should be issued two separate citations. In other cases, a verbal warning may be given for a non-hazardous violation in conjunction with a formal citation for a more serious hazardous moving violation (CALEA 6th ed. standard 61.1.5f).



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9. Newly Enacted Laws and Regulations: Unless otherwise directed, allow a 30-day grace period during which only warnings are given. Thereafter, officers may use discretion (CALEA 6th ed. standard 61.1.5g).

4.3 Traffic Enforcement Actions

- 4.3.1 Sworn officers are authorized to use their training and judgment to determine what charges, if any, will be made in a given traffic-related incident. Traffic enforcement actions will be appropriate for each violation of the law and will be applied in a fair, impartial, courteous, and professional manner.
- 4.3.2 Physical Arrest (CALEA 6th ed. standard 61.1.2a): A physical arrest is the most serious action an officer may take incidental to a traffic offense. An officer will write a citation and make a physical arrest when a driver is cited for:
 1. Driving under the influence of intoxicating alcoholic beverages where the level of intoxication is .08% or more; .02% or more for drivers under the age of 21 and .04% or more for commercial vehicle drivers (CALEA 6th ed. Standard 61.1.5a; O.C.G.A. 40-6-391);
 2. Driving under the influence of any drug, as defined by O.C.G.A. 16-13-21, where there is reasonable articulable suspicion or probable cause that the effect has rendered the driver a less safe driver; (CALEA 6th ed. Standard 61.1.5a)
 3. Homicide by vehicle, 1st Degree (O.C.G.A. 40-6-393a), 2nd Degree (O.C.G.A. 40-6-393c);
 4. Feticide by vehicle, 1st Degree, 2nd Degree (O.C.G.A. 40-6-393.1(b)(1));
 5. Serious injury by vehicle (O.C.G.A. 40-6-394);
 6. False affidavit to the Department relating to the ownership, registration, or identity of a vehicle (O.C.G.A. 40-2-7, 40-2-8, 40-4-21);
 7. Reckless driving (O.C.G.A. 40-6-390);
 8. Racing on highway or street (O.C.G.A. 40-6-186);
 9. Fleeing or attempting to elude a police officer (O.C.G.A. 40-6-395);
 10. Fraudulent or fictitious use of a driver's license (O.C.G.A. 40-5-120 & 40-5-125);
 11. Driving while license suspended or revoked (O.C.G.A. 40-5-121); (CALEA 6th ed. 61.1.5b);
 12. Driving without a license (O.C.G.A. 40-6-20); and
 13. The commission of any felony in which a motor vehicle was used.
- 4.3.3 When a traffic violator is wanted on a Municipal Court of Atlanta (150 Garnett Street, SW) warrant for a "failure to appear" and a valid warrant number is confirmed by ACIC radio, the officer will physically arrest the violator and transport to Atlanta Pre-trial Detention Center (236 Peachtree Street, SW, Atlanta, Georgia 30303).



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- 4.3.4 The purpose of arresting and requiring the posting of a bond by the traffic violator is:
1. To ensure an appearance of the violator in court when an officer has reason to believe an offender will not appear for his or her scheduled court date;
 2. To remove from the street any reckless or potentially unsafe driver;
 3. All felony traffic charges occurring in Fulton County will be processed through Fulton County's Complaint Room and the violator transported to Fulton County Jail (901 Rice Street, NW);
 4. The Municipal Court of Atlanta (150 Garnett Street, SW) will process all misdemeanor traffic charges with the exception of Homicide by Vehicle 2nd Degree (40-6-393c), the court date set as indicated on the arraignment calendar.
 5. Violators physically arrested for misdemeanor traffic charges with the exception of Homicide by Vehicle 2nd Degree (40-6-393c) will be transported to Atlanta Pre-trial Detention Center (236 Peachtree Street, SW);
 6. If the violator has a combination of felony and misdemeanor charges, the citations will go through the Complaint Room and the violator transported to Fulton County Jail (901 Rice Street, NW); or
 7. Felony traffic charges (or a combination of felony and misdemeanor traffic charges) occurring in DeKalb County will be processed in DeKalb County Magistrate Court (556 N. McDonough St Suite 1200, Decatur, GA 30030) and the defendant will be transported to the DeKalb County Jail (4415 Memorial Dr, Decatur, GA 30032 (APD.SOP.3030 "Arrest").
- 4.3.6 When a physical arrest is made, write "Jail" where the violator would normally sign their name.
- 4.3.7 Written Citation (CALEA 6th ed. standard 61.1.2b): A copy of charges (Uniform Traffic Citation, Form APD 008 or department approved electronic format), will be issued to persons who violate state laws or applicable city ordinances. However, the charge does not dictate a physical arrest.
1. Copy of charges will be set for the Municipal Court of Atlanta with the court date indicated in the specified court appearance portion of the citation.
 2. All copy of charges will be turned into the officer's supervisor by the end of their tour of duty on the date of the violation. The watch supervisor will ensure all citations are delivered promptly to the Municipal Court of Atlanta (APD.SOP.3161 "Delivering Reports and Tickets to the Courts").
 3. All officers writing traffic citations will attend traffic court when properly subpoenaed by the court to appear on a case.
 4. The officer will ensure the current home address of the violator is correct on the citation.
 5. The officer will have the violator sign the citation to only acknowledge receipt of citation and awareness of the court date. If the violator refuses to sign the citation, the officer will inform the traffic violator that signing the citation is not an admission of guilt and that failure to sign may result in a physical arrest requiring them to post a cash bond to ensure appearance in court (O.C.G.A. 40-13-2.1). A physical arrest for refusal to sign a citation must be approved



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by an on-scene supervisor. The officer will write, "Refuse to Sign" in the signature space and charge the violator accordingly.

6. When a violator is not in possession of his or her valid driver's license, the officer will issue a copy of charges for "driving without license on person" (O.C.G.A. 40-5-29a) along with citations for any other offenses.
7. When a traffic violator is found to be wanted on a Municipal Court of Atlanta (150 Garnett Street, SW) "failure to appear" warrant, but the warrant number is not confirmed, the officer will issue a copy of charges and send the driver's license attached to the citation to traffic court. The court date will be set as indicated by the court's arraignment calendar.

- 4.3.8 Most of the information on the Uniform Traffic Citation (Form APD 008 or department approved electronic format) is self-explanatory. However, the following should be noted:
1. The officer will complete a Uniform Traffic Citation (Form APD 008 or department approved electronic format) on each traffic charge against a violator. A legible, complete ticket with no scratch outs is important to the successful presentation of the case in court. If there are multiple charges, write the companion citation numbers on the citation with the major charge in the "Companion Case" line.
 2. The officer will write the appropriate title and code section for all charges.
 3. The officer will write the times on the citation, and the time shall be written in civilian time (12-hour clock), not in military time (24-hour clock).
 4. The officer will write their off days in the space marked "Court Code: off days" and assigned court time in space marked "Time."
 5. When the arrest is based on a valid warrant, write the issuing agency, warrant number, and any charged offense in the "Remarks" section.
 6. The officer must sign all citations legibly and have their supervisor's signature affixed.
- 4.3.9 Verbal Warnings (CALEA 6th ed. standard 61.1.2c): The Atlanta Police Department does not utilize a written warning system. However, an officer can use, in conjunction with their training and judgment, a verbal warning as an alternative to a written citation. Dependent upon the circumstances, the officer can give the violator a "verbal warning" when an offense has been committed that is a relatively minor traffic violation. When giving the "verbal warning," the officer should also educate the violator on the appropriate driving or safety measures, encouraging voluntary compliance with traffic laws.
- 4.4 Special Categories of Violators
(CALEA 6th ed. standard 61.1.3)
- 4.4.1 Non-residents of Georgia
(CALEA 6th ed. standard 61.1.3a)
1. If a violator's state of residence is a member of the Non-Resident Violator Compact, the officer may release the person on a copy of charges. The officer will advise the violator that if the citation is not paid or if they do not appear in traffic court on the date indicated, the Georgia Department of Driver Services (DDS) will notify the violator's State of residence



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driver services and his or her driver's license could be subject to suspension until the fine is paid.

2. If a violator's state of residence is not a member of the Non-Resident Violator Compact, the violator must be arrested and post a bond.

NON-RESIDENT VIOLATOR COMPACT STATES

Alabama	Hawaii	Maine	New Hampshire	Pennsylvania	Virginia
Arizona	Idaho	Maryland	New Jersey	Rhode Island	Washington
Arkansas	Illinois	Massachusetts	New Mexico	South Carolina	West Virginia
Colorado	Indiana	Minnesota	New York	South Dakota	Wyoming
Connecticut	Iowa	Mississippi	North Carolina	Tennessee	District of Columbia
Delaware	Kansas	Missouri	North Dakota	Texas	
Florida	Kentucky	Nebraska	Ohio	Utah	
Georgia	Louisiana	Nevada	Oklahoma	Vermont	

STATES NOT HAVING A NON-RESIDENT VIOLATOR COMPACT

Alaska	California	Michigan	Montana	Oregon	Wisconsin
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4.4.2 Juvenile Traffic Procedures
 (CALEA 6th ed. standard 61.1.3b)

1. If a juvenile is under the age of seventeen (but at least sixteen), in possession of a valid Class D driver's license and the offense is a minor traffic offense, the officer will follow the same procedure for issuing a copy of traffic charges as outlined in Section 4.3.9 of APD.SOP.3191, "Juvenile Procedures," except that the court date on the ticket will be marked "JUVENILE." The officer will turn the court copy into Juvenile Intake and complete a Juvenile Complaint Form.
2. An officer may issue a copy of traffic charges to a juvenile who is under the age of seventeen and not in possession of a valid Class D driver's license only when the offense is a minor traffic offense and a responsible person is available to take charge of the juvenile. The court date on the ticket will be marked "JUVENILE" and the officer will also complete the following steps:
 - a. Give the defendant's copy of the citation to the parent or legal guardian;
 - b. Take the court copy to Juvenile Intake;
 - c. At the Juvenile Intake office, the officer is required to complete the Juvenile Complaint Form;
 - d. The officer will turn in the Department's copy of the citation to the shift supervisor; and
 - e. The officer should maintain adequate notes for court testimony.
3. Be aware that drivers sixteen-to eighteen-years-old should be in possession of a Class D driver's license, which is a provisional license applicable to noncommercial Class C vehicles. The following conditions apply, provided the Class D driver will not be charged with a violation of this section alone but may be charged in conjunction with any other traffic offense (O.C.G.A. 40-5-24):



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- a. Any Class D license holder will not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of 12:00 midnight and 6:00 A.M.
 - b. For the initial six-month period immediately following the issuance of a Class D driver's license, only immediate family may be passengers in the vehicle.
 - c. During the six-month period immediately following issuance of such license, a Class D license holder will not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when another passenger in the vehicle is not a member of the driver's immediate family.
 - d. After the second six-month period, a Class D license holder will not drive a Class C motor vehicle on the public roads, streets, or highways of this state when more than three other passengers in the vehicle who are not members of the driver's immediate family are less than 21 years of age.
4. A juvenile who is arrested for Driving Under the Influence (DUI), who is sixteen years of age, and possesses a Georgia driver's license, is subject to the Georgia Implied Consent Law, and will be given the same rights as an adult. The juvenile is subject to submit to a blood or breath test at Grady Hospital Detention (80 Jesse Hill Jr. Drive, NE, Atlanta, Georgia 30303). The arresting officer must be present during the drawing of blood or the administering of the breath test. After the test is completed, the arresting officer will follow standard procedure for the arrest of a juvenile (APD.SOP.3190, "Juvenile Procedures," Section 4.7).
5. A juvenile without a valid driver's license who is arrested for DUI, regardless of age, is not subject to the Georgia Implied Consent Law and cannot be administered a blood or breath test, unless permission has been given by the juvenile's parent or legal guardian. When contacting the parents or legal guardian is not possible due to location, time involved, etc., the arresting officer will follow standard procedure for the arrest of a juvenile. The court date will be marked "Juvenile" (APD.SOP.3190, "Juvenile Procedures," Section 4.7).
- 4.4.3 For information pertaining to the arrest of state legislators, foreign diplomats, consular officials, military personnel and poll officials see APD.SOP.3030 "Arrest Procedures." (CALEA 6th ed. Standard 61.1.3c)
- 4.5 Traffic Stops
(CALEA 6th ed. standard 61.1.7a, b)
- 4.5.1 General Procedures:
1. Traffic stops will be made only by marked Atlanta Police Department vehicles equipped with emergency lights and siren.
 2. Officers making traffic stops will turn on their emergency lights, sound the horn, and motion the violator to stop. At night, headlights may be flashed from low to high beam instead of sounding the horn.
 3. If the violator fails to stop, then the siren, spotlight, and take down lights may be used to gain attention.



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4. If all of the above fails, then the officer may pull abreast of the violator (if it can be done in complete safety), use the siren, and motion for the violator to pull over. However, when the officer pulls alongside of the violator, he or she will never allow the front of the police vehicle to go beyond the trailing edge of the front door of the violator's vehicle. The officer should also leave enough room between the vehicles so that the violator cannot swerve and hit the police vehicle.
5. Unless necessary, vehicles should not be stopped in:
 - a. Congested areas that inhibit the officer's movement;
 - b. Areas that present a safety issue to the officer and violator;
 - c. Places where a driveway will be blocked; and
 - d. Desolate or poorly lit areas.
6. As the violator's vehicle is stopping, the police vehicle will be centered on the left taillight of the violator's vehicle, front wheels turned out to open lane of travel, and several feet to the rear of the violator's bumper.
 - a. Advise Communications of the location of the stop, the description and license number of the vehicle, and the number of occupants in the vehicle.
 - b. If the police vehicle is equipped with a mobile data terminal (MDT), the officer will run the vehicle license number and await a response prior to exiting the vehicle. Observe if the registration on file matches the vehicle stopped. If the registration does not match, advise radio to start another unit prior to approaching the vehicle. If there is no MDT available, record the license plate number and/or vehicle description on a pad to be left in the police vehicle.
 - c. Compare the vehicle and occupant(s) with wanted vehicles and subjects.
 - d. Be alert for any unusual movement on the part of the occupant(s).
7. Officers will remain in constant visual observation of the occupant(s).
8. Approach the vehicle from the driver's side but do not walk beyond the trailing edge of the driver's door. Do not walk between the two vehicles while the violator's vehicle is occupied. If two officers are present, the other officer will take a position near the right rear of the violator's vehicle to act as a guard.
9. When stopping a vehicle on the interstate system, the officer will use extreme caution during heavy traffic conditions. Do not allow the vehicle to stop against a median wall if at all possible. If a violator attempts to stop against a median wall, the officer should sound their horn or siren to gain the attention of the driver and signal them to the emergency lane on the right side of the interstate. At times the officer may have to exit their vehicle and proceed around the rear of the patrol vehicle and approach the suspect vehicle from the passenger side. The officer will never pass the trailing edge of the passenger door. The officer may communicate with the driver through the passenger if necessary; however, the officer will if possible communicate with the driver.



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10. The approaching police officer will tell the violator, in a professional and courteous manner, why they were stopped, ask for and obtain the driver's license, verify that the license information is correct with the driver, and verify that the insurance is in effect on the vehicle through Atlanta Crime Information Center (ACIC) (CALEA 6th ed. standard 61.1.8).
11. The citation should be written while seated in the driver's seat of the patrol vehicle or the rear, right side of the patrol vehicle, but not directly behind it.
12. After the citation is written, inform the violator of the court date and time, and request that the violator sign the citation (if they refuse, refer to Section 4.3.7, # 5). Inform the violator to refer to the back of their copy of the citation for information regarding the phone number and address of Municipal Court of Atlanta, directions for paying the fine prior to the court date, and notifying court before their appearance if they will be unable to attend on the assigned court date (CALEA 6th ed. standard 61.1.4a-d).
13. Any officer having reasonable articulable suspicion to believe that a violator is not physically or mentally qualified to be a licensed driver should complete a form DDS-270 "Request for Driver's Evaluation" and follow the directions on the form. If any accident or incident reports have been generated regarding the driver, they should be submitted with the DDS-270. Physical or mental defects observed must be described in specific detail. The letter must be signed by the initiating officer. (CALEA 6th ed. standard 61.1.12).

4.5.2

Felony Stops
(CALEA 6th ed. standard 61.1.7b)

1. When an officer observes a vehicle or occupants of a vehicle wanted in connection with any felony, the officer will immediately advise Communications of:
 - a. The description and license number of the vehicle;
 - b. Location and direction of travel;
 - c. The crime in which the vehicle is wanted; and
 - d. The number of occupant(s) and brief description thereof.
2. Before the stop is made, the officer will request backup and the location of backup units responding.
3. The officer will select a location for the stop but will not attempt the stop until a backup unit arrives.
4. When a backup unit arrives, the primary officer will notify communications of the location of the stop and turn on the vehicle's emergency lights and siren together. If at night, the headlights should be on the high beam.
5. When the suspect vehicle stops, the primary officer will position the police vehicle at a 45-degree angle, with the front end to the left, and 20-30 feet to the rear of the suspect vehicle. The officer will turn the front wheels all the way to the left to provide added protection, exit the vehicle, and take a position behind the driver's door, weapon drawn.



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6. The first backup unit will position their vehicle behind the primary officer's vehicle in line with the suspect vehicle and take a position behind the right rear bumper of the arresting officer's vehicle, weapon drawn.
7. Additional backup officers will position their vehicle parallel to that of the first backup officer's vehicle on either side and take a position behind the rear bumper of the first backup unit's vehicle.
8. The primary officer will speak through the patrol vehicle's public-address system or speak loudly and order the occupants to place their hands outside the vehicle windows where they can clearly be seen. The driver will be ordered to turn off the engine with their left hand and toss the keys out of the driver's side window.
9. Occupants will be removed by ordering the occupants in the front seat to exit the vehicle one at a time, starting with the passenger nearest the right door. Occupants in the rear will be removed in the same manner.
10. As each occupant exits, the officer will instruct them to do the following:
 - a. Place their hands above their head, fingers spread out;
 - b. Turn completely around facing the officer;
 - c. Back away from the vehicle slowly with their backs to the officer;
 - d. Drop to their knees; and
 - e. Assume the prone position facing the suspect vehicle with arms extended and palms facing up.
11. When all occupants are thought to be outside of the suspect vehicle and in the prone position and cover officer(s) are on scene, the primary officer will approach the suspect vehicle from the driver's side and visually check the passenger compartment for subjects who may be hiding and the presence of any weapons.
12. The suspects will be patted down for weapons and detained with handcuffed one at a time by the primary officer. A more thorough search will be made after arrest, but before they are placed inside a police vehicle.

4.5.3 The felony stop will not be employed when stopping misdemeanor suspect vehicles and suspect vehicles not wanted in connection with a felony, unless there is probable cause to believe that suspects are armed and dangerous. Officers may use the traffic stop with variation, always using caution and sound judgment (CALEA 6th ed. standard 61.1.7).

4.6 Vehicle Stops and Searches
(CALEA 6th ed. standard 61.1.7)

1. An officer may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies.



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2. If an officer makes an arrest and it is reasonable to believe that evidence related to the crime of arrest could be found in the passenger compartment, it can be searched incident to a lawful arrest.
3. If an officer has probable cause to believe that evidence of a particular crime is located in a vehicle, the officer may search the vehicle without a warrant, based upon the motor vehicle exception to the search warrant requirement.
4. An exception to a warrantless search of a vehicle in the case that the vehicle has been abandoned by the occupants.
5. If an officer has a lawful justification to impound a vehicle, the officer may conduct an inventory of the contents of the vehicle and all containers therein, pursuant to department policy. Any contraband or evidence observed during this inventory may be seized and should be admissible in court. The rationale for the inventory is:
 - a. To protect the owner's property;
 - b. To protect the officer from potential danger due to the contents of the vehicle, and
 - c. To protect the officer from false allegations of theft.

4.7 Traffic Enforcement Methods

4.7.1 The following methods will be used to conduct traffic enforcement operations:

1. Visible Traffic Patrol (CALEA 6th ed. standard 61.1.6a) will be the primary method to be used by officers when performing traffic enforcement operations. This may include:
 - a. Area: Moving or stationary observation in a specific location that consists of a number of streets, sections of a highway, subdivision, or other identifiable geographical area;
 - b. Line: Moving or stationary observation on a specific street or portion of highway between two points; or
 - c. Directed: Either an area or line patrol, that is specifically directed by a supervisor and is based upon unfavorable traffic collisions, enforcement data, or upon high number of citizen complaints.
2. Stationary Observation (CALEA 6th ed. standard 61.1.6b) is used when traffic enforcement vehicles are stopped and positioned in a stationary mode. They will be situated in such a manner that the police vehicles can be clearly observed by motorists using ordinary powers of observation.
 - a. If emergency equipment devices (lights or sirens) are not in use, traffic enforcement vehicles will be parked in such a manner as not to cause a traffic hazard or to otherwise require a driver to take evasive action to avoid a collision.
 - b. While operating speed detection devices, traffic enforcement vehicles will be in compliance with applicable speed detection operation requirements with respect to



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distance, location, visibility, and upon roadways as approved by state for use of such devices. (O.C.G.A. 40-14-7)

2. Unmarked or unconventional vehicles (CALEA 5th ed. standard 61.1.6c) will not be used in traffic enforcement operation; however, they may be used to gather traffic data in a specific area or for observation of traffic patterns.

4.8 Safety Checkpoints
(CALEA 6th ed. standard 61.1.6d & 41.2.3)

- 4.8.1 The use of safety checkpoints for seatbelt, vehicle registration, valid driver's license, insurance, and safety equipment compliance is part of the Department's overall traffic enforcement program.
- 4.8.2 Sobriety checkpoints will be one of the enforcement measures of the Department's DUI Task Force and as authorized by zone supervisors within respective areas of responsibility. When properly used in conjunction with other forms of education and enforcement, sobriety checkpoints can be an effective means to substantially reduce drinking and driving within the City of Atlanta.
- 4.8.3 Safety Checkpoints will only be operated under the on-scene supervision of a sergeant or higher rank commander.
- 4.8.4 It is the responsibility of the on-scene supervisor to ensure that all necessary planning, equipment, and operational requirements are met before the start of a safety checkpoint location.
- 4.8.5 Although the principle reason for a safety checkpoint is to identify potential traffic safety violators, all officers at the scene should be aware of current "BOLO" information and of any driver who presents reasonable suspicion of trying to conceal their identity.
- 4.8.6 Safety Checkpoint Planning:

The following planning activities shall be accomplished by the field supervisor prior to establishing the safety checkpoint.

1. Site Selection: The identification of a location for a checkpoint should be done with great care and consideration for the following:
 - a. **Purpose:** The purpose of the safety checkpoint should be centered on possible traffic safety and driver issues. Is it a safety check for seatbelts and children restraint seats? Is a sobriety checkpoint in an area that analysis has shown a high degree of intoxicated drivers? Is it a check for valid registration, driver's license, and insurance?
 - b. **Safety:** The location should provide maximum safety for both officers conducting the safety checkpoint and the motorists who will encounter it. The most desirable locations are those that are flat and provide sufficient sight distance to give approaching motorist adequate time to come to a safe stop; and adequate shoulders and turn-out areas for safe evaluation and processing of drivers suspected of a traffic offense. The field supervisor should visit a potential safety checkpoint location prior to calling officers to ensure the area is appropriate.



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- c. Degree of Traffic Flow Interference: The location selected for a safety checkpoint should minimize interference with the normal flow of traffic as much as possible. If a safety checkpoint backs up traffic, it is intrusive for the motorist and cumbersome for the officers, and hence unproductive. Additionally, consideration should be given to the reasonableness of holding a safety checkpoint in a location or at a time that the majority of motorists would be traveling to or from a regularly scheduled event, such as a worship service or a sporting event. The field supervisor should monitor the traffic flow during a safety checkpoint and adjust accordingly.

2. Officer Selection and Training

- a. Selection: The required number of officers to properly operate a safety checkpoint should be evaluated based on the location's topography and the anticipated volume. Consideration should be given to the number of vehicles that could be stopped, the transport of offenders taken into custody, and the need to process traffic offenders at the location. All officers should be trained and familiar in conducting safety checkpoints. If an officer is unfamiliar with safety checkpoint operations, they should be paired with an experienced officer.
- b. Training: Officers who participate in safety checkpoint operations should be fully aware of all procedural aspects from their training from the Training Academy and should carry out their assigned safety checkpoint functions.

3. Vehicles and Equipment: Another principle consideration is the number and types of police vehicles and other required equipment needed to effectively operate the safety checkpoint. Only marked patrol vehicles and prisoner transport vans, if needed, will be used. At least two of the marked patrol vehicles in the safety checkpoint will have their blue lights on.

3. All employees in the safety checkpoint will wear his or her issued reflective traffic vest or rain gear for inclement weather. For safety checkpoints during hours of darkness, officers will also have their Department-issued or approved flashlights.

4.8.7 Safety Checkpoint Operations

1. Vehicles passing through the safety checkpoint will be stopped in a regulated, predetermined pattern. Examples of acceptable patterns would be all vehicles, every second vehicle, every tenth vehicle, northbound traffic only, etc. Arbitrary stopping is prohibited. When traffic backs up, officers may allow several vehicles to pass unchecked to avoid traffic congestion.
2. Plainclothes officers will not be directly involved in safety checkpoint operations unless they are present for anticipated follow-up investigative activities.
3. The location of the safety checkpoint will be clearly marked as such with at least two marked patrol vehicles with blue lights on and, at the discretion of the on-scene supervisor, traffic cones or signs may also be used.

4.8.8 Reporting – Safety Checkpoints

The on-scene supervisor will document all aspects of the safety checkpoint operation using Safety Checkpoint Report (Form APD 694) and turn the completed form in to the watch commander before the end of the tour of duty. The watch commander will review the report and



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forward through the chain of command to the SOS commander for inclusion in the annual traffic analysis. The report should contain the following:

1. **Establishment of Safety Checkpoint:** The details of the safety checkpoint's selection will be made a matter of record. This should include the identification of the various reasons for selecting the specific site such as a drunk-driving problem has been identified in an area. It should also include number of officers involved in operations, if other employees used, and the physical layout of the safety checkpoint.
2. **Safety Checkpoint Operation:** Information pertaining to the actual operation of the checkpoint needs to be documented in the report. This includes:
 - a. The selection criteria used to stop motorists (e.g. every vehicle, every third vehicle, seatbelt check);
 - b. The need for temporary "shutdowns" because of congestion, officers on paperwork, or other reasons;
 - c. The number of drivers detained for further evaluation and the methods of evaluation used (e.g. drivers without proper identification, insurance, or possibly wanted);
 - d. The number of citations written; and
 - e. The number of arrests made and the charge.

4.9 Forcible Stops
(CALEA 6th Edition, Standard 41.2.3)

The Atlanta Police Department's only approved methods of a forcible vehicle stop is with the use of the Department's approved tire deflation device and the Precision Immobilization Technique (P.I.T.) maneuvers. These methods can only be used by personnel trained in the practice and with the approval of their supervisor.

4.10 Tire Deflation Device
(CALEA 6th Edition, Standard 41.2.3)

1. Tire deflation devices must be used in accordance with the manufacturer's instructions, training, Department policy and procedures.
2. Section commanders will be responsible for accounting for the City-issued tire deflation devices and maintaining a file copy of each documented use of the tire deflation device.
3. The Training Section commander is responsible for ensuring that a suitable instructor is trained in the use of the Department tire deflation device. The Training Section commander is responsible for approving the applicable lesson plan and any changes to the lesson plan.
4. Sworn supervisors are responsible for monitoring the use of the tire deflation device by their employees, ensuring that their subordinates are in compliance with this directive, and taking immediate corrective action when necessary.
5. All sworn employees are responsible for properly using and maintaining their City-issued tire deflation devices.



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6. The Special Operations Section (SOS) is responsible for the storage, issuance, inventory, documentation, and replacement of Department issued tire deflation devices.
7. Sworn employees will be allowed to carry and use a tire deflation device only after they have been successfully trained in the use of a tire deflation device. The training must be conducted under the auspices of the Department's Training Academy. No other training will satisfy this requirement.
8. Sworn employees are prohibited from carrying and using any other tire deflation device that has not been approved for use or issued by the Department.
9. Sworn employees will be justified in using a tire deflation device when no other available option would be as safe and effective in terminating or preventing the movement of a vehicle.
10. Modification or alterations of the City-issued tire deflation device are prohibited, unless approved by the Chief of Police, based on a recommendation by the Training Academy's commander.
11. No sworn employee will be issued a tire deflation device or be allowed to use a tire deflation device, unless he or she has successfully completed the basic training course that has been approved by the Training Academy's commander.

4.10.1 The Use of a Tire Deflation Device

1. Tire deflation devices should be used on vehicles with four or more tires.
2. Tire deflation devices are not effective on the tires of heavy commercial vehicles and will not be deployed when involved with these types of vehicles.
3. Tire deflation devices will not be used on any two or three-wheeled vehicle, including four wheeled all-terrain vehicles.
4. Officer and citizen safety will be the prime consideration when deploying the tire deflation device. If attempts to deploy the tire deflation device compromise safety, they will not be utilized.
5. Tire deflation devices will be positioned to minimize the ability of the suspect vehicle to avoid or evade the device.
6. Tire deflation devices will be used in a single unit or in combination of two or more units depending on the width of the roadway to be covered and available time to deploy them. When deployed as multiple units, the tire deflation device will be deployed as recommended by the manufacturer.
7. Tire deflation devices will not be deployed within 300 feet of any major intersection.
8. Tire deflation devices should only be deployed on hard roadway surfaces, as they are less effective otherwise. Additionally, tire deflation devices should not be used in locations where specific geographic features (sharp curves, steep embankments, etc.) would increase risk to the officer or the public.



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9. Tire deflation devices may be utilized **only** after supervisory approval.
10. Communications radio dispatchers must notify all units of the location of the deployed tire deflation devices.

4.10.2 Deployment Safety – Tire Deflation Devices

1. It is imperative that all officers involved are aware of the exact location of deployed devices, so they can slow down in time to allow the removal of the device after the suspect vehicle crosses it. Measures will be taken to divert other traffic from the area to prevent unnecessary damage to other vehicles.
2. The tire deflation device should be removed immediately after the target vehicle crosses it. The suspect vehicle will be slowing, and officers should be prepared to take evasive action to avoid contact with the suspect vehicle.
3. The deploying officer should park a patrol vehicle near the place of deployment and stand 10 to 20 feet in the front of the patrol vehicle when deploying the tire deflation device. If the patrol unit is facing toward the pursuit, the officer should then position him or herself 10 to 20 feet to the rear of the unit.
4. The deploying officer, time permitting, will place the tire deflation device perpendicular to the roadway on the shoulder and un-reel the cord across the roadway to a position of safety. If time does not permit, the tire deflation device should be tossed in front of the suspect vehicle.
5. The officer must NOT attach the reel to himself or herself or wrap the line around his or her hand.
6. If the tire deflation device is removed from the trunk of the officer's vehicle, the officer will close the trunk lid so as not to block the visibility of the emergency lights.
7. Officers will refrain from entering traffic lanes to deploy the tire deflation device.
8. Tire deflation devices are prohibited during a pursuit involving more than one agency.
9. The supervisor in charge will authorize the use of the tire deflation device.
10. Tire deflation devices can be used on both stationary (static application) and moving (dynamic application) vehicles.

4.10.3 Reporting - Tire Deflation Devices

1. Officers will document the use of tire deflation devices in their incident reports or the supplement to an existing incident report. The incident report should contain justification for using the tire deflation device, the outcome, the serial number of the device, information on damaged property, and any injuries.
2. When a tire deflation device is successfully or unsuccessfully used, a sworn supervisor will respond to the deployment scene. The supervisor will take charge of the scene and conduct an investigation into the sworn employee's use of a tire deflation device. The



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responding supervisor will complete a Supervisor's Use of Force Supplement Form (Form APD 809) and submit per procedures outlines in APD.SOP.3010 "Use of Force," Section 4.6 (CALEA 6th edition, Standard 1.3.6)

3. To ensure the effectiveness and proper use of tire deflation devices, the Special Operations Section commander will be responsible for conducting an annual analysis of the device usage. The written annual analysis of tire deflation device will be forwarded to the Chief of Police, the Field Operations Division, the Training Academy, and the Planning, Research and Accreditation Unit.

4.10.4 Replacement - Tire Deflation Devices

1. The officer will go to the SOS to replace the damaged or lost tire deflation device.
2. The officer must provide SOS with a copy of the APD Incident Report form.
3. In the case of a damaged tire deflation device, the officer will return the damaged device to SOS before receiving a replacement.

4.11 LoJack Stolen Vehicle Recovery System

4.11.1 LoJack is a system utilized by the Department and other law enforcement agencies to aid in recovering stolen vehicles in a safe and relatively quick manner. The system enables officers to know that a stolen vehicle is in their immediate area even before actually encountering the vehicle. This allows officers to prepare for the encounter by advising a supervisor, requesting additional units, and becoming tactically prepared for the recovery.

4.11.2 Components of the LoJack System

1. The LoJack Unit is an electronic device about the size of a blackboard eraser. Only LoJack technicians install these units and the units are hidden in any one of a number of recessed locations in the vehicle. The unit has two power cables that are attached to the vehicle's battery. However, if the power is interrupted, the unit has a backup battery capable of lasting approximately 72 hours. The unit has its own "reply code" which is similar to a serial number and enables it to broadcast its unique signal. It is a passive device, which means that it must be activated by an outside source.
2. The Georgia State Patrol Headquarters (959 East Confederate Avenue, SE, Atlanta, 30316) houses the central file of all LoJack protected vehicles and determines whether a stolen vehicle is LoJack equipped. It issues commands to activate or de-activate LoJack units.
3. The Georgia Tracking Computer is the device installed in the police vehicle. It consists of:
 - a. Four antennas mounted on the roof of the police vehicle;
 - b. The microprocessor mounted in the trunk of the police vehicle. This element receives the signal from the LoJack unit;
 - c. The Display Head is the component mounted on the dash or ceiling of the police vehicle. It features include:



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- (1.) Reply Code Display: When the unit receives a signal from a LoJack unit, a five-digit code is displayed on the display head. The officer relays the code to the ACIC operator in Communications. The operator will then check the code and give the officer a complete description of the stolen vehicle.
- (2.) Relative Bearing Indicator: This consists of sixteen lighted dots arranged in a circle with one in the middle simulating the police vehicle. The officer should drive in a direction that keeps the dot toward the "12:00" position.
- (3.) Signal Strength Indicator: This consists of a series of vertical lighted bars that indicate the relative distance between the stolen vehicle and the police vehicle. It advises the officer that they are getting closer to or farther away from the stolen vehicle.

4.11.3 After a LoJack Equipped Vehicle Encounter

Before advising ACIC to initiate de-activation of the LoJack unit, the officer must have actual physical possession of the stolen vehicle (preferably as the vehicle is being towed). If the vehicle is not recovered after an encounter, do not have the LoJack unit de-activated because the only way to reactivate the unit is to again repeat the reporting process.

4.11.4 Receiving a LoJack Activation

1. When an officer receives a LoJack activation, they will notify radio dispatch and his or her supervisor. The officer will switch to ACIC to confirm the signal. When an Auto Theft Task Force (ATTF) investigator receives an activation, they will notify detective radio and switch to ACIC for confirmation.
2. When the five-character code appears on the LoJack display unit, lock it in. Officers or investigators will request ACIC to make an inquiry by using the five-character code. When the code has been entered, the audible tone will speed up approximately once per second.
3. The ACIC computer will return a description of the vehicle. The ACIC operator will relay this information immediately to the officer or investigator searching for or following the stolen vehicle.
4. An officer who is already on a call and receives a LoJack activation will advise radio dispatch of the situation and will generally complete the call before starting a LoJack response.
5. If more than one officer or investigator receives a LoJack signal, the ACIC operator will assign the call to the police unit with the strongest signal. Other officers and investigators will return to their assigned radio dispatcher and stay in the immediate area as backup units for the primary unit.

4.11.5 Tracking LoJack-Equipped Vehicles

1. When tracking a stolen vehicle from a LoJack signal, try to keep the lighted outer dot on the electronic compass between the 10 and 2 o'clock position. Drive in the direction that causes the signal strength to increase or until the tone becomes clearer.



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2. When officers locate the vehicle, they will verify that it is stolen and inform ACIC of the location and whether the vehicle is occupied. If the vehicle is occupied, the officer will:
 - a. Advise the main radio dispatch for the zone and request backup;
 - b. Make every effort not to alert the operator or occupants until backup units are in position and ready to assist;
 - c. Follow the Department's pursuit policy (APD.SOP.3050 "Pursuit Policy") if the vehicle attempts to elude the police units and meets the criteria for pursuing a vehicle.
3. Upon recovery of a stolen vehicle with a LoJack transmitter, the recovering unit will immediately notify ACIC to de-activate the LoJack transmitter in the recovered vehicle once the VIN has been confirmed.
4. After recovering the stolen vehicle, the officer will follow normal procedures for reporting the recovery and any subsequent impound. It should be noted in the incident report and on the impound form that the recovered vehicle was "LoJack Equipped."
5. An officer who has an approved civilian observer riding with them may pursue a LoJack signal, but will let backup units conduct the vehicle stop, if any.

4.11.6 Other Jurisdictions

1. Upon reaching the zone boundary, the unit responding to a LoJack signal will notify the next zone through radio dispatch and abandon pursuit unless he or she has a visual on the vehicle, in which case the Department's pursuit policy (APD.SOP.3050 "Pursuit Policy") will govern.
2. Upon reaching the City's boundary, officers and investigators will abandon the search unless they have a visual of the stolen vehicle, in which case the Department's pursuit policy (APD.SOP.3050, "Pursuit Policy") will govern. The primary unit will have radio dispatch notify the next jurisdiction of the LoJack signal and vehicle description.

4.12 Speed Measuring Devices

- 4.12.1 Drivers exceeding the posted speed limit can be detected by officer's observation and the use of the patrol vehicle's speedometer (as performed during the Emergency Vehicle Operations Course at the Academy). This is probably the most frequent speed detection measure during patrol activities. If an officer cites a driver for excessive speed beyond the posted limit or road conditions, it will be noted on the traffic citation that the patrol vehicle was used to clock the speed of the offender. If this method is used by the officer, they should ensure the patrol vehicle's speedometer is in approximate measurement condition at the beginning of the tour of duty and be prepared to testify to such (e.g., Preventive Maintenance Schedule) (O.C.G.A. 40-6-180, 40-6-181, 40-6-186, and 40-6-187; CALEA 6th ed. standard 61.1.9a-e).
- 4.12.2 Equipment Specifications for Speed Measuring Devices (CALEA 6th ed. standard 61.1.8a): Sworn employees will only utilize speed measuring devices that meet or exceed the performance specifications established by the Georgia Department of Public Safety. (O.C.G.A. 40-14-1)



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4.12.3 Operational Procedures
(CALEA 6th ed. standard 61.1.8b)

1. No speed measuring device will be operated until the appropriate application for a permit has been made by the City's governing authority and the subsequent approval and authorization received from the Georgia Department of Public Safety.
2. No speed measuring device will be operated:
 - a. Within 500 feet of warning signs on the state highway system advising motorists that speed detection devices are being employed (O.C.G.A. 40-14-6);
 - b. From a concealed vehicle or one that is not visible to approaching motorists for at least a distance of 500 feet (O.C.G.A. 40-14-7);
 - c. Within 300 feet of a reduction of speed limit sign inside City of Atlanta limits (O.C.G.A. 40-14-9);
 - d. Within a period of 30 days following the posting of a revised or new speed limit sign (O.C.G.A. 40-14-9)
 - e. On any street or roadway having a grade in excess of seven percent (O.C.G.A. 40-14-9);
 - f. Without being certified for compliance by a technician possessing a certification as required by the Department of Public Safety (Laser not required under Federal Communications Commission; O.C.G.A. 40-14-4); or
 - g. For any reason other than for the promotion of the public health, welfare, and safety (O.C.G.A. 40-14-11).
3. Speeding citations will only be initiated if the violator's speed:
 - a. Exceeds the posted speed limit by more than ten miles per hour unless the speed is too fast for prevailing conditions;
 - b. Is more than the posted limit by any amount within a marked school zone one hour before, during, or after normal hours of school operation; or
 - c. Exceeds the posted speed by any amount within a residential zone that has a marked limit of less than 35 miles per hour (O.C.G.A. 40-14-8).
4. Additional operational requirements: The precise method for using a speed measuring device and the enforcement of those laws applying to speed will vary in accordance with the type of equipment used. Generally, the following procedures will apply:
 - a. The equipment must be properly installed and operated according to the manufacturer's specifications;
 - b. The effective range of the unit must be thoroughly understood by the operator so visual observation can support the speed readings; and



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- c. Any unit not meeting the manufacturer's minimum accuracy requirements will be removed from service and will not be used until it has been serviced, tested, and re-certified by a qualified technician. (O.C.G.A. 40-14-5)
 - d. The operator is certified by the State of Georgia in the operation and use of speed such detection device.
- 4.12.4 Proper Care and Upkeep (CALEA 6th ed. standard 61.1.8c): will be performed by the operator, as specified by the equipment's manufacturer, and will include cleanliness, daily inspections, and necessary follow-up action to correct any noted deficiencies.
- 4.12.5 Maintenance and Testing Records (CALEA 6th ed. standard 61.1.8d)
1. The zone commanders, SOS and any other units in control of speed measuring devices will be responsible for ensuring that the necessary maintenance and testing is performed; that operational records are developed for each assigned speed measuring device; and that such records are maintained for suitable introduction as evidence in court.
 2. Programmed maintenance will be performed when stipulated by the manufacturer or at least on an annual basis, whichever occurs sooner.
 3. The operator will test the device for accuracy; record and maintain the results of the test at the beginning and end of each tour of duty on their speed detection log (O.C.G.A. 40-14-5) or as required by law.
 4. Records will be maintained by the operator for each unit to include:
 - a. Statement of origin and accuracy;
 - b. All tests performed, including the time, date, and results of test; and
 - c. All reported defects and repairs.
 5. If there is a problem with the device as detected by the operator, an incident report will be completed referencing the items in Section 4 and an immediate supervisor will be notified.
- 4.12.6 Operator Training and Certification (CALEA 6th ed. standard 61.1.8e)
1. Officers who operate speed measuring devices have successfully completed an initial basic operator course and receive certification training. (O.C.G.A. 35-8-12)
 2. Such training will include:
 - a. Familiarization with the theory of operation of speed detection devices;
 - b. Instruction on speed detection equipment characteristics and operation by a properly trained instructor;



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- c. At least 16 hours of in-car, on-the-job instruction detecting, tracking, and documenting violations under the direct supervision of an experienced operator or instructor;
- d. Demonstrated equipment proficiency to the instructor; and
- e. Satisfactory compliance with all minimum requirements specified by Georgia P.O.S.T.

4.12.7 Courtroom Testimony: Officers who operate speed detection devices should be prepared to testify to the following in court:

1. The time, place, and direction of the vehicle, its description, and the speed of the motorist as displayed on the speed measuring device;
2. That the defendant's vehicle was identified as the violator vehicle to the exclusion of other traffic on the roadway;
3. That the defendant was the individual operating the vehicle within the Atlanta City limits;
4. That the equipment was operating properly;
5. That the device was checked as required by an approved calibration method; and
1. Establish operator qualifications and training.

COURTROOM TESTIMONY GUIDE

On the _____ day of _____, in the City of Atlanta, Fulton/DeKalb County, in the State of Georgia at _____ hours.

1. I was operating a radar/laser unit (Unit Name and Number), which is approved by the Georgia Department of Public Safety for the measurement of speed.
2. The City of Atlanta possesses a license in compliance with FCC rules for the use of this device, and I am certified to operate radar/laser.
3. The unit was certified for compliance by a technician possessing the certification as required by the Department of Public Safety.
4. In addition, the device has passed tests for accuracy conducted in accordance with the manufacturer's recommended procedure by me at the beginning and end of each tour of duty and the results were recorded and maintained.
5. At the time, I was operating moving/stationary radar/laser on Street Name, an approved street for the operation of radar/laser with a grade of less than 7%, the vehicle from which the device was being operated was visible to approaching motorists for a distance of at least 500 feet.
6. At this time, I observed a Vehicle's Year, Make, and Model driven by the defendant traveling Direction at a high rate of speed (state tracking history).



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4.13 Impaired Driving Enforcement
(CALEA 6th ed. standard 61.1.5a)

4.13.1 Driving under the influence of alcohol and/or drugs has been interpreted by the courts to mean that there is a presumption of impairment when a motorist's ability to operate a vehicle is adversely affected by the consumption of alcoholic beverages or other drugs.

1. The fact that a driver has the odor of alcoholic beverages on his or her breath is not sufficient cause for an arrest. The violation occurs when the driver's ability is impaired.
2. DUI offenses are potentially life-threatening violations that require immediate and decisive enforcement actions to prevent suspected violators from committing a deadly act.
3. Impairment due to an intoxicating alcoholic beverage is where the level of intoxication is .08% or more; .02% or more for drivers under the age of 21 and .04% or more for commercial vehicle drivers (O.C.G.A. 40-6-391).
4. Impairment due to any drug, as defined by O.C.G.A. 16-13-21, where there is reasonable articulable suspicion or probable cause that the effect has rendered the driver a less safe driver;
5. Drivers found in violation of DUI laws will be arrested. The arrest will be based upon probable cause and the observed actions of the driver on the roadway during a traffic stop, at a Safety Checkpoint, or after involvement in a collision. These actions may be subsequently verified by a field sobriety test, breath intoximeter, urine, and/or blood tests.

4.13.2 High Intensity Traffic Team (HITT)
(CALEA 6th ed. standard 61.1.10, 61.2.1d, & 61.2.2c)

1. Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets and highways of the City of Atlanta. Therefore, the use of a variety of comprehensive, coordinated, and continual countermeasures involving education, enforcement, adjudication, treatment, and public support are essential to the Department's efforts to combat the problem of driving under the influence (DUI) and serious traffic offences.
2. Enforcement is the key to the Department's High Intensity Traffic Team (HITT). The HITT is a select unit of officers whose focus will be on DUI enforcement and serious traffic offences.
3. DUI enforcement measures consist of:
 - a. Selective assignment of officers at the times and locations where analysis has shown that a significant number of violations and/or collisions involving impaired drivers have occurred;
 - b. Selective surveillance of streets and highways where citizens have reported sightings of impaired drivers; and
 - c. Sobriety checkpoints for the deterrence and detection of DUI offenders.



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- 4.13.3 Motorists observed operating a vehicle in a manner indicating possible impairment will be stopped so that a further investigation can be performed to determine the driver's continued fitness to drive. Such observable driving characteristics are, but not limited to:
1. An inability of the driver to maintain consistent directional control within the traffic lane;
 2. Uneven or jerky stops and/or starts;
 3. Sudden stops, jack rabbit starts, or prolonged stops;
 4. Speeds above or below the flow of traffic; and
 5. Other potentially dangerous acts such as sudden lane changes or forcing other drivers to take evasive actions to avoid a collision.
- 4.13.4 Following a traffic stop or vehicle collision, officers will be alert for any signs of alcohol and/or drug impairment. Recognizable symptoms usually associated with impairment include, but are not limited to:
1. Flushed face and bloodshot glassy eye appearance;
 2. Noticeable odor of alcoholic beverage;
 3. Problems associated with performing physical tasks related to the traffic stop (e.g. retrieving driver's license, finding insurance or registration information);
 4. Slurred speech, erratic behavior, slow response, and other related deficiencies such as clarity, volume, and sentence structure; and
 5. Hiccoughing, belching, vomiting, profound sweating, sudden emotional swings such as crying or laughing.
- 4.13.5 Initial Investigation Procedures for DUI Offenders (CALEA 6th ed. standard 61.1.11, 61.1.10 & 61.2.2c): Officers will take the following actions when handling a suspected DUI offender.
1. Be polite and professional; remain aware that the driver's judgment, self-restraint, and self-confidence may become distorted. This often leads the motorist to demonstrate a lack of cooperation, belligerency, and even physical contact.
 2. Do not become argumentative with the violator. Answer any questions posed by the motorist, so that he or she will be further encouraged to talk and thereby reveal their ability to speak and any odors of alcoholic beverages on their breath.
 3. Ask the driver questions while he or she is attempting to perform a task, such as search for their driver's license or vehicle information. Questions like, "What is your middle name?" or "What is your address?" or "Can you tell me what time it is?" are designed to divide the attention of the driver and provide indicators of impairment by revealing whether the motorist has difficulty, or cannot perform, a mental and physical task simultaneously.
 4. Do not allow the subject to move the vehicle when impairment is suspected.



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5. Request the subject to exit the vehicle if there is reasonable cause to believe the driver's ability is impaired.
 - a. Proceed to a safe location on the shoulder of the roadway or off the roadway such as a parking lot to better observe the individual's movements, balance, appearance, and general ability to perform walking movements.
 - b. Request assistance from another unit through radio, if necessary, to move to a safer location.

4.13.6 Standardized Field Sobriety Tests
(CALEA 6th ed. Standard 61.1.10)

1. When investigating suspected impaired drivers, officers will employ the use of standardized field sobriety tests if the driver is physically capable, conditions permit, and it is generally safe to do so. Psychophysical tests are methods of assessing a suspect's mental and physical impairment. If available, request the dispatcher to send another unit to witness the testing and assist in officer safety measures.
2. Officers will use one or a combination of the below standardized field sobriety tests. Officers who have had additional training through the Atlanta Police Academy will be authorized to conduct other field sobriety tests in addition to the standardized tests (APD.SOP.4040 "Special Operations Sections"). Officers will record the standardized field sobriety test used and the results in his or her incident report.
3. The driver should be advised that the tests are voluntary and that he or she has the right to refuse.
 - a. Horizontal Gaze Nystagmus Eye Test (HGN): This test may only be conducted by officers who have been trained and certified through the DUI Detection Standardized Field Sobriety Testing course. If the arresting officer wants the test done, they should contact a trained officer to come to the scene. It is not necessary for the test to be done to establish probable cause for a DUI arrest;
 - b. One-Leg Stand: This divided attention test consists of evaluating the suspected impaired driver's ability to successfully follow verbal instructions. The suspect is to stand with their heels together and arms at their sides, and not to begin the test until the officer says to begin. When the suspect is told to begin he or she is to raise up either leg approximately 6 inches off the ground, foot parallel to the ground. The suspect is to stare at their elevated foot and count aloud (1001, 1002, 1003...) until the officer tells the suspect to stop. The suspect is to keep both legs straight and their arms at their sides at all times. The officer is to time the test on his or her wristwatch, for a period of 30 seconds.
 - c. Nine Step Walk-and-Turn: This test consists of evaluating the suspected impaired driver's ability to successfully follow verbal instructions, walk in a straight line from one designated point to another (heel-to-toe) for nine steps, turn around according to the investigating officer's instructions, and return to the starting point. During the evaluation the suspect is to look at their feet at all times, keep their arms at their sides, and count their steps out loud. Once they start the evaluation do not stop until the test is completed. Before administering the test, the investigating officer should ask the driver if they have any injuries or problems that would affect his or her walking.



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4. Alternative field sobriety tests will be administered if the suspected impaired driver is unable to perform the standardized field sobriety tests due to physical limitations, possible injury, weather, surface defects, etc. Officers will record the reasons for substituting the alternative field sobriety tests for the standardized field sobriety tests in his or her incident report.
5. When using alternative field sobriety tests, the investigating officer will employ the use of the following "divided attention" tests:
 - a. **Finger-to-Nose:** This test consists of evaluating the suspected impaired driver's ability to successfully follow verbal instructions, stand erect with their heels together, head tilted back, eyes closed, and arms down at their sides, make fists with the index finger extended and rotate the palms forward. When instructed to do so the officer will be calling out the left or right hand. The suspect is to touch the tip of the finger to their nose and bring hand down to the starting position. The suspect is to use a forward high arching motion to complete this task. The officer will always use the sequence "left...right...left...right...right...left". The officer will demonstrate the test (without closing their eyes) if necessary.
 - b. **Alphabet Recitation:** This test consists of the investigating officer choosing a portion of the alphabet (ex. "J" through "X") and having the subject recite the string of letters in proper order starting from the letter given. The officer should ensure the driver knows the alphabet before beginning.
 - c. **Rhomberg Balance:** This test requires the suspect to stand with the feet together, the head tilted slightly back, eyes closed, and estimate the passage of thirty seconds. When suspect believes that the thirty seconds have passed, he or she is to tilt the head forward, open the eyes, and say, "Stop". The officer is to tell the suspect to begin while timing the suspect on his or her watch.
6. After conducting the initial investigation at the scene of a traffic stop involving a suspected impaired person, if probable cause does exist through observation and field sobriety tests, officers will physically arrest the offender.

4.13.7 Arrest - DUI (First Time Resident Offenders and all Non-resident Offenders Who Submit to State-Administered Chemical Tests)
(CALEA 6th ed. standard 61.1.10, 61.1.11 & 61.2.1d)

1. The investigating officer will physically arrest and make an incident report (and accident report, if applicable) of any violator charged with driving under the influence of alcoholic beverages whose level of intoxication is .08% or more and 21 years-of-age or older. Physical arrest and incident report are also required where the driver has a blood alcohol greater than .05% yet less than .08% and the officer has probable cause to believe he or she is a less than safe driver or is under the influence of alcohol or drugs (.02% or more for drivers under age 21, .04% for commercial drivers).
2. Whenever a driver is charged with DUI and has a valid driver's license, the officer will seize the license.
 - a. The arresting officer will take the driver's license of all DUI violators regardless of whether the driver is a resident of the State of Georgia or from another state. The



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officer will place the driver's license in a small manila envelope and attach it to the court's copy of the traffic citation.

- b. In Section IV of the traffic citation, "License surrendered in lieu of bail" must be marked "no."
 - c. The arresting officer will turn in the confiscated driver's license along with the appropriate copies of the citation to the corrections intake officer at the Atlanta Pre-trial Detention Center.
 - d. The supervisor will ensure that the license and citation are promptly delivered to the Municipal Court of Atlanta.
3. On the traffic citation the officer will assign a court date of the next available day from the violation date, for DUI and any companion charges against the violator.
 4. The arresting officer and any witnesses do not need to attend the first appearance in court; therefore, the investigating officer should not subpoena witnesses at the scene, but will write their names, addresses, and telephone numbers on the incident report, so that they may be subpoenaed when needed.
 5. When the arrest is made, the officer will immediately, and while still on the scene advise the driver of the following:
 - a. That he or she is under arrest for Driving Under the Influence;
 - b. The portion of the Implied Consent Warning (DDS 354) that applies to the incident (below).

Revisions to OCGA 40-5-67.1 (b)

Georgia Implied Consent Notice

Effective April 28th, 2019.

Language reprinted from HB471 by GBI-DOFS.

Implied Consent Notice / Suspects under age 21:

The State of Georgia has conditioned your privilege to drive upon the highways of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.02 grams or more, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year. After first submitting to the requested state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which test)?



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Implied Consent Notice / Suspects age 21 or over:

The State of Georgia has conditioned your privilege to drive upon the highways of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, your Georgia driver's license or privilege to drive on the highways of this state will be suspended for a minimum period of one year. Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate an alcohol concentration of 0.08 grams or more, your Georgia driver's license or privilege to drive on the highways of this state may be suspended for a minimum period of one year. After first submitting to the requested state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which test)?

Implied Consent Notice / CMV Driver Suspects:

The State of Georgia has conditioned your privilege to drive upon the highways of this state upon your submission to state administered chemical tests of your blood, breath, urine, or other bodily substances for the purpose of determining if you are under the influence of alcohol or drugs. If you refuse this testing, you will be disqualified from operating a commercial motor vehicle for a minimum period of one year. Your refusal to submit to blood or urine testing may be offered into evidence against you at trial. If you submit to testing and the results indicate the presence of any alcohol, you will be issued an out-of-service order and will be prohibited from operating a commercial motor vehicle for 24 hours. If the results indicate an alcohol concentration of 0.04 grams or more, you will be disqualified from operating a commercial motor vehicle for a minimum period of one year. After first submitting to the requested state tests, you are entitled to additional chemical tests of your blood, breath, urine, or other bodily substances at your own expense and from qualified personnel of your own choosing. Will you submit to the state administered chemical tests of your (designate which test)?

6. Upon arrest of an impaired driver, the arresting officer will immediately transport him or her to the Atlanta Pretrial Detention Center or to Grady Memorial Hospital for the appropriate test(s) of the arresting officer's choosing. The defendant's copy of the traffic citation must accompany the defendant.
 - a. Blood test for alcohol or drugs: The arresting officer must be present during the drawing of blood, and the officer should ensure that two samples of blood are taken. The officer should note the name of the person who drew the blood in the incident report. If the officer suspects an individual is under the influence of drugs it should be noted on the crime lab paperwork to check for drugs and which specific drugs to check if known or suspected. Ensure in cases where the charge is Vehicular Homicide that each sample vial is marked "Vehicular Homicide".
 - b. Breath test (for alcohol only): The defendant must be in a controlled environment for a period of at least 20 minutes before the test is administered. The courts have rules that a handcuffed person in the back seat of a police vehicle is considered in a controlled



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environment. The arresting officer's 20 minutes starts at the time of arrest. During this time the defendant must be prohibited from consuming any liquid and if the defendant should vomit, the condition should be noted in the incident report. If the defendant vomits, wait until he or she has recovered sufficiently to wash his or her mouth out with water, and then restart the 20-minute waiting period from the beginning. Any such incident should be noted in the narrative of the incident report.

- c. Do not permit the suspect to use any form of tobacco until the chemical test(s) are completed.
 - d. Officers may request more than one type of test to be administered with DUI violations. If the officer is requiring the suspect to submit to another test, he or she does not have to read the Implied Consent Warning to the arrested person a second time. However, if the officer request a single test initially, or a test not originally requested, or prior to release of the suspect an initial test is needed; the officer may re-read the Implied Consent Warning (DDS 354) to request additional testing. A refusal by the suspect to comply with any state requested testing from the Implied Consent Warning (DDS 354) will be considered a refusal and fall under the penalties of license suspension via the Administrative License Suspension Form (DDS form 1205).
 - e. Once the State-administered chemical test has been completed, the subject has the right to an additional test by personnel of his or her own choosing (at his or her own expense). The defendant is not entitled to an additional test until after the state tests have been administered. The defendant may request additional tests at any time; however, the additional test must be requested while the suspect is in the arresting officer's custody.
 - f. It is the officer's responsibility to assist the subject in securing an independent test. This may include transporting the defendant to a testing facility of the defendant's choosing up to an hour drive outside the city limits. This also includes transporting the defendant to an ATM, to his vehicle, or to another location to retrieve money to pay for the testing. Before transporting the defendant, the officer will inform his or her supervisor to obtain permission.
7. All drivers whose breath test result is greater than .08% (.02% for drivers under age 21 and .04% for commercial vehicle drivers) on the breath Intoxilyzer 9000 will post bond.

4.13.8 Arrest - DUI (Second and Subsequent Arrests for Georgia Residents)
(CALEA 6th Edition, Standard 61.1.10, 8.11.7)

When it is determined that a person arrested for DUI has been previously arrested in the past five years for DUI (through a check of the offender's driver's license record), the arresting officer, in addition to completing the steps in Section 4.11.6, will complete the following steps:

1. Complete the Administrative License Suspension Form (DDS form 1205) and give a copy to the arrested person.
2. Place the arrested person's driver's license in the small manila envelope and attach it to the Administrative License Suspension Form (DDS form 1205) on the front in the top left corner.
3. The arresting officer will give the completed Administrative License Suspension Form (DDS form 1205), along with the arrested person's driver's license attached, to his or her



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supervisor. The supervisor will collect all of the forms for the watch, ensure that they have been completed correctly, and forward them (in an inter-department delivery envelope) at the end of each tour of duty to the Departmental mail room at headquarters for mailing to the Georgia Department of Public Safety.

4.13.9 Georgia Department of Public Safety Form 1205
(CALEA 6th ed. Standard 61.1.10)

When Georgia residents are arrested for DUI who have been arrested for DUI within the previous five years or any person arrested for DUI who refused to submit to the required state-administered chemical test(s), the arresting officer may complete an Administrative License Suspension Form (DDS form 1205).

1. In the "Temporary Driving Permit" section of form 1205, officers will write his or her signature to make valid the temporary driver's permit. If the arrested person's license is already under suspension or otherwise invalid, the officer will write "void" in the signature space.
2. When administratively suspending a person's license (completing DDS Form 1205), officers will notify the person that he or she has the right to an Implied Consent Hearing, but that the hearing must be requested, in writing, within ten (10) business days and sent to the address at the top of the Administrative License Suspension Form (DDS Form 1205). The driver will receive a copy of the Administrative License Suspension Form (DDS Form 1205) upon completion by the arresting officer.
3. The arresting officer will bring a copy of the incident report, citations, and any other paperwork as a result of the attempted DUI chemical testing to the Implied Consent Hearing when subpoenaed.

4.13.10 Supplemental Chemical Test Report (DS-1205S)
(CALEA 6th ed. Standard 61.1.10)

When officers arrest DUI offenders and request state-administered chemical test(s), for alcohol, where the results are not immediately available (ex: blood or urine) the officer will upon receipt of results that are above the legal limits complete a Supplemental Chemical Test Report (DS-1205S). Specifically, the following results require the officer to complete the Supplemental Chemical Test Report (DS-1205S):

1. Chemical test(s) results indicated a blood alcohol concentration of 0.08 grams or more; or
2. The driver was under the age of 21 and the chemical test(s) results indicated a blood alcohol concentration of 0.02 grams or more; or
3. The driver was operating or in actual physical control of a moving commercial motor vehicle and the chemical test(s) results indicated a blood alcohol concentration of 0.04 grams or more.

4.13.11 Refusal
(CALEA 6th ed. Standard 61.1.10)

1. Persons arrested for driving under the influence who refuse to take the required test(s) will be transported to Atlanta Pretrial Detention (236 Peachtree Street, SW, Atlanta, Georgia



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30303) or Grady Memorial Hospital Detention (80 Jesse Hill Jr. Drive, NE, Atlanta, Georgia 30303), as appropriate.

2. When a person is arrested for driving under the influence but refuses to submit to the required test(s), the arresting officer will complete an Administrative License Suspension Form (DDS form 1205).
3. The arresting officer will then forward the Administrative License Suspension Form (DDS form 1205) and driver's license to the Georgia Department of Public Safety in accordance with the procedure in Section 4.10.8.
4. After the Administrative License Suspension Form (DDS form 1205) has been completed, the arrested person will be processed for arrest according to the respective procedures for adults or juveniles.

4.13.12 Search Warrant – Blood
(CALEA 6th ed. Standard 61.1.10)

1. Suspects arrested for DUI who refuse to take the required test(s) may be transported to the nearest zone precinct or to the Public Safety Headquarters to obtain a search warrant via the Electronic Warrant (EWI) system.
2. Each officer applying for a search warrant is responsible for corroborating the facts stated in a search warrant affidavit and determining the accuracy, validity, and truthfulness of the information presented.
3. The warrant must be signed by a neutral and detached magistrate or judge who is authorized to hold a court of inquiry for any area of the county (Clayton, Dekalb, or Fulton) in which the premises described in a search warrant is located.
4. After obtaining the search warrant, the arrested suspect is immediately transported to the Atlanta Pre-trial Detention Center, Grady Memorial Hospital, or any other approved vender to obtain two blood samples. At this time, the arrested suspect is served with a copy of the signed search warrant.
5. The arresting officer must be present during the drawing of the blood and should note the name of the medical professional or corrections official who performed the procedure for the incident report. If the arresting officer has reasonable articulable suspicion the arrest suspect is under the influence of drugs, it should be noted on the crime lab paperwork to check the blood evidence for both alcohol and drugs.
6. The arresting officer has a total of three (3) hours to obtain two blood samples from the time the traffic stop was initiated.
7. After obtaining two blood samples, the person is transported to the Atlanta Pre-trial Detention Center or to Grady Memorial Hospital Detention for processing.
8. After the search has been completed, it is the duty of the arresting officer to return the search warrant and file a verified list of the items seized.
9. The sealed blood and urine specimen kit will be transported to the State crime lab of the Georgia Bureau of Investigation's (GBI) Division of Forensic Sciences (3121 Panthersville



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Rd. Decatur, Ga. 30034). The State crime lab will only accept blood and urine specimen kits Monday through Friday between the hours of 0800 hours to 1630 hours.

10. When the State crime lab is closed, the arresting officer will transport the sealed blood and urine specimen kit to the Property Control Unit (3493 Donald Lee Hollowell Parkway, NW, Atlanta, Georgia 30331) where it will be logged in and secured as evidence. At the arresting officer's earliest convenience and when the State crime lab is open, the officer will check-out the specimen (evidence) from the Property Control Unit and transport it to the State crime lab.

4.14 Parking Enforcement
(CALEA 6th ed. standard 61.1.13)

- 4.14.1 Threat to Public Safety or Property: Parking enforcement activities will normally be limited to situations that present a threat to public safety or property. Examples of conditions that may constitute such a threat are when a motor vehicle is:

1. Situated in such a manner to either block the flow traffic or is causing a traffic hazard; or
2. Parked in a fire lane or other location that would seriously impede emergency vehicles.

- 4.14.2 All sworn officers and Traffic Control Inspectors (TCI) employees will adhere to O.C.G.A. 40-6-200, 40-6-203, and 40-6-206 in enforcing proper parking of attended and unattended vehicles.

- 4.14.3 The following actions will be initiated if a parked or standing vehicle poses a threat to public safety or property:

1. If present, the driver will be directed to move the vehicle to an authorized location (O.C.G.A. 40-6-206a);
2. An appropriate nonmoving traffic citation will be issued to unattended vehicles;
3. If left unattended, the vehicle will be impounded in the following situations:
 - a. O.C.G.A. 40-6-206b: Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, or causeway or in any tunnel;
 - b. O.C.G.A. 40-6-206c: A reported stolen vehicle; if those in charge of a vehicle are unable to provide for its custody or removal; if the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; any vehicle that has been left unattended for 24 hours or more; or a vehicle stopped, except when traffic congestion makes movement impossible, on a controlled-access highway;
 - c. O.C.G.A. 40-11-3: A vehicle left unattended on a public street, road, or highway or other public property for a period of at least five days.

- 4.14.4 Handicapped Parking Violations: The enforcement of handicapped parking will normally be performed in response to public complaints or observation (O.C.G.A. 40-6-226). Violators will be:



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1. Attended vehicle instructed to move their vehicle to an authorized parking location; or
2. Unattended vehicle issued a nonmoving traffic citation and, at the discretion of the officer, impounded.

4.15 Vehicle Impounds
(CALEA 6th ed. standard 61.4.3)

4.15.1 Officers must follow these guidelines every time they impound a vehicle:

1. Switch to ACIC 1 or 2 to check the vehicle for stolen status by advising an operator of the make and model of the vehicle, Vehicle Identification Number (VIN) and license plate number.
 - a. The officer must verify the VIN based on reading it off the vehicle rather than relying on the information from the Mobile Data Terminal (MDT).
 - b. The officer must confirm stolen status with ACIC 1 or 2 even if the vehicle has been identified as stolen after checking it on the MDT.
2. If the vehicle is stolen, the officer will stand by on the ACIC channel until the "hit" has been confirmed by the operator. The officer will provide such additional information as requested by the operator, including but not limited to location of the vehicle, whether the vehicle is damaged, and whether items are missing from the vehicle.
3. When dealing with a vehicle that is not stolen, officers will switch to ACIC 3 in order to advise an operator there that a vehicle is being impounded, at which time the officer will relay the following: make and model, license plate number, VIN, location of impound, name of contract wrecker service and reason for impound.

4.15.2 Under the circumstances outlined in sections 4.15.3 through 4.15.6, an officer may impound a vehicle without supervisory approval. Otherwise, supervisory approval is required.

1. The watch supervisor is responsible for reviewing all completed impound reports and their supporting documentation for completeness and legibility.
1. The supervisor's signature will serve as verification that this review has been completed.

4.15.3 Impound for Illegal Parking
(CALEA 6th ed. standard 61.4.3b)

If a vehicle is illegally parked and meets one or more of the conditions listed below, the officer may impound it. The officer will make reasonable efforts to locate the driver and have him or her move the vehicle. If the driver is found or comes to the scene before the wrecker leaves with the vehicle, issue the driver a traffic citation for illegal parking and release the vehicle.

1. The vehicle is illegally parked and blocking traffic on an arterial street (any U.S. or State-numbered route, controlled access highway, or other major radial or circumferential street or highway designated by the City as a part of a major system of streets or highways) between 0700 and 0900 hours or between 1600 and 1800 hours.



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2. The vehicle has a minimum of three unpaid parking tickets or fines totaling over \$100 and is again illegally parked at the time of impound.
3. The vehicle is blocking traffic on a freeway or is creating a traffic hazard on any street.
4. The vehicle has been left over eight hours on the shoulder of a freeway or is parked on a city street without a tag or with an expired tag.
5. The vehicle is illegally parked in the parking lots or street spaces reserved for police vehicles.
6. The vehicle is illegally parked and would impede the entrance or exit of any emergency vehicle at a large gathering, such as Turner Field, Phillips Arena, Georgia Dome, Piedmont Park, etc.
7. The vehicle is illegally parked on a City street, blocking a legal driveway so that vehicles cannot enter or leave, and the person desiring to use the driveway has complained.
8. The vehicle is illegally parked in a parking space on public or private property, reserved for use of the handicapped by a sign designating it as such.

4.15.4 Impounding Abandoned Vehicles
(CALEA 6th ed. standard 61.4.3a, b)

1. An officer encountering an abandoned vehicle on public property will attempt to notify the owner of the vehicle. If the owner or person responsible for the vehicle cannot be found, the officer will place a written notice (an orange 5-day sticker) on the windshield of the vehicle to determine if it is actually abandoned. If after five days the vehicle has not been moved, the officer will impound the vehicle.
2. An officer will not impound a vehicle from private property unless the vehicle is wanted in connection with a crime or the vehicle constitutes an immediate danger to life or property.
2. When a complaint is received of an abandoned vehicle on private property that is creating a health or fire hazard, the officer will make a report and have a copy forwarded to the proper agency. If the hazard is of an immediate nature, the proper agency will be contacted immediately by telephone.

4.15.5 Impounding Unattended Vehicles

1. After the wrecker has removed the unattended impounded vehicle, the impounding officer will:
 - a. Switch to ACIC and advise the operator of the license plate number, the VIN, and the make/model of the vehicle;
 - b. Give the location from which the vehicle has been impounded, the name of the wrecker service, and the CAD number; and
 - c. Give the reason for the impound.



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2. The ACIC operator will enter all information about the impounded vehicle into the CAD wrecker file. Before taking a stolen vehicle report, Teleserve will query the GCIC hot files for stolen and the registration file of the appropriate state. To ensure the Department has not impounded the vehicle, Teleserve will also query the CAD wrecker file.

4.15.6 A vehicle will be impounded if:

1. The driver is arrested, not qualified, not capable to drive the vehicle due to impairment, or not having a valid license, and:
 - a. The operator refuses to release the vehicle to a person of his or her own choosing who is present and is properly qualified and capable of operating the vehicle, or there is no such person present.
 - b. The vehicle is not parked at his or her residence or property.

NOTE: Officers will ensure that another officer witnesses the offender giving consent for the vehicle's release to protect the officer and the Department from liability.

2. The vehicle contains evidence or contraband that requires the vehicle be taken to a police facility to conduct a proper search.
3. The vehicle has to be processed for latent prints, bloodstains, or other laboratory analysis.
4. The vehicle does not have valid insurance coverage, or its condition would not permit operating it without it becoming unsafe or creating a hazard.
5. Otherwise necessary and authorized by a supervisor.

4.15.7 Impounding Government Vehicles

1. Whenever an officer is summoned to or observes a government-owned vehicle parked in such a manner that it presents a hazard to safety or property, and such vehicle is unattended, the officer will request permission from his or her supervisor to impound such vehicle.
2. Government vehicles that have unpaid parking tickets will not be impounded but will be reported by making an incident report. A copy of this report will be forwarded to the government agency that the vehicle is registered to.
3. When a government vehicle is impounded, the impounding officer will insure the proper agency is notified as soon as possible.

4.15.8 Assisting Stranded Passengers

When an officer arrests the driver of a motor vehicle that is subsequently impounded and other occupants of the vehicle do not have transportation for themselves, the officer will:

1. Assist the person(s) in obtaining transportation to a secure location if this can be accomplished in a reasonable length of time.



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2. Otherwise, notify his or her immediate supervisor of the situation. The immediate supervisor will:
 - a. Give the requesting officer permission to transport the person(s) to a secure location; or
 - b. Make arrangements for some other officer to transport the person(s) to a secure location; or
 - c. Transport the person(s) to a secure location in his or her vehicle.

4.15.9 Inventory and Incident Report

1. An incident report and Impound Report (Form APD005) will be completed for each impounded vehicle. In certain circumstances, as contained in Section 4.16.16 (#2), the Impound Report may be used in lieu of the incident report.
2. Every impounded vehicle will be inventoried prior to its release to the wrecker service. All property that is considered "valuable" will be removed, inventoried, and turned into the Property Control Unit.
3. If upon conducting the inventory, the officer finds a container, which is unsealed but accessible (i.e. box, suitcase, briefcase, etc.), he or she will open the container to inventory the contents.
4. When conducting an inventory search, the officer will search all compartments (passenger, engine, trunk, etc.). Electronic items such as radios, CD players, cassette or tape players, DVD players, or T.V. monitors that are installed within the vehicle will be noted in the incident report and the Impound Record Form. If the officer has access to the trunk, he or she will also record spare tires and jacks.

4.15.10 Vehicles Placed in Investigative Holding Cages

If a vehicle must be held pending further investigation, the vehicle is to be stored in an investigative holding cage located at Atlanta Public Safety Annex (3493 Donald Lee Hollowell Parkway, NE, Atlanta, Georgia). The lone exception to the above is when a vehicle is held for Financial Investigations, discussed below in Section 4.16.11. No vehicles with holds for other units are to be taken to an impound lot. (See APD.SOP.3068, "Vehicle Storage for Investigative Purposes")

1. The following units have their own cages set aside for vehicles under investigation: Accident Investigation Unit, Homicide Unit, and Financial Investigations Unit. Officers will not put a vehicle in an investigative holding cage unless directed to do so by an investigator or employee of one of the above referenced units. An investigator of the appropriate unit must accompany the officer to provide access to the cage. (See APD.SOP.3068, "Vehicle Storage for Investigative Purposes")
 - a. To hold a vehicle for Accident Investigation Unit, the officer must first get authorization from the on-call investigator who will be reached through a communications supervisor.
2. If a FOD Investigations or General Investigations unit directs an officer to place a hold on a vehicle for further investigation, the vehicle will be placed in the cage designated for either the Identification Unit or General Investigations (also utilized for Auto Theft Task Force,



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Robbery and Fugitive units). Officers will accompany the contract wrecker to the Property Control Unit. A Property Management Technician (PMT) will have the officer sign for a key to the appropriate Investigative holding cage (Identification or General Investigations) and the officer will provide the PMT with Copy 3 of the Impound Report (Form APD005).

3. Officers will ensure that the Impound Report (Form APD005) contains the following information: reason for impounding (line 34); the investigator's name, unit assignment, radio number and phone number (line 48); and the holding cage being used (line 52).
4. Officers will accompany the contract wrecker to the cage and secure the cage once the vehicle is placed inside, and then provide Copy 2 of the Impound Report to the contract wrecker driver.
5. In some cases, an investigator will have to meet the officer at the cage in order to provide access to the area. Officers will still be responsible for providing the PMT's with Copy 3 of the Impound Report (Form APD005).
3. If the officer is not accompanied by an investigator to the holding cage, the officer must fax a copy of the Incident Crime Information System (ICIS) Incident Report (Form APD 001), Impound Report (Form APD 005) and property sheet (if any) to the appropriate investigator before the end of the shift.

4.15.11 Holds for Financial Investigations

1. Vehicles impounded due to involvement in crimes relating to drugs, illegal whiskey, lottery or gambling devices will be held for 10 (ten) days. These vehicles are the only ones with administrative holds that may be transported to an impound lot.
2. During that period, they may only be released with the authorization of a Financial Investigations supervisor. A supervisor from Financial Investigations may agree to release the vehicle on the condition that the receiving party signs a "hold harmless" agreement.
3. All impounding officers will do the following when placing a hold pending further action by Financial Investigations:
 - a. Contact a Financial Investigations investigator before the contract wrecker service leaves with the vehicle to confirm that a hold is appropriate at (404)546-4245.
 - b. Call a sergeant to the scene to sign the Impound Report (Form APD005, line 52) and approve the vehicle's status with a Financial Investigations hold.
 - c. Fax copies of the ICIS Incident Report, Impound Report and property sheet to Financial Investigations at (404)546-4245 before the end of the shift.

4.15.12 Vehicles Sought by Other Agencies

1. Officers will stand by with a vehicle sought by another law enforcement agency within the ten-county metro Atlanta area so long as the agency agrees to collect the vehicle from the scene in a timely manner. The ten-county metro Atlanta area is recognized as the following counties: Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale.



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2. Vehicles sought by agencies outside the metro Atlanta area will be transported to the General Investigations holding cage for safekeeping. A Property Control Unit (PCU) supervisor or designee must be notified at the time the vehicle is placed in the cage. A Zone Investigations unit from the Zone where the vehicle was recovered will contact the agency as soon as possible to ascertain the status of the vehicle and assist in any efforts to retrieve the vehicle.

4.15.13 Wrecker
(CALEA 6th ed. standard 61.2.2h)

When a wrecker is needed pursuant to a traffic collision, the officer will:

1. Advise radio dispatch and have them contact the appropriate wrecker service for the zone. If the City-contracted wrecker service for the zone cannot come to the collision scene promptly, then have radio start another City-contracted wrecker service. The investigating officer will ensure the wrecker on the scene is from either a City-contracted service or, if a private tow, a service of the vehicle owner's choosing.
2. Complete a Vehicle Impound Record (Form APD 005) for all police impounds. Give the owner and/or driver copy to the owner or driver of the impounded vehicle and the wrecker copy to the wrecker driver. The original or any remaining copies are given to the field supervisor at the end of the watch. If private tow, the Vehicle Impound Record (Form APD 005) will not need to be completed.
3. Stand by at the scene until the wrecker has cleared the scene with the vehicle in tow. If it is a private tow and the vehicle is not causing a traffic hazard, the investigating officer will stand by until the private wrecker's arrival to ensure the vehicle is removed.
4. Ensure that the wrecker service sweeps the scene clean of broken glass and other debris. (O.C.G.A. 40-6-276)

4.15.14 Cancellation of a Contract Wrecker

An officer will only cancel a dispatched APD contract wrecker when the vehicle, for which the contract wrecker was called, is no longer required to be towed or has been moved prior to the contract wrecker arriving on the scene. When an officer cancels an APD contract wrecker, the officer will provide the radio dispatch with the reason for the cancellation.

4.15.15 Vehicle Impound Report (Form APD 005)
(CALEA 5th ed. standard 61.4.3c)

The Vehicle Impound Report (Form APD 005) is designed to aid in the formal accounting of vehicles impounded by the Department. The proper completion of the form will contribute to the security and disposition of the property or evidence. When used to document an impound, this form takes the place of the vehicle data part of the incident report. (APD.SOP.3060 "Reports and Report Writing")

4.15.16 When to prepare the Vehicle Impound Report (Form APD 005):

1. Use the Vehicle Impound Report (Form APD 005) to list each vehicle impounded in an incident.



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2. For the following, the Vehicle Impound Report (Form APD 005) is the only document needed, and the officer will pull in Code 10 to radio dispatch:
 - a. Illegal Parking;
 - b. Excessive Parking Citations;
 - c. Abandoned Vehicles; and
 - d. Copy of Charges on Traffic.
3. Do not use the Vehicle Impound Report to report a vehicle that is not being impounded. Use the vehicle section of the incident report or the supplement to report a stolen or damaged vehicle and vehicles used in crimes that have not been impounded.
4. The Vehicle Impound Report (Form APD 005) is printed on No Carbon Required (NCR) paper. The four copies are distributed as indicated on the bottom of the form and outlined below:
 - a. Central Records (white): The original, it is turned in with the rest of the report to the officer's supervisor for approval and forwarded to the Central Records Unit as a part of the incident report.
 - b. Property Control (yellow): This copy is turned into the Property Control Unit along with any actual property or evidence.
 - c. Wrecker Driver (pink): This copy is given to the wrecker driver for their company records.
 - d. Owner (gold): This copy is given to the owner of the vehicle listed on the form.

4.16 Traffic Direction and Control
(CALEA 6th ed. standard 61.3.2)

4.16.1 The Atlanta Police Department will carry out its responsibility for traffic direction and control by providing and managing appropriate employees and alternative resources adequate to deal with all traffic needs.

4.16.2 Manual Direction of Traffic
(CALEA 6th ed. standard 61.3.2b, g)

1. **Visibility:** Officers will wear a Department issued, ANSI/ISEA 207-2006 compliant reflective jackets or vests when directing traffic at all time and in all weather conditions. Officers will position themselves where they can be seen clearly by all vehicles or pedestrians, usually in the center of an intersection or street. Officers will stand straight with their weight equally distributed on both feet, with their arms hanging easily at their sides, except when gesturing. Officers will always stand facing the traffic that is stopped, with the side of the body toward the vehicles authorized to move.
2. **Stopping Traffic:** To stop traffic, the officer will give one long blast on his or her whistle and extend his or her arm and index finger toward, and directly at, the vehicle to be stopped until the driver is aware of the officer's presence. Once the driver has recognized the command,



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the officer will raise the palm of the pointing hand at the wrist gesturing until the person stops.

3. **Starting Traffic:** To start traffic, the officer will face the traffic with his or her arm and index finger toward the vehicle to be started until the driver is aware of the direction to proceed. The officer will give two short blasts on his or her whistle and with palm up, gesture the person to proceed forward by swinging the arm from the elbow through a vertical semi-circle until the hand is adjacent to the chin. Officers will continue this pattern of gesturing until all desired traffic has cleared the area or there is a need to stop traffic.
4. **Right Turn:** Drivers turning right usually effect their turn without being directed by an officer. When it becomes necessary to direct a right turn, the officer will proceed as follows:
 - a. If the driver approaches from the officer's right side, the officer will give two short blasts on his or her whistle and extend the right arm and index finger towards the driver. The officer will follow through by swinging the extended arm and index finger in the direction of the driver's intended turn.
 - b. If the driver is approaching from the officer's left side, the officer will use the same procedure using the left arm extended.
5. **Left Turn:** Drivers turning left will not be directed to affect their movement while the officer is also directing oncoming traffic to proceed. The officer will give one long blast on his or her whistle and stop oncoming traffic by using the right hand raised palm up, facing the traffic. After the oncoming traffic has come to a complete stop, the officer will give two short blasts on his or her whistle and signal the driver to turn left by extending the arm and index finger towards the driver. Follow through by swinging the extended arm and index finger in the direction of the driver's intended turn.
2. **Traffic Direction During Hours of Darkness:** Officers will use the same arm movements and whistle signals during hours of darkness as specified above with the additional use of a flashlight. To stop traffic, the officer will slowly swing the flashlight beam across the path of oncoming traffic. The officer can also use the flashlight to aid in signaling a direction by swinging the beam of light in the direction the vehicle will precede.

4.16.3 Traffic Direction and Control at Fire Scenes
(CALEA 6th ed. standard 61.3.2c)

1. Officers at a fire scene will coordinate their efforts with the ranking fire official on the scene.
2. Officers engaged in traffic direction and control at a fire scene will position their patrol vehicle at the scene in a manner that will allow ingress and egress from the scene by Fire/Rescue and other emergency vehicles.
3. Officers at the scene will ensure no vehicles cross over fire hoses without the approval of the senior fire official on the scene. (O.C.G.A. 40-6-248)
4. Officers on the scene will ensure parked vehicles interfering with fire/rescuer operations are towed, if necessary.

4.16.4 Traffic Direction and Control During Adverse Road or Weather Conditions (CALEA 5th ed. standard 61.3.2d)



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1. The watch commander will request radio dispatchers to notify the local media outlets, Department of Public Works, or Atlanta Fire Rescue of adverse road conditions that could cause potential driving hazards.
2. Officers will provide traffic direction and control at the scene of downed power lines, broken gas or water mains, or construction sites where conditions could endanger the safe movement of traffic.
3. The watch commander may close a street or portion of a street if, in his or her judgment, the surface conditions and terrain create a hazardous condition. The commander will notify and request assistance from the proper agency in alleviating the problem and request public service radio announcements or proper signage be made in reference to the closure.
4. The watch commander will ensure that the Department of Transportation is notified and assists in the closure of any state road, interstate, or highway.

4.16.5 Temporary Traffic Control Devices
(CALEA 6th ed. standard 61.3.2e,f)

1. Officers will notify their immediate supervisor of situations requiring the use of temporary traffic control devices such as cones, barricades, etc. A supervisor will contact the Department of Public Works (GDOT if on an interstate or highway) and request assistance with obtaining the necessary equipment.
2. Officers will ensure temporary devices are removed when the event or emergency situation is over and will request radio dispatch to notify the Department of Public Works that the items are ready to be picked up.
3. When traffic is congested due to a large public gathering or emergency such as a malfunctioning traffic control device, officers will either advise radio dispatch to contact Public Works or traffic engineering to remedy the malfunction or, if familiar with the device, are authorized to manually operate the devices when it is necessary to control the flow of traffic.

4.17 Traffic Escorts
(CALEA 6th ed. standard 61.3.3a, b)

4.17.1 Escorts of Non-Department Emergency Vehicles

1. Department vehicles will not be used to escort any authorized emergency vehicle which has its own operating emergency equipment unless:
 - a. The emergency equipment on the other vehicle is inoperative or malfunctioning;
 - b. The driver of the other emergency vehicle is not familiar with the location of the emergency or the quickest route to a hospital.
2. The field supervisor will approve all requests to escort another emergency vehicle.



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4.17.2 Funeral Escorts

All escorts for funeral procession will be handled off-duty and in accord with the APD.SOP.2060 "Extra Jobs", APD.SOP.4040, "Special Operations Section," and any command memorandums issued by the SOS commander.

1. Department-owned vehicles, including motorcycles, will not be used for extra jobs involving funeral escorts.
2. Officers involved in funeral escorts will adhere to O.C.G.A. 40-6-76 and all applicable laws and ordinances.
3. Funeral escorts will not be conducted on duty, except in accordance with Section 4.18.3, "Dignitaries, Public Officials and Special Event Escort".
4. Personally owned vehicles or motorcycles are not authorized emergency vehicles and will not be operated as such.

4.17.3 Dignitaries, Public Officials and Special Event Escort:

1. Only those individuals who qualify for executive protection (e.g. President of the U.S.A and foreign dignitaries) will be provided with Department escorts in the Metro Atlanta area. Such individuals are those whose movement through City streets must be swift, secure, and may possibly cause traffic congestion. On-duty officers will handle the escort. These escorts will be approved through the Chief's office and organized by SOS.
2. On-duty officers will handle funeral processions of dignitaries and public officials if extraordinary coverage is needed to facilitate movement through traffic and the size of the procession. These escorts will be approved through the Chief's office and organized by SOS.
3. Police escorts will be provided for special events or groups who have obtain a permit from the City to close streets or portions of areas to ensure traffic safety for those participants and other vehicles.
4. Officers providing escorts for private citizens, private groups, or entertainers will do so off-duty and comply with the extra job policy (APD.SOP.2060, "Extra Jobs").

4.17.4 Hazardous or Unusual Cargo Escorts

1. Except for those situations required by Federal or State law, the Department will provide escorts of potentially dangerous vehicles or cargos on a case-by-case basis.
2. Generally, escorts for hazardous or unusual cargo will be handled by off-duty officers in compliance with the Extra Job policy. However, if a request is given to the Department to escort such cargo for Federal or State authorities, or it is an emergency situation, then the escort will be approved through the Chief's office and organized by SOS.
3. Factors to consider for such escorts include the size and weight of the cargo, potential threat to public safety, the route of travel, the time/date of the move, and the availability or appropriateness of a private escort service.



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4. If any collisions or property damage occurs during the escort, the officer(s) handling the escort will follow collision reporting procedures as outlined in this policy. If collision or property damage occurs outside the Department's jurisdiction, the officer(s) will immediately contact the appropriate agency to handle the situation.

4.17.5 Oversize or Building Mover Escorts

1. Unless it is an emergency situation approved through the Chief's Office, off-duty officers in compliance with the Extra Job policy will provide escorts for oversize or building moving.
2. House moving applicants must comply with the following:
 - a. Obtain a valid permit for excess weight and dimensions from the GDOT (O.C.G.A. 32-2-28);
 - b. Comply with all required procedures for escort vehicles and marking of oversize loads as stipulated by GDOT Reg. 672-2-.06 & .07;
 - c. Escort periods: Monday to Thursday (except on holidays), hours of 9:00AM to 3:00 PM, and not during periods of inclement weather.
3. Officers conducting oversize escorts will:
 - a. Verify that the GDOT permit is valid and in order;
 - b. Ensure that appropriate escort and support vehicles are provided;
 - c. Ensure all other vehicles and the oversized load involved in the move are properly equipped and marked as required by GDOT regulations;
 - d. Notify Communications of the route to be taken, the anticipated time-period, and any unusual circumstances that occur during the escort;
 - e. Make necessary coordination with other jurisdictions if leaving the city limits; and
 - f. Cancel any escort if all regulatory requirements are not met by the mover or in the event of any potentially unsafe or hazardous condition that may jeopardize public safety.
 - g. If any property is damaged or collisions occur during the escort, the escort officer(s) will follow collision-reporting procedures as outlined in the policy.

4.17.6 Escorts of Civilian Vehicles in Medical Emergencies

1. Officers will not escort private vehicles in emergency medical situations;
2. If an EMS unit is not immediately available, officers may transport the injured or sick individual in the patrol vehicle to the nearest medical facility with supervisor approval.



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4.18 Traffic Collisions

4.18.1 An officer will be dispatched to the scene of traffic collisions to include, but not limited to (CALEA 6th ed. standard 61.2.2a-h):

1. Death or injury;
2. Hit and Run;
3. Impairment of a driver due to alcohol or drugs;
4. Damage to public vehicles or property;
5. Hazardous materials;
6. Disturbances between principals;
7. Major traffic congestion as a result of the collision; or
8. Damage to vehicles to the extent towing is required.

4.18.2 The officer initially dispatched to the scene of a traffic collision will normally be the investigating officer and in charge of all on-scene activities unless he or she is cancelled before arrival at the scene by radio dispatch, properly relieved by an investigator from a specialized unit such as The Accident Investigation Unit, released by Atlanta Fire Rescue or HAZMAT employees, or as directed by a supervisor (CALEA 6th ed. standard 61.2.3a). The first arriving officer at the scene of a traffic collision will:

1. Activate appropriate emergency equipment and park the police vehicle so as not to create an additional traffic hazard, evaluate any injuries, secure the scene to prevent other collisions, and request an ambulance, rescue unit, wrecker, Highway Emergency Response Operator (HERO) or other support services, if needed (CALEA 6th ed. standard 61.2.3b).
2. If the responding officer encounters a disturbance between any collision parties at the scene, advise dispatch for another unit to the scene and attempt to separate the individuals. If the situation is uncontrollable for one officer, wait until backup units arrive before attempting to intervene (CALEA 6th ed. standard 61.2.2f).
3. Conduct a preliminary investigation to determine the circumstances surrounding the collision. Driver's licenses and insurance cards will be obtained from all drivers involved. Confirm accurate addresses, telephone numbers, and insurance coverage. Ensure that the drivers involve exchange insurance information (O.C.G.A. 40-6-273.1). Witnesses will be separated and questioned to assist in determining the cause of the collision. The officer will note the position of all vehicles involved and protect the collision scene to preserve short-lived evidence such as debris, skid marks, etc. for possible follow-up investigations (CALEA 6th ed. standard 61.2.3d, e).
4. A report will be completed on ICIS if it involves death, serious injury, property damage, hit and run, impairment due to alcohol or drugs, hazardous materials or is chargeable and occurred on private property. (Motor Vehicle Accident Report-DMVS 523)



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5. When the collision occurs on private property and the incident does not involve death, serious injury, hit and run, impairment due to alcohol or drugs, hazardous materials or is chargeable on private property, a report will be completed on ICIS and the box indicating private property will be checked. (Georgia Uniform Vehicle Private Property Accident Report-DMVS 523P) (CALEA 6th ed. standard 61.2.1a-f).
6. Traffic Control (CALEA 6th ed. standard 61.2.2g & 61.3.2a):
 - a. If the drivers involved in a minor collision have not cleared the roadway, clear it as soon as possible to restore traffic flow and direct the parties to a safe location to complete the investigation (O.C.G.A. 40-6-275).
 - b. If the collision is serious and involves injuries or inoperable vehicles, request additional units or HERO through radio dispatch to help control traffic flow. Ensure the evidence from the collision is protected for possible follow-up investigation.
 - c. When it is safe to do so, and no traffic hazard exists, the officer will turn off the emergency equipment to prevent attracting attention to the collision. If a vehicle is inoperable, roll it as far out of traffic as possible and call a wrecker. Patrol vehicles will not be used to push disabled vehicles.
7. Officers may issue citation(s) if the evidence from the collision investigation or an independent third-party witness corroborates the statements made by one or more of the parties involved. Get current names, addresses and telephone numbers of all witnesses so the City Solicitor will know what witnesses to subpoena if the violator requests a trial. Let witnesses know the court date set for the violator. Inform the witnesses they are not required to appear in court for the violator's first appearance but may attend if they so choose. (CALEA 6th ed. Standard 61.1.10)
8. The investigating officer, or another designated officer, will ensure property belonging to collision victims, including their vehicle, is protected from theft or pilferage by controlling access to the collision scene. All property that does not go with the victim will be placed in the Department's Property Control Unit and a copy of the Property/ Evidence Form given to the victim. Victims will also be given a copy of the wrecker service information if their vehicle has to be removed by a City-contracted wrecker service. This will be noted in the incident and/or accident reports (CALEA 6th ed. standard 61.2.3f).
9. Complete the Motor Vehicle Accident Report on ICIS. (NOTE: If the collision occurred at an earlier time and there is no collision scene, advise the individual to complete a Personal Report of Accident Form from the Georgia Department of Public Safety.)

4.18.3

Traffic Fatalities
(CALEA 6th ed. 61.2.1a, 61.2.2a, & 61.2.4)

4.18.4

Not all follow-up investigation activities are required in each traffic collision situation. Most investigations involving minor traffic collisions will end with the investigating officer's accident and/or incident report completed at the scene. If DUI is a factor in the collision, then the investigating officer will follow DUI procedures and properly document the actions taken in the accident and incident report. The most extensive traffic collision follow-up investigations will involve fatalities or serious injuries that could result in death.



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- 4.18.5 The supervisor will respond to the scene and determine if it is necessary to contact an Accident Investigation Unit investigator and/or a Crime Scene Unit technician.
1. Secure the scene and perform the preliminary investigation, obtaining as much information from the witnesses as possible about the collision:
 - a. Do not release any witnesses;
 - b. Identify all drivers and occupants of all vehicles;
 - c. Do not release any occupant unless they are being transported by MEDICAL personnel. If a juvenile is being transported, allow the parents or guardians to ride with injured child in the EMS vehicle. Identification is required of the parents or guardians prior to transport.
 - d. Insure that the accident scene is secure, with a one lane safety buffer established, to prohibit all traffic from traveling through the scene, but the safe negotiating of traffic around the scene.
 - e. Start an ID Unit to the scene (if they have not been contacted by the on-scene supervisor).
 2. The supervisor will request that radio dispatch contact an Accident Investigation Unit investigator and a Crime Scene Unit technician to respond to the scene.
 3. The responding officer will stand by at the collision scene to assist the Accident Investigation Unit investigator.
- 4.18.6 If an Accident Investigation Unit investigator is not available to respond to a collision involving a fatality, then the officer answering the call will complete the investigation following the remaining instructions.
1. Instruct the Crime Scene Unit technician to take photographs of the collision site, automobiles involved, and debris. The officer will collect evidence to turn over to the Property Control Unit. If a Crime Scene Unit technician or other means of photographing the scene is not available, the officer will not keep the body at the scene but will have it removed to either the Fulton County or DeKalb County Medical Examiner's Office (depending on the county of the incident) as soon as possible. The body position will be chalked to facilitate measurements and photographing.
 2. Document measurements of the scene, location of vehicle, and important physical evidence.
 3. Ensure that witnesses have transportation to the station or precinct to have their statements taken. Statements must be signed and witnessed and will be typewritten when possible.
 4. Impound the victim's automobile and state in the "Remarks" area that the vehicle was impounded for Signal 41-48. The victim's name will not appear on the Impound Report Form (Form APD 005). The word "victim" will be put in the owner's box if the victim and owner are the same person.



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5. After the scene has been cleared, go to either the Fulton County or DeKalb County Medical Examiner's Office (depending on the county of the incident) and obtain the name of the pronouncing physician and the time the victim was pronounced deceased.
6. Ensure that all reports pertaining to the fatality are completed, including:
 - a. Motor Vehicle Accident Report on ICIS (DMVS-523);
 - b. Incident report on ICIS Case Management detailing the officer's investigation;
 - c. Statements from witnesses, which are typed on the statement form and attached to the Accident Report. Scanned and attached to ICIS Case Management, if possible;
 - d. Public Affairs Unit notification; and
 - e. All reports, field notes, and sketches will be forwarded to the Accident Investigation Unit.

4.18.7 If a death or serious bodily injury has resulted and probable cause exist that a driver(s) is under the influence of alcohol and/or drugs, the driver(s) will be required to submit to a blood test with a drug screen.

1. Serious bodily injury includes depriving the person of a member of their body, by rendering a member of their body useless, by seriously disfiguring their body or a member thereof, or by causing organic brain damage which renders the person's body or any member thereof useless. (OCGA § 40-6-394)
2. All drivers (regardless of fault) involved in the accident are subject to the Implied Consent Warning (DDS-354).
3. Drivers who refuse to submit to the blood test will have their driver's license or privilege to operate a motor vehicle suspended. Therefore, the investigating officer will complete a Georgia Department of Public Safety form 1205 (OCGA § 40-5-67.1) (See Section 4.14.12 and 4.14.12 on procedures).

4.18.8 Responsibilities of an Accident Investigation Unit investigator are:

1. On call 24 hours, seven days a week, 365 days a year through the Communications Section;
2. Investigate traffic collisions/fatalities;
3. Pre-and post-collision investigations.
4. Ensure Next of Kin is notified by either the Medical Examiner's Office or an investigator with the Accident Investigation Unit;
5. Notify the Medical Examiner's Office; and
6. Speak to the media, if an immediate supervisor is not available, and ensure that the Public Affairs Unit is notified for news releases.



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4.18.9 Accident Investigation Unit investigators work closely with the:

1. Georgia Department of Motor Vehicle Safety;
2. Georgia State Patrol;
3. Georgia Bureau of Investigations;
4. District Attorneys in DeKalb and Fulton Counties;
5. Medical staff at hospitals; and
6. The Fulton and DeKalb County Medical Examiner's Offices.

4.18.10 All Accident Investigation Unit investigators will be trained and proficient in handling collision scenes where death or serious injury has occurred. He or she will preserve evidence, take measurements at the scene, take statements from witnesses, and assist in the prosecution of the offender.

4.18.11 Hit and Run
(CALEA 6th ed. standard 61.2.1c & 61.2.2b)

When the collision involves a hit-and-run, the officer will do the following, in addition to the procedures in Section 4.19.2:

1. Place a lookout for the suspect vehicle with radio dispatch; including description of the driver, if available, and damage to the vehicle.
2. Obtain necessary information that is relevant to the Hit and Run; such as, listing all evidence and observations collected at the scene. Be sure to mark "hit and run" on the Motor Vehicle Accident Report completed on ICIS. The ICIS Motor Vehicle Accident Report (DMVS-523) will be forward by Central Records for processing, then forwarded to the Accident Investigation Unit via ICIS Case Management for further investigation.
3. If the hit-and-run results in a fatality, secure the scene and notify a supervisor to come to the scene. If the perpetrator is unknown or has not been apprehended and the injury is serious and will possibly result in death, the supervisor will advise Communications to notify an Accident Investigation Unit supervisor. If the incident occurs after Accident Investigation Unit's normal duty hours, Communications will notify the Accident Investigation Unit investigator on call. The Accident Investigation Unit investigator will complete the investigation. (NOTE: Section 4.19.3 "Traffic Fatalities")

4.18.12 Collisions Involving City Vehicles
(CALEA 6th ed. standard 61.2.2d)

When a collision involves a City vehicle, regardless of the extent of damage, whether on private or public property, the driver of the City vehicle will:

1. Give dispatch the location of the collision and request that a supervisor, an investigating officer, and an ID unit be dispatched to the scene.



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2. If the officer involved in the accident was on-duty, the officer will only be charged in accordance with state law as outlined in O.C.G.A. § 17-4-40(c).
3. Complete a "Damage to City Property" ICIS Incident Report (Form APD 001). If the driver is injured and unable to do so, the driver's immediate supervisor will complete the report.
4. An ICIS Motor Vehicle Accident Report (DVMS 523) will be completed whenever a City vehicle is involved in a collision on either public or private property.
5. The responding supervisor will follow APD.SOP.3152, "Employee Involved Motor Vehicle Collision Investigation" when investigating and completing all relevant reports.

4.18.13 Private Property Collisions
(CALEA 6th ed. standard 61.2.1f)

The authority of police officers to enforce traffic laws and investigate traffic collisions on private property is as follows:

1. Officers will charge traffic violators on private property only for the violations of reckless driving, laying drag, hit-and-run, DUI, homicide by vehicle or feticide by vehicle.
2. When a collision occurs on private property involving reckless driving, laying drag, hit-and-run, DUI, homicide by vehicle, or feticide by vehicle, the officer will complete a Motor Vehicle Accident Report (DDS-523) report on ICIS and take appropriate enforcement action.
3. When a collision occurs on private property without involving one of the above offenses, the officer will complete a Motor Vehicle Accident Report on ICIS and check the proper box indicating private property. (Georgia Uniform Vehicle Private Property Accident Report-DMVS 523P).
4. The investigating officer will ensure the parties involved in the collision on private property exchange pertinent insurance information.
5. For the purpose of this section, "private property" does not include a shopping center or parking lot, or similar area, which although privately owned, is customarily used by the public as a through street or connector street.

4.18.14 Damage to Property Other than Vehicles
(CALEA 6th ed. standard 61.2.1b & 61.2.2d)

1. Whenever an officer handling a traffic collision that involves damage to private property, including walls, mailboxes, fences, etc., the type of damage and the name of the property owner will be identified and included in the accident report. Additionally, the officer will attempt to contact the owner at the collision scene to notify them of the damage and leave the incident number.
2. Whenever an officer handling a traffic collision that involves damage to City property or other public agency property; including fire hydrants, traffic signals, traffic signs, street signs, etc., the type of damage and the name of the City or other public agency will be identified and included in the accident report. In addition, if the damage involves any Atlanta Police property, an incident report will also be completed.



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3. If damage to a public utility (e.g. traffic signals, stop signs, utility poles, etc.) has occurred, the officer will advise radio dispatch who will promptly contact the appropriate agency to ensure immediate restoration of the utility for safe and effective operation. The damage and utility agency will be included in the accident report.

4.18.15 Hazardous Materials

(CALEA 6th ed. standard 61.2.1e, 61.2.2e, & 61.2.3c)

1. Whenever a collision occurs involving a vehicle carrying hazardous materials, where there has been a spillage or rupture, or there is a possibility of spillage or rupture, the responding officer will immediately notify his or her supervisor, Atlanta Fire Rescue (AFR), and Atlanta – Fulton County Emergency Management Agency (AFCEMA).
2. Since there is potential for igniting the hazardous material, the officer will park his or her vehicle a safe distance (at least 1000 feet) upwind of the collision with the engine and any electrical equipment off. The officer will also avoid any radio transmission in close proximity to the hazardous material. Police vehicle engines and electrical equipment operated will only be permitted outside the zone established by the AFR Commander on the scene.
3. If possible, from a distance, the officer will locate the warning placard and the black 4-digit identification (ID) number on the placard or orange panel displayed on the tank, vehicle, or rail car ends, or on the sides of the vehicle if not found on the end. The type of placard and the number will be relayed to Emergency Management Services personnel, who will then advise the officer of any special instructions. (Reference: U.S. Dept. of Transportation, chart entitled "DOT Hazardous Materials Warning Placards," shown in part on the following page.)
4. At any scene involving hazardous material, the officer will (along with other units or HERO) also:
 - a. Move and keep people away from the scene;
 - b. Be careful not to walk into or touch any spilled material;
 - c. Avoid inhalation of all gases, fumes, and smoke; and
 - d. Once Emergency Management employees have stated it is safe to proceed, obtain the vehicle's bill of lading (shipping papers). This is especially important when the vehicle contains a mixed load. The bill of lading is usually located in one of the following locations:
 - (1.) In a door panel;
 - (2.) On the seat next to the driver's seat; and
 - (3.) In a pouch attached to the dashboard.
5. It is important that the officer not assume that gases or vapors are harmless because of lack of smell. Therefore, neither the officer nor other citizens should enter the immediate area of the spill or rupture until it has been cleared by a HAZMAT unit.
6. The responding officer on the scene will complete the appropriate reports and citations as outlined in Section 4.19.2.



Class 1 Explosives



Class 2 Compressed Gasses



Class 3 Flammable Liquids



Class 4 Flammable Solids





Class 5 Oxidizers



5.1



5.2

Class 6 Poisons



6.1



6.1



6.1



6.1

Class 7 Radioactive Materials



7

Class 8 Corrosive Liquids



8

Class 9 Miscellaneous



9



9



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Other Related Markings



4.19 Assistance to Motorists

4.19.1 General Assistance (CALEA 6th ed. standard 61.4.1a): The Department will offer reasonable assistance to motorists who appear to be in need of aid. This assistance will be rendered on a 24-hour basis, with particular emphasis during hours of darkness, roadway conditions, or during periods of inclement weather when the potential for danger is higher.

1. Requests for information, directions, or other assistance will be handled as a normal function of an officer's duties. In those instances when the information requested is unknown, officer will contact radio dispatch or another officer for assistance.
2. Officers who observe motorists stranded on roadways will either stop in a safe manner to lend assistance or, if en route to another call for service, will notify the radio dispatcher so that appropriate assistance can be provided or make a direct request to another jurisdiction to provide the assistance.
3. Before aiding a motorist, officers will:
 - a. First activate emergency equipment as appropriate;
 - b. Park patrol vehicle in a visible, overt position to protect location;
 - c. Advise radio dispatch of the situation, the location, and the vehicle's license plate number; and
 - d. Proceed out of and near their patrol vehicle with caution of vehicle traffic.
4. The officer will remain alert to the following possibilities:
 - a. The vehicle in the motorist's possession has not been authorized for their use;
 - b. The vehicle is in an unsafe operating condition;
 - c. The motorist is unlicensed to drive;
 - d. The motorist is incapable of safely operating the vehicle; or
 - e. The vehicle's occupants have engaged in criminal activity.



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- 4.19.2 Mechanical Assistance and Towing Service (CALEA 6th ed. standard 61.4.1b): Officers who observe motorists on the side of the roadway with a mechanical problem, flat tire, empty gas tank, etc. will assist the motorists with obtaining the necessary help.
1. Attempt to lend the necessary assistance; or
 2. Contact radio dispatch and request a Highway Emergency Response Operator (H.E.R.O.) to assist the motorists;
 3. If the citizen cannot obtain aid from private sources in a reasonable amount of time and the vehicle is a traffic hazard, call for a City-contracted wrecker to remove the vehicle to a place of the citizen's choosing; and
 4. Officers will remain with any motorist presenting a traffic hazard until the vehicle is safely removed from the roadway.
- 4.19.3 Stranded Motorist (CALEA 6th ed. standard 61.4.1c): If motorists/passengers involved in a collision, mechanical breakdown or similar situation and are unable to obtain transportation, the officer will assist them in obtaining transportation to the nearest secure location.
- 4.19.4 Emergency Assistance
(CALEA 6th ed. standard 61.4.1d)
1. Officers encountering a motorist involved in an emergency situation, such as a vehicle fire or medical emergency, will contact radio dispatch and request Atlanta Fire Rescue and/or EMS for assistance.
 2. Officers will advise radio dispatch not only the location and type of assistance needed, but the response code (Code 1, 2, or 3) for EMS, the condition, and the approximate age of the injured person(s)
- 4.20 Traffic Engineering
- 4.20.1 A vital function of the Department's traffic enforcement program is to investigate traffic related complaints, obtain feedback from officers and analysts concerning traffic incidents, evaluate available traffic enforcement and collision data, analyze suggestions received from the public, and to identify potential roadway hazard, congestion problems, or engineering improvements. This information can then be provided to the local and state traffic engineering authorities for appropriate study and action. Such information may result in:
1. The more efficient use of traffic control devices and signs;
 2. New or revised laws and/or ordinances;
 3. Changes to established traffic flow patterns; and
 4. Roadway engineering improvements.



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4.20.2 Traffic Engineering Deficiencies
(CALEA 6th ed. standard 61.3.1a)

1. All complaints or suggestions related to traffic engineering deficiencies will be forwarded to the Special Operations Section (SOS) for review and evaluation. When appropriate, special traffic surveys and studies may be initiated to define potential problem areas more clearly and to identify remedial measures.
2. The commander of SOS will refer in writing, complaints or suggestions that have merit to the traffic engineering office having primary jurisdiction over the problem. The referral should include any supporting material or information, an assessment of the complaint or suggestion, and any recommendations that should be considered.

4.20.3 Traffic Collision and Enforcement Data
(CALEA 6th ed. standard 61.3.1b)

1. The analysis of traffic collisions and enforcement operations can produce valuable information that is related to traffic engineering. By recognizing similarities between collision data and enforcement activities, patterns and trends may be identified so that appropriate remedies can be proposed to traffic engineering authorities.
2. The referral of such information will be made by the SOS commander to one of the following engineering authorities:
 - a. For city streets, the Department of Public Works;
 - b. For state roads or interstate highways, the Georgia Department of Transportation (GDOT); and
 - c. For road construction projects associated with residential and business developments, the Office of Transportation in the Department of Public Works.

4.21 Traffic Coordinating Organizations
(CALEA 6th ed. standard 61.3.6)

1. One of the major duties of the Traffic Enforcement Program is to actively participate with other agencies and organizations that have an interest in, and responsibility for, traffic enforcement and planning. The exchange of information can:
 - a. Make a valuable contribution to regional planning efforts;
 - b. Provide information concerning the creation of new traffic-related programs and accident prevention measures;
 - c. Alert the agency to possible public and private funding sources; and
 - d. Serve as the basis for proposing new legislation.
2. Within the metropolitan Atlanta area, there are several formal and ad hoc organizations requiring Departmental participation. When appropriate, the SOS commander, or designee, will represent the Department with these organizations. Some are:



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- a. The Atlanta Regional Commission;
- b. The Governor's Office of Highway Safety;
- c. The Georgia Regional Transportation Authority (G.R.T.A.) and
- d. Non-government organizations such as Safe Kids and M.A.D.D.

4.22 Traffic Safety Materials and Programs
(CALEA 6th ed. standard 61.4.4)

1. In conjunction with the Public Affairs Unit and SOS, the Department will develop and distribute traffic safety literature, materials, and other information to the general public.
2. Through the Public Affairs Unit, the Department will disseminate information concerning:
 - a. Traffic enforcement measures;
 - b. Special traffic circumstances such as street closings, sports events, conventions, etc.;
 - c. Collision statistics;
 - d. Special programs; and
 - e. New/revised traffic laws.

5. DEFINITIONS

5.1 ANSI: American National Standards Institute

5.2 Breach of Peace: Offenses that include disorderly conduct, assaults, domestic violence, etc. but not DUI.

5.3 Divided Attention Test: Field sobriety tests that requires the person being examined to perform the test while having to divert his or her attention from the performance of the test.

5.4 Dynamic Application: The use of a tire deflation device that is characterized by an active placement of the device in close spatial and temporal proximity to its actual or intended use.

5.5 Hit and Run: A collision involving one or more vehicles or with a fixed object where one or more vehicle operators fails to report the accident or remain on the scene of the collision.

5.6 ISEA: International Safety Equipment Association

5.7 Psychophysical tests: Methods of assessing a suspect's mental and physical impairment. These tests focus precisely on the abilities needed for safe driving: balance, coordination of limbs, information processing, short term memory, judgment/decision making, quick reactions, clear vision, and small muscle control.

5.8 Roadblock: A restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect compliance with motor vehicle laws.



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- 5.9 **Safety Checkpoint:** An organized, planned, and systematic operation designed to identify traffic law violations. Conducted in compliance with state and local laws, an operational plan defines the location, time frame, and method used to contact drivers passing through the safety checkpoint.
- 5.10 **Selective Traffic Enforcement:** The assignment of employees to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident occurrences, frequency of traffic violations, and emergency and service needs.
- 5.11 **Service Areas:** A geographic area such as the entire City of Atlanta jurisdiction, a zone, a sector or a beat for which an organizational component has responsibility.
- 5.12 **Static Application:** The use of a tire deflation device that is characterized by a fixed, predetermined, or stationary placement of the device well in advance of its actual or intended use.
- 5.13 **Tire Deflation Device:** A device that is designed to puncture the pneumatic tire(s) of a vehicle that will result in the controlled deflation of the affected tire(s).

6. CANCELLATIONS

APD.SOP.4010 "Traffic"; effective January 31, 2020.

7. REFERENCES

APD.SOP.3050 "Pursuit Policy"
APD.SOP.6090 "Parking Enforcement Monitors"
APD.SOP.4060 "School Crossing Guards"

Commission on Accreditation for Law Enforcement Agencies, Inc. 6th ed. Standards: 41.2.3, 61.1.1, 61.1.2, 61.1.3, 61.1.4, 61.1.5, 61.1.6, 61.1.7, 61.1.8, 61.1.9, 61.1.10, 61.1.11, 61.1.12, 61.1.13, 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.1, 61.3.2, 61.3.3, 61.3.6, 61.4.1, 61.4.3, 61.4.4.

O.C.G.A. § 17-4-40(c): Any warrant for the arrest of a peace officer, law enforcement officer, teacher, or school administrator for any offense alleged to have been committed while in the performance of his or her duties may be issued only by a judge of a superior court, a judge of a state court, or a judge of a probate court.

OCGA § 40-5-67.1: Chemical test; implied consent notices; rights of motorist; test results; refusal to submit; suspension or denial; hearing and review; compensation of officers; inspection and certification of breath-testing instruments.

Georgia Uniform Motor Vehicle Accident Report (DMVS-523)
Georgia Uniform Vehicle Private Property Accident Report (DMVS-523P)
Implied Consent Warning (DDS 354)
Administrative License Suspension Form (DDS form 1205)
Supplemental Chemical Test Report (DS-1205S)

National Highway Traffic and Safety Administration (NHTSA)



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8. **SIGNIFICANT CHANGES**

Section 4.9 Forcible Stops was revised to read:

"The Atlanta Police Department's only approved methods of a forcible vehicle stop is with the use of the Department's approved tire deflation device and the Precision Immobilization Technique (P.I.T.) maneuvers. These methods can only be used by personnel trained in the practice and with the approval of their supervisor.

This revision was made so not to conflict with APD.SOP.3050 Pursuit Policy.
Minor grammar and formatting changes were also made throughout the policy.

Section 4.3.9 Electronic Citation (E-Citation), was deleted.

**ATLANTA POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**

OPS FILE NO.

23-I-0417-ICD

**Officer Kiran Kimbrough
Officer Jared White
Officer Duc Vo
Officer Maseh Jibri
Officer Zaniya Davis
Officer Rontarin David
Officer Lamar Jacobs
Officer Kerry Gilles**

EMPLOYEE(S)

INVESTIGATIVE NOTES

ADDITIONAL DETAILS OF COMPLAINT, PROGRESS OF INVESTIGATION, ETC.

August 11, 2023

- OPS Responded to Joseph E Lowery Boulevard at the intersection of Cunningham Place for an In-Custody Death
-
- GBI also responded and initiated an investigation.
- Atlanta PD Homicide responded and initiated an investigation.
- Body-Worn Camera and Police reports were reviewed.
- Officer Kiran Kimbrough was emailed an OPS Statement Notification Letter.
- An appointment for a statement was set up for Monday, August 14, 2023.

August 14, 2023

- Officer Kiran Kimbrough provided a statement at the Office of Professional Standards with his Attorney.

August 16, 2023

- I contacted the Fulton County Medical Examiner's Office and was advised the findings on the death of Johnny Holloman are pending to include a toxicology.

August 19, 2023

Investigator:

Darrin Smith
Print name

Darrin Smith
Signature

8/29/2023
Date

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**ATLANTA POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**

OPS FILE NO.

23-I-0417-ICD

**Officer Kiran Kimbrough
Officer Jared White
Officer Duc Vo
Officer Maseh Jibri
Officer Zaniya Davis
Officer Rontarin David
Officer Lamar Jacobs
Officer Kerry Gilles**

EMPLOYEE(S)

- I conducted an interview with Eric Roberson, a potential witness to the altercation with Officer Kimbrough and Johnny Hollman.

August 20, 2023

- Emailed Officer Jared White an OPS Statement Notification Letter
- Emailed Officer Duc Vo an OPS Statement Notification Letter
- Emailed Officer Maseh Jibri an OPS Statement Notification Letter

August 21, 2023

- I received a Memorandum from SPO Patrick Fite from the Training Academy (Range Staff) for his reviewed of the interaction involving Officer Kiran Kimbrough and an arrest.

August 22, 2023

- Officer Jared White provided a statement at the Office of Professional Standards
- Contacted the Fulton County Medical Examiner's Officer for any updates for the cause of death. Was advised still pending, they would not provide any other information.

August 23, 2023

- Officer Jared White provided a second statement at the Office of Professional Standards
- Officer Duc Vo provided a statement at the Office of Professional Standards
- Officer Maseh Jibri provided a statement at the Office of Professional Standards

Investigator:

Darrin Smith
Print name



Signature

8/29/2023

Date

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**ATLANTA POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**

OPS FILE NO.

23-I-0417-ICD

**Officer Kiran Kimbrough
Officer Jared White
Officer Duc Vo
Officer Maseh Jibri
Officer Zaniya Davis
Officer Rontarin David
Officer Lamar Jacobs
Officer Kerry Gilles**

EMPLOYEE(S)

- Officer Zaniya Davis was emailed a OPS Statement Notification Letter
- Officer Rontarin David was emailed a OPS Statement Notification Letter
- Officer Lamar Jacobs was emailed a OPS Statement Notification Letter
- Officer Kerry Gilles was emailed a OPS Statement Notification Letter
- Called Dontrell Washington-potential witness-Left Voice Mail
- Received phone call from Wayne Washington on behalf of Dontrell Washington providing a statement. He indicated tentatively we could do it Friday, August 25, 2023, at his office and would call me back to confirm.

August 24, 2023

- Officer Zaniya Davis provided a statement at the Office of Professional Standards.
- Called Attorney Wayne Washington to conform a time for a statement Dontrell Washington. Left a message, did not receive a response.
- Attempted to reach out to second potential witness, Jasmine Davis through phone and text message. No response.
- Statements are set up for Officer Lamar Jacobs, Officer Kerry Gilles and Officer Rontarin David for Monday, August 28, 2023, starting gat 8:00 a.m.

August 25, 2023

- Spoke with the Attorney Office of Wayne Washington. I was advised the interview could not be done today and they would schedule for Tuesday or Wednesday next week.

Investigator:

Darrin Smith
Print name

Darrin Smith
Signature

8/29/2023
Date

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**ATLANTA POLICE DEPARTMENT
OFFICE OF PROFESSIONAL STANDARDS**

OPS FILE NO.

23-I-0417-ICD

**Officer Kiran Kimbrough
Officer Jared White
Officer Duc Vo
Officer Maseh Jibri
Officer Zaniya Davis
Officer Rontarin David
Officer Lamar Jacobs
Officer Kerry Gilles**

EMPLOYEE(S)

- Made several attempts to call and locate potential witness Jasmine Smith. There were no responses from any of the information on Accurant, Peregrine and the number listed in the police report. There was no local address listed either. The most current address was in Lithonia Georgia. Based on the BWC video from that night she lives in that area, but there is no specific address noted.

August 28, 2023

- Spoke with Attorney Wayne Washington about setting up an interview with witness Dontrell Washington. He advised he is still trying to schedule that interview and will call me with a date and time.
- Statement will be added to internal investigation if appointment is made to take a statement.

August 29, 2023

- Left message with Dr Sims-Stanley (FCMEO) about talking about preliminary autopsy results.
- Pending Items include:
 - GBI Investigative File
 - FCMEO Autopsy Report

Investigator:

Darrin Smith
Print name

Darrin Smith
Signature

8/29/2023
Date

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