



Procedure for Detention & Arrest

Signed and Officiated by:

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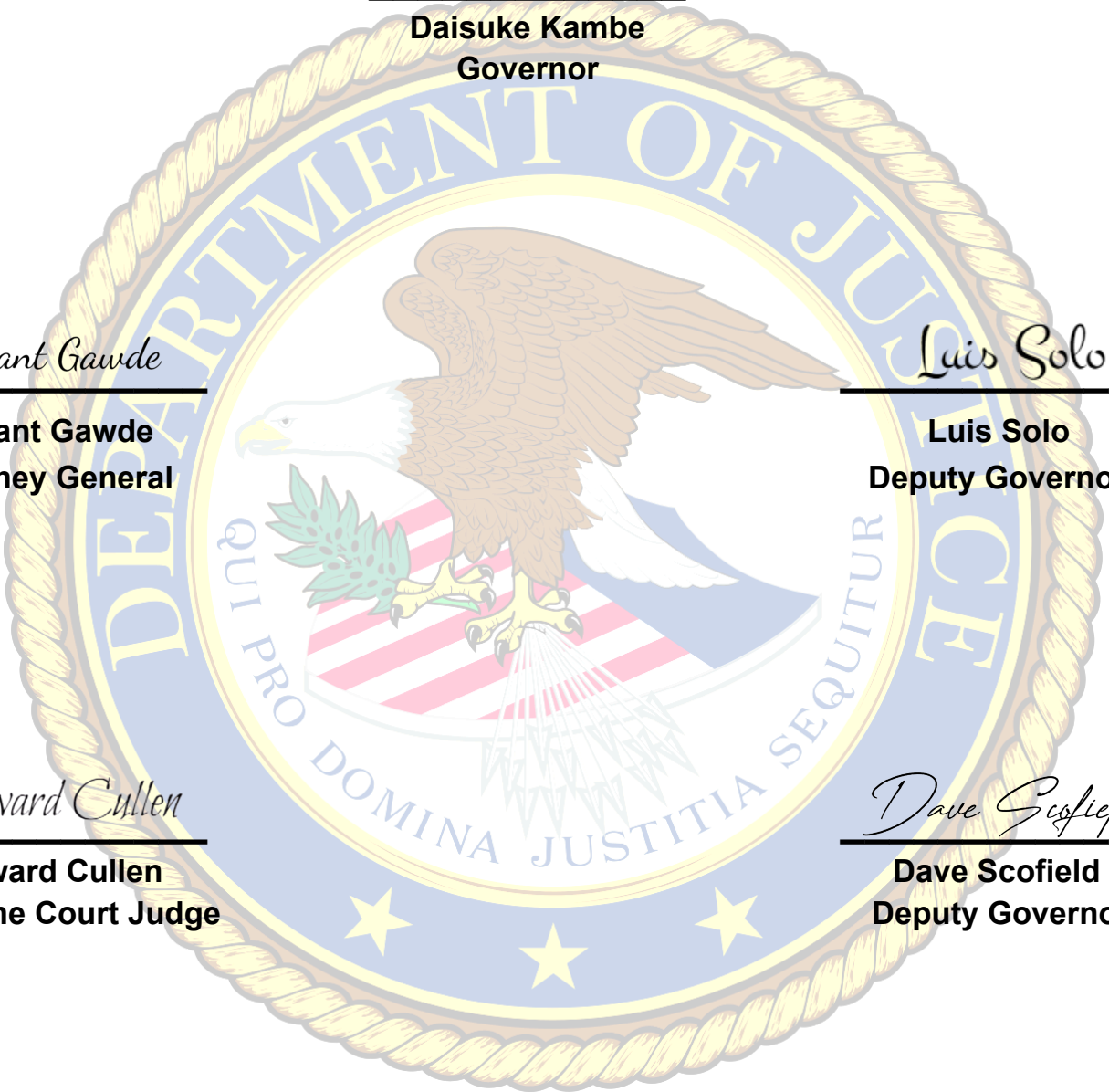
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Article 1.General Provisions:

1.1 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 outlying of final penalization of the detainee by any law enforcing officer of the state of San Andreas.

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

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

1.4 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.

Article 2.Information:

2.1 Detention is a short-term deprivation of the citizens' 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.

2.2 A citizen may be detained on the suspicion of a criminal offense or for the purpose of identification as and when required by law.

2.3 The Miranda rights in the State of San Andreas are as follows: "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.", which the detaining officer has to read out in a loud and clear manner to the detainee

2.4 A detention period may not exceed twenty-five (25) minutes, this timer shall cease the moment the detainee requests legal representation.

2.5 State legal representation can amend charges against a detainee, which the arresting officer must follow immediately. Private attorneys can argue, but the arresting officer's decision is overruled.

2.6 Any evidence that may incriminate the detainee, shall be presented to the legal representative no later than ten (10) minutes, after the first demand has been made by the legal representative.

2.7 If a detainee seeks state legal representation during periods of advertised bench trials, the detainee shall be taken to the capitol, where a bench trial for the detainee's guilt will be held.

2.8 The arresting officer is obliged to ensure their body-worn camera is recording throughout the detention and arrest of the suspect and must show evidence of arrival, a crime being committed, the entire detention and arrest procedure in said footage, this bodycam footage may be requested by the Department of Justice.

2.9 Any individual with a warrant out in their name should be processed in accordance with the “Procedure for detention and arrests act”. However, legal representation has no right to request the release of a person in the event there is a valid warrant signed by the Courts of San Andreas. However, they can appeal it to the supreme court.

Article 3. Detention Process:

3.1 The arresting officer must detain the suspect at the safest opportunity, restraining them, thereby withdrawing their right to liberty and ensuring safety for all involved parties. (This includes officially marked or unmarked state organization vehicles).

3.2 Detention officials must resume providing proper care for detainees during detention, including using justified force and maintaining their health. They must also advise them of their Miranda Rights

3.3 The detaining officer must provide state-approved identification upon request of the detainee or their representative. Exceptions apply to undercover officers approved by the organization leader or high-commanding members. In such scenarios, the detainee shall be provided with the necessary information to identify.

3.4 Detaining officers must outline potential charges and justify them, along with justifiable evidence. If relevant, they may conduct a search to support the allegations.

3.5 If the detainee requests private or state legal representation during detention:

3.5.1 If the detainee requests for a private attorney, the detainee has to provide the officer with the cellphone number of the attorney, if the attorney can not be reached after three attempts or doesn't arrive after fifteen minutes, the detainee has the right to a state legal representation.

3.5.2 If the detainee requests for a state legal representation the arresting officer must ask over the department radio if an attorney is available, if there is no response from the DOJ, the officer can request two more times each after two minutes. Detaining officers must wait until the Department of Justice or connected institutions confirm state legal counsel; they may use the allotted wait time to formulate any evidence or charges to be presented to the legal representative.

3.5.3 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. State legal representation can amend charges against a detainee, which the arresting officer must follow immediately. Private attorneys can argue, but the arresting officer's decision is overruled.

Article 4. Detention procedure of Government Law Enforcement Agencies

4.1 Law Enforcement Agencies includes, GOV, USSS, IRS. §

4.2 Put the suspect in handcuffs and notify them of the reason for detention or arrest.

4.3 The Government Law Enforcement Officer should show their State-Issued ID, on the first request of the detainee.

Upon the detaining or arrest of a citizen, a Government Law Enforcement Officer is required to read the detainee their Miranda Rights. If these rights cannot be read at that time, due to it being unreasonable or a direct risk to the officer or suspect, they must be read at the earliest opportunity thereafter.

4.5 A body search may be carried out on the spot if the detainee has violated the rules for which a penalty of imprisonment is provided, and if nothing threatens the life of the detainee.

4.6 If necessary, place the suspect in handcuffs/ties in an official vehicle and transport them to a safe location or their HQ for further investigation.

Note: Government or Departmental Law Enforcement Agencies may use whichever location (CAPITOL/DOC/FIB/LSPD/SAHP/NG) is the closest to hold the detainee within their jurisdiction.

4.7 Transfer the suspect to a State Law Enforcement Agency (FIB/LSPD/SAHP).

4.8 When transferring a detainee to a State Law Enforcement Agency for further selection of a preventive measure and placing him in places of detention, USSS/GOV/IRS are required to provide (send by email) all collected evidence of the detainee's guilt to officers or head of Department which will choose a measure of restraint for the detainee.

4.9 The USSS/GOV/IRS shall remind the State Law Enforcement Officer performing the processing of the arrestee into the DOC that the Miranda rights must be read to the suspect.

Article 5. The Procedure for the Detention of Employees of State Organisations.

This process is to be applied to any Employee of a State Organisation (EMS, FIB, GOV, LSPD, SAHP).

5.1 Put handcuffs/ties on the suspect (at the discretion of the arresting officer or agent) and notify him of the reason for the arrest.

Note: At the moment of detainment, the employee who is being detained is obliged to inform that he is an employee of a state structure and then present his ID, and request a member of their Organisation or Agency's high command to be come involved.

(Exception: USSS/FIB agents must show identity by covering personal data) Rationale: to protect the integrity of the undercover and the operations of their department, USSS and FIB should enjoy the ability to prove their origin but not their personal name in their verification of identity to anyone requesting it during their official duties and functions as undercover agents, furthermore the reason why this exception applies only to USSS and FIB Agents is because of their federal status, as opposed to any local jurisdiction organization.

5.2 The arresting officer should verbally identify their Name and Department and, if demanded by the detainee, show their Badge or ID.

(Exception: FIB Undercover agents do not need to show their ID as long as they have a valid reason to refuse but should show them enough proof of identification or otherwise they need to show their ID if they don't have a valid reason).

(Exception: USSS Undercover Agents do not need to show their ID as long as they have a valid reason otherwise need to show the ID. Undercover agents do not need to show their ID but should show them enough proof of identification.)

5.3 Upon the detaining or arrest of an employee of a State Organisation, a Law Enforcement Officer is required to read the detainee their Miranda Rights. If these rights cannot be read at that time, due to it being unreasonable or a direct risk to the officer or suspect, they must be read at the earliest opportunity thereafter.

5.4 A body search may be carried out on the spot if the detainee has violated the rules for which a punishment in the form of imprisonment is provided, and if nothing threatens the life of the detainee.

5.5 If necessary, place the suspect in handcuffs/ties in the back seat of an Organisation vehicle.

5.6 Take the suspect to the FIB/LSPD/SAHP Headquarters, depending on the Organisation which has made the arrest.

Note: In the event of an attack on a convoy, a law enforcement officer is primarily responsible for ensuring the safety of the detainee and taking him to a safe place (CAPITOL/DOC/FIB/LSPD/SAHP Headquarters). A law enforcement officer does not have the right to make stops when transporting a detainee unless absolutely necessary. Also, the officer is not obliged to make a stop at the request (demand) of the detainee until he takes him to a safe place.

5.7 Contact the Head of the State Organisation of the detainee and a senior employee of the Department of Justice (District Court Judge/Supreme Court Judge/Attorney General).

Note: The maximum waiting time for a response is 5 minutes, in cases where no response is received, the detention process continues with further remote notification of the Head of the employees organization and the Attorney General's Office, Supreme Court Judge, or Department of Justice Representative

5.8 Provision of evidence of the detainee's violation to the Head of the detainee's State Organisation and to the Department of Justice.

5.9 If the Department of Justice approves the charges, the detainee is subject to punishment in accordance with the current legislation. The detainee is then to be transferred to the Department of Corrections for processing.

5.10 If the charges are rejected by the Attorney General's Office, all charges against the detainee are dropped and the Attorney General's Office begins to check the actions of the law enforcement Officer.

Article 6. Procedures for those who hold immunity

6.1 Any individual possessing full immunity, who is suspected of committing a criminal offense, may only be investigated once evidence has been collated and provided to the Attorney General of San Andreas. The Attorney General may revoke the immunity of the individual and bring the matter to the Supreme Court of San Andreas where the Supreme Court Justice will determine the guilt of the individual providing all reasoning and justification to the Attorney General.

- **6.1.1** If the Attorney General or Supreme Court Justice is under investigation, all evidence shall be turned over to the immunity review board, for a majority decision on whether to suspend their immunity.
- **6.1.2** Immunity review board– Consists of a single leader of each state organization.

6.2 The Attorney General conducts investigations into individuals with Immunity. The Supreme Court may order the Attorney General to conduct this investigation.

6.3 An individual with full immunity cannot be searched, interrogated, stand trial or face other procedural actions, without a warrant from the Attorney General. An individual with full immunity may only be arrested with a warrant from the Supreme Court.

Exception: Fully immune individuals may be detained for either identification or to prevent imminent risk to life

- **6.3.1** In case of the Attorney General or Supreme Court Justice, any procedural actions may only be carried out, with a warrant issued by the Immunity review board.

6.4 In the event of procedural actions being taken against multiple individuals with full immunity, within Government, then all State Leaders can call an immunity review board (Except those in which procedural actions are being taken) The meeting can result in the following outcomes:-

- Impeachment of the Governor including the termination of the government.
- Impeachment of the Governor including the termination of other government officials.
- Termination and arrest of specific state employees with full immunity.
- No further action to be taken.

Article 7. Arresting Process

7.1 The arresting officer is obliged to ensure their body-worn camera is recording throughout the detention and arrest of the detainee, **Reference to 2.9.**

7.2 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 detainee in handcuffs.

7.3 The arresting law enforcement officer is required to inform the detainee of their Miranda Rights , and on the way to DOC(Bolingbroke Penitentiary) must check or ask for the need of medical attention to the suspect.

Note: If the officer is not checking medical condition of suspect on the way to DOC or not provides the suspect with medical attention after reaching DOC , seems to be no fear of the life of 10-15 , and if claimed by 10-15 that he is injured on the way to DOC , should compensate if the suspect asks for it.

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

7.5 A body search can be conducted by law enforcement officers or superiors, recording and storing illegal items in a central database. During arrest, officers must also search and confiscate communicative devices from the detainee.

7.6 If a detainee is wearing clothing to conceal their identity, the officer must ask them to remove it. If they fail, the officer can tear the clothing off and waive their liability if the mask causes irreparable damage.

7.7 Law enforcement officers must record charges in their Personal Digital Assistant (PDA) as per state legislation. Failure to do so results in monetary compensation for detainees, paid by the organization responsible. If no fines are given, the reimbursement amount is set at \$3000.

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

Note: Putting someone in isolation cell should be done by a DOC Officer for the bad behaviour of the prisoner(Exception : If the suspect/prisoner is intentionally behaving bad with arresting officer),Adding someone in isolation cell for no reason will lead to legal consequences for the arresting officer.

Article 8.Grounds for release of a suspect

8.1 A Suspect shall be released from detention if one of the following apply.

- No justification to believe the individual was involved in a criminal offense,or no direct evidence of the individual's guilt.
- No grounds for the application of a felony classed criminal offense.
- Violations of the Code of Procedures.

8.2 Failure to comply in accordance with Procedure for detention and arrests act shall lead to the immediate release of the detainee.

8.3 The suspect shall be released by the officer's detention was carried out with gross or numerous violations of the provisions of this Procedure for Detention & Arrest Act and Procedural Law (**see Section 5.7**)

8.4 Failure to complete the Procedures described in the Procedure for detention and arrests act,before the end of the 25th minute,from the minute of detention, shall result in immediate release of the detainee.

8.5 An attorney cannot request an individual with a federally issued warrant be released from detention's,due to lack of evidence,but may still bail said individual.

8.6 On conditions of a release on bond and a scheduled court appearance (**Reference & Follow up 5.8**)

8.7 Violations of the Code of Civil and Procedural Law.

- **8.7.1 Gross Violations:** A gross violation of the rules of the Code of Civil and Procedural Law is defined as either one major breach of the detention procedure or two minor infractions.
- **8.7.2 Major Violations:**
 - Failure to inform the detainee of their Miranda Rights and refusal to show a badge upon request.
 - Taking a suspect elsewhere in the process without a valid explanation.
 - Force fully removing a compliant detainee's mask without allowing them a chance to remove it themselves.
 - Denying a detainee the right to a lawyer before processing.
 - Processing a detainee without confirming their identity.
 - Charging a person with the wrong offense.
- **8.7.3 All other violations are considered minor.**

8.8 Conditions for Court Appearance:

8.8.1 If all parties involved in the detention agree, the suspect may be released under a bond with the obligation to appear before either the District Court or the Supreme Court at a date and time determined by a representative of the Department of Justice.

8.8.2 If there is a disagreement regarding the release on bond, the matter will be escalated to the Attorney General or a Judge from the Department of Justice. They will then make a decision regarding the validity of releasing the suspect on bond.

Credit and Copyright

This work, and the others in this series of legislative enhancement are produced and promulgated in the interests of justice and the promotion of the legal rights of all citizens of the State of San Andreas.

Acts made in November 2024 by Vasant Gawde to amend and simplify the Procedure for Detention & Arrest Act written by Attorney General Vasant Gawde and Supreme Court Judge Edward Cullen and Governor Daisuke Kambe as updated Legislation.

All Articles of this new Code of Reviewed Procedure for Detention & Arrest Act and written by Vasant Gawde, Attorney General of the State of San Andreas in the 11th Month of 2024 with Supreme Court Judge Edward Cullen, Department of Justice and Governor Daisuke Kambe.

Version History and Changes First Edition.

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Version 1.0 of the Procedure of Detention & Arrest was amended by Governor Edward Cullen and Attorney General Tabrej Federal on the 24th of March 2024.

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