

2nd rendition
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PROCEDURES OF DETENTION AND ARREST CODE OF THE STATE OF SAN ANDREAS
GOVERNED AND UPHELD BY THE DEPARTMENT OF JUSTICE



Jose Esco
Supreme Court Justice

Kiana Kaslana
Governor



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Attorney General

Chapter 1: General Provisions:

§1.1 This instrument outlines all mandated and legally commanded requirements to follow, to all officials authorized by law to carry out as part of their functions, arrests and detentions. Contained herein all information to further guide them in their official capacities, for both state attorneys and law enforcement officers. The document contains regulations outlining penalization of the detainee by a law enforcement officer.

§1.2 These legislative policies are in place to protect both civilians as well as law enforcement against potential lawsuits being sought after for misconduct during the execution of their duties or permissible acts.

§1.3 This legislative instrument will reduce the subjectivism of legal representation of civilians, to fairly evaluate the alleged criminal offense[s], civilians are charged with.

Chapter 2: Information:

§2.1 Detention is the short-term deprivation of an individual's right to liberty. The lawful engagement of detention shall not construe in any fashion the appearance of guilt, but rather, pursuant to reasonable suspicion or probable cause, authorize law enforcement the attempt to secure incriminating information that could potentially turn into evidence against an offender.

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

§2.3 Miranda rights: (1) "You are under arrest, (2) You have the right to remain silent, (3) anything you say can and will be used against you in the court of law.(4) You have the right to an attorney, (5) 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 at least once. An affirmative response of understanding these rights is required. After the first attempt, if a defendant is not certain, or does not understand the rights they are entitled to, further attempts may be made, or an attorney can explain these rights to them, only after the officer has complied with their required Mirandization.

§2.4 A detention period may not exceed twenty-five (25) minutes, the allotted timer shall cease the moment the detainee requests legal representation. Regardless of whether the subject faces a detention or an arrest, this requirement shall apply to both, a lawful detention and a lawful arrest.

§2.5 State legal representation may, in accordance to this chapter, review charges, interpret the law as it is written, and shall inform the charging officer whether the charges are in accordance with law and proceed with the application of same or, shall discrepancy exist, the expert opinion of a Judiciary member of chamber, District Court Judge or Supreme Court Judge shall be sought after to amend or remove a charge.

§2.6 Any evidence that may incriminate the detainee, shall be presented to the legal representative/lawyer, 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 announced bench trials, the detainee must be escorted to the capitol, where trial for the detainee's guilt or innocence 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 to their name should be processed in accordance with the "Procedures Of Detention And Arrest Code". However, legal representation shall be prohibited from requesting the release of an individual if a warrant is signed by the Courts of San Andreas. However, they may appeal to the Supreme Court with justifiable merit to seek such intervention.

§2.10 The arresting officer is obliged to follow the speed limit of the roads they are driving on | 140km/h on public roads | 200km/h on highways | 90km/h in a special zone.

Exception: When an officer is being followed or there is a threat to their life they can speed up to no limitations to ensure the safety of the officer and their suspect, for which they must provide rationale if asked.

Chapter 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.

§3.2 Detaining officers must ensure proper care for their detainees during detention, including using justified force and safeguarding their health. They must also advise them of their Miranda Rights. Your detainee is your sole responsibility, while in your custody, you are directly liable for their well-being and safety.

§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 the accuser of their innocence.

§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, herein expressed, relevancy shall be indicative of a direct, first hand offense, and not secondary to reasonable suspicion or probable cause.

§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. Furthermore, once confirmed, the officer must wait for the attorney's arrival.

§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 may at any point request a Judge to amend a charge if they can evidence that the alleged criminal offense[s] are improperly pressed. A Judiciary's decision to amend a charge is final, unless the Supreme Court intervenes.

Chapter 4: Detention

Detention is a short-term deprivation of a citizen's liberty for the purpose of gathering evidence or confirming suspicion of a criminal offense. Detention is not an implication of guilt but a necessary step in the investigative process.

- A citizen may be detained based on reasonable suspicion of a crime or for identification purposes, as required by law.
- The detention period shall not exceed twenty-five (25) minutes. This timer shall pause when the detainee requests legal representation and resume only after the legal representative has arrived and the officer's investigation concludes. Same thing applies when the detainee is from a State Organization, the timer will stop when the detainee's High command is requested and resume when the high command fires the detainee from the organization after the due process or the detainee is released based on the officers investigation.
- The suspect must be made aware of their charges and the reason for the arrest.
- The arresting officer at the earliest convenience read the Miranda rights to the detainee in a clear and understandable way.

If the detainee is an employee of a state organization, the arresting officer must verify the rank and immunity status of the detained individual. If the detainee is classified then the arresting officer should contact the Federal Investigation Bureau and confirm the detainee's organization. The officer then should contact the said organization of the detainee for the verification. Upon verification, the officer must follow the appropriate procedures.

- If the detainee is not immune, the arresting officer must inform **high command**. If requested by the detainee, the officer must also provide legal representation if available.
- High command after exchanging the identification with the arresting officer **can request proof** of the detainee's involvement in criminal activity. **They can not act as lawyer in any capacity**, but have the right to request the proof as they are responsible for terminating the detainee from the organization and are

answerable to the leader for the same. The High command can consult with the detainee's lawyer upon reviewing the footage for legal advice.

- If the detainee is partially immune, the arresting officer must either contact the **Leader** or **Deputy Leader** of the detainee's organization for their permission to persecute or desist the suspect. The **Leader** and the **Deputy Leader** have the right to request the evidence that incriminates the detainee. After reviewing the evidence, the Leader or the Deputy Leader can approve the said arrest or deny it. If neither is available, the officer must contact the **Supreme Court Justice** (SCJ) or **Attorney General** (AG), as outlined in **Chapter 10: Legal Immunity**. If the **Leader** or **Deputy Leader** denies the arrest without valid lawful reason, the arresting officer's decision is final. The detainee can still seek **legal representation** which must be provided.
- If the detainee has full immunity, the officer cannot stop, arrest, search, interrogate, or carry out any other procedural actions without a valid warrant issued by the **Supreme Court**. The Detainee should be released immediately from the detention and the officer must contact the **Attorney General** office for filing a motion to arrest the said immune person to send to the **Supreme Court**. The Supreme Court may entertain said motion or reject it based on the merit of the evidence provided in the said motion.
- If the detainee is an **Attorney General** or **Supreme Court Justice**, any procedural actions (including stop, arrest, search, or interrogation) may only be carried out with a warrant issued by the **Immunity Review Board**. The Detainee should be released immediately from the detention and the officer must contact the **IRB** for filing a motion to issue an arrest warrant of the said immune person.
- In the event a fully immune person is **off-duty** and subjected to a **stop, search, detention** or **arrest** or Any procedural actions, they may present the arresting authority with their ID to evidence their immunity status, after which the arresting authority must comply to release them, without objections or questions.

P.S: If the detainee is not in any state org but still classified, the officer must confirm the reason and the status of the said individual if they are Qualified informants and individuals in witness protection, approved by the Supreme Court or Attorney General. If the detainee is classified without any status, the immunity shall be revoked immediately and they should be processed according to the civilian arresting procedure.

State-appointed legal representatives, upon the evidence's validity incriminating the suspect, can only present their **lawful wish** to the officer, which the arresting officer can comply or deny with their own discretion of the evidence. **Private attorneys or high command (for officers)** may present arguments, but the arresting officer's decision is final. Attorneys may seek a **subpoena** to challenge the decision.

If the detainee is from a State Organization, the High Command that was called by the arresting officer, should fire the detainee from the organization and the arresting officer will prosecute the suspect in custody.

Any evidence that may incriminate the detainee must be presented to the legal representative within ten (10) minutes of the initial request.

If the detainee requests state legal representation during scheduled bench trials, the detainee will be taken to the Capitol for a trial to determine guilt. If the detainee does not request legal representation, the officer may arrest the individual directly from the court or from the Department of Corrections (DOC) during the bench trial.

Chapter 5: Detention for Identification

A citizen may be detained for identification purposes if there is a valid reason or reasonable suspicion of a crime, or if the detention is part of a lawful investigation.

Chapter 6: Body-Worn Camera Requirement

§6.1 The arresting officer is required to ensure that their body-worn camera is recording throughout the detention and arrest process. Exception to this requirement shall be made on account of the arresting officer having been delegated the custody and processing by another authority which does not hold the jurisdiction to arrest and process said individual. Notwithstanding a bodycam evidence or reproduction of the footage must be witnessed of the individual committing the alleged offense either by the delegated officer or the arresting authority.

§6.2 The recorded footage must include:

- Evidence of the officer's arrival at the scene.
- The commission of the crime.
- The entire detention and arrest procedure.
- The only evidence required to be produced shall be limited to that particular incident only. Exceptions to this article shall exist on the order of a Judge.

§6.3 The footage must be preserved for a minimum of 48 hours and may be requested by the **Department of Justice**.

§6.4 Body-worn camera evidence must adhere to the standards set forth in the **Chapter 12: Body-Worn Camera Validity Act in Public Servants Governance Act 7th Rendition**.

§6.5 The validity of the body-worn camera evidence must be verified by the suspect's lawyer or High Commands (In the case of state organizations) before proceeding to argue or amend the charges. Exceptions to this article shall exist on the intervention of a judge presiding over bench trials and the scenario has been subjected to the same.

Chapter 7: Processing with a Warrant

Any individual with an active warrant for their arrest must be processed in accordance with this document.

- Legal representation does not have the right to request the release of an individual with a valid court-issued warrant. However, they may appeal the warrant to the Supreme Court with justification and merit to seek such intervention.
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Chapter 8 Grounds for Release of a Suspect

§8.1 Conditions for Release

A suspect must be released from detention if any of the following conditions apply:

- There is no justification or direct evidence to suggest the individual was involved in a criminal offense.
- There are no grounds to apply a felony-class criminal offense to the individual.
- The detention violates the Code of Procedures.
- The burden of proof has not been made beyond a reasonable doubt in a court of law.

§8.2 Non-Compliance with Detention Procedures

Failure to comply with the **Procedure for Detention and Arrests Act** will result in the immediate release of the detainee. Exceptions shall be made on the decision of a judge presiding and pursuant to examination of all applicable laws.

§8.3 Gross or Multiple Violations

If the officer's detention of the suspect involves gross violations or multiple breaches of the provisions in the **Procedures Of Detention And Arrest Code** or the **Article 8.7 Violations of the Code of Civil and Procedural Law**, the suspect must be released. Exceptions to this article shall exist on the decision of a judge, after comprehensive examination on all mitigating factors.

§8.4 Detention Time Limit

Failure to complete the required procedures described in the **Procedure for Detention and Arrests Code** within 25 minutes from the start of detention will result in the suspect's immediate release even though its a non bailable offense.

§8.5 Federally Issued Warrants

An attorney cannot request the release of an individual detained under a federally issued warrant due to a lack of evidence. Bailing is prohibited in this scenario. But the lawyer may appeal to the Supreme Court.

§8.6 Release on Bond and Scheduled Court Appearance

A suspect may be released on bond under the condition that they appear in court at a scheduled date and time. (Refer to §8.8 for follow-up procedures.)

Failure to appear before a judge on the indicated date and time will result in the re-issuance of a warrant consecutively without bail nor appeal to remove restriction.

§8.7 Violations of the Code of Civil and Procedural Law

§8.7.1 Gross Violations

A **gross violation** occurs when:

- One major breach of the detention procedure is committed knowingly and negligently, or
- Two minor infractions are committed knowingly and negligently.

§8.7.2 Major Violations

The following are considered **major violations**:

- a) Failure to inform the detainee of their Miranda Rights according to **Chapter 8, Article 8.1 Detention** in Public Servants Governance Act 7th Rendition or refusal to show a badge upon request.
- b) Moving the detainee to another location without a valid explanation.
- c) Forcefully removing a compliant detainee's mask without allowing them to remove it themselves.
- d) Denying the detainee the right to a lawyer before processing.
- e) Processing the detainee without confirming their identity.
- f) Charging the detainee with the wrong offense.
- g) Failure to inform the detainee of their charges

§8.7.3 Minor Violations

All other violations of the **Code of Civil and Procedural Law** are considered **minor**.

§8.8 Isolation Cell procedure

In the case when the arrested inmate needs to be taken to an isolation cell for any reason, the arresting officer or the DOC officer will need to detain and lead the inmate to the second floor isolation cell area and put them inside the Isolation cell. The admission to the Isolation cell should be an extra curricular punishment for bad behaviour such as not following directions, making continuous demands, disobedience and unruly acts. Any Inmate admitted to the Isolation cell will receive an additional 10 months to their prison term.



Signature of Chief of Los Santos Police Department



Signature of Sheriff of San Andreas Highway Patrol

Ace Verlice

Signature of Director of Federal Investigation Bureau

Aditya Richh

Signature of General of National Guard

Elzuna Kaze

Signature of Chief of Emergency Medical Services