

when such person has been arrested for drunkenness but in the judgment of the officer need not be brought before a magistrate; or

"(b) If the arrest is for a misdemeanor, upon that person signing an agreement to appear in court at a time designated."

(a) On occasion, a well meaning, but perhaps overzealous policeman will bring a person to the station whom he thinks should be charged with an offense. After investigation the officer in charge could release this person generally with a stern warning. Some officers, whose attitude is questionable, would become passively belligerent, and perhaps apathetic about his work, feeling he was let down by his superiors.

While a certain disappointment in the young officer is understandable, apathy, lethargy, or undermining will not be tolerated.

This officer must appreciate the long years of service, and the long years of experience accumulated by the officer in charge of the station. He knows from experience which cases are acceptable in court, and which cases the judge would criticize the police for bringing into court.

Example: A slap in the face by one man to another; while this may technically and legally be considered an assault, there are many times this type of case is straightened out in the captain's office (of course, depending upon the complete circumstances).

Example: The case where a policeman brings a man into the station and says, "I want this man charged with disorderly conduct," when asked why he would say, "He gave me a bad time." Investigation revealed that the officer was writing the man up for a traffic violation and they became involved in an argument with one another, and if there was any disorderly conduct it was on the part of the officer. To save face for this young officer, the officer in charge must diplomatically and tactfully lecture the alleged offender who was operating the car and release him with a warning (the traffic offense would still stand). The officer in charge should then explain the reason the case was not sent to court to insure against discouraging or demoralizing the patrolman.

There are isolated cases but they do happen occasionally, contrary to the opinion of some of the men involved in incidents of this nature that the superiors do not back them up. The superiors bend over backward to legally make a case for a policeman that has been subjected to abuse from a citizen. If it is at all possible your superiors will back you up in the case of unwarranted abuse, but don't ask them to do the impossible and make a case out of something that is 70 percent your fault. The policeman that continually has difficulty along these lines should thoroughly study the training bulletin on "Courtesy," which has a section on human relations.

13. *Maximum period of detention (title 12, ch. 7, sec. 13)*

"Every person arrested shall be released either on bail or as provided in title 12-7-12 or shall be brought before a judge of the district court within 24 hours from the time of his arrest, unless a judge of the district court of the district where he is detained or of the district court of the district where the crime was committed for good cause shown orders that he be held for a further period of not exceeding (a) 24 hours, if he be a resident of this State or (b) 48 hours, if he be a nonresident."

(a) In order to hold a person an additional 24 hours before sending him to court there must be a specific charge against him in the first place. Then the superior that requests the "hold" must justify wanting to hold the man to the judge. Generally there is some evidence to indicate that he is involved in crimes other than the one he is being charged with.

The channels that a request to "hold" go through are: From the officer in charge of the unit requesting the hold, to the chief of police, to the judge of the district court.

14. *Punitive damages for false arrest or imprisonment (title 12, ch. 7, sec. 61)*

"In an action for false arrest or false imprisonment, the plaintiff if successful, may be awarded punitive damages in addition to compensatory damages."

(a) A policeman need not worry about false arrest or false imprisonment action if he detains, or arrests a person upon probable cause and that person is not held more than 2 hours without a charge being placed against him. It is when a person is detained or arrested by an officer that has no "reason to suspect" is committing, has committed, or is about to commit a crime, that the officer subjects himself to criticism, or even court action.

(b) Be certain you are on proper ground when making an arrest.