

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Glynn County Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Glynn County Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 PEACE OFFICER POWERS

Certified members of this department are peace officers and are vested expressly with authority to enforce criminal or traffic laws through the power of arrest and the preservation of public order, the protection of life and property, and the prevention, detection, or investigation of crime (O.C.G.A. § 35-8-2(8)).

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE GLYNN COUNTY POLICE DEPARTMENT

Officers may make arrests within the jurisdiction of the Glynn County Police Department (O.C.G.A. § 17-4-20):

- (a) Pursuant to an arrest warrant.
- (b) Without a warrant when:
 - 1. An offense is committed in the officer's presence or within the officer's immediate knowledge.
 - 2. An offender is endeavoring to escape.
 - 3. When the officer has probable cause to believe that:
 - (a) An act of family violence has been committed.
 - (b) The offender has violated a criminal family violence order.
 - (c) An offense involving physical abuse has been committed against a vulnerable adult.
- (c) For other cause where there is likely to be failure of justice for want of a judicial officer to issue a warrant.

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100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE GLYNN COUNTY POLICE DEPARTMENT

Officers may make custodial arrests outside the jurisdiction of the Glynn County Police Department:

- (a) When the arrest is made pursuant to an arrest warrant (O.C.G.A. § 17-4-25).
- (b) While in immediate and continuous pursuit of a person who has committed a criminal offense within the County of Glynn County.
- (c) For a traffic offense when authorized under O.C.G.A. § 40-13-30.

100.3.3 GRANTING AUTHORITY TO OTHERS

Officers shall execute penal warrants assigned to them for execution. An officer may summon any citizen to assist in the execution of such warrants (O.C.G.A. § 17-4-24).

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding, or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters another state in fresh pursuit of a person.
 - 1. Into North Carolina for a criminal offense that would also be considered a criminal offense in North Carolina (N.C.G.S. § 15A-403).
 - 2. For a felony into South Carolina, Florida, and Tennessee (S.C. Code § 17-13-47; § 941.31, Fla. Stat.; T.C.A. § 40-7-203).

When an officer arrests an individual in another state, the officer shall cause the person to be taken before a judicial officer of the jurisdiction in which the arrest was made for a hearing on the lawfulness of the arrest without unnecessary delay (§ 941.32, Fla. Stat.; T.C.A. § 40-7-204; S.C. Code § 17-13-47; N.C.G.S. § 15A-403).

A law enforcement officer from Alabama, Florida, North Carolina, South Carolina, or Tennessee who enters this state in fresh pursuit of a person shall have the same authority to arrest and hold in custody such person within this state as that of a law enforcement officer of this state; provided, however, that the authority granted by this Code section shall be limited to criminal offenses of the pursuing state that also are criminal offenses under the laws of this state and that are punishable by death or imprisonment in excess of one year under the laws of the pursuing state. (O.C.G.A. § 35-1-15).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Georgia constitutions.

Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Georgia are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Glynn County Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.2 POLICY

It is the policy of the Glynn County Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

101.3 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this department, as a condition of employment, shall be certified by the Georgia Peace Officer Standards and Training Council (POST) (O.C.G.A. § 35-1-12; O.C.G.A. § 35-8-2(4)).

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Glynn County Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the following oath or affirmation in addition to any other form of oath or affirmation required (O.C.G.A. § 45-3-1; O.C.G.A. § 45-3-7; O.C.G.A. § 45-3-10.1; O.C.G.A. § 45-3-11; O.C.G.A. § 45-3-12; O.C.G.A. § 45-3-13).

"I, [State Your Name] do solemnly swear (or affirm) that I will uphold the Constitution of the United States, the Constitution and statutes of the State of Georgia and the Ordinances of the County of Glynn, and that I will faithfully, fairly and impartially discharge my duties as a police officer of Glynn County, so help me God.

I do further swear (or affirm) that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which by the laws of the State of Georgia I am prohibited from holding; and that I am otherwise qualified to be a police officer according to the Constitution and the laws of Georgia."

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (O.C.G.A. § 45-3-5; O.C.G.A. § 45-3-7; O.C.G.A. § 45-3-10.1).

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Glynn County Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Glynn County Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or department members. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training or discipline. The Glynn County Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

County - The County of Glynn County.

Non-sworn - Employees and volunteers who are not certified peace officers.

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Council - The Georgia Peace Officer Standards and Training Council (O.C.G.A. § 35-8-2).

Department/GCPD - The Glynn County Police Department.

Employee - Any person employed by the Department.

Emergency Peace Officer/Emergency Law Enforcement Officer - Persons who are employed or appointed to act as peace officers during an emergency or disaster which has been so declared by the chief executive officer of the state and whose status as peace officers is intended to be temporary and for that limited purpose (O.C.G.A. § 35-8-2(5)).

Law Enforcement Support Personnel - Persons, other than peace officers, whose primary employment with a law enforcement unit consists of performing functions directly related to the prevention, detection, or investigation of crime (O.C.G.A. § 35-8-2(6)).

Manual - The Glynn County Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Glynn County Police Department, including,

- Full-time and part-time employees
- Certified officers
- Reserve and auxiliary officers
- non-sworn employees
- Volunteers

Officer - Those employees, regardless of rank, who are certified peace officer employees of the Glynn County Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace Officer/Law Enforcement Officer - An agent, operative, or officer of the state of Georgia, a subdivision or municipality thereof, or a railroad who, as an employee for hire or as a volunteer, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws through the power of arrest and whose duties include the preservation of public order, the protection of life and property and the prevention, detection or investigation of crime.

Rank - The title of the classification held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is reviewed at least annually and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, through the chain of command. Upon receipt, Division Commanders will make recommendations and forward them to the Office of Professional Standards for further consideration and action as appropriate.