



Lansing Police Department Manual

500.2 — ARREST MANAGEMENT

Operational Procedure
Effective Date: 08/2005
Rescinds: 02/2001

1 **PURPOSE**

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3 The purpose of this procedure is to establish guidelines for managing the arrest and custodial transport
4 process.

5 **DEPARTMENTAL USE ONLY**

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8 This procedure is for Lansing Police Department (LPD) use only and represents an administrative guide
9 for officers' decision making processes and not as a standard for civil or criminal litigation. It should not be
10 construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to
11 civil suits or administrative claims. However, violations of this procedure may form the basis for LPD
12 administrative sanctions.

13 **DEFINITIONS**

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- 16 • **Contact** - A face-to-face communication between an officer and a private person under
17 circumstances where the person is free to leave.
 - 18 • **Stop** - A temporary detention of a person for investigation. A stop occurs when officers use their
19 authority either to compel a person to halt, to remain in a certain place, or to perform some act
20 (such as walking to a nearby location where the officer can use a radio, telephone, etc.). If a
21 person reasonably believes that he is not free to leave the presence of the officer, a "stop" has
22 occurred.
 - 23 • **Reasonable Suspicion** - A police officer has reasonable suspicion to detain a citizen briefly for
24 purposes of investigation when the officer, in light of experience and training, is aware of
25 articulable facts or circumstances which could lead a reasonably prudent person to believe that a
26 crime has occurred, that criminal activity is going to occur, or someone is otherwise in need of
27 police assistance.
 - 28 • **Reasonable Suspicion to Frisk** - A police officer has reasonable suspicion to frisk a citizen
29 during an investigative detention when the officer, in light of experience and training, is aware of
30 articulable facts or circumstances which could lead a reasonably prudent person to believe that the
31 citizen may be armed with a weapon.
 - 32 • **Frisk** - A limited protective search for concealed weapons or dangerous instruments.
 - 33 • **Felony** - An offense for which the offender, on conviction, may be punished by death or by
34 imprisonment in a state prison [MCL 750.7](#).
 - 35 • **Misdemeanor** - a violation of a non-felony penal law punishable in the county jail for not more
36 than 90 days.
 - 37 • **Probable Cause** - articulable facts or circumstances which could lead a reasonably prudent
38 person to conclude that a suspect has committed, or is in the process of committing, a criminal
39 act.
 - 40 • **Reasonable Officer** - One who acts as other similarly trained and experienced officers could be
41 expected to act under similar circumstances. The reasonableness of an officer's actions will be
42 reviewed based on the facts and circumstances known to her/him at the time of the action.
 - 43 • **Exigent Circumstances** - Emergency circumstances that justify a warrantless entry.

- 44 ○ **Emergency Circumstances** - Those circumstances in addition to probable cause that demand
45 immediate action. Emergency circumstances generally justify entry into a dwelling or building
46 without a warrant in the following circumstances:
- 47 ○ When evidence would be destroyed.
- 48 ○ When there is the threat of injury to the officer or others.
- 49 ○ When a felon would escape.
- 50 ○ When there is a crime in progress.
- 51 ○ When exigent circumstances exist.
- 52 ○ Hot pursuit of a criminal.
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- 54 ■ This refers to situations in which an officer pursues a fleeing felon into a home or building,
55 etc., and then observes in plain view items that are readily apparent as evidence or
56 contraband.
- 57 ■ It is important to note that court cases dealing with this exception are based on felonies,
58 not misdemeanors.
- 59 ■ Officers should never pursue a person wanted for a misdemeanor into their home and
60 expect to base an exception to the warrant requirement on hot pursuit.

61 **ARREST AUTHORITY**

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- 64 ● There are three components to an arrest:
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- 66 ○ The taking, seizing or detaining of a person by any act which indicates an intention to take the
67 person into custody, and
- 68 ○ subjects the person arrested to the actual control of the person making the arrest, and
- 69 ○ this is understood by the person arrested.
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- 71 ● In order to have a valid arrest the following elements must be present:
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- 73 ○ Authority - The person making the arrest must have the authority to make the arrest and must
74 be acting within the scope of that authority. Authority to arrest is vested in employees who are
75 fully empowered and regularly employed by LPD.
- 76 ○ Intent - An Officer must inform the person who is being arrested of the intent to arrest them
77 and on what grounds.
- 78 ○ Custody - Custody must be exercised; either by word, command, or methods of control that
79 may include force.
- 80 ○ Submission - The person being arrested must submit to the fact that they have been arrested,
81 although this does not mean the person must submit voluntarily. Submission is present when
82 the element of custody is gained.
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84 **REQUIREMENTS FOR ARREST**

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86 In the following circumstances an officer may make an arrest within the City of Lansing.

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- 88 ● Under [MCL 764.15](#) an officer may arrest without a warrant in any of the following situations:
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- 90 ○ Criminal Offense
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- 92 ■ Felony
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- 94 ➤ A felony committed in the presence of an officer.
- 95 ➤ When a felony has been committed and the officer has reasonable cause to believe
96 that particular person has committed the felony.
- 97 ➤ When an officer has reasonable cause to believe that a felony has been committed
98 and reasonable cause to believe that the person committed it.

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- When an officer has received and confirmed positive information by written or electronic form, or other authoritative source, that another officer or court holds a warrant for the arrest of that particular person.

NOTE: The decision to arrest in this circumstance would be made in light of the best information available regarding the subject's ability to post bond and the willingness of the warrant holder to pick up and/or receive the prisoner.

- When an officer has received positive information, by broadcast from a recognized police or other government radio station or by other electronic means that gives the officer reasonable cause to believe that a felony has been committed and reasonable cause to believe that particular person has committed a felony.
- When an officer has reasonable cause to believe that a person is an escaped convict, a parole or probation violator, or has violated a condition of pardon granted by the Governor.
- Under [MCL 764.15\(e\)](#) an officer may arrest without a warrant and take into custody a defendant whom the peace officer has reasonable cause to believe is violating or has violated a condition of release (where the original charge was a felony offense) imposed under MCL 765.6b, as it relates to the release of defendants subject to protective orders. The arresting officer will complete the *Lansing Police Department Complaint of Violation of Conditional Release Form* following the guidelines outlined on the form.
- Under [MCL 333.7501](#) of the Controlled Substance Act, a sheriff, deputy sheriff, or local or state police officer who has reasonable cause to believe that a violation of this article punishable by imprisonment for one year or more has taken place or is taking place, and reasonable cause to believe that an individual has committed or is committing the violation, may arrest that individual without a warrant for that violation whether or not the violation was committed in the law enforcement officer's presence.

- Misdemeanor

- A misdemeanor or ordinance violation committed in the presence of an officer.
- The officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days has been committed and reasonable cause to believe the person committed it.
- The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, electronic, or other authoritative source that another peace officer or court holds a warrant for the person's arrest.
- The officer has received positive information broadcast from a recognized police or other governmental radio station or other electronic form that affords the officer reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days has been committed and reasonable cause to believe the person committed it.
- Under [MCL 764.15\(e\)](#) an officer may arrest without a warrant and take into custody a defendant who the peace officer has reasonable cause to believe is violating or has violated a condition of release (where the original charge was a misdemeanor offense) imposed under [MCL 764.15\(b\)](#), as it relates to the release of defendants subject to protective orders. The arresting officer will complete the *Lansing Police Department Complaint of Violation of Conditional Release Form* following the guidelines outlined on the form.
- An officer may make an arrest under [MCL 764.15\(a\)](#), as outlined in Operational Procedure 600-35, *Domestic Assault*.
- [MCL 764.15\(b\)](#) grants an officer the authority, without a warrant, to arrest a person for violation of a personal protection order (PPO), as outlined in Operational Procedure [600.37 Personal Protection Orders - Conditional Bond Release](#).

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- When an officer has reasonable cause to believe that a violation of the retail fraud section of [MCL 750.356\(c\)](#) or [MCL 750.356d](#) has taken place and there is probable cause to believe that the person committed the violation; whether in the presence of the officer or not.
 - The officer has reasonable cause to believe a misdemeanor has taken place or is taking place on school property and reasonable cause to believe the person committed or is committing the violation, regardless of whether the violation was committed in the officer's presence. School property is defined as a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

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- Traffic Related Offenses

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- When an officer has reasonable cause to believe that a person, at the time of a crash, was operating the vehicle upon a public highway or a place open to the general public, including an area designated for the parking of vehicles, while under the influence of intoxicating liquor or controlled substance.
 - The person is found in the driver's seat of a vehicle parked or stopped on a highway or street if any part of the vehicle intrudes into the roadway and the officer has reasonable cause to believe the person was operating the vehicle while under the influence of intoxicating liquor or controlled substance.
 - When an officer has reasonable cause to believe that a person, at the time of a crash, was the driver of a snowmobile [MCL324.82136](#), ORV [MCL 324.81144](#) or boat [MCL 324.80180](#), while under the influence of intoxicating liquor or controlled substance.
 - Reckless driving [Reckless Driving Report Writing Handbook](#).

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- An arrest warrant must be obtained prior to arresting in the following circumstances:

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- On probable cause for a misdemeanor when a suspect flees from the exterior of a dwelling to the interior (no forcible entry).
 - To make forcible entry into the defendant's dwelling for the purpose of making a felony arrest; absent exigent circumstances. Officers must have reason to believe the defendant is inside the dwelling.
 - To make forcible entry into a third party's house for the purpose of making any arrest without exigent circumstances. (In this case, a Search Warrant is also required).

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ARREST AUTHORITY OUTSIDE JURISDICTIONAL BOUNDARIES

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- Certain statutory exceptions allow police officers the authority to arrest outside the jurisdictional boundaries of the political subdivision that grants them their police authority.
 - [MCL 764.2](#) states, "If any person against whom a warrant shall be issued for an alleged offense committed within any county, shall, either before or after the issuing of such warrant, escape from or be out of the county, the sheriff or other officer to whom such warrant may be directed, may pursue and apprehend the party charged, in any county of this state, and for that purpose may command aid and may exercise the same authority as in his own county."
 - [MCL 764.2\(a\)](#) states further, "A peace officer of a county, city, village, or township of this state may exercise authority and powers outside her/his own county, city, village, or township when she/he is enforcing the laws of this state in conjunction with the Michigan State Police, or in conjunction with a peace officer of the county, city, village, or township in which she/he may be; the same as if she/he were in her/his own county, city, village, or township."

- Fresh Pursuit: Shall not necessarily imply instant pursuit, but pursuit without unreasonable delay. A police officer, while engaged in fresh pursuit, may arrest with the authority granted by the municipality that is their employer.

- Officers outside their jurisdictional boundaries, but not operating under any of the listed exceptions, may be acting in the capacity of a private citizen.

IMMUNITY FROM ARREST

- Various categories of persons are entitled to privileges and immunities and they should be carrying proper identity documents issued by the US Department of State. The identification cards are 3"x2" and contain a photograph of the bearer. The bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and a US Department of State seal appear on the front of the card. A brief statement of the bearer's immunity is printed on the reverse side, along with the bearer's signature.
 - Diplomatic Immunity: Diplomats enjoy the highest degree of privileges and immunities and will be carrying a blue bordered card.
 - Officials: Cards will be green bordered.
 - Consulars: Cards will be red bordered.
- Claims of immunity when bearer does not have an identification card; in such a circumstance, telephonic information/verification should be made promptly to the US State Department at one of the following numbers:
 - (202) 647-2663 during business hours.
 - (202) 647-7277 after business hours.
- Anytime a situation of immunity arises, officers will request a supervisor respond to the scene.
- When an officer is responding to or investigating an apparent violation of criminal law and the person claims immunity:
 - The officer should request the official State Department identification card to verify the person's status and immunity.
 - If the person is unable to produce official documentation and arrest or detention would otherwise be merited, the person shall be detained until verification can be accomplished.
- When proper identification is available or confirmed, the individual's immunity should be fully respected to the extent they are entitled. In cases of full diplomatic immunity, the person should not be arrested except in extraordinary circumstances and they should not be handcuffed or detained in any way. However, the officer will record all pertinent details from the identity card and fully record the details and circumstances of the incident in accordance with normal police procedures. Proper documentation of the incident is essential to permit appropriate action by the US State Department.
- When stopping diplomats or consular officers for traffic enforcement, issuing a traffic citation does not constitute arrest or detention and is permissible. If the driver is intoxicated (OUIL) the officer may, with the individual's permission, take the individual to the station and arrange alternate transportation or detain the person until they are able to drive without being under the influence. This should be fully documented in a written report and promptly forwarded to the US State Department.

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- If officers reasonably believe a threat exists, to the public or themselves, persons with diplomatic immunity are subject to search pursuant to Terry vs. Ohio of their person only. The search may not be extended to briefcases, pouches, handbags or any other container. Container items may be seized and held by officers for purposes of limiting the access of the person in possession of the item but may not be opened or searched without authorization of the State Department.

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ALTERNATIVES TO A CUSTODIAL ARREST

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- Situations can arise for which an officer may make an arrest but circumstances at the time require discretion or alternative action:
 - A minor misdemeanor traffic offense arrest on a busy day could leave the community without protection during prisoner transport and processing.
 - Ordinance violations or misdemeanor violations for which the offender is known/identified and can be located at another time.
 - When the Detention Unit/County Jail/Juvenile Facility is near capacity and can only accommodate offenders involved in serious or violent offenses.
 - Issuance of an appearance ticket to the offender and release at the scene/other safe location may be an alternative to custodial arrest.
 - Alternatives to custodial arrest require officers to complete a thorough field investigation to assure accurate offender identity and residence. A few more minutes at the scene may render officers available more rapidly than when a custodial arrest had been made.
 - Discretion in making arrests will be guided by the totality of the circumstances surrounding each situation and LPD policies. In most circumstances, officers should arrest when incidents involve the following:
 - Felony violations.
 - Misdemeanor violations for offenses related to alcohol or controlled substances and the operation of a motor vehicle, snowmobile, ORV or boat.
 - In situations of Domestic Abuse or Personal Protective Orders where the offense meets statutory requirements.
 - Then an officer chooses to utilize an alternative to custodial arrest, the rationale should be articulated in an incident report or within the Officer's Notes section of the issued citation.

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CUSTODY AND TRANSPORT

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- General Custody Guidelines
 - While being transported, individuals who are in-custody should be handcuffed or otherwise restrained in such a manner so as to prevent them from harming the officer(s), escaping, causing an accident, or harming themselves.
 - Situations requiring special attention during transports include:
 - Sudden In-Custody Death Syndrome - Those most at risk include the obese, intoxicated subjects, emotionally disturbed persons, drug abusers (particularly cocaine), those with serious pre-existing medical conditions, and persons involved in a prolonged and/or violent encounter prior to being taken into custody. Whenever force is used to effect an arrest, and in particular if some or any of these risk factors are present, officers should closely monitor the prisoner during transport.
 - Positional Asphyxia - This can occur if a subject is placed in, or assumes, a position that restricts breathing and normal diaphragm function; such as lying on the stomach in a prone position. To guard against the potential for positional asphyxia, officers should, whenever practical, place and maintain prisoners in a seated upright position during transport.

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- The use of handcuffs and other authorized restraint devices shall comply with Operational Procedure [500.3 Use of Handcuffs and Restraint Devices](#).
 - All persons placed under arrest by LPD will be handcuffed by the arresting or transporting officer unless injury, medical condition, deformity, or other extenuating circumstances exist.
 - Individuals shall be searched upon arrest or upon being received from another officer and prior to being placed into the transport vehicle.
- NOTE:** If the arrest is for a misdemeanor that the accused may post Interim Bond, you must do your complete search in the field. Your search must immediately follow the arrest and is limited to the areas where the accused could have obtained a weapon, including the passenger compartment of a vehicle.
- The passenger compartment of the transport vehicle shall be searched prior to and after each transport.
 - If at all possible, a screened or properly equipped vehicle should be used for custodial transport.
 - Fold-down or sliding screens/windows shall be properly secured prior to transport for officer safety and compliance with OSHA/MIOSHA requirements Operational Procedure [300.19 Communicable Diseases](#).
 - Officers shall notify dispatch of their beginning and ending odometer reading when transporting individuals of the opposite gender. This information, along with the time the transport began/ended, shall be logged by the Communications Center for future reference.
 - During the transport, the transporting officer is responsible for the individual.
 - If an emergency arises that requires the officer to immediately respond to a more serious situation, the officer may release the individual. This must be done with due regard for the safety of the public and the individual.
- General Transport Guidelines - One Officer
 - One officer transporting one subject:
 - In a screened vehicle, the subject will be seated in the rear of the vehicle on the passenger side with the safety belt fastened.
 - In an unscreened vehicle, prior approval by a supervisor is required. The subject will be seated in the front passenger seat with the safety belt fastened.
 - One officer transporting two subjects:
 - The use of one officer to transport two subjects should be avoided whenever possible. If necessary to do this type of transport, follow the below guidelines:
 - In a screened vehicle, both subjects will be seated in the rear seat with the safety belts fastened.
 - In an unscreened vehicle, officers will not transport more than one subject.
 - One officer transporting more than two subjects:
 - In the interest of officer safety, one officer will not attempt to transport more than two individuals unless the vehicle is specifically equipped for the transport of multiple subjects.
 - General Transport Guidelines - Two officers
 - Two officers transporting one subject:
 - In a screened vehicle, the subject should be seated in the rear seat behind the passenger officer with the safety belt fastened.

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- In an unscreened vehicle, the subject should be seated in the rear seat on the passenger side with the safety belt fastened. The second subject should be seated in the rear seat behind the officer driving.
 - Two officers transporting two subjects:
 - In a screened vehicle, the subjects should be seated in the rear seat; one behind the driver and the other behind the passenger officer. A safety belt should be fastened around each subject.
 - Two officers transporting three subjects:
 - In a screened vehicle, all three subjects should be seated in the secure area of a specially equipped vehicle.
 - In situations requiring transport of multiple subjects in a vehicle that is not specially equipped, officers will consult with a supervisor regarding the number of transporting officers, the number of subjects being transported, and the method of transport.
 - Special Circumstances
 - Injured or ill subjects:
 - If it is determined at the scene that a subject needing to be transported is injured/ill, EMS should be called to transport the subject to the hospital.
 - If the injured/ill subject is in-custody, an officer should accompany the prisoner to the medical facility; either in the ambulance or immediately following it. Consideration should be given to the security of the prisoner and necessity of medical assistance.
 - If, during transport of a prisoner, the officer discovers the subject is injured or the subject complains of injury/illness, the subject may be injured, or is suspected of ingesting drugs/harmful substances, the officer will transport the subject directly to a medical facility.
 - Search all prisoners taken to the hospital for weapons, contraband, and evidence.
 - Advise a precinct supervisor of the situation.
 - Notify the Detention Section of all required booking information; including a complaint number and whether the prisoner will be admitted to the medical facility.
 - Maintain prisoner security until the prisoner is lodged in the Detention facility or the officer is relieved of the responsibility by a precinct supervisor.
 - Request that the hospital notify the Communications Center prior to the discharge of an unguarded prisoner for subsequent notification of a precinct supervisor.
 - If the prisoner will be lodged in the Detention facility after treatment, the officer returning the prisoner to Detention will complete a *Hospital Report Information Form* available in the Detention Section.
 - If the injury is due to a use of force situation, the guidelines established in Operational Procedure [600.7 Response to Resistance](#) will be followed.
 - Transferring custody to a Tri-County Law Enforcement Agency (Ingham, Eaton, and Clinton County)
 - Subjects arrested by a LPD officer on a Tri-County law enforcement agency's warrant may transfer the prisoner to that agency without booking the subject at the LPD jail.
 - The Communications Center LEIN operator shall contact the agency holding the warrant to confirm a location convenient to both agencies for the transfer of the prisoner.
 - If the transfer cannot be made within a reasonable time period (45 minutes or less) the prisoner shall be booked at the LPD jail.

- 420 ○ If the officer believes that it would be in the best interest of all involved, the officer may request
421 permission from their shift supervisor to transport their arrest directly to the other agency's
422 Detention facility.
- 423 ○ Officers who transfer custody to a tri-county agency without booking the prisoner at LPD shall
424 complete the *Tri-County Prisoner Transfer Form*.
- 425 ○ The *Tri-County Prisoner Transfer Form* shall be turned in no later than the end of the
426 transferring officer's shift.
- 427 ○ Transferring custody to an agency outside of the Tri-County area
- 428 ○ When transferring custody of a prisoner to a law enforcement agency located outside of the Tri-
429 County area, the prisoner shall be booked at the LPD jail prior to transport.
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- 431 ▪ When transferring custody of a prisoner who is injured/ill, or upon whom force was used,
432 the transferring officer shall verbally notify the receiving officer of the following and
433 document notification of same in a report of the incident:
 - 434 ➤ The type and degree of force used.
 - 435 ➤ Injuries known to the transporting officer.
 - 436 ➤ If he/she has been treated by a physician.
 - 437 ➤ Threats of suicide or suicidal comments.
 - 438 ➤ Any other circumstances that concern the officer.
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- 441 ○ Receiving Custody from another jurisdiction
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- 443 ▪ Officers receiving custody of a prisoner from another agency on a LPD warrant shall ask
444 the following questions prior to accepting custody of the prisoner:
 - 445 ➤ Has the prisoner complained of injury/illness?
 - 446 ➤ If yes, has he/she been treated by a physician?
 - 447 ➤ Has the prisoner made any threats of suicide or suicidal comments?
 - 448 ➤ Any other circumstances that concern the officer?
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- 451 ○ If any of the above questions have been answered yes by the prisoner or the outside agency
452 officer, a precinct supervisor shall be contacted prior to acceptance of the prisoner. The
453 supervisor will make a determination on whether the prisoner will be accepted from the
454 outside agency.
- 455 ○ A *Tri-County Prisoner Transfer Form* does not have to be completed when a prisoner is
456 received in the field from another agency.
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458 **ESCAPE FROM CUSTODY**

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- 460 ● Should a prisoner escape from custody, the officer discovering the escape will without delay:
- 461 ● Notify the Communications Center and provide a complete description of the escapee.
- 462 ● Conduct a search of the immediate area.
- 463 ● Notify a precinct supervisor.
- 464 ● Complete an incident report utilizing the appropriate file code.
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466 **OFFICERS ASSIGNED TO OTHER AGENCIES**

467 LPD officers assigned to or assisting other law enforcement agencies will be guided by this policy.
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