

Establishing New Police Departments

Forming a new police department is a monumental undertaking. Prior to making this decision, it is highly recommended, the governing authority conduct an objective needs assessment and feasibility study to determine the need and public support for creating a new agency, detailed activities required, as well as the associated costs and funding availability.

Once a decision is made to move forward with forming the department, a comprehensive strategic plan should be developed that outlines the specific tasks to be completed, responsible persons, associated costs, and deadlines. Because of the unique and detailed knowledge required to lead this process, some communities choose to employ a consultant to manage the project.¹ This document is not a comprehensive guide for creating a law enforcement agency. Rather, it is designed to provide the reader with a baseline of information needed to begin work and make informed decisions in a very complex process.²

1. Before any work can begin, the governing authority must have the authority to form a police department. With a municipality, this authority is provided in the City Charter. In the event, the Charter does not provide for this, it must be amended by the legislature. County governments seeking to form a police department are required to hold a referendum and obtain approval from the voters before moving forward.³ A local school district's Board of Education may also form a police department as provided in State law.⁴ These officers have the same authority as officers working for a local government on the school district's property.
2. State law requires every municipality to have an intergovernmental agreement with the County that outlines the services provided by each as well as the distribution of certain tax funds. The Service Delivery Strategy (SDS) will specify how law enforcement services are to be delivered. As changes in this strategy occur, the two governing bodies will be required to modify this agreement.
3. In order to submit reports of criminal offenses, access state and federal criminal history databases, and submit fingerprints of arrested persons, the agency must obtain an Originating Agency Identifier Number (ORI number) from the Georgia Bureau of Investigation's (GBI), Georgia Crime Information Center (GCIC).^{5 6} The ORI number is a nine-digit number that provides a unique identifying number for

¹ For additional information contact the Georgia Association of Chiefs of Police at 770-710-9458 or www.gachiefs.com

² For more detailed information, see [Guidelines for Starting and Operating a New Police Department](#), Conners, Edward, Barbara Webster, and Deborah Spence, U. S. Department of Justice, Office of Community Oriented Policing, 2007 <https://www.hsdj.org/?abstract&did=466155>

³ OCGA 36-8-1 thru OCGA 36-8-7 [County Police](#)

⁴ O.C.G.A 20-8-1 through 20-8-7 [Campus Policemen](#)

⁵ Contact number for the Georgia Bureau of Investigation is 404-244-2601

⁶ See OCGA 35-3-33 [Powers and Duties of Center Generally](#), OCGA 35-3-36 [Duties of State Criminal Justice Agencies and Political Subdivisions; Responsibility and Liability of Issuing Center](#), and Official Rules of Georgia Crime Information Center (GCIC) and via the web at: <https://gbi.georgia.gov/georgia-crime-information-center> for more information.

the agency. To initiate the ORI request process, the agency head must submit a written request, on agency letterhead, to GCIC. The request must document:

- the criminal justice authority, duties and functions of the agency.
- support the contention that the primary function of the agency is that of criminal detention, apprehension, or criminal investigations of applicable laws as opposed to civil or administrative functions.
- Documents may include, but are not limited to, federal and state statutes, executive orders, current budgets, and law enforcement training and certifications.

Each request shall include:

- The official agency name,
- Name and title of agency head,
- Contact name (if different from agency head),
- Telephone number,
- Mailing address,
- Physical address/location (if different from mailing address),
- Hours of operation, and
- County agency resides in.

Upon receipt, each request for access to the CJIS Network will be evaluated to determine if the agency meets the criteria. Upon notification from the FBI CJIS Division of an ORI assignment or denial, GCIC will provide written notification to the requesting agency.

Submit Request to: ORIREquests@gbi.ga.gov

Contact GCIC: (404) 244-2770 - option 2

In addition to obtaining the ORI number, the agency must also coordinate obtaining access to the Georgia Crime Information Center/National Crime Information Center (GCIC/NCIC) network to receive/send administrative messages, look out notifications for stolen items and/or wanted persons. The system's database also enables the agency to conduct driver's license status and history checks, criminal history checks, wanted person checks, vehicle registrations, stolen article entries/checks, and other critical information.⁷

⁷ Access to the GCIC/NCIC system requires a double verification system that is established through GCIC and the Georgia Technology Authority. Prior to being provided access, the agency must designate and train a Terminal Agency Coordinator (TAC) and a back-up TAC. Every person having access to any criminal history information, must complete an on-line course and sign an "Awareness Statement". Improperly releasing criminal history information is a criminal offense punishable by up to 15 years imprisonment and fines up to \$50,000 for each offense. Persons operating a computer to access the system

4. The Georgia Peace Officer Standards and Training Council (POST)⁸ is responsible for auditing law enforcement agencies within the State for compliance with the POST Rules and Regulations. This includes verifying officers' certification and annual training requirements.⁹ Prior to hiring any officers, the jurisdiction must notify POST that the agency is being established. The governing authority will be required to provide a copy of the minutes from council/commission meeting in which the establishment of a police agency was authorized and/or approved.¹⁰ Once operational, the department must update their POST roster whenever an officer is employed or has a change in status. The agency is required to notify POST if an officer is demoted, suspended more than 28 days, resigned in lieu of termination, or is terminated. Upon receipt of this information POST will conduct an inquiry to determine if an investigation should be conducted and possible action taken against the officer's certification.

5. One of the most important steps for successfully planning, creating, and beginning operations for a new police department is the selection of a police chief/law enforcement head of agency.¹¹ This person must be a sworn POST certified officer.¹² In addition, it is mandatory the newly appointed police chief attend the next available Chief Executive Training Class that is provided by the Georgia Association of Chiefs of Police (GACP). If the agency fails to send the new police chief, substantial liability apply.¹³

Once selected, the police chief must be intricately involved with developing the organizational structure and the on-going management of the agency. The chief executive is usually responsible for ensuring a wide variety of activities are accomplished including: develop/manage the budget, identification of staffing needs and standards, develop the organizational structure, develop intergovernmental agreements, recruitment and selection of sworn officers¹⁴ and civilian employees, development of policy and procedures, training officers and employees to perform to standard in a consistent manner, and selection and

must first complete on-line operator training. It is highly recommended that if the TAC or operators do not have prior training, the agency coordinate with another department to assist with this training.

⁸ Georgia Peace Officers Standards and Training Council can be contacted at 770-732-5604, www.gapost.org

⁹ Officers who have been certified must successfully complete the Basic Police Academy. In addition, they must complete a proscribed list of training classes every three years and a recertification test. While POST considers the testing and recertification fees as the officer's responsibility, many agencies pay these for the officers. Certified officers must successfully complete a minimum of ___ hours of training including some specific courses every year.

¹⁰ OCGA Title 35, Chapter 8 Employment and Training of Peace Officers

¹¹ The GACP can assist with advertising for the position as well as conducting an Assessment Center to identify finalists for the consideration by the hiring authority. The final decision to select a specific candidate is the governing authority's responsibility.

¹² OCGA 35-1-12 Chief of Police or Law Enforcement Head

¹³ OCGA 35-8-20.1 Training for Police Chiefs, Department Heads, and Wardens; Effect of Failure to Fulfill Training Requirement;

¹⁴ OCGA 45-3-10.1 requires officers to be sworn. Oath should comply with the requirements of 45-3-1 Oaths Required in Addition to Oath of Office and Constitutional Oath. If the City's charter authorizes the chief, he can administer the oath. If the charter does not authorize the chief, the oath will not be valid. In cases when the chief is not authorized, the oath must be administered by a judge. The GACP can provide sample oaths of office that comply with the Georgia statutes.

purchase of equipment. Some of the critical equipment that must be purchased include: computerized Report Management System (RMS), agency vehicles and related equipment (i.e. emergency lights/sirens, security cages, in-car camera system, data terminals, license plate readers), handguns and other lethal weapons (i.e. rifles, shotguns), less-lethal weapons (e.g. Tasers, pepper spray, batons), mobile and portable radios, personal equipment (i.e. body cameras, bullet proof vests, uniforms, uniform accessories – collar brass, badges, nametags, duty belts, shoes, headgear, inclement weather gear).¹⁵

In addition to operational equipment, the governing authority must acquire a location for the police department's building. There are a number of alternatives including new construction, modifying existing city-owned facilities, and leasing private facilities. Regardless of which alternative that is utilized, detailed planning needs to be conducted for the space allotments for offices, meeting rooms, training areas, evidence, interview rooms, armory, computer systems, as well as office equipment (i.e. desks, chairs), security systems (i.e. alarms, access systems), and video systems.¹⁶

Throughout this process the chief must also maintain open communications with the city's administration, governing authority, and community regarding the progress of the project.

6. Police departments are exposed to a variety of forms of potential litigation. In Georgia there is no waiver of sovereign immunity.¹⁷ Because of this, it is critical the agency obtain insurance coverage for general liability, automobiles, property damage, and workers compensation. This coverage can be obtained through an independent insurance carrier providing these services to local governments or the Local Government Risk Management Services (LGRMS). LGRMS is the largest provider of insurance coverage to local governments in Georgia.¹⁸
7. The agency must develop a comprehensive policies and procedures manual to govern the department's operations. The Georgia Association of Chiefs of Police provides a Model Police Operations Manual to assist agencies with creating these policies.^{19 20}

¹⁵ This list is not exhaustive. Performing these tasks/functions is complex and time-consuming requiring extensive support.

¹⁶ See Police Facility Planning Guidelines: Desk Reference for Law Enforcement Executives, Moyer, Frederic, James L. McClaren, Mary Calderwood, and Deborah Finette, International Association of Chiefs of Police (IACP), 1998. <http://www.theiacp.org/portals/0/pdfs/publications/acf2f3d.pdf>

¹⁷ OCGA 36-33-1 Immunity from Liability for Damages; Waiver of Immunity by Purchase of Liability Insurance; Liability for Acts or Omissions generally.

¹⁸ www.lgrms.com 678-686-6279 or 800-650-3120

¹⁹ For assistance with the development of a policy and procedures manual, contact the Georgia Association of Chiefs of Police at 770.495.9650 and see the link below for a sample manual:

http://www.gachiefs.com/DeptResrcs_SamplePolicyManual.htm

²⁰ For county police departments see OCGA 36-8-7 Rules and Regulations for Conduct, Management, and Control of County Police

8. A variety of service delivery strategies are utilized to provide dispatch services for law enforcement agencies. In some cases, services are provided for all of the public safety agencies within the jurisdiction either through the police department or an independent 911 dispatch center. Another approach is to enter into an intergovernmental agreement with an emergency communications center that provides services for first responders (i.e. law enforcement, fire/rescue, and emergency medical/ambulance services) from several jurisdictions. A third, less common approach, is to outsource the service delivery to a private vendor. Each approach has its advantages/disadvantages and leaders should refer to the Service Delivery Strategy when evaluating which approach to utilize.²¹
9. If the new agency will be enforcing anything other than State laws, the governing authority must create and adopt the ordinances.
10. Assuming the new agency will be performing traffic enforcement, patrol vehicles must be properly marked and equipped.²²
11. Prior to officers performing any speed enforcement using a speed detection device, the agency must receive a permit from the Georgia Department of Public Safety²³. As part of this process, the Georgia Department of Transportation must also certify each street in the jurisdiction for traffic enforcement.²⁴
12. The sheriff is responsible for housing persons arrested for criminal offenses that are to be heard before the State or Superior Courts. The agency needs to coordinate with the county sheriff regarding the procedures for delivering arrestees at the jail. To house persons who have been taken into custody for municipal violations, the governing authority must enter into a contract with a detention facility to house these individuals. In most cases this is the county sheriff, but in some instances, the local government chooses to contract with another municipality's detention facility. Regardless of the provider, some of the issues that must be addressed in this contract include booking processes, housing, and medical services as well as the costs associated with each. Other issues include collection and payment of the county jail fine add-on and transport/security of sick inmates.²⁵ In addition, when transporting an inmate from another County to the County where an offense is alleged to have occurred, the county sheriff has the right of first

²¹ The Georgia Emergency Management Agency is charged with the responsibility of establishing standards for 911 Centers as well as distribution of 911 fees collected through phone tolls. Georgia Emergency Management Agency (GEMA) 404-635-7000 or 800-TRYGEMA(800-879-4362) or www.gema.ga.gov

²² OCGA 40-8-91 Marking and Equipment of Law Enforcement Vehicles (Size of the lettering on the side of the car), OCGA 40-1-7 Blue Light Required for Officers Enforcing Traffic (Must be roof-mounted)

²³ Call the Georgia Department of Public Safety at 404-624-7000 or 404-624-7477; also see OCGA 40-14-2 thru OCGA 40-14-24 Use of Speed Detection and Traffic-Control Signal Monitoring Devices

²⁴ The Regional DOT engineer can coordinate having this study completed.

²⁵ OCGA 36-70-2 thru 36-70-28 Service Delivery or call the Georgia Department of Community Affairs at 404-679-4940 to obtain a copy of the current agreement.

refusal to transport the inmate. The agency must receive this from the sheriff or enter into a contract authorizing the department to conduct these transports.²⁶

13. Once a person pleads or is found guilty by the court, the judge issues his judgment. Individuals who do not possess the funds to pay the fine are placed on probation so they can make payments within a specified period of time. The municipality must create an in-house probation department or contract with a private company to provide these services. Payment of the service is funded through a monthly probation supervision fee.²⁷

14. The court clerk is responsible for assessing, collecting, and forwarding add-on fees for all fines to the State. Some of the fine add-ons include:²⁸

- Peace Officers' Annuity and Benefit Fund (POAB)
- Superior Court Clerks' Retirement Fund of Georgia
- Sheriffs' Retirement Fund
- Jail Construction and Staffing Fund
- Local Victim Assistance Fund
- Georgia Crime Victims Emergency Fund
- Indigent Defense Services
- Brain and Spinal Injury Trust Fund
- Drug Treatment and Education Fund
- Sexually Exploited Children Fund.

These fine add-ons must be paid in a specific order as outlined in state law.²⁹ In addition to state mandated fees, the local government can include a Technology fee as well as a monthly probation supervision fee.

15. Should a local government decide to abolish or disband their law enforcement agency, the jurisdiction should reverse these procedures to properly close down the agency. The jurisdiction's **Service Delivery Strategy** (SDS) should be updated and a revised copy of the SDS sent to the Georgia Department of Community Affairs. It is imperative the following agencies are notified of the local government's decision to disband or abolish the law enforcement agency:

- Georgia Department of Community Affairs (DCA) – SDS;
- Georgia Crime Information Center (GCIC - GBI);
- Georgia Peace Officers Standards and Training Council (GPOSTC);

²⁶ OCGA 17-4-25.1 Transporting of Arrested Person to Jurisdiction in Which Offense Committed; Transport of Prisoner Outside County or Municipality

²⁷ OCGA 42-8-101 Agreements for Probation Services; Termination of Contract for Probation Services.

²⁸ If the jurisdiction does not have a municipal court, the community must determine if they have the authority under the charter to form one. If so, they must determine if they are going to use an established magistrate/state court or form their own court. In the event, the governing authority determines it is to form a municipal court, a separate process must be put into place to establish, staff, train, and equip the court OCGA 36-32-1 thru 36-32-13 Municipal Courts.

²⁹ OCGA 15-6-95 Priorities of Distribution of Fines, Bond Forfeitures, Surcharges, Additional Fees, and Costs in cases of Partial Payments into the Court and OCGA 15-21-11 Priorities for Distribution of Fines and Forfeitures Generally. Also call the Georgia Superior Court Clerks' Cooperative Authority at 404-327-9058 or <http://www.courttrax.org>

- Georgia Superior Court Clerks' Cooperative Authority;
- Georgia Association of Chiefs of Police (GACP); and
- Local Sheriff's Office.