



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 200-40
SUBJECT: Authority of Police		
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ISSUED BY:  <i>Nicholas J. Arnold</i>  Nicholas J. Arnold, Public Safety Director		MICHIGAN ACCREDITATION STANDARD: 3.1.1, 3.1.2 CALEA STANDARDS: 1.1.4, 1.2.1, 1.2.2, 1.2.3, 1.2.4, 1.2.5, 1.2.8, 42.2.2

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## I. PURPOSE

The purpose of this directive is to provide for the recognition of the source of police authority and the associated limitations of that authority as defined by the United States Constitution, the Michigan Constitution, City of Portage Charter, Portage Municipal Code, and associated case laws.

## II. POLICY

It is the policy of the Portage Department of Public Safety to respect and protect the individual constitutional rights of all persons. Therefore, it is the obligation of all sworn officers to familiarize themselves with the laws, ordinances, and

department written directives pertaining to constitutional rights to ensure their recognition of and compliance with these rights.

### **III. SOURCE OF AUTHORITY FOR SWORN POLICE OFFICERS**

The City of Portage is a home rule city according to Public Act 279 of 1909 of the State of Michigan. This act gives the city the power by charter to establish any department necessary for the general welfare of the city.

- A. Section 6.10 of the Portage City Charter establishes the authority of sworn police officers.

“Police officers of the City shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the city. Insofar as such powers, immunities, and privileges are not self-executing or inherent in the office and duties of peace officers under Michigan law, the Council shall adopt such ordinances and take such measures as may be required to make them effective. Any person arrested shall be taken before the proper authority for examination or trial without unnecessary delay. Police officers shall make and sign complaints to or before the proper officers and magistrates against any persons known to be, upon complaint or information, believed to be guilty of any violation of this charter or any ordinance of the City, or of the penal laws of the state.”

- B. Section 244.02 of the Portage Municipal Code further delineates sworn police officers’ authority by stating:

“The police work of the City shall consist of the following functions:

1. The operation of motor and foot patrol units for routine investigations and general maintenance of law and order;
2. The maintenance of a central complaint desk at police headquarters, the maintenance and supervision of police records, criminal and non-criminal identification, property identification and custody of property; and the operation of detention quarters.
3. The investigation of crimes, the elimination of illegal liquor traffic and vice, and preparation of evidence for the prosecution of criminal cases and offenses in violation of these codified ordinances;
4. The prevention and control of juvenile delinquency, the removal of crime hazards and coordination of community agencies interested in crime prevention;

5. The enforcement of traffic laws, traffic education programs and school patrols; the coordination of traffic violation prosecution; and the issuance of operator's licenses."

#### **IV. ARRESTS**

- A. Definition – to deprive a person of his/her liberty by legal authority.
- B. Elements of an Arrest – Each valid arrest will have the following elements.
  1. Authority – an officer must be acting within lawful authority and jurisdiction to make an arrest.
  2. Intent – an officer must intend to effect an arrest; verbal expression of intent is sufficient.
  3. Custody – officer must take physical custody.
  4. Force – positive action taken by officer, informing subject that he is being arrested and may not leave.
  5. Submission – this may be forced submission.
- C. Authority to Make Arrests
  1. City police officers may arrest for violations of federal and state laws or local ordinances within their jurisdictions. They may arrest anywhere in the State of Michigan for violations of state laws when working in conjunction with the Michigan State Police or a peace officer of any agency having jurisdiction (MCLA 764.2,a). In conjunction means that an officer from the jurisdiction having authority is present.
  2. Prior to an arrest with or without a warrant of a foreign diplomat, an individual who has diplomatic immunity or is otherwise statutorily immune from arrest, an officer shall notify a command officer.
  3. When a foreign national is arrested or is being detained, an officer may notify that person's country consular representative here in the United States. The officer shall complete the Consular Right form (mandatory) or (voluntary). Refer to Appendix A listing those countries or jurisdictions where mandatory notification is required.
- D. Statutory Authority to Arrest – Sworn Portage police officers may make arrests under the following circumstances:

1. With a warrant, within their jurisdiction or within any county of this state; however Portage Police officers shall request the presence of the local jurisdiction prior to attempting a warrant arrest.
2. Without a warrant for a felony, misdemeanor or ordinance violation committed in their presence.
3. Without a warrant when they have probable cause to believe a felony has been committed and that the person to be arrested committed it.

Probable cause may be provided by radio broadcast from recognized police or other government radio station.

4. Without a warrant if notified that another peace officer holds a warrant.
5. Without a warrant when they have probable cause that the person is an escaped convict, has violated a condition of parole from a prison, or has violated a provision of probation imposed by a court or has violated a condition of pardon granted by the executive.
6. A peace officer, without a warrant, may arrest and take into custody an individual when the officer has reasonable cause to believe an individual has violated the provisions of a personal protection order.
7. A peace officer may, without a warrant, arrest and take into custody a person who the peace officer has reasonable cause to believe is violating or has violated a condition of release imposed by a court.
8. A peace officer may, without a warrant, take into custody a person if the peace officer has reasonable cause to believe is violating or has violated a child protective order.
9. A peace officer may, without a warrant, arrest and take into custody a person if the peace officer has reasonable cause to believe the person has committed or is committing a misdemeanor punishable by imprisonment for more than 92 days.
10. A peace officer may, without a warrant, arrest and take into custody a person if the peace officer has reasonable cause to believe the person committed or is committing a misdemeanor on school property.

- E. All circumstances which result in an arrest shall be documented in a supplemental case report.

## V. INTERVIEWS AND INTERROGATIONS

- A. Interview is a non-accusatory conversation in which, through questions and answers, the police interviewer tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim or witness. An interview means the simple questioning of a person who has no personal reason to withhold information and therefore may be expected to cooperate with the interviewer.
- B. Interrogations are accusatory procedures designed to elicit from a subject an acknowledgement of untruthfulness in earlier statements or of guilt or participation in the commission of a crime. Interrogation generally means the questioning of a suspect or other person who may be normally expected to be reluctant to divulge information concerning an offense under investigation.

Procedures – Officers shall consider the following criteria when initiating interrogations:

1. Non-custodial interrogations do not require Miranda warnings.
  2. The test for determining whether a person is being subjected to custodial interrogation, so as to require Miranda warnings, is whether he/she is physically deprived of his/her freedom in any significant way or is placed in a situation in which a reasonable person would believe that his/her freedom of action or movement is restricted by such interrogation.
  3. Interrogation may include any conduct on the part of the police which is intended or can be reasonably expected to elicit an incriminating response (Brewer v. Williams – “Christian Burial Speech”).
- C. Custodial interrogations require Miranda warnings be given.
1. Officers shall provide Miranda warnings verbally and/or in writing whenever a person in custody is subjected to interrogation.
    - a. The officer conducting a custodial interrogation shall read the person their rights verbatim from the rights card provided by the department and must receive an affirmative response to the questions on the back to proceed.
    - b. If the subject of interrogation wishes to invoke his right to remain silent or his right to an attorney, all questioning will stop.

2. An officer may ask an in-custody subject for identification information, such as name, date of birth, etc. without advise and waiver of Miranda.
3. Coercion or duress will not be used as a means of obtaining an admission or confession.

D. Right to Counsel

1. Persons will not be improperly deprived of their right to counsel.
2. Only the person or the parent or guardian of a juvenile being questioned has the authority to invoke their right to counsel.
3. If an individual being questioned by officers makes a request for an attorney or invokes their right to remain silent, all questioning must stop until the individual's attorney is present.
4. Arrested persons will be allowed to post bond in accordance with existing laws and department written directives.
5. The court arraignment of persons arrested by the department shall not be illegally delayed.
6. The intentional release of information in order to prejudice a fair trial is prohibited. A suspect's name should not be released to the media prior to a warrant being issued and/or arraignment.

**VI. SEARCH AND SEIZURE**

- A. Portage police officers will adhere to all state and federal statutory and case law provisions in the course of searches and seizures.
1. United States Constitution IV Amendment, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."
  2. Michigan Constitution of 1963, Article I, Section II, "The person, houses, papers and possessions of every person shall be secure from unreasonable searches or seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation."

B. Searches with a Warrant

1. A search warrant is a court order directing the search of a specific place for a specific item(s). In Michigan, a warrant must be based upon a written and sworn statement of the facts supporting the proposed search. Search warrants may properly be issued to search for:
  - a. Stolen or embezzled property.
  - b. Property or items designed and intended for use, or which have been used, as a means of committing a criminal offense.
  - c. Property or items possessed, controlled or used wholly or partially in violation of Michigan law.
  - d. Evidence of a crime or criminal conduct on the part of any person (may include blood samples, hair samples, fingerprints, bank records, and other things which are not criminal to possess).
  - e. Contraband.
  - f. The bodies of humans or animals that are, or may be, the victims of a criminal offense.
  - g. The object of a search warrant.
2. Procedures for obtaining and executing a search warrant:
  - a. A search warrant affidavit is an application for a search warrant based on articulable probable cause, which is normally presented to a judge or magistrate in the county where the search is to occur. The court will review the affidavit, and, if it is determined probable cause exists, the officer will swear the facts contained in the document are true to the best of their information and belief.
  - b. The search warrant affidavit and search warrant templates are located on the "T" drive under Police in the Forms folder. The templates should be saved as a new document, noting the case number on the officer's "P" drive.
  - c. Search warrant templates related to O.W.I./O.U.I.D. investigations are titled Blood S.W. and are located on the "T"

drive under Police in the Forms folder. (See Policy and Procedure Order No. 400-6)

- d. If a search warrant is requested outside the court's normal business hours, officers should contact the recording for the on-call judge/magistrate at 269-384-8128. The on-duty judge/magistrate will provide instructions on how to fax or email the search warrant affidavit and search warrant.
- e. If the search warrant is high risk, the Kalamazoo Metropolitan SWAT Team shall be contacted for consideration in executing the search warrant. Requests for activation of KM-SWAT will be made by notifying the KM-SWAT Team Commander through the Kalamazoo Integrated Dispatch Center, or appropriate chain of command. (See Policy and Procedure Order No. 200-27)
- f. If the search warrant is low risk, the on-duty supervisor will be notified and will assist with coordinating the execution of the warrant and operations plan.
- g. Search warrants for documents or records being served via fax or email, items currently held in evidence, or items such as computers, cell phones, and DNA need not be coordinated with the on-duty supervisor.
- h. Once a search warrant is authorized, it must be executed in a timely manner.
- i. Upon completion of the execution of the search warrant, copies of the affidavit, search warrant, and tabulation of items seized will be left at the scene of the search. Additional copies will be placed in records and a copy promptly returned to the issuing judge or magistrate.
- j. Any items seized pursuant to the search warrant will be documented in an official police report and placed into the property/evidence system.
- k. Upon adjudication of the case, property will be disposed of in accordance with Policy and Procedure Order No. 200-28.

C. Searches without a Warrant

Portage police officers shall secure a search warrant in all cases where circumstances do not provide for exceptions to the warrant rule.

1. Exigent circumstances – founded upon showing that emergency conditions existed at the time of the search which involved the immediate threat of removal, concealment or destruction of the evidence if the search wasn't conducted right away.
  - a. Person – search of a person may occur where there is a lack of probable cause for arrest, but probable cause to believe that evidence may be concealed on or in the person to be searched and the evidence will be gone before a warrant can be obtained (Schmerber v. Calif U.S. 757 [1966]).
  - b. Automobile – vehicles are subject to search under this exception if:
    - (1) Probable cause exists.
    - (2) The vehicle in question is capable of mobility.
    - (3) There exists an immediate threat of mobility – vehicle will leave before search warrant is obtained.
  - c. Exigent Circumstances – includes imminent substantial property damage, imminent destruction of evidence, fresh pursuit of a dangerous offender, preventing escape of someone sought to be detained or arrested in public, public safety/community caretaking, and rescue/emergency aid.
2. Consent searches – Any person may waive their protection under the Fourth Amendment and consent to a search.
  - a. Consent to a search must be voluntarily given and not the result of duress or coercion, expressed or implied. Voluntariness is a question of fact to be determined from all the circumstances. Officers shall ensure that consent searches are in fact voluntary and that consent has been freely given prior to initiating any such search.
  - b. In order for a consent search to be valid, consent must be given by one possessing control over the area to be searched. Any officer initiating a consent search shall ensure the subject giving consent has ownership or other authority to the area or item to be searched.

- c. Consent is only good for the areas for which it is given. The person giving consent may limit the scope of consent or withdraw consent at any time and the search must stop.
3. Stop and frisk – a Supreme Court recognition of an exemption to the warrant requirement which permits the temporary detention of a citizen on less than probable cause and also may permit a “pat down” of a person for offensive weapons. Officers shall consider the following procedures when initiating a stop and frisk (Terry stop and search).
  - a. Investigative stops by officers shall be supported by reasonable suspicion.
  - b. An officer who lacks probable cause, but whose observations lead him/her to reasonably suspect that a person has committed, is committing, or is about to commit a crime, may detain that person briefly in order to investigate the circumstances that provoked suspicion.
  - c. Reasonable suspicion for the stop shall be based on the officer’s personal observation and/or information supplied by another person.
  - d. Officers may conduct a limited search for weapons if they observe unusual and suspicious conduct on the part of an individual that leads them to believe:
    - (1) There is criminal activity afoot, and;
    - (2) That the person is armed and dangerous.
  - e. Handcuffs may be used during “Terry” search:
    - (1) Officers conducting a “Terry” search shall consider controlling and securing subject(s) with handcuffs first, prior to initiating the search.
    - (2) Officers shall advise any person handcuffed for a “Terry” search that they are being handcuffed for officer safety, that they are not under arrest, and that the handcuffs will be removed when officer safety is ensured.
  - f. Vehicle extension

- (1) Terry frisks can extend to the passenger compartment of a vehicle, and officers may search the driver/passenger(s), if the officer reasonably believes that a suspect, lawfully stopped, can gain access to a weapon.
  - (2) Officers shall not search, without probable cause, the passenger compartment of a vehicle if the driver/occupant(s) have been removed and do not have a reasonable continuing opportunity to access the compartment. (Note: Other exceptions may still exist for search of the compartment, i.e. incident to arrest and vehicle impound searches).
4. Plain feel, plain smell and plain touch – Officers may seize an object when it becomes immediately apparent, with the knowledge gleaned from the officer's senses, that probable cause exists to believe the object is contraband. Officers may seize contraband detected through the senses if the officer is lawfully in a position to detect the presence of the contraband and the incriminating nature of the contraband is immediately apparent from its sensory impression. Immediately apparent means that the officer readily perceives, without further exploration or searching, that what is sensed is contraband.
5. Plain view and open view – A plain and open view exception to the search warrant rule involves what the public would see; there is no intrusion into an area protected by the Fourth Amendment. However, the incriminating nature of the item observed must be immediately apparent. Officers are also authorized to search a motor vehicle when contraband is observed in plain and open view. Such contraband may be lawfully seized and a search for additional contraband conducted, regardless of whether an arrest has been made.
6. Open fields – Warrantless searches of an area outside the property owner's curtilage does not violate the Fourth Amendment protection. However, unless there is some other legal basis for a search, the search must exclude the home and any adjoining land that is within an enclosure or otherwise protected from public scrutiny. Generally, speaking curtilage has been held to include all buildings in close proximity to a dwelling.
7. Search incident to arrest – Searches incident to arrest do not require any probable cause to believe that the arrestee possesses any weapon or contraband; the United States Supreme Court has

recognized that the potential for possession of such items is strong enough to permit a search incident to every arrest. The Michigan Supreme Court has ruled, in *People v. Chapman*, 425 Mich.245 (1988), that a custodial arrest justifies a search at the time and place of arrest.

Scope of the search:

- a. The search of the arrestee's person.
  - b. The area within the immediate reach or control of the arrestee.
  - c. The opening and search of containers or articles in possession of the arrestee.
8. Automobile inventory searches – The U. S. Supreme Courts have ruled that inventory searches of automobiles are permitted, including closed containers or locked compartments.
- a. Vehicle must be impounded as a result of becoming the responsibility of the police.
  - b. The inventory is conducted to protect public safety, protect property found in vehicle, to protect the police against claims.
  - c. All inventory searches are to be conducted in accordance with departmental policy (400-8 Vehicle Inventory).
9. Canine sniff – A canine sniff of the exterior of a vehicle that is legally detained is not a search.
- a. In a valid traffic stop, a police officer may question driver, request driver's license, insurance papers, vehicle registration, run computer checks and issue citations.
  - b. A drug sniff conducted during a valid stop does not require reasonable suspicion.
  - c. A valid stop becomes a detention when the officer has completed what is objectively authorized and legally permitted to do (items enumerated in "a." above).
    - (1) Must have reasonable suspicion or consent for continued detention.

- (2) Refusal of a consent search cannot be used to form any part of a basis for reasonable suspicion.
    - (3) You must be able to articulate each observation that is a potential indicator of drug trafficking or use. In their total context, a reasonable and prudent person should arrive at the same suspicion.
  - d. A positive canine alert on the exterior of a vehicle establishes probable cause to search the interior of the vehicle.
  - e. Canine “sniffs” require supervisory approval, which must be granted prior to initiation of any action.
10. Administrative searches – Michigan law permits “administrative search warrants” to enforce regulations, statutes, and ordinances. Such a search warrant requires only a showing that an intrusion is necessary to ensure compliance with a law or ordinance, such as an OSHA safety regulation or plumbing code.
  11. Other situations authorized by state and federal constitutional provisions: Officers may conduct searches and seizures based upon other situations which are authorized by state and federal constitutional provision.

## **VII. STRIP/BODY CAVITY SEARCHES**

- A. Strip searches are governed by MCL 764.25a and are defined as searches which require a person to remove his or her clothing to expose underclothing, breasts, buttocks, or genitalia. They are closely regulated, and violations of the governing statute are misdemeanors. Strip searches are permissible when either of the following are present:
  1. The individual has committed a misdemeanor or civil offense and is being lodged in a detention facility, or
  2. The officer has reasonable cause to believe that the person is concealing a weapon, a controlled substance, or evidence of a crime.
    - a. Strip searches will be conducted only after receiving prior written approval by the Public Safety Director, a deputy chief, or a lieutenant (Appendix B).
    - b. Strip searches of minors will only occur in a detention facility.

- c. If the strip search is conducted upon a minor in a juvenile detention facility which is not operated by a law enforcement agency, the strip search is conducted by a person who has obtained prior written authorization from the chief administrative officer of that facility, or from that officer's designee.
- d. A strip search will be conducted only by a person of the same gender as the person searched and in a place which prevents the search from being observed by a person not conducting or assisting in the search.
- e. The person being searched will be provided free of charge a report containing the following information:
  - (1) The name and sex of the person subjected to the strip search.
  - (2) The name and sex of the person conducting the search.
  - (3) The name and sex of the person assisting in conducting the search.
  - (4) Date, time, and place of the strip search.
  - (5) The justification for conducting the strip search.
  - (6) A list of all items recovered from the person who was strip searched.
  - (7) A copy of the written authorization as requested by statute.
- f. Reports prepared pursuant to this policy and state law will become part of an official police report.
- g. Although the statute is silent regarding felony arrests, this policy will also be followed in its entirety for felony subjects.
- h. Searches of transgender individuals/identities will be done by two officers of the gender requested by the transgender subject. If the subject does not specify a preference, then the search will be done by officers of the same gender as the transgender subject's gender presentation. If gender

presentation or identity is not clear, the subject will be searched by one female and one male officer.

- i. Because of the intimate nature of a strip search or body search, special attention should be made to provide subjects with as much privacy as possible.
- B. Body cavity searches are defined as intrusions of the rectum, vagina or stomach and are governed by MCL 764.25b. Any officer who has probable cause to support a body cavity search must obtain a search warrant and have the search conducted by a licensed physician or physician's assistant, licensed practical nurse or registered professional nurse acting with the approval of a licensed physician.

All of the requirements under this policy, Sections VII A and including:

1. The names and sex of all persons present listed as a separate item.
2. A copy of the search warrant authorizing the body cavity search.

#### **VIII. AUTHORITY TO CARRY WEAPONS**

- A. Pursuant to and consistent with the City of Portage Charter and Code of Ordinances, all sworn police officers are authorized to carry firearms (50.81).
- B. Michigan Law, MCL 750.231 authorizes sworn police officers to carry concealed weapons without a permit.

NJA:dm

## **PORTAGE DEPARTMENT OF PUBLIC SAFETY CONSULAR NOTIFICATION LIST**

### MANDATORY NOTIFICATION COUNTRIES AND JURISDICTIONS:

ALBANIA	GUYANA	SEYCHELLES
ALGERIA	HONG KONG	SIERRA LEONE
ANTIGUA AND BARBUDA	HUNGARY	SINGAPORE
ARMENIA	JAMAICA	SLOVAKIA
AZERBAIJAN	KAZAKHSTAN	TAJIKISTAN
BAHAMAS	KIRIBATI	TANZANIA
BARBADOS	KUWAIT	TONGA
BELARUS	KYRGYZSTAN	TRINIDAD/TOBAGO
BELIZE	MALAYSIA	TUNISIA
BRUNEI	MALTA	TURKMENISTAN
BULGARIA	MAURITIUS	TUVALU
*CHINA	MOLDOVA	UKRAINE
COSTA RICA	MONGOLIA	***UNITED KINGDOM
CYPRUS	NIGERIA	****U.S.S.R.
CZECH REPUBLIC	PHILIPPINES	UZBEKISTAN
DOMINICA	**POLAND	ZAMBIA
FIJI	ROMANIA	ZIMBABWE
GAMBIA	RUSSIA	
GEORGIA	SAINT KITTS/NEVIS	
GHANA	SAINT LUCIA	
GRENADA	SAINT VINCENT/GRENADINES	

\*NOTE: REPUBLIC OF CHINA (TAIWAN) is voluntary. HONG KONG is mandatory.

\*\*POLAND notification is for non-residents only.

\*\*\*BRITISH DEPENDENCIES: ANGUILLA, VIRGIN ISLANDS, BERMUDA, MONTSERRAT, TURKS and CAICOS.

\*\*\*\*U.S.S.R. passports still being used should be mandatory notification to respective, above-listed countries.

**PORTAGE DEPARTMENT OF PUBLIC SAFETY  
CONSULAR NOTIFICATION FORM**

Date \_\_\_\_\_

Time \_\_\_\_\_

**TO:**

Embassy of \_\_\_\_\_, Washington, D.C.

Consulate of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(Country) (State) (City)

**FROM:**

Name: \_\_\_\_\_ Office: \_\_\_\_\_  
Street Address: \_\_\_\_\_ City \_\_\_\_\_  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**SUBJECT:**

Notification of Arrest/Detention of a National of Your Country

We arrested/detained the following foreign national, whom we understand to be a national of your country, on \_\_\_\_\_ (date).

Mr./Ms. \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Passport Number \_\_\_\_\_ Date of Passport Issuance \_\_\_\_\_  
Place of Passport Issuance: \_\_\_\_\_

To arrange for consular access, please call \_\_\_\_\_ between the hours of \_\_\_\_\_ and \_\_\_\_\_. Please refer to case number \_\_\_\_\_ when you call.

Comments:

**CONSULAR RIGHTS FORM  
VOLUNTARY NOTIFICATION**

NAME OF ARRESTED OR DETAINED PERSON: \_\_\_\_\_

DATE/TIME ADVISED: \_\_\_\_\_

OFFICER'S NAME: \_\_\_\_\_

**STATEMENT OF RIGHTS:**

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

Yes       No

SIGNATURE OF PERSON: \_\_\_\_\_

TRANSLATION SERVICE USED:  Yes       No

IF YES, REFER TO CONSULAR NOTIFICATION FORM.

**CONSULAR RIGHTS FORM  
MANDATORY NOTIFICATION**

NAME OF ARRESTED OR DETAINED PERSON: \_\_\_\_\_

DATE/TIME ADVISED: \_\_\_\_\_

OFFICER'S NAME: \_\_\_\_\_

**STATEMENT OF RIGHTS:**

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in your detention, among other things. We will be notifying your country's consular officials as soon as possible.

TRANSLATION SERVICE USED:  Yes  No

DATE/TIME NOTIFIED: (SEE CONSULAR NOTIFICATION FORM)

# ARRESTING A NON-U.S. CITIZEN

## Consular Notification Process



### Are you a U.S. citizen?

#### A. "YES, I am a U.S. citizen."

(No further action required.)



#### "NO, I am not a U.S. citizen."



#### IN ALL CASES:

- Do not inform consulate about detainee's refugee or asylum status.
- Detainee may communicate with consular officer and may request consular access at any time (whether previously declined or not).
- Consulate may have access to detainee regardless of whether detainee requests it.

### Are you a national of one of these countries?

Algeria	Cyprus	Kazakhstan	Romania	Tonga
Antigua and Barbuda	Czech Republic	Kiribati	Russia	Trinidad and Tobago
Armenia	Dominica	Kuwait	St. Kitts and Nevis	Tunisia
Azerbaijan	Fiji	Kyrgyzstan	Saint Lucia	Turkmenistan
Bahamas, The	Gambia, The	Malaysia	St. Vincent/Grenadines	Tuvalu
Barbados	Georgia	Malta	Seychelles	Ukraine
Belarus	Ghana	Mauritius	Sierra Leone	United Kingdom <sup>1</sup>
Belize	Grenada	Moldova	Singapore	U.S.S.R. <sup>2</sup>
Brunei	Guyana	Mongolia	Slovakia	Uzbekistan
Bulgaria	Hong Kong	Nigeria	Tajikistan	Zambia
China <sup>1</sup>	Hungary	Philippines	Tanzania	Zimbabwe
Costa Rica	Jamaica	Poland <sup>1</sup>		

#### A. "YES."

**Step 1.** Inform detainee of the right to communicate with consulate, and that you must inform consulate of arrest/detention.

**Step 2.** Inform the nearest consulate **without delay**.

**Step 3.** Make record of notification in case file.

(No further action required.)



#### "NO."

Inform detainee, **without delay**, of the right to communicate with consulate.



**Bureau of Consular Affairs**  
U.S. Department of State  
Washington, D.C. 20520  
P: 202-647-4415  
F: 202-736-7559  
consnot@state.gov

### Do you want your consulate notified of your arrest/detention?

#### A. "YES."

**Step 1.** Make note in case file.

**Step 2.** Inform consulate **without delay**.

**Step 3.** Make record of notification in case file (or use fax confirmation).

(No further action required.)



#### "NO."

**Step 1.** Make note in case file.

**Step 2.** Do **NOT** inform the consulate.

(No further action required.)



For more information visit: <http://www.travel.state.gov/law/notify.html>

**Portage Department of Public Safety  
Prisoner Processing**

Strip Search Report

Incident # \_\_\_\_\_

- This report is to be utilized for persons that have been arrested, but not arraigned, where there is reasonable cause to believe that the person is concealing a weapon, controlled substance, or evidence of a crime.
- If the person is charged with a misdemeanor or offense punishable only by a civil infraction, this form must be signed by the Public Safety Director or designee.
- A copy of this form shall be given to the person searched.

_____ ARRESTED PERSON	_____ SEX	_____ DOB
_____ PERSON CONDUCTING STRIP SEARCH	_____ SEX	_____ BADGE #
_____ PERSON ASSISTING STRIP SEARCH	_____ SEX	_____ BADGE #
_____ DATE	_____ TIME	_____ LOCATION OF STRIP SEARCH

Justification for conducting strip search (reasonable cause to believe):

- Concealing a weapon
- Concealing controlled substance
- Concealing evidence of a crime
- Other (Specify): \_\_\_\_\_

List all items recovered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Strip search approved by: \_\_\_\_\_  
COMMAND OFFICER'S SIGNATURE

\_\_\_\_\_  
COMMAND OFFICER'S NAME PRINTED