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**AUTHOR**

**D. Hoblos, Supreme Justice**  
**C. Murtagh, Attorney General**

**RECIPIENT**

**STATE ORGANIZATIONS**  
**ALL CITIZENS OF SAN ANDREAS**

**SUBJECT**

**Procedure for detention and  
arrests**

**CASE NO.**

**Procedure for the detention  
and arrest**

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## **Procedure for detention and arrests act**

Within this document, the recipient shall find information to further guide them in their official capacities, as a state legal representation and law enforcing role. The document shall contain regulations for the outlaying of final penalization of the arrestee by any law enforcing officer of the state of San Andreas.

These regulations are in place to protect the civilians of the state, as well as law enforcement personnel against potential lawsuit being sought for misconduct during the representation and detention of the civilian.

The purpose of this document is to reduce the subjectivity during the legal representation of civilians, in order to fairly evaluate the alleged criminal offenses, the civilian is found charged with.

This document, therefore, additionally serves the purpose of entrusting the state attorney to, without malice, amend any charges brought upon the citizen, based on the procedures described within this document.

Signed and officialized on the 31<sup>st</sup> of October 2022.

*Che Murtagh*

Attorney General of San Andreas  
Andreas

*D. Hoblos*

Supreme Court Justice of San



## MIRANDA RIGHTS

*"You have the right to remain silent, anything you say can and will be used against you in the court of law. You have the right to an attorney, if you cannot afford an attorney, one will be appointed to you by the state, if available."*

The detention procedure is a short-term deprivation of the civilians right to liberty. The usage of detention shall not be seen as an infliction of guilt, but rather a period of time for the law enforcing officers to gather the necessary evidence, for a potential incrimination.

Those involved in the detention procedure may be as following, state employees or law enforcement officers on duty or authorized undercover operatives, the detainee, an attorney, if requested by the detainee.

The detainee has the right to uphold their silence, at no one point can the detainee be forced to verbally or physically express themselves, they cannot be forced to maintain their silence, and may at any point express themselves verbally.

All evidence recorded and/or gathered under the detention procedure, may be used as evidence against the detainee, to prove guilt of their alleged charges, unless later deemed inadmissible by the court or any senior ranking member of the Department of Justice.

The detainee carries the right to legal representation, either by private practice or state, if available. The detainee has the right to client - attorney privilege and is not required to present any evidence that may lead to incrimination, to a law enforcement officer.

Anyone who holds no relevance in the detention procedure, should be requested to vacate themselves at least 15 meters from the detainee. Any breach of this lawful order may result in charges, namely Penal and Misdemeanors Code Article 2. Crimes against Society, Section 26, Failure to Comply.

It is imperative that the detainee understands their right, or they've been informed of their rights not less than three times, in a clear and concise manner.



## DETENTION PROCEDURE (Cont.)

As part of the detention procedure, the following course of action **MUST** be upheld throughout the detention.

The arresting officer must at the earliest and safest opportunity, for all parties involved, place the suspect under detention, either by handcuffs or relocation to a restrained area, which withdraws the detainee of their right to liberty.

This includes officially marked state organization terrestrial vehicles, or in unmarked vehicles approved by the organizations leader.

At the point of detention, and therefore the withdrawal of their right to liberty, the detaining officer shall resume the responsibility of due care on behalf of the detainee, this includes, but does not limit to handling the detainee with the justified and proportionate force and maintaining the health and well-being of the detainee, during their detention and potential arrest. Furthermore, the detaining officer shall inform the detainee of their rights, as stated under *Article - Miranda Rights*.

The detaining officer **MUST** provide the detainee with any form of state approved identification, on request by the detainee, or their representative. Exceptions shall apply to any approved, by the leader of the organization, undercover officer. In such scenario, the detainee shall be provided with the necessary information to identify, by the organization leader or approved high commanding members, of the arresting officer.

The detaining officer shall during the detention procedure outline the potential charges brought upon the detainee, at the earliest opportunity along with their reasoning and justifiable evidence. The detaining officer may, if deemed relevant by the detaining law enforcement officer, or officer appointed by, or superior, to the detaining officer, carry out a search of the detainee in order to support the potential allegations

If the detainee at any time during the detention, requests the presence of a private practicing attorney, or state legal representation, the detaining officer shall immediately request, either himself, any officer appointed by, or a superior officer, the presence of said attorney.



If the detainee wishes representation by a private attorney, they shall without hesitation inform the detaining officer of the private attorneys cellphone number. If the detaining officer cannot validate that the representative will be present, within the allotted fifteen minutes, or if the attorney cannot be reached after 3 attempts, the detainee remains with the right to request state legal representation, if available.

The detaining officer shall when requested by the detainee, a state legal representation, either themselves, or any officer appointed by, or superior, to the detaining officer, request the presence of a state legal representation via the department radio frequency to the Department of Justice. If no response is received within 2 minutes, the detaining officer either themselves, or any officer appointed by, or superior, to the detaining officer, shall once again request the presence of a state legal representation. If no response is received after an additional 2 minutes, they may proceed with the arresting procedure. If the Department of Justice, or anyone affiliated, confirm the presence of a state legal representation, confirms the representation, the detaining officer shall wait until the arrival of the state legal representation. They may use allotted wait time, to formulate any evidence or charges to be presented to the legal representative.

If the detainee does not request any private practicing attorney, or any state legal representation, the detaining officer may proceed to carry out the arresting procedure. Should a state legal representation amend the charges brought against the detainee, said amendment shall be followed immediately by the arresting officer. A private practicing attorney may argue in the case of the detainee, and request amended charges, but the overruling decision is that of the arresting officer.

If the detainee requests a state legal representation during times of announced bench trials, the detainee shall be brought to capitol, where a bench trial will be held for the guilt of the detainee.



## ARRESTING PROCEDURE

The arresting law enforcement officer is required to inform the detainee of their charges, and reason for the arrest, at the earliest opportunity. The arresting law enforcement officer is required to, if not already, place the arrestee in handcuffs.

The arresting law enforcement officer is required to request the arrestee of their preferable size in clothing and acquire said sized correctional outfit. If no response is given by the arrestee, the arresting law enforcement officer shall acquire a universally sized jumpsuit.

A body search may be executed by the arresting law enforcement officer, or any officer appointed by, or superior, to the arresting officer. Confiscation of any found illegal items shall be recorded and stored in a central database, in the affiliated organization. At the point of arrest, the arresting officer, or any officer appointed **by, or superior to the arresting officer, shall search and confiscate the arrestee of any communicative devices.**

Should the arrestee be wearing any piece of clothing to conceal their identity, the arresting officer shall request the arrestee to take said piece of clothing off themselves, this shall be done by removing the arrestee of their handcuffs, and verbally expressing that the arrestee has ten seconds to take their identity concealing clothing off. Failure to do so gives the officer the right to tear said piece of clothing off along with waiving his liability, should the mask take unreparable damage.

The law enforcement officer shall record the charges in their Personal Digital Assistant ((PDA)), as outlined in the applicable state legislation, exactly as written. Failure to do so shall as consequence result in monetary compensation awarded to the detainee, paid in full by the organization who brought the charges upon them, **in the amount of one tenth of the fines given, as a result of the arrest. In case no fines are given, the reimbursement amount shall be set at \$3000.**

Following all of the above, the arresting law enforcement officer, any officer appointed by, or superior to the arresting officer, shall hand the arrestee the jumpsuit, and conclude the arrest.



Once the arrestee has been charged, fined and placed in their correctional uniform they are then to be escorted/taken by the **Arresting Officer** with an overseeing **DOC Officer** to the side room of the DOC Reception Building (**DOC Sub Building**) where the Officer will take a mugshot of the Prisoner following the mugshot Procedure.



## MUGSHOT PROCEDURE

The prisoner shall be taken from their cell to the Doc Lawyer Reception (Doc Sub-Building).

The Arresting Officer shall be present to take the mugshot along with an overseeing Doc Officer.

The Arresting Officer will inform the prisoner what the mugshot is for and take the mugshot of the prisoner.

- The Mugshot is to keep record of the prisoner looks along with the crime committed.

The Arresting Officer will then escort the Prisoner back to their cell after uploading the mugshot.

The Arresting Officer has the right to halt/stop the Mugshot Procedure if the following occurs.

- DOC is under 10-10s
- The prisoner has attempted to attack the officer.
- The prisoner has not been complying
- The prisoner is being sent to isolation

If the Prisoner has halted the Mugshot Procedure due to not complying or causing problems for the Arresting Officer.

- The Arresting Officer has the right to fine the prisoner for 3.6.1 Failure to Comply (\$25.000)
- The Doc Officer has the right to take the prisoner to an Isolation cell.