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ARREST WARRANTS

- A. Bureau Agents should not routinely obtain arrest warrants in cases in which they are only assisting local law enforcement agencies in the investigation. Agents may obtain warrants as follows: (1) cases in which the Bureau has initial jurisdiction; (2) cases in which the Bureau conducted the primary investigation; (3) where a felony or misdemeanor amounting to a breach of the peace was witnessed by the Agent; or, (4) cases where an arrest without a warrant was exercised under reasonable grounds for belief. See North Carolina General Statute 15A-401.
- B. Arrest warrants obtained by the Bureau without the assistance or involvement of any other criminal justice agencies will be served without delay. Priority will be given to Felony Warrants.
- C. Any warrant which cannot be served shall be retained at the appropriate District/Section/Unit Office. Twenty-four hour, seven day a week access to such warrants will be assured. Agents may contact the Computer Operations Section of the Department of Justice Information Technology Division verbally and enter an individual as a fugitive into NCIC. Agents are required to forward pertinent information to the Computer Operations Section within ten working days after a fugitive entry has been made.
- D. When a fugitive is arrested outside of North Carolina on a Bureau investigation, the case Agent will send a facsimile of the arrest warrant and other pertinent information to the arresting agency and will then immediately forward a certified copy of the arrest warrant by U.S. or commercial mail.

ARREST AND CUSTODY

- A. The Bureau and its Agents will at all times pursue the investigation of criminal offenses in a legal and ethical manner. All rights and privileges guaranteed under the United States Constitution and the North Carolina Constitution shall be provided and safeguarded. At the same time, the Bureau will preserve the public safety by exercising proper measures when dealing with violators of the law to guarantee they answer the appropriate charges in a court of competent jurisdiction.
- B. The Bureau does not permit any alternatives to arrest unless these alternatives are recommended and approved by the District Attorney with prosecutorial jurisdiction in the case. All alternatives to arrest that are recommended and approved by the

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District Attorney will be documented in the investigative report.

- C. All arrests, pick-ups, raids, or searches will be planned, organized, and executed to minimize risk to officers, Agents, and citizens. This activity will be conducted in accordance with accepted police procedures as taught by the Bureau.
- D. All arrested persons will be allowed the privilege of the reasonable use of a telephone.
- E. All arrested persons will be searched thoroughly for weapons. If possible, Agents of the same sex should conduct these searches. Whenever practical, the search of a suspect of the opposite sex should be done in the presence of a witness for the protection of the Agent.
- F. All arrestees shall be transported in a manner to assure the safety of Bureau Agents and others as well as the security of the arrestee. When possible, arrestees should be transported by an Agent of the same sex. When transporting arrestees of the opposite sex, a witness should accompany the Agent. Bureau vehicles, when used to transport arrestees, shall be searched thoroughly for weapons and contraband prior to and following transportation. When possible, local department, or special purpose transport vehicles should be used instead of Bureau vehicles to transport arrestees.
- G. All arrested persons should be taken before a judicial official without unnecessary delay. Only the judicial official has the authority to authorize any alternatives to prearrangement confinement.
- H. Warrants and other legal orders will be executed and/or returned in accordance with the General Statutes of North Carolina and established court procedure.
- I. All persons in legal custody of Bureau Agents will be cared for properly until delivered to a committing or judicial official. Responding to requests for assistance, while transporting an individual in custody, is allowed only when risk to third parties is both clear and grave and risk to the individual in custody is minimal.
- J. Bureau Agents will be responsible for ensuring the positive identification of any person arrested as being the individual properly chargeable with the offense for which the arrest results, prior to incarceration of the arrested person. When an arrest is made in an undercover purchase, the individual making the purchase must be physically present to make the identification prior to incarceration and this will

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be documented by the SBI-4 in the case file.

- K. All arrest situations involving Bureau Agents will be recorded by completing an Arrest and Physical Description Form (SBI-4). This form shall be submitted to the Special Agent in Charge for approval and distribution.
- L. The following will apply to those situations in which Bureau Agents transport arrestees:
 - 1. Arrestees being transported should be made as comfortable as possible and secured to the maximum degree necessary to ensure safety and security, depending on the length of the trip.
 - 2. At least one escort Agent or local officer, other than the driver, should be present. Under normal circumstances, the escort officer should be seated behind the driver with the arrestee in the rear seat to his/her right in order to protect the driver. If there are two arrestees, both should be seated in the rear to the right of the escort Agent/officer. The escort Agent/officer will be responsible for keeping the arrestee(s) under observation at all times.
 - 3. Arrestees will be handcuffed while in the conveyance. Arrestees should always be secured with a seat belt and a shoulder restraint. Arrestees assessed as a safety or escape risk should also be restrained with ankle cuffs, and the handcuffs linked under their belt.
 - 4. No more than two arrestees should be transported in a Bureau vehicle, and both arrestees should, unless justifying circumstances exist, be handcuffed with their arms interlinked. Arrestees should never be handcuffed to any part of the vehicle or left unattended in the vehicle during the transportation.
 - 5. Reasonable opportunities to allow the arrestee(s) to use toilet facilities, and to eat should be taken into account during planning stages for lengthy transportation. Handcuffs may be removed to enter a public establishment to eat a meal in cases where there are at least two Agents and one arrestee. Otherwise, fast food restaurants with drive through facilities should be used, and arrestees allowed to eat in the vehicle while handcuffed. Care should be taken to randomly choose restaurants or fast food facilities.
 - 6. Arrestees should not be allowed to communicate with persons other than

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law enforcement officers while being transported, with the exception of the arrestees' attorney or a close family member in justifiable circumstances.

7. In the event an arrestee is injured during the arrest, arrangements for medical care and treatment shall be ensured on a timely basis. The Agent having custody of the arrestee(s) will keep the arrestee(s) in sight as much as possible, and will coordinate with medical personnel (both Emergency Medical Response and Emergency Room treatment) to ensure the arrestee(s) remains in a custodial situation. The use of restraining devices on a sick or injured arrestee should depend on the condition of the arrestee, and the physical ability he/she has to escape or to injure himself/herself or others.
8. In the event the person to be arrested is handicapped or in an otherwise special health care condition, arrangements with local medical and other appropriate officials should be made prior to arrest for transportation, booking and incarceration. Restraining devices should be used only as absolutely necessary during the transport of a handicapped person, depending on the physical ability of the person to escape or to harm himself/herself or others.
9. If knowledge or reasonable suspicion exists that the person to be arrested has HIV Virus (AIDS), special arrangements will be made in advance to ensure the safety and health of the arresting officers, medical personnel and the person to be arrested. Surgical gloves should be worn at all times by Agents handling the arrestee, and direct, unprotected contact with any type of body fluid (i.e., spit, blood) should be avoided.
10. During an investigation, if it becomes necessary to transport an arrestee, who has been incarcerated, to a crime scene or other pertinent location, the arrestee should be positively identified as the person to be transported by verification with detention facility officials and booking records. An assessment of any current information regarding the arrestee's medical condition, suicide potential, and escape risk status should be made prior to departure.
11. In the event an arrestee in the custody of an Agent escapes, the Agent will immediately notify the local authorities in the affected jurisdiction, and will communicate as soon as possible the escapee's description, identity, method of travel, possible destination and nature of charges. The Agent will then contact and advise the Special Agent in Charge of the incident.

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PHOTOGRAPHS AND FINGERPRINTS

A. General Statute 15A-502

1. A person charged with the commission of a felony or a misdemeanor may be photographed and fingerprinted for law enforcement records only when the person has been:
 - a. Arrested or committed to a detention facility;
 - b. Committed to imprisonment upon conviction of a crime; or
 - c. Convicted of a felony
2. It shall be the duty of the arresting law enforcement agency to cause a person charged with the commission of a felony to be fingerprinted and to forward those fingerprints to the State Bureau of Investigation.
3. This section does not authorize the taking of photographs or fingerprints when the offense charged is a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes, "Motor Vehicles."
4. This section does not authorize the taking of photographs or fingerprints of a juvenile except under General Statute 7B-2102 through 7B-2108.
(revised 07/11/03)
5. This section does not prevent the taking of fingerprints, photographs, moving pictures, video or sound recordings or similar procedures to show a condition of intoxication or for other evidentiary use.
6. Fingerprints or photographs taken pursuant to subsection (1), above, must be forwarded to the State Bureau of Investigation, the Federal Bureau of Investigation, or other law enforcement agencies.

B. All suspects arrested in conjunction with a Bureau investigation shall be photographed and fingerprinted in accordance with instructions set forth in each Judicial District Plan established under General Statute 15A-1383. A copy of this plan is filed with the Identification Section Supervisor and in each Clerk of Court Office.

1. If the suspect is arrested by an Agent, fingerprints on the following forms

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will be obtained:

- a. FBI criminal fingerprint card bearing Bureau pre-printed ORI and address. The Agent's file number must appear in the "Local Identification Reference" block on the back of the card. [Rev.5-1-99]
 - b. Bureau arrest fingerprint card bearing Bureau pre-printed ORI and address. The Agent's file number must appear in the "OCA" block on the back of the card. Also, the Agent's name, Agent number and county of jurisdiction must appear on the back of the card in the block for State Agencies.
 - c. Bureau Final Disposition Report
2. If an Agent assists in an arrest of a suspect and the Bureau was requested to render assistance, the suspect's fingerprints shall be taken on the following forms:
- a. FBI criminal fingerprint card bearing the assisted agency's pre-printed ORI and address. The Agent's file number must appear in the "Additional Information" block on the back of the card.
 - b. Bureau Arrest Fingerprint Card bearing the assisted agency's pre-printed ORI and address. The Agent's file number must appear in the "Additional Arrest Data" block on the back of the card.
 - c. Bureau Final Disposition Report
- C. The Case Agent is responsible for ensuring fingerprints are taken and the Bureau file number is indicated on the forms when submitted.
- D. The FBI and Bureau cards should be forwarded to the Bureau's Identification Section as soon as possible.
- E. The Agent with the warrants in hand shall attach the final disposition report to the original criminal process charging the suspect and deliver the papers to the magistrate.
- F. If a suspect's fingerprints are to be also compared with latent evidence, an

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additional Bureau arrest fingerprint card will be completed (minus arrest data) and submitted as evidence to the Latent Evidence Section.

- G. General Statutes concerning fingerprinting and reporting of dispositions.
 - 1. General Statute 15A-502- Photographs and Fingerprints
 - 2. General Statute 15A-1381- Definition of Disposition
 - 3. General Statute 15A-1382- Reports of Dispositions; Fingerprints
 - 4. General Statute 15A-1383- Plan for Implementation of Article
 - 5. General Statute 7B-2200- Transfer of Jurisdiction of Juvenile to Superior Court (*revised 07/11/03*)
 - 6. General Statute 7B-2200- Fingerprinting Juvenile Transferred to Superior Court (*revised 07/11/03*)

FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES

- A. Fingerprints and photographs of persons under the age of 18 shall not be taken unless:
 - 1. The juvenile has been adjudicated delinquent under N.C. General Statute 7B-2411. (*revised 07/11/03*)
 - a. For a juvenile to be adjudicated delinquent pursuant to N.C. General Statute 7B-2411, the juvenile must: (*revised 07/11/03*)
 - (1) Have been at least 10 years old when they committed the illegal act; and
 - (2) The illegal act that the juvenile committed must have amounted to a Class A, B, C, D, or E, felony if committed by an adult; or
 - 2. The juvenile has been bound over to Superior Court from District Court to be tried as an adult; or

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3. The Agent is under a court order by the Chief Resident Superior Court Judge to photograph/fingerprint all sixteen (16) and seventeen (17) year-olds per the Judge's plan; or
 4. If the juvenile faces imprisonment of more than two years, the juvenile can request the fingerprints and photograph to be taken if it would aid his defense; or
 5. If a prosecutor requests a court order and is granted one, the juvenile can be fingerprinted and photographed.
- B. Once fingerprints and photographs of an adjudicated delinquent juvenile have been obtained, the following three items must be submitted to the State Bureau of Investigation:
1. One SBI fingerprint card without a CKN#. The card should clearly indicate in the "Additional Information" block "Delinquent Juvenile."
 2. A quality photograph.
 3. A copy of the signed court order requiring the delinquent juvenile to be photographed and fingerprinted.