

**RESOLUTION NO. 4261**

**A RESOLUTION REVISING CITY OF MILES CITY POLICE DEPARTMENT POLICY MANUAL**

**WHEREAS**, the City of Miles City has established certain police policies for employees of the City of Miles City Police Department, which are set forth in the City of Miles City Police Policy Manual;

**AND WHEREAS**, certain policies require updating in order to be compliant with the requirements of the City's employment practices coverage with the Montana Municipal Interlocal Authority;

**AND WHEREAS**, the City Council finds that certain revisions to such policies should be adopted;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. That the following revised policy: Miles City Police Department Policy Manual Exhibit "A"
2. Such changes to the policy shall become effective immediately upon the passage of this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 9<sup>th</sup> DAY OF JULY, 2019.**

  
\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:  
  
\_\_\_\_\_  
Lorrie Pearce, City Clerk

# **Miles City Police Department**

The background of the cover features a large, semi-transparent image of the Miles City Police Department badge. The badge is shield-shaped with a blue background and a yellow border. At the top, the words "MILES CITY" are embroidered in yellow. In the center, there is a depiction of a cowboy on a brown horse, riding a white horse, with a red and white striped hat. Below this, the word "POLICE" is embroidered in yellow. At the bottom, "EST. 1887" is embroidered in yellow.

# **POLICY MANUAL**

**EFFECTIVE JULY 9, 2019**

**Resolution #4261**



## MILES CITY POLICE DEPARTMENT

### *TABLE OF CONTENTS*

The following policies have been reviewed and approved by:

Chief Douglas Colombik

Dated this 09 day of July, 2019



## MILES CITY POLICE DEPARTMENT

### Policy

INTRODUCTION	
MISSION STATEMENT	1
MCPD ORGANIZATIONAL CHART	2
GOALS	3
DEFINITIONS	4
RULES OF CONDUCT	5
ABUSED AND NEGLECTED CHILDREN	12
ACCIDENT INVESTIGATION, MOTOR VEHICLES	13
ACCIDENTS, POLICE VEHICLES	14
AIRPORT DISASTER POLICY	15
AIRPORT SECURITY	16
ALARMS, HOLDUPS, BANKS	17
ALARMS, NON-HOLDUP	18
AMBULANCE CALLS, MEDICAL	19
ARREST & CUSTODY, GENERAL	20
ASSISTS, OTHER DEPARTMENTS	25
BICYCLE PATROL	26
BODY ARMOR	28
BODY WORN CAMERAS	29
BOMB TREATS, EXPLOSIVES, INCENDIARIES	33
CALLS FOR SERVICE	36
CANINE POLICY	38
CHAIN OF COMMAND	46
CHIEF OF POLICE NOTIFICATION	47
CITIZEN ARRESTS	48
CIVIL DISTURBANCES	49
CIVIL RIGHTS	50
CODE OF ETHICS	52
COMPLAINTS & INTERNAL INVESTIGATIONS	53
CONDUCT UNBECOMING AN OFFICER	56
CONTACTING DEPARTMENT PERSONNEL	63
COURT APPEARANCE	64
CRIMINAL JUSTICE INFORMATION & DISSEMINATION	65
EXPOSURE CONTROL	68
EXTERNAL MAIL PROCEDURES	77
EYEWITNESS IDENTIFICATION	78
FINGER PRINTING	86
FIRE SITUATION	88
FIREARMS DISCHARGE & INVESTIGATION	89
FOOT PATROL	91
HANDCUFFS	92
HOMICIDE BY OFFICERS IN THE PERFORMANCE OF POLICE DUTY	93
IMPOUNDING VEHICLES	94
INTOXILYZER	95
JUVINILE ARREST & CUSTODY GUIDELINES	96
LABOR RELATIONS	107
LIGHTS, OPERATING WITHOUT	108
LOITERING	109
LOST & FOUND	110
MENTAL ILLNESS OR DISABILITY INTERVENTION	112
MISSING & ENDANGERED CHILDREN	116
NEWS MEDIA RELATIONS	118



## MILES CITY POLICE DEPARTMENT

### Policy

OPEN DOORS	122
PARTNER FAMILY MEMBER ASSAULT	123
PATROL CARS	125
PERSONAL APPEARANCE	126
PHOTOGRAPHIC IDENTIFICATION	127
PORTABLE RADIOS	128
PROPERTY, DISPOSAL OF UNCLAIMED & ABANDONED	129
PUBLIC RELATIONS	130
RACIAL PROFILING	131
RADAR	132
RADIO MAINTENANCE	133
RIDEALONGS	134
SALVATION ARMY, VFW FUNDS	135
SCHOOLS	136
SEARCH & SEIZURE	137
SEARCH, FEMALE	143
SEATBELT USAGE	144
SOCIAL MEDIA	145
SPECIAL TACTICAL SITUATIONS	148
SUPERVISORY PERSONNEL	152
TASER X26	153
TAVERN CHECKS	161
THREATENING THE USE OF FORCE	162
TRANSPORTING SUSPECTS IN CUSTODY	163
UNIFORMS	170
USE OF FORCE	172
VEHICLE, USE OF PRIVATE	175
VEHICULAR PURSUITS	176
VICTIMS RIGHTS & INFORMATION	182
WEAPONS, CONTACT	183
WEAPONS, TRAINING AMMUNITION DISTRIBUTION	184
WEAPONS, ANIMALS	185
WEAPONS, USE OF	186
WEAPONS	187



## MILES CITY POLICE DEPARTMENT

### Policy

#### Introduction

1. Rules and Policy
2. Civil Service Regulations

It is the responsibility of each employee to become thoroughly familiar with this information. You will be held accountable for its content.

There is no manual in existence today which could possibly cover everything or every situation that may arise in the discharge of police duties. Many things must be left to the judgment and discretion of the individual.

Amendment of this manual will be made as necessity requires and/or for the good of the Miles City Police Department.

The Miles City Police Department is a public institution, which derives its support from the citizens of the community that it serves. All persons having business with the Miles City Police Department are entitled to assistance, courtesy and respectful consideration.

Consistent application of policy and rules can strengthen our relationships with the public and develop our department into a professional organization.

Professionalization will come to those that can understand and accept these rules and policies as being of value to both you and to the goals of the Department.

This manual of procedure is effective **July 9, 2019**, and voids any policy or procedure manuals published prior to this date. Future additions or deletions will be provided as needed and will be dated as to when they were in force.





## **MISSION STATEMENT**

We, the men and women of the Miles City Police Department,  
are dedicated to providing excellent service through  
partnerships that build trust, reduce crime,  
create a safe environment, and enhance the  
quality of life in our community

*We are committed to these Principles:*

### **INTEGRITY**

*We have integrity.* We adhere to the highest moral and ethical standards. We are honest and sincere in dealing with each other and the community. We have courage to uphold these principles and are proud that they guide us in all we do.

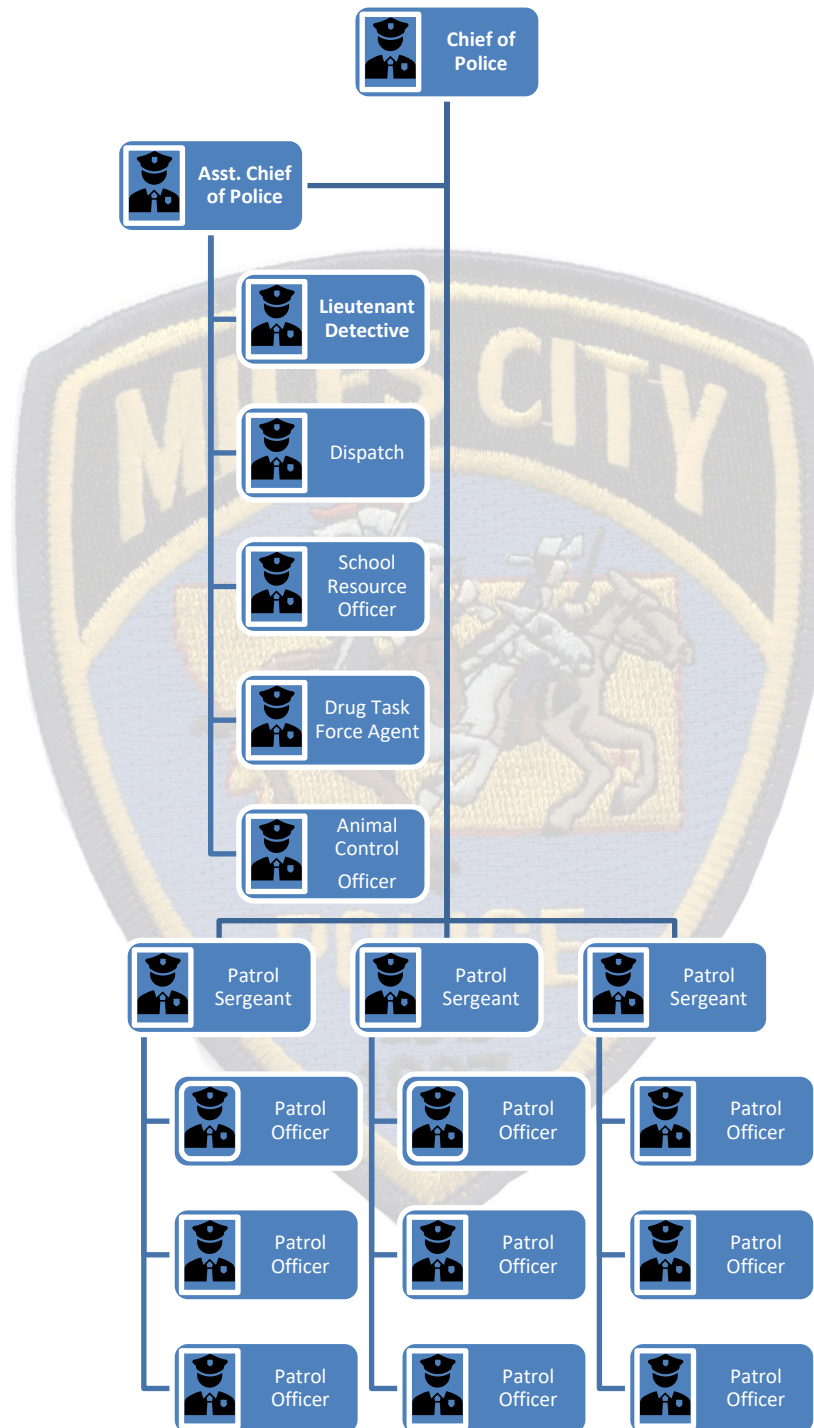
### **RESPECT**

*We show respect.* We recognize the value of our unique cultural diversity and treat all people with kindness, tolerance, and dignity. We cherish and protect the rights, liberties, and freedoms of all us granted by the constitutions and laws of the United States and the State of Montana.

### **FAIRNESS**

*We act with fairness.* Objective, impartial decisions and policies are the foundation of our interactions. We are consistent in our treatment of all persons. Our actions are tempered with reason and equity.

EXHIBIT "A"





## ***GOALS***

The overall goal of the Miles City Police Department is to protect the lives and property of its citizens and to serve the needs of the community.

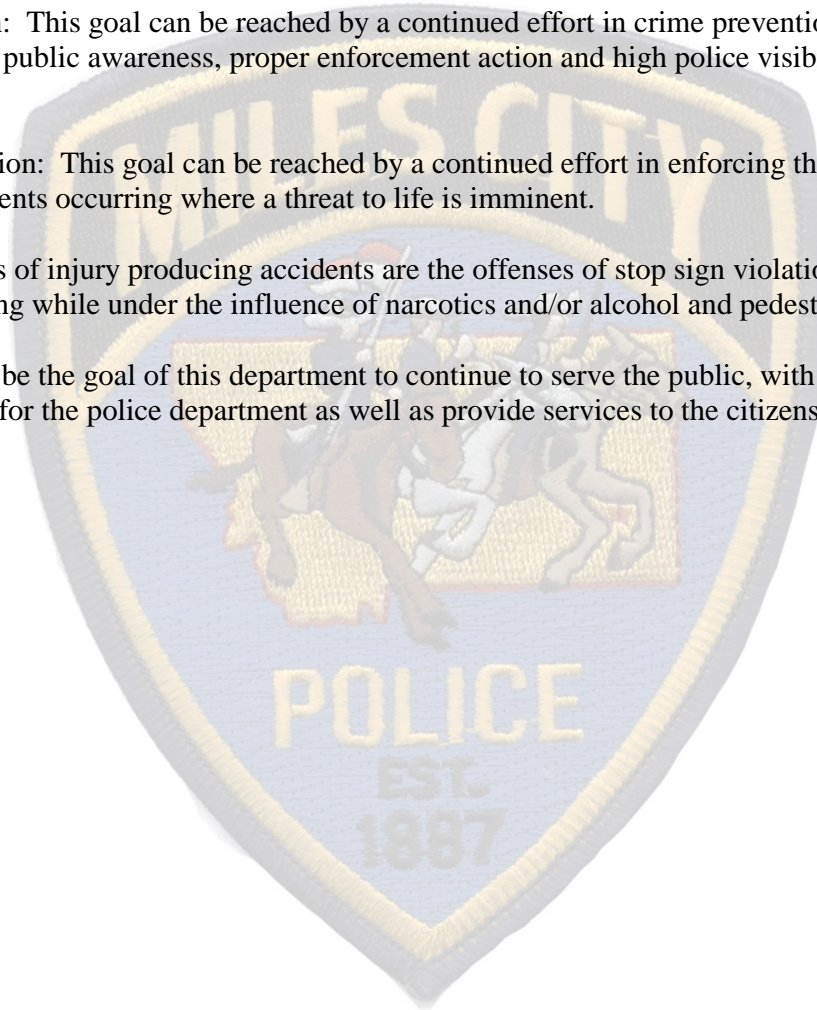
In order to accomplish our goal, we will strive to be involved in the following areas:

**Crime Reduction:** This goal can be reached by a continued effort in crime prevention, techniques, security surveys, public awareness, proper enforcement action and high police visibility through police patrol.

**Accident Reduction:** This goal can be reached by a continued effort in enforcing the major reasons that are cited in accidents occurring where a threat to life is imminent.

The major causes of injury producing accidents are the offenses of stop sign violations, speed, over the center line, driving while under the influence of narcotics and/or alcohol and pedestrian violations.

**Services:** It will be the goal of this department to continue to serve the public, with services that create a favorable image for the police department as well as provide services to the citizens we serve.



## ***DEFINITIONS***

### ***POLICY***

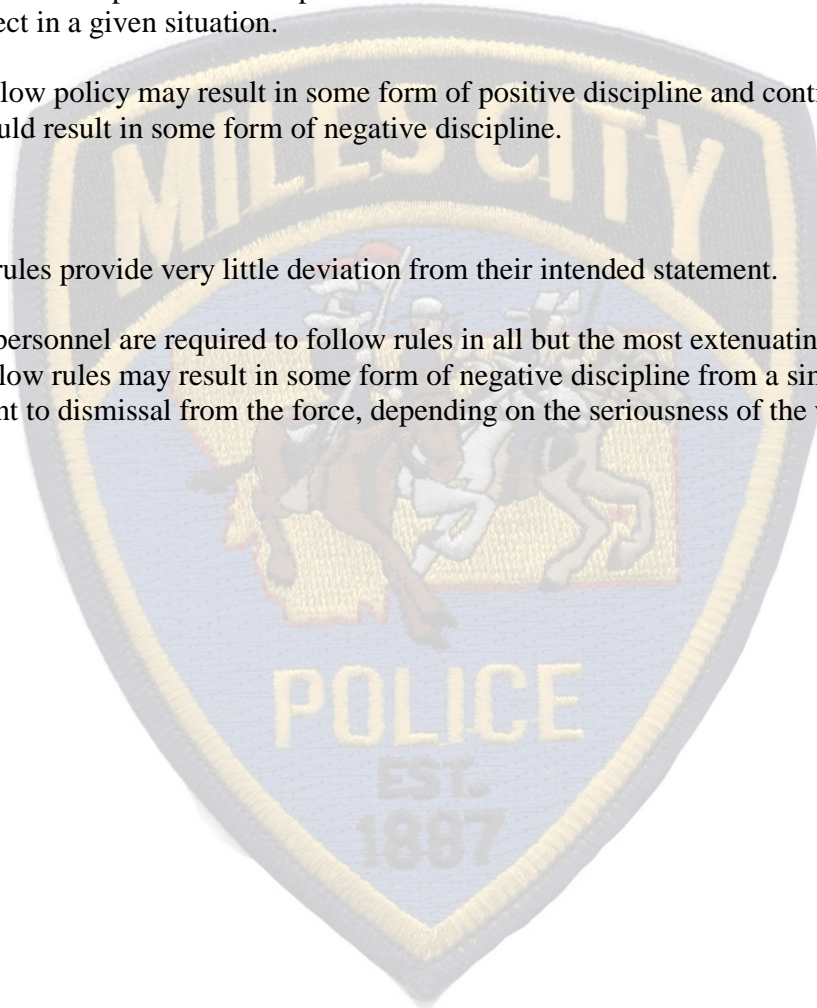
Policy statements are not statements of what must be done in a given situation, but serve as a guideline to the employee in a normal situation. When all personnel follow the policy in a like manner, work flow improves and the public is made aware of what action from the department they can expect in a given situation.

Failure to follow policy may result in some form of positive discipline and continued disregard for policy could result in some form of negative discipline.

### ***RULES***

Department rules provide very little deviation from their intended statement.

Department personnel are required to follow rules in all but the most extenuating circumstances. Failure to follow rules may result in some form of negative discipline from a simple admonishment to dismissal from the force, depending on the seriousness of the violation.



## ***RULES OF CONDUCT FOR SWORN OFFICERS AND CIVILIAN MEMBERS***

Rules of conduct set forth expressly prohibit the following acts:

1. Violation of Rules:

Employees shall not commit any acts or omit any acts which constitute a violation of any rules, regulations, directives or orders of the Department, whether stated in these rules or elsewhere.

THE PENALTY FOR VIOLATION OF ANY RULE, REGULATION, POLICY OR PROCEDURE OF THE MILES CITY POLICE DEPARTMENT MAY BE ONE OF THE FOLLOWING

Oral reprimand, Written reprimand, suspension, or loss of job

2. Unbecoming Conduct:

Employees shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming an officer shall include that which brings the Department into disrepute or reflects discredit upon the officer as a member of the Department, or that which impairs the operation or efficiency of the Department or officer.

3. Conformance to Laws:

a. Employees shall obey all laws of the United States and any of the State and local laws in which the Employees are present.

b. A conviction of the violation of any law shall be prima fascia evidence of a violation of this section.

4. Reporting for Duty:

Employees shall report for duty at the time and place required by assignments or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performances of duty so that they may immediately assume their duties. Judicial subpoenas shall constitute an order to report for duty under this section.

5. Neglect of Duties:

Employees shall not play games, watch television or movies or otherwise engage in entertainment while on duty, except as may be required in the performance of duty. They shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

6. Sleeping on Duty:



Employees shall remain awake while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.

7. Leaving Duty Area:

Employees shall not leave their assigned jurisdiction during a tour of duty except when authorized by proper authority.

8. Use of alcohol on Duty or in Uniform:

Employees shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders, from a superior officer. Employees shall not appear for duty, or be on duty, while under the influence of intoxicants, or with an odor of intoxicating beverages on their breath.

9. Employment outside the Department:

Employees may engage in occasional part-time employment provided that such employment does not interfere with the officer's performance of duty with the department. It shall be the officer's responsibility not to engage in any employment that would be conflicting with the best interests of the Department. Conflicting employment would include the sale or distribution of alcoholic beverages, bail bond agencies or investigative work for insurance companies, private guard services, collection agencies or attorneys, burglar or holdup alarm services, or repossession of property. Off duty employment on a regular basis or of a questionable nature must be approved by the Chief of Police.

10. Insubordination:

Employees shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by an officer of the same rank or lesser rank.

11. Conflicting or Illegal Orders:

Employees who are given an otherwise proper order which is in conflict with a previous order, rule, regulation or directive shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not alter these circumstances the responsibility for the conflict shall be upon the superior officer. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.

a. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, Employees shall request the issuing officer to clarify the order or to confer with higher authority.

12. Gifts, Gratuities, Bribes, or Rewards:

Employees shall not solicit or accept from any person, business or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service or entertainment) for the benefit of the Employees of the Department, if it may reasonably be inferred that the person, business or organization:

Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or

Has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

13. Abuse of Position:

Use of official position or I.D. Employees shall not use their official identification cards, position, or badges: (1) for personal or financial gain; (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts.

Employees shall not lend to another person their ID cards or badges, or permit them to be photographed or reproduced without the approval of the Chief.

Use of name, photograph or title - Employees shall not authorize the use of their names, photographs, or official titles which identify them as Employees, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief of Police.

14. Endorsements and Referrals:

Employees shall not recommend or support in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, funeral home or towing service) which such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, Employees shall proceed in accordance with established departmental procedures.

15. Identification:

Employees shall carry their ID cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and position to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

16. Citizen Complaints:

Employees shall courteously and promptly record in writing any complaint made by a citizen against any officer or the department. Employees may attempt to resolve the complaint, but shall never

attempt to dissuade any citizen from lodging a complaint against any officer of the department. Employees shall follow the established department rules for processing complaints.

17. Courtesy:

Employees shall be courteous to the public. Employees shall be tactful in their performance of their duties, shall control their tempers, and exercise the utmost patience and discretion and shall not engage in argumentative discussions even in the face of extreme provocation.

In the performance of their duties, Employees shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

18. Requests for Assistance:

When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established departmental procedures

19. Associations:

Employees shall avoid regular or continuous associations or dealings with persons whom they know are persons under criminal investigation or indictment, or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary to the performance of duty or while acting under proper and specific orders from a superior officer.

20. Gambling:

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer.

21. Public Statements and Appearance:

Employees shall not publicly criticize the department, its policies or other Employees by speech, writing or other expressions, where such speech, writing or other expressions is defamatory, obscene, and unlawful, undermines the effectiveness of the department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper, or a periodical, release or divulge investigative information, or any other matters of the department while holding themselves out as representing the Department in such matters without proper authority.

Employees may lecture on "police" or other related subjects with the prior approval of the Chief. Employees shall not publicly criticize the official action of another department its members or public officials.



22. Personal Appearance:

Employees on duty shall wear uniforms or other clothing in accordance with established department procedures.

23. Unsatisfactory Performance:

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their position. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be determined or demonstrated by a lack of knowledge of the application of the laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for

the Employees rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indices of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: Repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives or orders of the Department.

25. Residence:

Employees shall reside within the jurisdiction served by the Department or within 15 minutes travel time to the duty station if called for duty as authorized by the Miles City Police

26. Telephone:

Employees shall immediately report any changes of telephone numbers or addresses to the Chief of Police.

27. Dissemination of Information:

Employees shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established departmental procedures. Employees may remove or copy official records or reports from a police installation only in accordance with established departmental procedures. Employees shall not divulge the identity of persons giving confidential information except as authorized by proper authority. Employees shall not furnish news releases without the consent of the administration.

28. Interventions:

Employees shall not interfere with cases handled by other Employees of the Department or by any other governmental agency unless:

1. Ordered to intervene by a superior officer, or

2. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

Employees shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless that the exigencies of the situation require immediate police action.

29. Departmental Reports:

Employees shall submit all necessary reports on time and in accordance with established departmental procedures. Reports submitted by Employees shall be truthful and complete, and no officer shall knowingly enter or cause to be entered any inaccurate, false or improper information.

30. Processing Property and Evidence:

Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established departmental procedures.

31 Abuse of Process:

Employees shall not make false accusations of a criminal or traffic charge.

32. Use of Department Equipment:

Employees shall utilize department equipment only for its intended purposes, in accordance with established procedures, and shall not abuse, damage, or lose department equipment. All department equipment issued to Employees shall be maintained in proper order.

33. Operating Vehicles:

Employees shall operate official vehicles in a careful and prudent manner and shall obey all laws and all department orders pertaining to such operation, loss or suspension of any driving license shall be reported to the department immediately.

34. Treatment of Persons in Custody:

Officer shall not disrespect or willfully mistreatment of any person, or any person in their custody, including profanity. Employees shall treat such persons with courtesy and respect.

35. Use of Force:

Employees shall not use more force, in any situation, than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and departmental procedures.

36. Use of Weapons:

Employees shall not use or handle weapons in a careless or imprudent manner. Employees shall use weapons in accordance with law and departmental procedures.

Officer shall not unnecessary use of or display of a weapon while on or off duty.

37. Arrest, Search and Seizure:

Employees shall not make any arrests, search or seizure which they know or should know is not in accordance with law and departmental procedures.

38. Indebtedness:

Employees shall pay just indebtedness within a reasonable time after it was incurred

39. Derogatory:

No Employee of the Miles City Police Department will engage in any activity, conversation or discussion which is derogatory to the department or any member or policy of the department or any other department we work with.

40. Taverns

No employee will enter any tavern or bar while in uniform, except in the performance of a police duty.

41. Violation Reporting

It is a violation of the Miles City Police Department rules if an employee fails to report a known violation of the rules and regulations or any improper conduct to the administration.



## ***ABUSED AND NEGLECTED CHILDREN***

We currently have a Child Protection Team in Miles City that reviews these cases to make recommendations to the Montana Department of Public Health and Human Services (DPHHS) for action. It is now state law that we report all child abuse/neglect cases to DPHHS and they have to report the same type of cases to us. It is the primary responsibility of the DPHHS to investigate these cases, but there will be the times when they will request assistance in an investigation. They have the responsibility to investigate but that does not preclude you from investigating these situations, as far as you can proceed at the time of the call.

If the case is one in which you need an immediate placement of a child, contact DPHHS.

If the case is one in which immediate placement is not needed, please wait until the next business day to inform the DPHHS.

A police officer is the only person that can remove a child from the home without a court order.

File Juvenile Detention Reports the next business day with the court.

All reports of child abuse/neglect shall assure that a copy is forwarded to DPHHS.

## ***ACCIDENT INVESTIGATION - MOTOR VEHICLES***

Accidents requiring a State Uniform Accident Report will include:

Fatal Accidents

Personal Injury Accidents

Hit and Run Accidents

Any state, county or city vehicle accidents

Any accident where a citation is written

Employees investigating the accident should be responsible for taking necessary measurements and photographs according to their judgment of the vehicle and the scene of the accident.

The officer at the scene will order emergency tows as the situation demands and clear traffic as soon as possible.

It will be the responsibility of the officer to note the drivers involved in the accident as well as their address and DOB's and to check to see if the driver has a driver's license and proof of insurance.

Accident exchange slips shall be issued by Employees at the scene of the

Accidents **not requiring** a State Accident Report will include:

When vehicles have been moved from the accident scene, this means going from the accident scene to another location instead of the Police Department or Sheriff Department, or the drivers, or registered owners have failed to report the accident by the quickest means (within 30 minutes of the accident). The drivers and/or registered owners will be given (White Form) State Accident Report Form. The officer will instruct the individuals on how to complete the form and vehicle and driver's information should be exchanged.

The officer should also ensure that the vehicles involved in the accident were fully insured and the drivers involved possessed a valid driver's license. If a citation is issued to the contrary, a State Uniform Accident Report shall be completed with as much information as possible.

When an accident is reported and there are no visual signs of damage and no reported injuries or the potential for injuries, all parties involved in the accident acknowledge that they **do not** want an accident report completed. The officer will inform all parties that an accident report cannot be completed at a later date. The investigating officer shall ensure that all of the vehicles involved in the accident were fully insured and the drivers involved possessed a valid driver's license. Officers should understand individuals not possessing vehicle insurance or a valid driver's license usually request that an accident report not be completed.

Officers need to understand that this policy cannot govern every situation involving an accident. Officers should evaluate each situation differently keeping in mind that young and old drivers can be manipulated and convinced by others, not to report an accident. When in doubt, use common sense, complete a State Uniform Accident Report.

## ***ACCIDENTS, POLICE VEHICLES***

It shall be the responsibility of an officer to immediately report any accident they are involved in with a patrol vehicle. This report will be made to the immediate supervisor. If the immediate supervisor is not available, the report will go to last Supervisor on shift.

The officer involved will not investigate the accident. The officer will administer first aid, if necessary, and request either a deputy or highway patrol officer to come to the accident scene for the investigation.

In addition to the accident report made out by the Custer County Sheriff's Office or Montana Highway Patrol, the officer involved will make out a complete accident report of their own and will attach detailed statement setting forth any and all pertinent information concerning the accident. This report is to be filled at the Miles City Police Department.

In the event the patrol car is inoperable as a result of the accident; a tow operator to the towing company's shop. In the case where a death or suspected criminal negligence charge is involved, the investigator may order the vehicle towed elsewhere. Notify the Chief of Police of any serious injury to any person as a result of a squad car accident.

Uniform Accident Report shall be completed with as much information as possible.

When an accident is reported and there are no visual signs of damage and no reported injuries or the potential for injuries, all parties involved in the accident acknowledge that they **do not** want an accident report completed. The officer will inform all parties that an accident report cannot be completed at a later date. The investigating officer shall ensure that all of the vehicles involved in the accident were fully insured and the drivers involved possessed a valid driver's license. Officers should understand individuals not possessing vehicle insurance or a valid driver's license usually request that an accident report not be completed.

Officers need to understand that this policy cannot govern every situation involving an accident. Officers should evaluate each situation differently keeping in mind that young and old drivers can be manipulated and convinced by others, not to report an accident. When in doubt, use common sense, complete a State Uniform Accident Report.



## ***AIRPORT DISASTER POLICY***

In the event of an airline or other emergency occurrence at the Miles City Airport, it shall be the policy of the Miles City Police Department to respond in a manner consistent with the situation.

Generally, the Chief of Police will have command authority of all responding law enforcement personnel. In the absence of the Chief, the existing chain of command will apply. The Officer in Command shall evaluate the situation to determine personnel needs, and if additional personnel are needed, will direct a call-up of additional staff. The commanding officer will make certain that the Airport Manager is notified of the situation, and if the commanding officer is other than the Chief of Police, he/she will also notify the Chief. The commanding officer will also immediately make certain that other emergency services have been notified and are responding.

It is understood that other emergency service providers such as the Miles City Fire and Rescue, Holy Rosary Healthcare, and private airlines all have existing disaster plans in place. Police Dept. personnel will have to determine what services will be provided by these other agencies and as the situation dictates, the Police Dept. will provide the emergency medical aid and physical security at the scene until such time as they are relieved by other qualified personnel or they control the situation.

Uniform Accident Report shall be completed with as much information as possible.

When an accident is reported and there are no visual signs of damage and no reported injuries or the potential for injuries, all parties involved in the accident acknowledge that they **do not** want an accident report completed. The officer will inform all parties that an accident report cannot be completed at a later date. The investigating officer shall ensure that all of the vehicles involved in the accident were fully insured and the drivers involved possessed a valid driver's license. Officers should understand individuals not possessing vehicle insurance or a valid driver's license usually request that an accident report not be completed.

Officers need to understand that this policy cannot govern every situation involving an accident. Officers should evaluate each situation differently keeping in mind that young and old drivers can be manipulated and convinced by others, not to report an accident. When in doubt, use common sense, complete a State Uniform Accident Report.

## ***AIRPORT SECURITY***

The Miles City Airport is located on City property outside the City limits of Miles City. The Police Department will make periodic checks of the main parking lot and check the condition of the boundary fence along Highway 59 North and the Sheffield Road. These checks are not mandatory and are done out of courtesy. The Police Department has no jurisdictional control over parking problems at the airport. Trespass complaints and criminal complaints will be forwarded to the Custer County Sheriff's Office.



## ***ALARMS, HOLD-UP, BANK***

First and foremost consideration should be the safety of the officers and the citizens at the scene of the hold-up.

1. The supervisor or the senior officer in charge of the shift should take charge of coordination.
2. Respond to hold-up alarms without the use of sirens unless informed by the dispatcher of injured citizens.
3. Advise the dispatch of the license numbers and description of vehicles leaving the scene.
4. When officers on the scene have reached a vantage point, have the dispatcher call the bank and initiate a Green Card Check. The person in charge of the bank will come outside and show a Green Card to ensure that the bank is not being robbed. If everything appears to be all right with the bank officer, the police officer can then go into the bank with the bank officer, to verify this information. If everything is clear, the rest of the units can be asked to clear from the scene. The officer that goes into the bank will come out of the bank before this information is relayed to the other units. This information is not to be called in by telephone.
5. If an actual hold-up takes place, secure the bank with the witnesses inside. The witnesses are to be separated so that stories will not be exchanged. The names, addresses of all customers and employees should be taken. As soon as the information is available, advise the dispatcher of the description of the fleeing vehicle, direction of travel, number of suspect(s), what type of weapons displayed, what items were taken. Have the dispatcher notify the FBI immediately.
6. Seal off the area where the suspect(s) made the actual robbery so that fingerprint evidence can be secured.
7. If enough police units are able to respond, keep at least one unit on a driving patrol within a six-block area of the bank.

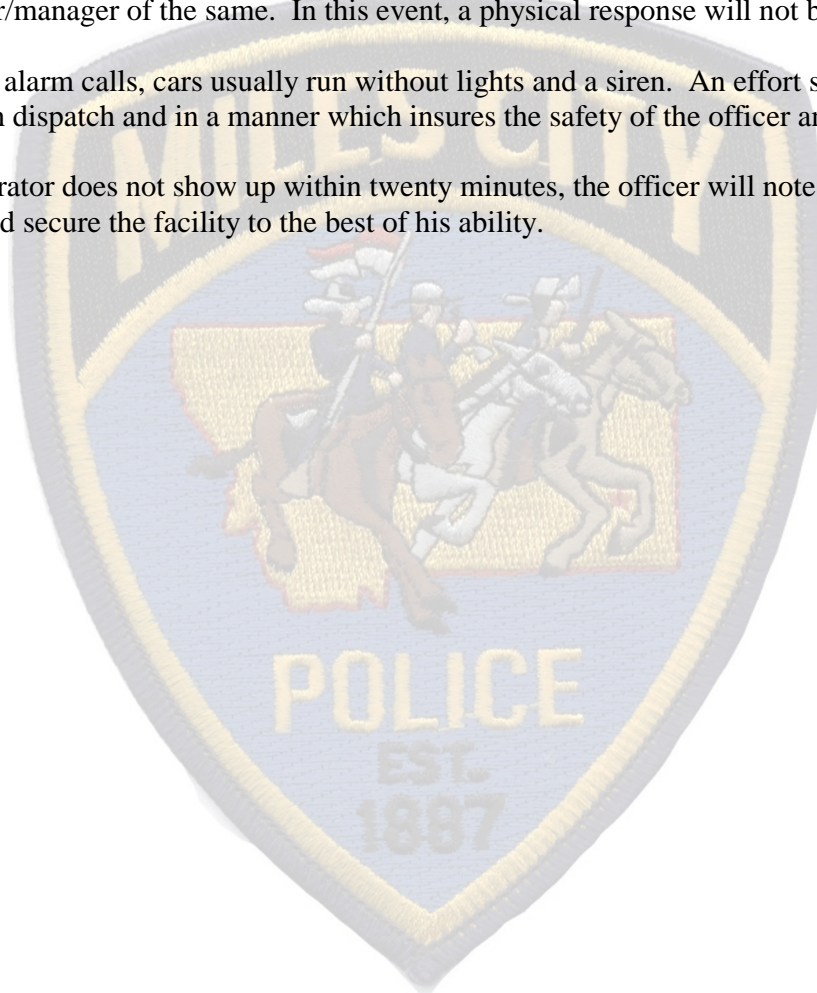


## ***ALARMS, NON-HOLDUP***

Available cars will respond to alarms of a non-holdup type. In the case of a false alarm, all but one car will leave the scene. One unit will wait until the owner-operator arrives to reset the alarm and/or tells the officer to leave. Follow procedures for open doors. Alternatively, should a non-holdup alarm occur during business hours, the responding officer may request the dispatcher to call and inform the owner/manager of the same. In this event, a physical response will not be required.

In answering the alarm calls, cars usually run without lights and a siren. An effort should be made to answer calls with dispatch and in a manner which insures the safety of the officer and citizens.

If the owner-operator does not show up within twenty minutes, the officer will note this on the offense report and secure the facility to the best of his ability.



## ***AMBULANCE CALLS / MEDICALS***

Because of the general nature of law enforcement officers' duties, it becomes necessary for officers to become involved with, and assist with medical emergencies involving citizens of our community. It is the policy of the Miles City Police Department to respond to any and all medical emergencies that are received by Dispatch that could involve a heart attack, the need for CPR, or persons who have harmed themselves or are threatening to harm themselves. The responding Officer should determine the exact location of the emergency, assess the problem of the party or parties, render immediate first aid as required, maintain the comfort of the party or parties and upon the arrival of ambulance personnel, provide them with information and assist them until released by those personnel. Upon release, Officers should return to their normal duties.

Transportation of ill or injured parties by police squad car is strictly prohibited with the following exceptions:

1. An accident or disaster involving several injured parties, and the officer has been requested by medical personnel to transport parties to the hospital.
2. An incident involving severe trauma such as severe laceration of an artery, or choking of an individual that any delay upon reaching the hospital may result in serious permanent injury or death.
3. Persons that need medical attention, but have not called an ambulance and express a desire that ambulance not be called because of the minor nature of their illness or injury should in most cases be transported by other means such as private car or taxi.

Officers should make every effort to assist in securing alternate transportation. Because of the very nature of an officer's duties and situations that arise, it may be necessary for an officer to transport someone to a medical facility. This should only be done if other means of transportation are not available or feasible.

Incidents where an officer might transport could include when there are minor injuries from a flight; assault, domestic abuse or a child with a minor injury and parent not present. The decision, as with most officer decisions, must be made with good common sense. If an ambulance has been requested, an officer should always wait for the ambulance unless a situation as in No. 1 or 2 above exists. A report is required on all transports by an Officer.

## ***ARREST AND CUSTODY, GENERAL***

### ***PURPOSE***

The purpose is to provide guidance to officers in making arrests and taking persons into custody in a fashion that provides a reasonable level of safety and security for the officer(s), suspect and the public.

### ***WHEN ARREST AUTHORIZED WITHOUT A WARRANT***

1. An officer may arrest a person when a warrant has not been issued if the officer has probable cause to believe that the person is committing an offense or that the person has committed an offense and existing circumstances require immediate arrest.

### ***WHEN ARREST AUTHORIZED WITH A WARRANT***

1. An officer may arrest a person when the officer has a warrant commanding that the person be arrested or when the officer believes on reasonable grounds:
  - a. that a warrant for the person's arrest has been issued in this state, except that unless otherwise provided by law, a warrant for violation of a city ordinance may not be acted upon unless the person is located within the limits of the city in which the violation is alleged to have occurred; or
  - b. that a felony warrant for the person's arrest has been issued in another jurisdiction.

### ***WHEN AN ARREST IS NOT AUTHORIZED***

1. A person may not be arrested in the person's home or private dwelling place at night for a misdemeanor committed at some other time and place unless upon the direction of a judge endorsed upon an arrest warrant.
2. Persons exempt from arrest:
  - a. Electors shall in all cases except treason, felony, or breach of the peace be privileged from arrest during their attendance at election and in going to and returning from the same.
  - b. Senators and representatives shall in all cases except felony or breach of the peace be privileged from arrest during the sessions of the state legislature and in going to and returning from the same.
  - c. The militia shall in all cases except treason, felony, or breach of the peace be privileged from arrest during their attendance at musters and election and in going to and returning from the same.
  - d. Judges, attorneys, clerks, sheriffs, and other court officers shall be privileged from arrest while attending court and while going to and returning from court.
  - e. Persons exempt from arrest are not immune from prosecution. Officers should continue to intervene as appropriate and engage in sound investigative practices and submit all reports and findings to the appropriate prosecutor for other criminal procedure considerations.



***METHOD AND MANNER OF ARREST***

1. An arrest is made by an actual restraint of the person to be arrested or by the person's submission to the custody of the person making the arrest.
2. All necessary and reasonable force may be used in making an arrest, but the person arrested may not be subject to any greater restraint than is necessary to hold or detain that person.
3. All necessary and reasonable force may be used to affect an entry into any building or property or part thereof to make an authorized arrest.
4. An arrest may be made at any time of the day or night, except when otherwise not authorized.
5. An officer making an arrest without a warrant shall inform the person to be arrested:
  - a. of the officer's authority;
  - b. of the intention to arrest that person;
  - c. and of the cause of the arrest, except when the person to be arrested is actually engaged in the commission of or in an attempt to commit an offense or is pursued immediately after its commission, after an escape, or when the giving of the information will imperil the arrest.
6. When making an arrest pursuant to a warrant, an officer shall inform the person to be arrested:
  - a. of the officer's authority;
  - b. of the intention to arrest that person;
  - c. the cause of the arrest; and the fact that a warrant has been issued for that person's arrest, except when the person flees or forcibly resists before the peace officer has an opportunity to inform the person or when the giving of the information will imperil the arrest.
7. The officer need not have possession of the warrant at the time of the arrest, but after the arrest, the warrant must be shown to the person arrested as soon as practical if the person requests.
8. The summoning of an officer to a place of residence by a partner or family member constitutes an exigent circumstance for making an arrest. A person may be arrested in the person's home or private dwelling at night if the person is being arrested pursuant to 46-6-311 for the offense of partner or family member assault. Arrest is the preferred response in partner or family member assault cases involving injury to the victim, use or threatened use of a weapon, violation of a restraining order, or other imminent danger to the victim. When an officer responds to a partner or family member assault complaint and if it appears that the parties were involved in mutual aggression, the officer shall evaluate the situation to determine who the predominant aggressor is. If, based on the officer's evaluation, the officer determines that one person is the predominant aggressor; the officer may arrest only the predominant aggressor. A determination of who the predominant aggressor is must be based on but is not limited to the following considerations, regardless of who was the first aggressor:
  - a. the prior history of violence between the partners or family members, if information about the prior history is available to the officer;
  - b. the relative severity of injuries received by each Person;
  - c. whether an act of or threat of violence was taken in self-defense;
  - d. the relative sizes and apparent strength of each person;
  - e. the apparent fear or lack of fear between the partners or family members; and
  - f. statements made by witnesses.

9. When an officer is called to the scene of a reported incident of domestic violence but does not make an arrest, the officer shall file a written report with the officer commanding the law enforcement agency employing the officer, setting forth the reason or reasons for the decision.
10. Officers should take reasonable precautions when affecting an arrest in order to minimize risk of injury to self or others. These precautions could include:
  - a. Summoning additional assistance;
  - b. Searching and seizing weapons found upon or within the immediate area of the perpetrator;
  - c. Making an assessment of the location of arrest for relevant hazards;
  - d. Conducting pre-arrest criminal history checks;
  - e. Utilizing appropriate restraint devices.

### ***ALTERNATIVES TO CUSTODIAL ARREST***

1. The decision to make a custodial arrest should be carefully considered and acceptable alternatives utilized when appropriate. The use of a Notice to Appear or a Summons rather than a custodial arrest is the preferred course of action in cases involving most misdemeanor or local ordinance violations. Exceptions to this alternative course of action arise when there is a factual basis for the conclusion that the offender:
  - a. may abscond from the State of Montana;
  - b. has a history of non-appearance;
  - c. is likely to re-offend or continue to engage in criminal conduct;
  - d. presents a danger to the safety or welfare to self or others
2. Alternatives to custodial arrest may include
  - a. Notice to Appear;
  - b. Summons;
  - c. Release.
3. Notice To Appear - Whenever an officer is authorized to arrest a person without a warrant, the officer may instead issue the person a notice to appear. The notice must:
  - a. be in writing;
  - b. state the person's name and address, if known;
  - c. set forth the nature of the offense;
  - d. be signed by the issuing officer; and
  - e. direct the person to appear before a court at a certain time and place. An officer who issues a Notice to Appear shall complete and sign the form, serve a copy upon the defendant and without unnecessary delay cause the original to be filed with the court.
4. Summons – The City Attorney, County Attorney or Attorney General may use discretion in the filing of a charge and when authorized to issue an arrest warrant a court may instead issue a summons. A summons may be served personally or by first-class mail. The summons must: be in writing in the name of the State of Montana or in the name of the municipality if the violation of a municipal ordinance is charged; State the name of the person summoned and that person's address, if known; set forth the nature of the offense; state the date when issued and the municipality or county where issued; be



- signed by the judge of the court with the title of office noted; and command the person to appear before a court at a certain time and place. The summons must plainly state that, upon failure to appear following the service corporation, that a plea of not guilty will be entered.
5. Release - When no warrant has been issued, a peace officer having custody of a person arrested may release the arrested person without requiring that person to appear before a court when the officer is satisfied that there are insufficient grounds to commence prosecution.
  6. Use of Bail Schedule - Acceptance by an Officer. A judge may establish and post a schedule of bail for offenses over which the judge has original jurisdiction. A person may not be released on bail without first appearing before the judge when the offense is:
    - a. any assault on a partner or family member, as partner or family member is defined in 45-5-206;
    - b. stalking, as defined in 45-5-220; or
    - c. violation of an order of protection, as defined in 45-5-626.
  7. An officer may accept bail on behalf of a judge:
    - a. in accordance with the bail schedule established; or
    - b. whenever the warrant of arrest specifies the amount of bail; or
    - c. with the offender's permission, accept an unexpired driver's license in lieu of bail for a violation of any offense in Title 61, chapters 3 through 10, except chapter 8, part 4, as provided in subsection (4).
  8. Whenever an officer accepts bail, the officer shall give a signed receipt to the offender setting forth the bail received. The peace officer shall then cause or deliver the bail to the judge before whom the offender is to appear, and the judge shall give a receipt for the bail delivered.
  9. Whenever an officer accepts an unexpired driver's license in lieu of bail, the peace officer shall give the offender a signed driving permit, in a form prescribed by the department. The permit must acknowledge the officer's acceptance of the offender's driver's license and serves as a valid temporary driving permit authorizing the operation of a motor vehicle by the offender. The permit is effective as of the date the permit is signed and remains in effect through the date of the appearance listed on the permit. The peace officer shall cause or deliver the driver's license to the judge before whom the offender is to appear, and the judge shall give a receipt acknowledging delivery of the offender's driver's license to the court.

### ***POST-ARREST CONSIDERATIONS***

1. Before interrogating a person who is in custody, an officer shall inform the person that the person has the right to remain silent, that anything the person says can be used against the person in a court of law, that the person has the right to speak to an attorney and to have an attorney present during any questioning, and that if the person cannot afford an attorney, one will be provided for the person at no cost to the person. A person who is stopped under 46-5-401 is not in custody unless the stop goes beyond the purposes of that section. Officers should use a written waiver and memorialize the reading and any subsequent waiver of the Miranda warning in writing and by using an audiotape or videotape.
2. When foreign nationals are arrested or detained the United States Department of Homeland Security should be notified and the foreign national's must be advised of the right to have their consular officials notified.

In some cases the nearest consular officials must be notified of the arrest or detention of the foreign national regardless of the national's wishes. Consular officials are entitled access to their nationals in detention and are entitled to provide consular assistance. When a foreign national is arrested or detained, an officer must:

- a. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.
- b. Determine if the foreign national's country is on the list of mandatory or optional notification countries as determined at - <http://travel.state.gov/law> under the heading of "Consular Notification and Access"
- c. If the foreign national's country is not on the mandatory notification list offer without delay to notify the foreign national's consular officials of the arrest or detention.
- d. If the foreign national asks that the consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
- e. If the foreign national's country is on the list of mandatory notification countries, notify the foreign national's consular officials without delay of the arrest or detention and tell the foreign national that you are making the notification.
- f. If a person claims diplomatic immunity, the officer should include this information in the notification to the United State Department of Homeland Security and the foreign national's consular officials.

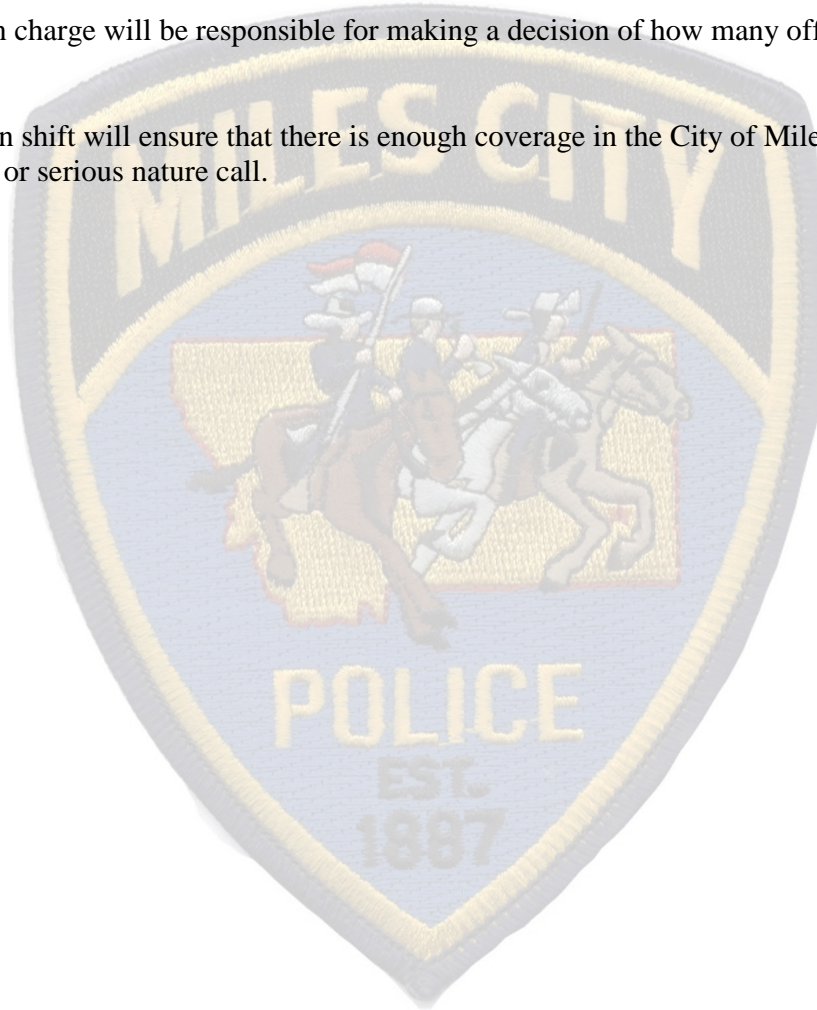
### ***ASSISTS, OTHER DEPARTMENTS***

Our Department will respond to a call of an officer of another department or agency in need of an emergency assistance.

Any agency requesting assistance should make the request over the radio.

The supervisor in charge will be responsible for making a decision of how many officers or vehicles will respond.

The supervisor on shift will ensure that there is enough coverage in the City of Miles City in the case of an emergency or serious nature call.





## ***BICYCLE PATROL***

### **Purpose**

Bike patrol was established to provide pro-active law enforcement and enhance public relations in the downtown area.

#### **1) Officers must:**

- a. Request to be a bike officer
  - b. Be reasonably physically fit.
  - c. The officer should have average abilities in following areas:
    - I. Verbal Communication
    - II. Self- Initiative
    - III. Interpersonal skills
    - IV. Public Relations
    - V. Appearance
    - VI. Adaptability to change
    - VII. Care/operation of equipment
- 2) Must attend and complete basic Police Bicycle Patrol Course.

#### **A. Equipment:**

- I. High quality mountain bike, Department owned or personal. If personal bike is used, officer accepts all liability of damage to bike due to performance of duties.
- II. Night bicycle light system (front and rear)
- III. Water bottle(s)
- IV. Nylon duty belt with accessories
- V. Quality whistles for traffic enforcement.

#### **B. Uniform:**

##### **1. Warm weather:**

- I. Department approved yellow polo
- II. Department approved bike patrol shorts (Olympic)
- III. Black biking shorts to be worn under patrol shorts (optional)
- IV. Black socks and footwear of choice (preferably black)
- V. Bicycling gloves
- VI. Eye protection (clear or tinted lenses)
- VII. Ballistic vest with t-shirt (white, black navy under)

##### **2. Cold Weather:**

- I. All warm weather uniform items except shorts
- II. Department approved bicycle pants (Olympic)
- III. Department approved bicycle jacket (Olympic)
- IV. Cold weather footwear or officers choice
- V. Cold weather gloves

#### **C. Scheduling**

- I. Shift commanders are responsible for assigning bicycle officers for their shift.
- II. Assignment of bicycle officers will be based on personnel available. Maximum effort will be afforded by shift commanders and officers to facilitate this program.



- III. A patrol car with bicycle rack can be staged in patrol area in case it may be needed. If officer cannot respond to call in patrol vehicle and rack it. The patrol vehicle will then be driven to call location.

**D. Traffic enforcement is permissible as long as following safety precautions are met**

- I. Get offender attention by use of audible signal (whistle or voice command)
- II. Direct the offender out of the flow of traffic to the side of the roadway.
- III. Follow the normal procedure for radio traffic with dispatch
- IV. Park patrol bike out of the flow of traffic
- V. Instruct offender to turn off engine and activate their emergency flashers.



## ***BODY ARMOR***

It is the policy of the Miles City Police Department to provide individual Body Armor for Police Officers. The Department requires that all officers wear their body armor while on duty, especially uniformed officers. Administrative Officers are urged to wear their body armor while on shift.

As an alternative to wearing the body armor, Administrative Officers shall have said armor immediately available to him/her within the squad car or immediately available to him/her in his/her work or duty area.



## **Body Worn Cameras**

### **Purpose**

The purpose of this policy is to provide officers with guidelines on how and when to use body- worn cameras (BWC) so that officers may record their contacts with the public.

### **Policy**

It Is the policy of the Miles City Police Department to properly train the officers and monitor the appropriate and legal use of the BWC, and to establish guidelines for that use and recording and storage of video captured by BWC. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### **Procedures**

The Miles City Police Department has adopted the use of BWC to accomplish several objectives, including:

1. BWC's allow for accurate documentation of police-public service contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer's reports and testimony in court.
2. Audio and video recordings enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

### **When and How to Use the BWC**

1. Officers shall activate the BWC to record all contacts with citizens in the performance of official duties.
2. Whenever possible, the officers should inform individuals that they are being recorded. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
3. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.



4. Civilians shall not be allowed to review the recordings at the scene.

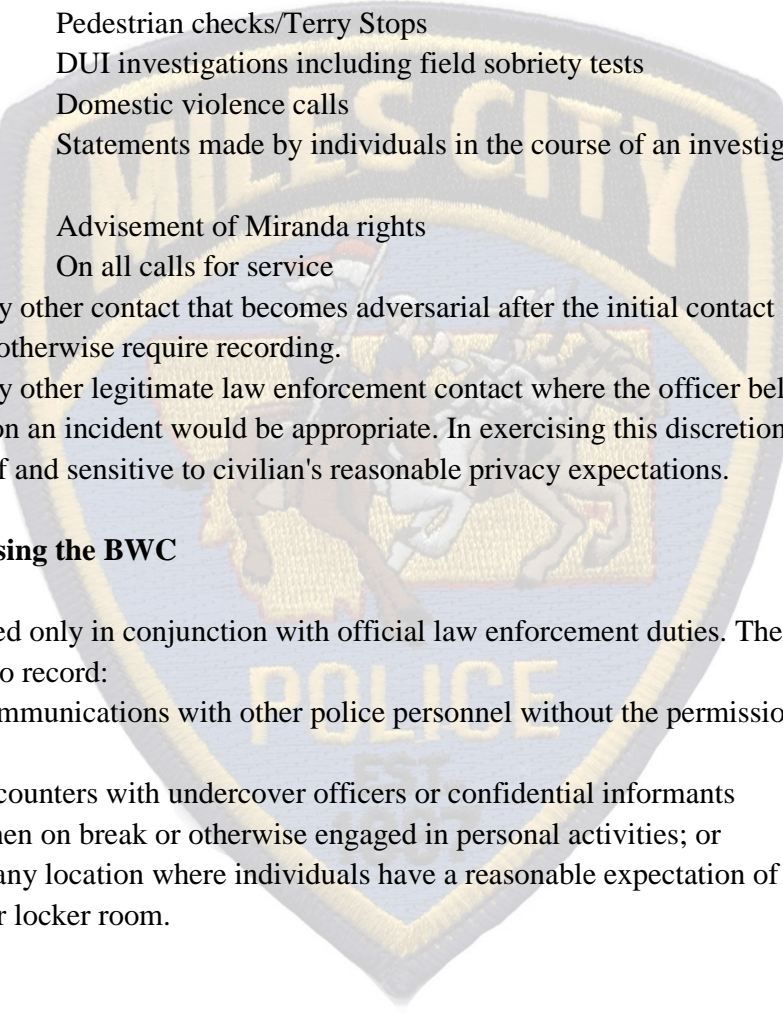
### **Procedures for Use**

1. BWC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWC's issued by this department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
3. No personally owned BWC's shall be worn by members of the department.
4. Officers of this department shall receive an agency approved training program to ensure proper use and operation of the BWC's. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
5. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
6. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
7. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief of Police or his/her designee.
8. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.
9. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
10. Officers shall note in incident, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

### **Activation of the BWC**

1. All field contacts involving actual or potential criminal conduct within video and audio or audio range, including:
  - a. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, and all crime interdiction stops)



- 
- b. Emergency responses
  - c. Vehicle pursuits
  - d. Suspicious vehicles
  - e. Arrests and transports
  - f. Vehicle searches
  - g. Consent to Search
  - h. Physical or verbal confrontations or use of force
  - i. Pedestrian checks/Terry Stops
  - j. DUI investigations including field sobriety tests
  - k. Domestic violence calls
  - l. Statements made by individuals in the course of an investigation or complaint.
  - m. Advisement of Miranda rights
  - n. On all calls for service
2. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
  3. Any other legitimate law enforcement contact where the officer believes that a recording on an incident would be appropriate. In exercising this discretion, officers should be aware of and sensitive to civilian's reasonable privacy expectations.

### **Restrictions on Using the BWC**

BWC's shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:

1. Communications with other police personnel without the permission of the Chief of Police.
2. Encounters with undercover officers or confidential informants
3. When on break or otherwise engaged in personal activities; or
4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

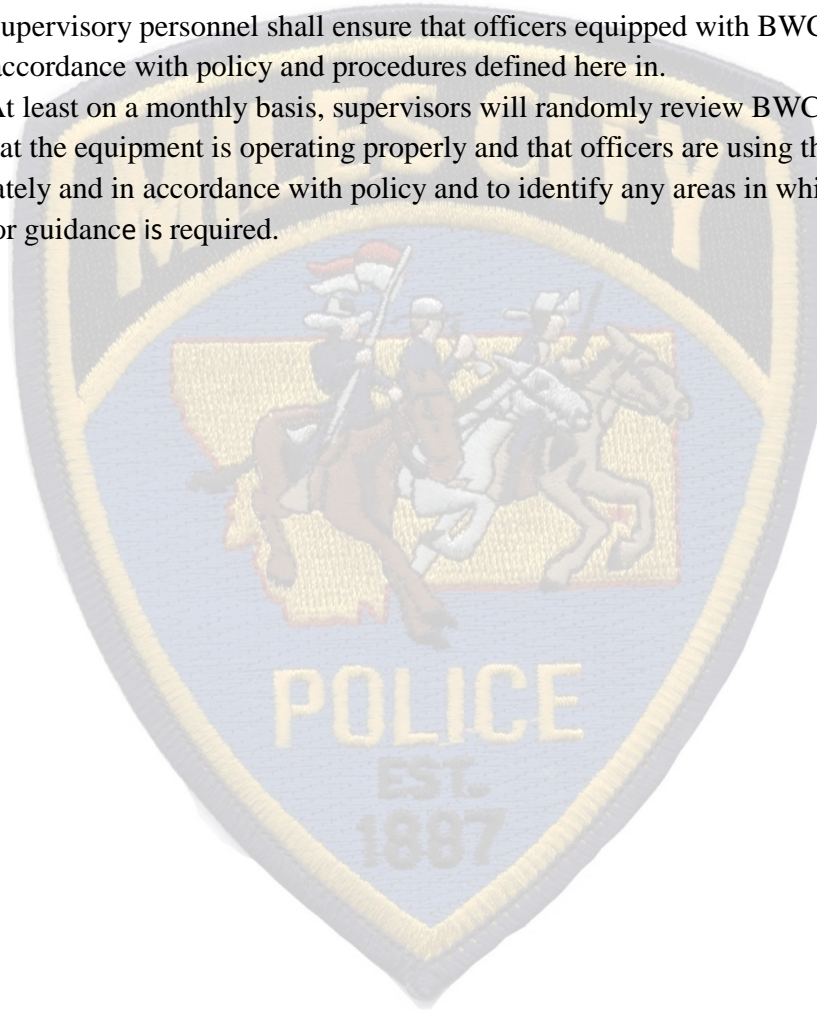
### **Storage**

1. All files shall be securely downloaded as frequently as possible. Each file shall contact information related to the date, BWC identifier, and assigned officer.
2. All images and sounds recorded by the BWC are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

3. All access to BWC data (images, sounds, and metadata) must be specifically authorized by the Police chief or his/ her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
4. Files should be securely stored in accordance with state records retention laws.

### **Supervisory Responsibility**

1. Supervisory personnel shall ensure that officers equipped with BWC devices utilize them in accordance with policy and procedures defined here in.
2. At least on a monthly basis, supervisors will randomly review BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.



## **BOMB THREATS, EXPLOSIVES AND INCENDIARIES**

### ***PURPOSE***

The purpose of this guideline is to establish the duties and investigative responsibilities of the various agency units and members involved in bomb threats, suspected destructive devices, or explosions.

### ***POLICY***

- A. In order to ensure the safety of the public and/or physical property, Agency personnel should attempt to contact appropriate Explosive Ordinance Disposal (EOD) personnel to respond to incidents in which actual or suspected explosive devices are located.
- B. EOD personnel should be requested to respond, and investigate the scene of all detonated explosive devices.
- C. EOD personnel should not be requested or used to conduct routine searches.
- D. Under no circumstances should a device be touched or inspected by anyone other than EOD personnel. Temperature change, touch, movement, static, electricity, moisture, friction, light and any number of other outside sources may detonate explosive devices.
- E. Only EOD personnel should touch, manipulate, transport, or store any suspected devices, explosive, or military ordinance. The disarming or rendering safe of any actual or suspected device is the sole responsibility of the EOD personnel.

### ***BOMB THREAT PROCEDURES***

- A. On any bomb threat call, Communications should immediately notify the on-duty shift supervisor and dispatch officers for the initial investigation and incident report.
- B. The primary responding officer is responsible for the initial investigation and report of a bomb threatening
- C. At the scene the following procedures should be observed
  - 1. Communication equipment should be deactivated within the incident side.
  - 2. At the scene, officers should:
    - a. Immediately contact facility supervisory personnel.



b. Isolate the person that received the threat and ask them to provide a statement.

3. The reporting officer should document all available information revealed by the threatening party. Including, but not limited to the following.

a. Time of detonation;

b. The suspected location of the device;

c. What the device looks like;

d. The type of explosive used;

e. Why was the device placed?

f. Attitude of the threatening party and an estimate of the suspect's age;

g. If the threat was made in writing, seize and preserve the material as evidence.

#### D. Vehicle Searches

If a bomb threat or report involves an automobile, boat, aircraft, or unusual vehicle or structure, advise EOD personnel of unusual conditions.

#### E. Building Searches

1. Request that personnel familiar with the locations conduct the search. They can readily recognize any foreign or unnatural objects or circumstances.
2. Officers should request that facility personnel, after searching the suspected location, search interior rooms and the outside surrounding area including dumpsters, bushes, storage building, window wells, etc.
3. Instruct all search personnel that their mission is only to search. EOD personnel are to be notified if a suspected device is located. Searchers are not to touch or move any suspected object.

#### F. Evacuation

The decision to evacuate the structure or the search area is the responsibility of the facility supervisor.

#### G. Suspected Device Located



1. If a suspected device is located, officers should assist any evacuation of non-police personnel to appropriate distances.
2. Advise facility supervisor that opening all windows and doors could minimize blast damage. Use landline telephone to notify communications and on-duty shift supervisor.
3. Request fire and ambulance personnel to respond as required.
4. Advise all responding emergency service personnel to deactivate communication equipment prior to arriving at the scene.

#### ***DESTRUCTIVE DEVICES AND EXPLOSIVES***

- A. If a suspected device or explosive/incendiary material is located, dispatch personnel should be instructed to notify the following
  1. EOD personnel
  2. The Agency Administrator
  3. The Fire Department and Emergency Medical Service personnel
  4. Federal Agency as required and Disaster and Emergency Services
- B. The on-duty supervisor should immediately report to the scene. After obtaining details from the initial responding officer(s), they should initiate the following procedures:
  1. Establish a field command post an appropriate distance from the suspected device.
- C. Advise dispatch that all police and emergency service communication equipment should be turned off within the appropriate distance of the suspected device. Use messengers
  1. to carry memos or other communications from the command post.
  2. Assist in safely evacuating and securing the area.

## ***CALLS FOR SERVICE***

Since one of the main functions of the Police Department is to provide services to the public, we should strive to provide fast, adequate and appropriate service to all calls received at the department.

1. All calls received at police headquarters should be given attention.
2. Calls for service received at shift change or during briefing shall be assigned to the on-coming shift. Officers going off shift should only accept duty assignments, which can be completed within the last half hour of their shift with the exception of officer calls for assistance. Officer calls for assistance will follow guidelines outlined in policy ...
3. The shift supervisor should decide what type of attention will be given to the call.
4. On all calls where an officer is dispatched to answer a call or complaint, the officer should make every possible effort to contact the originator of the call in person. This will insure the call being answered, plus good public relations. This will also reassure the caller that his/her complaint is getting attention.
5. In the event of simultaneous calls, a priority should be given to the most serious. However, as soon as practical, the other call should be answered.
6. After the call is completed, the officer responsible should notify headquarters of the disposition and this should be logged on the call logged in CAD software.
7. Officers who are dispatched to a call should respond immediately. If an officer is on coffee break and he/she gets a call, he/she will go immediately if the situation warrants. If, using good judgment and with regard to others, the shift supervisor feels the call can wait until after the officer's coffee break, it should be answered immediately thereafter.
8. Many times a complaint will come to the Police Department or Dispatch Center. That person will be referred to the supervisor on duty. The supervisor may then assign the matter to a patrol officer or investigator.
9. At times, people will call requesting to talk to an officer or person in charge, etc. Every effort should be made to accommodate this request. At no time should any attempt be made to secure information he/she is unwilling to give to the first party he/she comes in contact with.
10. Minor calls shall not be answered by more than one officer. Calls for service shall be alternated amongst officers on the shift.
11. Officers working on reports shall not discontinue work on report to respond to call already covered by another officer. For officer safety, officers may drive by location where other officers are on call(s) but should not stop unless specifically requested.

Uniform Accident Report shall be completed with as much information as possible.

When an accident is reported and there are no visual signs of damage and no reported injuries or the potential for injuries, all parties involved in the accident acknowledge that they **do not** want an accident report completed. The officer will inform all parties that an accident report cannot be completed at a later date. The investigating officer shall ensure that all of the vehicles involved in the accident were fully insured and the drivers involved possessed a valid driver's license. Officers should understand individuals not possessing vehicle insurance or a valid driver's license usually request that an accident report not be completed.

Officers need to understand that this policy cannot govern every situation involving an accident. Officers should evaluate each situation differently keeping in mind that young and old drivers can be manipulated and convinced by others, not to report an accident. When in doubt, use common sense, complete a State Uniform Accident Report.





## ***CANINE POLICY***

### **PURPOSE**

The purpose of this policy is to provide guidelines for the management and tactical deployment of patrol canines.

### **POLICY**

It is the policy of the Miles City Police Department to utilize patrol canines as a valuable supplement to police resources, due to their superior senses of smell, hearing and their physical capabilities. Utilization of canines requires adherence to procedures that properly control their use-of-force potential and channel their specialized capabilities into legally acceptable crime prevention and control activities.

### **DEFINITIONS**

Canine Team: An officer/handler and his or her assigned police canine.

Canine Apprehension: Gaining control and custody of a suspect that is the direct result of a canine deployment.

Canine Deployment: The use of a canine for purposes of finding, apprehending, containing, or controlling a suspect or for other purposes as authorized for canine use by this department. The mere presence of a canine at a crime or incident scene does not constitute a deployment.

Contact: In the context of this policy, the location of a suspect by a canine, biting, or barking at a suspect for purposes of apprehension, or the presence of a canine in close proximity to a suspect sufficient to effect compliance.

### **PROCEDURES**

#### **A. Selection of Handlers**

1. The police chief or his or her designee is responsible for selection of canine handlers in accordance with established departmental procedures.
2. Applicants for police canine teams must have sufficient patrol experience, usually a minimum of three to five years along with proactive work history and performance.
3. A willingness to remain with the unit for an extended period of time.
4. A willingness and ability, together with other family members, to house the canine at the officer's residence in a safe and secure manner and with adequate provisions and facilities



to properly care for the health and well-being of the canine in accordance with departmental requirements; and

5. The ability to perform essential job related functions related to fitness and agility.
6. New canine handlers must complete the prescribed training course and successfully meet all of those course requirements.
7. New canine handlers must become certified after completing the prescribed course.

## **QUALIFICATIONS AND TRAINING**

1. Canine handlers must maintain the certification on a yearly basis.
2. Failure to participate or qualify under established training standards will result in de-certification of the team. The canine team may not be deployed unless re-certified.
3. Untrained canines may not be used for canine duty.
4. The canine handler or canine supervisor shall maintain records that document the use and proficiency of individual canines in drug detection. This documentation shall be readily available to canine officers and others who may need it when seeking warrants.
5. Each canine handler shall maintain a current "handler's log" that contains information on training, certification, awards, bite paper work, veterinary records, and other information designated by the canine supervisor.

## **CANINE CARE**

1. Police canines shall not be used for breeding, participation in shows, field trials, exhibitions, or other demonstrations or on-or-off duty employment unless authorized by the agency's chief executive or designee.
2. Officers shall maintain their canines both on and off duty in a safe and controlled manner. Police canines shall never be allowed off leash unless engaged in agency- authorized work, training or exercise in a controlled environment.
3. When an officer is not able to provide housing for his or her canine at home, suitable kennel housing will be provided subject to periodic inspections. If needed, the canine may be boarded at a local veterinarian business if there is no other option available.
4. Canine handlers are personally responsible for the daily care and overall welfare of their animal to include:

- a. Maintenance and cleaning of the kennel and yard area where the canine is housed;
  - b. Provision of food, water, and general diet maintenance as prescribed by the department's authorized veterinarian;
  - c. Grooming on a daily basis or more often as required by weather, working conditions, or other factors;
  - d. Daily exercise; and
  - e. General medical attention and maintenance of health care records.
5. Canine handlers shall immediately notify the canine supervisor of any changes that would affect the care and housing conditions of their dogs. Where the handler is unable to perform these and related duties due to illness, injury, or leave, another canine handler may be assigned to temporarily care for the canine.
6. Teasing, agitating, or rough housing with a police canine is strictly prohibited unless performed as part of a training exercise.
7. Handlers shall not permit anyone to pet or hug the canine without the handler's prior permission and supervision.
8. A canine handler may apply to take possession of the dog where
  - a. The dog is retired from duty or relieved due to injury; or
  - b. The handler is transferred or promoted or retires and a decision is made not to retrain the dog for another handler.

#### **CANINE TEAM UTILIZATION**

1. Canine teams should make all reasonable attempts to remain available to respond to requests for assistance.

#### **REQUESTING A CANINE TEAM**

1. Canine team assistance may be requested by any police officer. Dispatchers shall forward all requests to the canine unit team without delay.
2. Canine teams may be available on a 24-hour, on-call basis. Their use includes but may not be limited to
  - a. Conducting building searches for alleged armed or otherwise dangerous subjects in hiding;

- b. Assisting in the arrest or preventing the escape of dangerous offenders;
  - c. Traffic stops where drug detection by the canine is needed;
  - d. Protecting officers or others from death or serious injury; and
  - e. Engaging in assignments not listed here with the approval of the canine team supervisor.
3. Where a canine deployment is justified and authorized, the tactical measures used shall be at the discretion of the canine handler. The canine handler shall also have authority to direct on-scene personnel to assist or to take other measures that will facilitate the canine's efficiency and effectiveness.
4. Decisions to deploy a canine shall be based primarily upon the following factors:
  - a. The severity of the crime;
  - b. Whether the suspect poses an immediate threat to the safety of the officers or others; and
  - c. Whether the suspect is actively resisting arrest or attempting to evade arrest at the time.
5. The deployment of a police canine for apprehension of a suspect is a use of force that must be consistent with this agency's use of force policy.
6. Police canines should not normally be handled or given commands by anyone other than the assigned handler. Only under emergency conditions should another handler command the canine.

## **BUILDING SEARCHES FOR SUSPECTS**

A primary use of departmental canines is for locating suspects in buildings or related structures. These searches should be governed by the following.

1. The building perimeter shall be secured by police personnel.
2. Whenever reasonably possible, the building's owner should be contacted to determine whether there may be tenants or others in the building and to ascertain the buildings layout.
3. When a canine building search is anticipated, a preliminary search by officers should not be conducted as this will interfere with the canine's ability to differentiate between scents.
4. The on-scene supervisor shall take the following steps in preparation for the canine search.



- a. Evacuate all tenants, workers, or others from the facility.
  - b. Request that all air conditioning, heating, or other ventilation systems be shut off so as not to interfere with the canine's ability to detect scent.
5. The handler shall determine the availability of a back-up officer for assistance. The back-up officer must be familiar with or must be briefed on his or her responsibilities, to include in particular
  - a. Positioning with the team;
  - b. Coverage responsibilities;
  - c. Conducting the arrest, to include searching and handcuffing the suspect; and
  - d. Maintaining communications with perimeter personnel and EOC.
6. Upon entering the building, all exits should be secured and communications limited to that of a tactical nature.
7. The canine may be unleashed during a building search unless this would create an unreasonable risk of injury to innocent persons within the facility.
8. The canine should not be used to search areas that contain substances potentially harmful to the animal unless overriding risk to human life is present.
9. Before releasing the canine, the handler or other appropriate personnel shall make a loud announcement and repeat the announcement. The announcement shall include the identification of a police canine presence, specific commands to the suspect and the results of non-compliance. "Police Canine! Respond now and show yourself or I will release the dog!" A reasonable amount of time shall be allowed for the suspect to respond. This warning shall be repeated on each level of all multilevel structures or when there are barriers present that may inhibit sound.
10. The canine shall be commanded to disengage when reasonable and practical based on the circumstances. Arrestees shall not be transported in the same vehicle with a police canine unless alternative transportation is not available and immediate transport is essential for safety or security reasons.

## **TRACKING**

Where appropriately trained police canines are available, they may be used with supervisory approval to track missing and endangered persons or criminal suspects or to locate evidence.



1. When officers are pursuing a suspect and contact with the suspect is lost, the officer, prior to summoning a canine team, shall
  - a. Pinpoint the location where the suspect was last seen;
  - b. Shut off engines of vehicles in the area, if possible; and
  - c. Avoid vehicle or foot movements in the area where the suspect was last seen.
2. Canines used for tracking lost, missing, or endangered persons should remain on a leash of sufficient length to provide a reasonable measure of safety to the subject of the search without compromising the canine's tracking abilities.
3. On-scene personnel shall
  - a. Secure the perimeter of the area to be searched;
  - b. Ensure the integrity of the area to be searched by keeping all personnel out of the area; and
  - c. Protect all items of clothing that will be used for scent from being handled.

## **CROWD CONTROL**

Canine teams may respond as backup when appropriate but shall not be deployed for crowd control (i.e., containment or dispersal). Canines shall remain in patrol vehicles or other secure locations and, whenever reasonably possible, out of view of the crowd.

## **CANINE BITES AND INJURIES**

In this as in other cases, officers may only use that degree of force that is objectively reasonable to apprehend or secure a suspect as governed by the standards in *Graham v. Connor*.

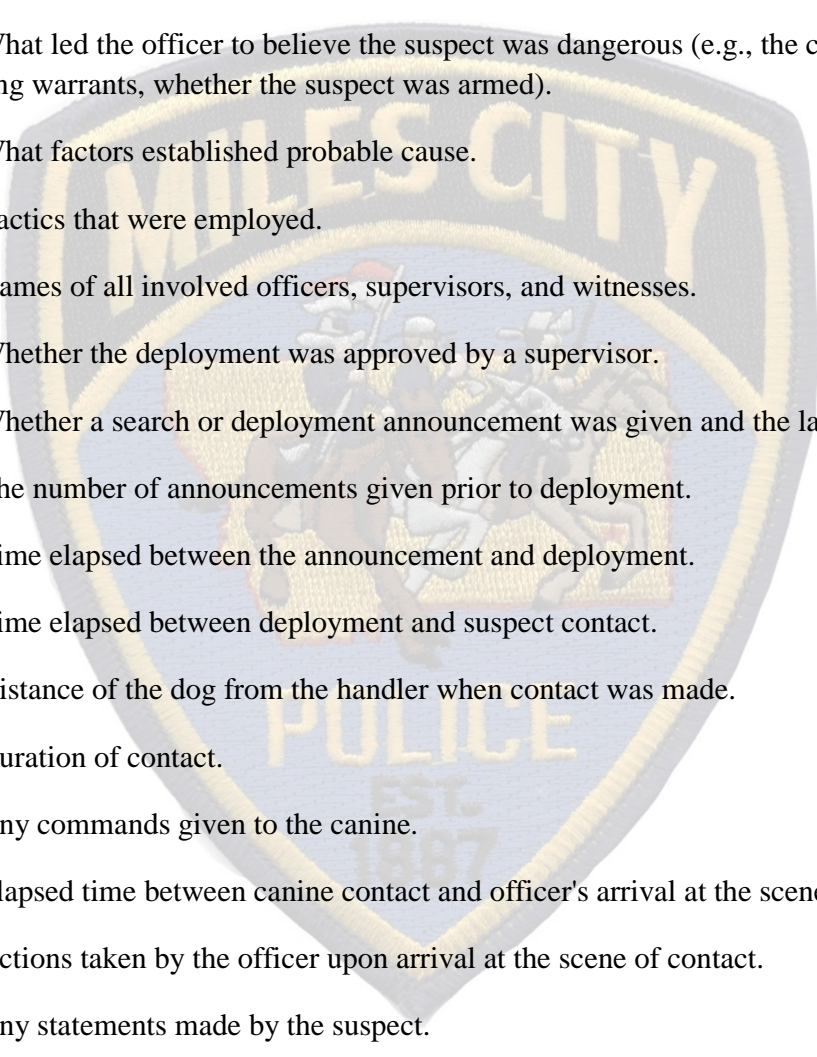
Whenever a canine has bitten or scratched an individual, or is alleged to have done so, whether or not in the line of duty, the handler shall notify a supervisor and perform the following.

1. If no arrest is made, the individual will be offered medical care and treatment by a qualified medical professional.
2. If an arrest is made, the individual will be provided with medical attention in accordance with agency policy on transporting and booking prisoners.
3. Regardless of arrest, the officer shall take color photographs of the affected area in compliance with use-of -force reporting requirements.

## **DOCUMENTATION**

Canine handlers shall notify their shift supervisor or canine supervisor as soon as reasonably possible of any canine deployment, suspect injury, or complaint of injury resulting from canine contact.

An on-duty canine supervisor shall respond to the scene of any canine apprehension, and review and evaluate the handler's use-of-force report. That report shall include the following information.

- 
- a. Date, time and location of the deployment.
  - b. What led the officer to believe the suspect was dangerous (e.g., the crime involved, outstanding warrants, whether the suspect was armed).
  - c. What factors established probable cause.
  - d. Tactics that were employed.
  - e. Names of all involved officers, supervisors, and witnesses.
  - f. Whether the deployment was approved by a supervisor.
  - g. Whether a search or deployment announcement was given and the language used.
  - h. The number of announcements given prior to deployment.
  - i. Time elapsed between the announcement and deployment.
  - j. Time elapsed between deployment and suspect contact.
  - k. Distance of the dog from the handler when contact was made.
  - i. Duration of contact.
  - m. Any commands given to the canine.
  - n. Elapsed time between canine contact and officer's arrival at the scene.
  - o. Actions taken by the officer upon arrival at the scene of contact.
  - p. Any statements made by the suspect.
  - q. Manner in which the canine held the suspect, so that any prior injuries are not attributed to the encounter.
  - r. Copies of any witness statements.
  - s. Any photographs taken of injuries, aid rendered in response to injuries, where treatment was received and by whom.
  - t. Any other relevant information.

The canine supervisor shall review all documentation and gather any additional information necessary to determine whether the deployment and subsequent actions were within department policy.

At least annually, the canine supervisor shall compile statistical summaries and analyses of canine deployments and uses sufficient to evaluate canine and handler performance and to identify incidents or trends that suggest the need for modification or additions to policy, procedures, or training.





## ***CHAIN OF COMMAND***

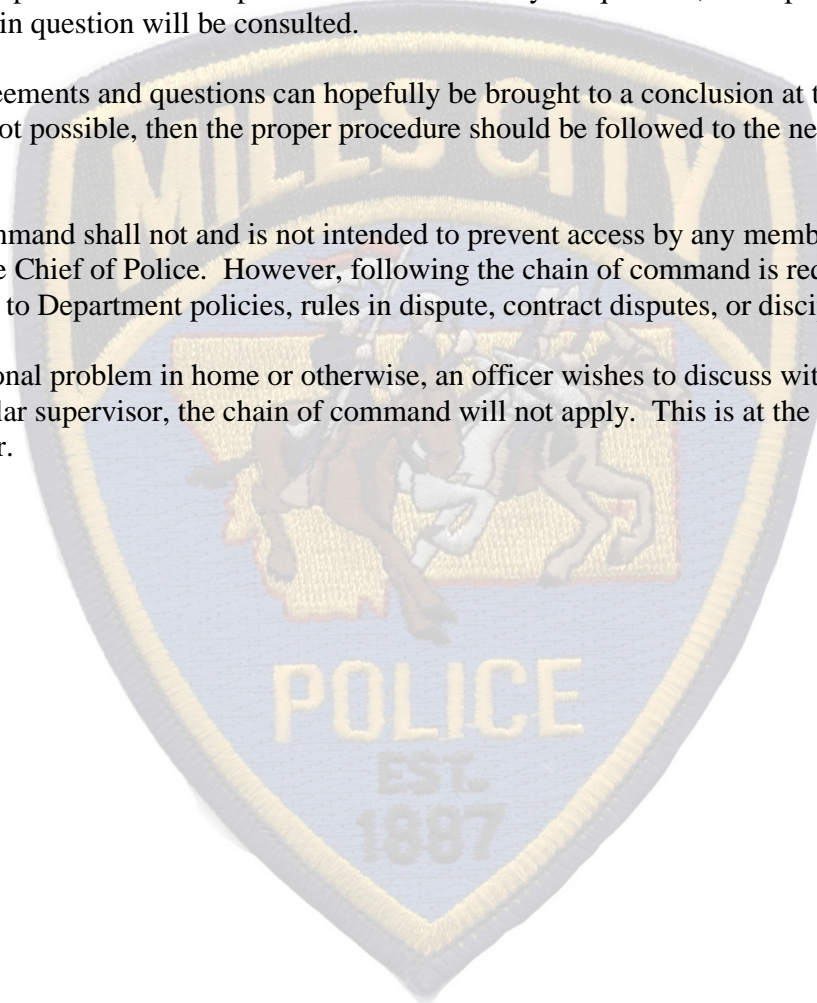
Essentially, the “Chain of Command” will establish a position for each member of the Department within the organization and a level of authority for that position.

If there is a question about a matter, it is the responsibility of the officer to take this question to his/her on-shift supervisor. If the supervisor cannot answer your question, the supervisor in charge of the specific area in question will be consulted.

Disputes, disagreements and questions can hopefully be brought to a conclusion at the supervisor level. If this is not possible, then the proper procedure should be followed to the next highest level of command.

The chain of command shall not and is not intended to prevent access by any member of the department to the Chief of Police. However, following the chain of command is required if the subject is related to Department policies, rules in dispute, contract disputes, or disciplinary action.

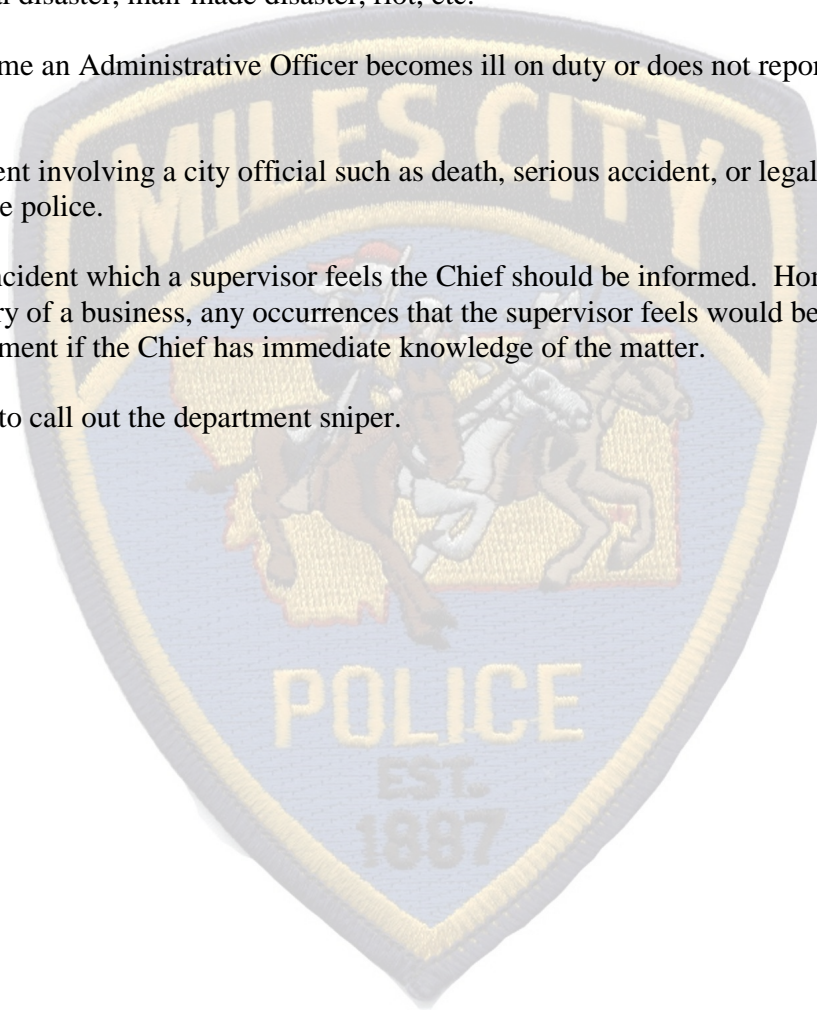
If there is a personal problem in home or otherwise, an officer wishes to discuss with the Chief of Police or particular supervisor, the chain of command will not apply. This is at the discretion of the individual officer.



## ***CHIEF OF POLICE NOTIFICATION***

The Chief of Police will be notified in the following situations:

1. Death or injury to an officer.
2. Natural disaster, man-made disaster, riot, etc.
3. Any time an Administrative Officer becomes ill on duty or does not report for a scheduled shift.
4. An event involving a city official such as death, serious accident, or legal involvement with the police.
5. Any incident which a supervisor feels the Chief should be informed. Homicide, Armed Robbery of a business, any occurrences that the supervisor feels would be beneficial to the Department if the Chief has immediate knowledge of the matter.
6. Intent to call out the department sniper.



## ***CITIZEN ARRESTS***

State Statute 46-6-502 states:

**46-6-502. Arrest by private person.** (1) A private person may arrest another when there is probable cause to believe that the person is committing or has committed an offense and the existing circumstances require the person's immediate arrest.

(2) A private person making an arrest shall immediately notify the nearest available law enforcement agency or peace officer and give custody of the person arrested to the officer or agency.

A private person may arrest another:

1. When there is probable cause to believe that the person is committing or has committed an offense and the existing circumstances require the person's immediate arrest.
2. A private person making an arrest shall immediately notify the nearest available law enforcement agency or peace officer and give custody of the person arrested to the officer or agency.

A written citation can be made by an officer on the basis of the citizen's arrest, however it must be made clear to the complainant that they will have to appear in court to testify that they made the citizen's arrest and provide testimony regarding the offense. A formal complaint will be necessary in all citizen arrests.

Officers should use their own discretion as to issue a citation or to book a defendant based on the evidence they collect through their observations and statements taken from witnesses.

If, for some reason, an officer decided against issuing a citation based on a citizen's arrest, the officer should collect the evidence including statements, etc. and fill out appropriate offense reports, etc. that will be delivered to the City Attorney or County Attorney for a formal complaint, if applicable.

Officers should direct a complainant to the City Attorney or County Attorney for an official complaint.



## ***CIVIL DISTURBANCES***

If a major civil disturbance should occur, the entire resources of the department may be needed to restore order. This could involve mobilizing all officers and minimizing or eliminating days off, vacation time, etc.

The following is a guideline for action whenever any crowd threatens to get out of hand:

1. Try to single out the leaders and agitators and remove them from the area. Permit only known community leaders in the area to make appeals to the crowd to disperse.
2. Communicate information to dispatch promptly.
3. Advise supervisors.
4. Assemble show of force, if indicated.
5. Announce a time limit for the crowd to disperse.
6. Allow avenues for escape.
7. Seek assistance of the community to appeal to the crowd.
8. Never bluff or threaten.
9. Coordinate activities of other agencies and departments.
10. Maintain adequate patrol in area after the incident, and for as long as necessary thereafter.
11. Advise Chief of Police.

## ***CIVIL RIGHTS***

1. Individual Rights:
  - A. All citizens of this country are guaranteed protection against unlawful arrest and unreasonable search or seizure.
  - B. Department personnel will uphold only where there are reasonable grounds to believe
    - a. An arrest warrant exists for the person, or
    - b. The person has committed or is committing a law violation.
2. Invading private dwelling only when they:
  - A. Have in their possession a search warrant authorizing them to do so, or
  - B. Have reasonable grounds to believe that a person whom they have authorized to arrest is within such private dwelling, or
  - C. Have reason to believe that immediate entry is necessary to protect a person within such private dwelling from death or serious injury, or can otherwise legally justify their action.
3. Taking from an individual only such property as they are legally authorized to take, and recognizing that they are responsible and must account for all such property.
  - A. When making a lawful arrest or authorized search or seizure department personnel will use force only when the exercise of persuasion, advice, and warning is found to be sufficient to obtain cooperation and use only the minimum degree of such physical force necessary on that particular occasion.
  - B. At all times the department personnel will:
    1. Never show any bias against any race, religion, or other group or individual.
    2. Act, speak, and conduct themselves in such manner as to treat all persons with courtesy and with that respect due to every person as a human being.
    3. Never talk "down" to any group or individual or engage in the use of such derogatory terms.
4. Meet all persons halfway and not insolently require citizens to come to them in traffic and other stops.

## **II. Freedom of Speech and Assembly**

- A. All citizens are guaranteed the right to seek redress of grievances by:
  1. Freedom of speech
  2. Peaceful assembly
  3. Peaceful picketing
  4. Distribution of handbills providing such distribution is not in conflict with
- B. The rights set under point III-A, while fundamental in our democratic society, does not mean that everyone with opinions or believes to express may do so at any public place and at any time. The Constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy. The exercise of these rights must not:

1. Conflict with the governmental responsibility to keep public streets and public facilities open, and available for public use.
2. Violate any law or ordinance
3. Include the use of inflammatory remarks related to any instance where a clear and present danger of a riot against any person or group of persons exists.

- C. Every necessary resource of the department will be employed to rapidly and decisively enforce statutes and ordinances which provide for the protection of the rights and property of all citizens.

1. Police personnel in command at the scene of any assembly will be aware of their responsibility to afford protection to both participants, and non-participants, and will deal with illegal acts promptly, decisively, and impartially.

### **III. Arrested Persons**

- A. All citizens of this country in keeping with our democratic processes are guaranteed certain Constitutional safeguards. These safeguards will not be denied any citizen though they have committed, or is suspected of having committed a criminal act.
- B. Department personnel will at all times be aware of a prisoner's rights and will:
1. Permit a prisoner to communicate with their attorney and a member of their family by making a reasonable number of telephone calls.
  2. Expedite all necessary processing so that the prisoner will be detained no longer than necessary.
  3. Never use force or coercion in seeking admissions of guilty or confessions.

Recognize and respect the prisoner's right to refuse to give evidence against themselves; however, there is no encroachment upon a prisoner's rights if they should voluntarily supply such information.



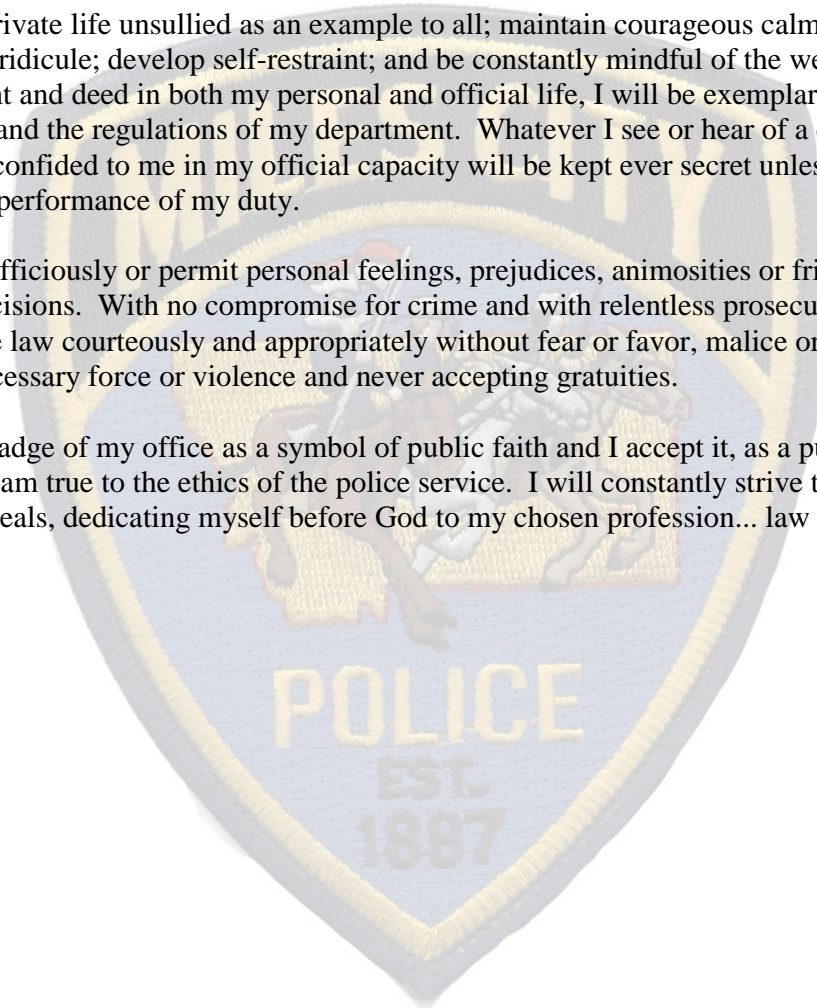
## ***CODE OF ETHICS***

As a Law Enforcement Officer, my fundamental duty is to serve mankind to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all, to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals. I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith and I accept it, as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.



## **COMPLAINTS AND INTERNAL INVESTIGATIONS**

### **PURPOSE**

*This guideline recognizes that effective law enforcement exists in a community, which has established a proper relationship between the Miles City Police Department and public. This relationship must be based on mutual confidence and trust. Whenever the integrity of a law enforcement agency is in question, effective law enforcement breaks down.*

Officers must act independently with the authority vested in them. The officer must be free to initiate action without fear of reprisal, but must meticulously observe the rights of all people.

The responsibility rests with the Miles City Police Department Administrator to provide a system of disciplinary procedures which not only subjects personnel to corrective action when improper conduct occurs, but also protects them from unwarranted criticism or charges when duties have been properly performed.

It is imperative that adequate provisions be made for prompt investigation and disposition of all complaints regarding the conduct of employees of the agency.

### **POLICY**

It shall be the policy of the Miles City Police Department to accept and investigate all complaints of alleged misconduct on the part of Miles City Police Department personnel in order to achieve the basic objectives of

Personnel investigation:

- A. Responsiveness to the public.
- B. Protection of the integrity of the agency.
- C. Protection of individuals against false accusations.
- D. Redress for undesirable conduct.

### **DEFINITIONS**

- A. Personnel Complaint – All complaints involving personnel of the Miles City Police Department that could be defined as an allegation of misconduct reported from any source. This misconduct could be criminal or non-criminal in nature.
- B. Disposition Classification: - as defined as
  1. Unfounded: When the investigation indicates the alleged wrong doing did not occur.

2. Exonerated: When the investigation indicates that the act occurred, but was justified, lawful and proper.
  3. Not Sustained: When the investigation discloses insufficient evidence to prove or disprove clearly the allegations made.
  4. Sustained: When the investigation discloses the action alleged, did in fact occur.
  5. Sustained with Qualifications: When the investigation discloses the action complained of did in fact occur, but not in the manner or to the degree stated.
  6. Misconduct Not Based on a Complaint: When the investigation of an allegation discloses misconduct that is not part of the original complaint.
- C. Misconduct - A violation of any statute, ordinance, agency policy, rule, regulation, lawful order, or rule of law. Conduct by its nature is detrimental to operations of the Miles City Police Department.
- E. Complaint Investigator - The Administrator shall appoint an investigator to conduct any investigation into personnel complaints and/or allegations of misconduct. While in some instances this could be a supervisor, it shall be the sole judgment of the Administrator to determine which situations shall warrant an outside investigator.

#### ***PROCEDURE FOR ACCEPTING COMPLAINTS***

1. A complaint alleging misconduct by personnel of the Miles City Police Department may be made by any person, at any time, to any member of Miles City Police Department or the Mayor.
2. When a member of the Miles City Police Department receives information of a complaint or a person requests they be allowed to file a complaint, the information or person should be referred to the supervisor on duty.
3. This complaint shall be received and reduced to writing by the supervisor on duty. The names of all persons involved in the incident or witness to the allegation, shall be included in the report. A signature of the complainant is desired but not mandatory.
4. If it is not possible to obtain in writing the substance of the complaint, from the complainant, the officer receiving the complaint verbally, shall reduce it to writing with whatever information obtained, and forward it to the supervisor. The officer shall state specific allegations and the best information available.
5. The supervisor will inform the Miles City Police Department's Administrator of the complaint. This will be done during normal business hours, unless the nature of the complaint requires immediate notification.
6. Where a complaint is registered against a supervisor, the Miles City Police Department's Administrator will initiate, or may appoint another command level officer to conduct, an investigation.

#### ***INVESTIGATION OF COMPLAINTS***



1. The officer or investigator appointed to investigate the complaint shall, conduct an appropriate investigation, and forward the results to the Miles City Police Department Administrator and the City of Miles City's Human Resources Officer.
2. If the alleged misconduct amounts to a criminal law violation, the City/County Attorney's Office will be notified of all alleged or suspected criminal violations.
3. Upon completion of any investigations, the completed report is to be provided to the Miles City Police Department Administrator, the City of Miles City's Human Resource Officer along with findings, and conclusions.

#### ***PERSONAL INVOLVEMENT WITH INVESTIGATION OF COMPLAINT***

At no time, under any circumstances, shall an officer against whom a complaint has been registered, investigate the complaint.

#### ***DISPOSITION OF INVESTIGATED COMPLAINTS***

1. All reasonable effort shall be made to notify all complainants of the results of the investigation.
2. A permanent record of each internal investigation will be kept by the Miles City Police Department Administrator and the City Of Miles City Human Resources Officer. If the complainant is dissatisfied with the internal investigation, the Miles City Police Department Administrator in consultation with the City of Miles City's Human Resources Officer shall refer the investigation and findings to be appropriate outside agency for further review and any additional investigation deemed necessary in order to make reasonable assurance of non-bias to the public.

## **CONDUCT UNBECOMING A PEACE OFFICER**

### ***PURPOSE***

This policy defines conduct unbecoming a peace officer. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics, a copy of which has been included for your reference.

### ***POLICY***

Law enforcement effectiveness depends upon community, respect and confidence. Conduct which detracts from this respect and confidence is detrimental to the public interest and should be prohibited. The policy of this department is to investigate circumstances suggesting an officer has engaged in unbecoming conduct, and impose disciplinary action when appropriate.

### ***SCOPE***

This policy applies to all officers of Miles City Police Department engaged in official duties, whether within or outside of the territorial jurisdiction of Miles City Police Department. Unless otherwise noted, this policy also applies to off duty conduct as well. Conduct not mentioned under a specific rule, but which violates a general principle is prohibited.

This policy is organized into eight principles governing conduct unbecoming an officer. Each principle is followed by the rationale explaining the principle and a set of rules.

### ***PRINCIPLE ONE***

Peace Officers shall conduct themselves, whether on or off duty, in accordance with the Constitution of the United States, the Montana Constitution, and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

#### **Rationale**

Peace Officers conduct their duties pursuant to a grant of limited authority from the community. Therefore, Officers must understand the laws defining the scope of their enforcement powers. Peace Officers may only act in accordance with the powers granted to them.

#### **Rules**

1. Peace Officers shall not knowingly exceed their authority in the enforcement of the law.
2. Peace Officers shall not knowingly disobey the law or rules of criminal procedure in such areas as interrogation, arrest, detention, searches, seizures, use of informants and preservation of evidence.
3. Peace Officers shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions of the laws of the United States and the State of Montana.
4. Peace Officers, whether on duty or off duty, shall not knowingly commit any criminal offense under any laws of the United States or any state or local jurisdiction in which the officer is present, except where permitted in the performance of duty under proper authority.

## ***PRINCIPAL TWO***

Peace Officers shall refrain from any conduct in an official capacity that detracts from the public's faith in the integrity of the criminal justice system.

### **Rationale**

Community cooperation with the police is a product of its trust that officers will act honestly and with impartiality. The peace officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

### **Rules**

1. Peace officers shall carry out their duties with integrity, fairness and impartiality.
2. Peace officers shall not knowingly make false accusations of any criminal, ordinance, traffic or other law violation. This provision shall not prohibit the use of deception during criminal investigations or interrogations as permitted under law.
3. Peace officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
4. Peace officers shall take no action knowing it will violate the constitutional rights of any person.
5. Peace officers must obey lawful orders, but must refuse to obey any orders the officer knows would require the officer to commit an illegal act. If in doubt as to the clarity of an order, the officer shall, if feasible, request the issuing officer to clarify the order. An officer refusing to obey an order shall be required to justify his or her actions.
6. Peace officers learning of conduct or observing conduct which is in violation of any law or policy of this department shall take necessary action and report the incident to the officer's immediate supervisor, who shall forward the information to the Chief Law Enforcement Officer. If the misconduct is committed by the officer's immediate supervisor, the officer shall report the incident to the immediate supervisor's supervisor.

## ***PRINCIPLE THREE***

Peace officers shall perform their duties and apply the law impartially and without prejudice or discrimination.

### **Rationale**

Law enforcement effectiveness requires public trust and confidence. Diverse communities must have faith in the fairness and impartiality of their police. Peace officers must refrain from fostering disharmony in their communities based upon diversity, and perform their duties without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age.

### **Rules**

- 1 Peace Officers shall provide every person in our society with professional, effective and efficient law enforcement services.



2. Peace officers shall not express, whether by act, omission, or statement, prejudice concerning race, color, creed, religion, national origin, and sex, and marital status, status with regard to public assistance, disability, sexual orientation or age.
3. Peace officers shall not allow their law enforcement decisions to be influenced by race, color, creed, religion, national origin, sex, and marital status, status with regard to public assistance, disability, sexual orientation or age.

#### **PRINCIPAL FOUR**

Peace officers shall not, whether on or off duty, exhibit any conduct which discredits themselves or their department or otherwise impairs their ability or that of other officers or the department to provide law enforcement services to the community.

##### **Rationale**

A peace officer's ability to perform his/ her duties is dependent upon the respect and confidence communities have for the officer and law enforcement officers in general. Peace officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public.

##### **Rules**

1. Peace officers shall not consume alcoholic beverages or chemical substances, while on duty except as permitted in the performance of official duties, and under no circumstances while in uniform, except as provided for in 4.3
2. Peace officers shall not consume alcoholic beverages to the extent the officer would be rendered unfit for the officer's next scheduled shift. A peace officer shall not report for work with the odor of an alcoholic beverage on the officer's breath.
3. Peace officers shall not use narcotics, hallucinogens, or other controlled substances except when legally prescribed. When medications are prescribed, the officer shall inquire of the prescribing physician whether the medication will impair the officer in the performance of the officer's duties. The officer shall immediately notify the officer's supervisor if a prescribed medication is likely to impair the officer's performance during the officer's next scheduled shift.
4. Peace officers, while on duty, shall not commit any act which, as defined under Montana law, constitutes harassment. Definitions of harassment include:

*Sexual Harassment:* According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; gestures; suggestive objects of pictures or other physical, verbal or visual conduct of a sexual nature.

*Other Harassment:* Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age or disability

5. Peace officers, while off duty, shall not engage in any conduct which the officer knows, or reasonably should know, constitutes an unwelcome sexual advance or request for sexual favor, or unwelcome sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
6. Peace officers shall not commit any acts, which, as defined under Montana law, constitute sexual assault or indecent exposure. Sexual assault does not include a frisk or other search done in accordance with proper police procedures.
7. Peace officers shall not commit any acts which, as defined under Montana law, constitute (1) domestic abuse, or (2) the violation of a court restraining the officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the peace officer from the petitioner's home or workplace.
8. Peace officers shall not, in the course of performing their duties, engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, showering or receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person, except as pursuant to a written policy of the department.
9. Peace officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine the public's trust and confidence in the officer or department. This rule does not prohibit those associations that are necessary to the performance of official duties, or where such associations are unavoidable because of the officer's personal or family relationships.

#### ***PRINCIPAL FIVE***

Peace officers shall treat all members of the public courteously and with respect.

##### **Rationale**

Peace officers are the most visible form of local government. Therefore, peace Officers must make a positive impression when interacting with the public and each other.

##### **Rules**

1. Peace officers shall exercise reasonable courtesy in their dealings with the public fellow officers, superiors and subordinates.
2. No peace officer shall ridicule, mock, deride, taunt, belittle, willfully embarrass, humiliate, or shame any person to do anything reasonably calculated to incite a person to violence.
3. Peace officers shall promptly advise any inquiring citizen of the department's complaint procedure and shall follow the established departmental policy for processing complaints.

#### ***PRINCIPAL SIX***

Peace officers shall not compromise their integrity, nor that of their department or profession by accepting, giving or soliciting any gratuity which could be reasonably interpreted as capable of influencing their official acts or judgments, or by using their status as a peace officer for personal, commercial, or political gain.

#### **Rationale**

For a community to have faith in its peace officers, officers must avoid conduct that does or could cast doubt upon the impartiality of the individual officer or the department.

#### **Rules**

1. Peace Officers shall not use their official position, identification cards or badges: (1) for personal or financial gain, for themselves or another person; (2) for obtaining privileges not otherwise available to them except in the performance of duty; and (3) for avoiding consequences of unlawful or prohibited actions.
2. Peace officers shall not lend to another person their identification cards or badges or permit these items to be photographed or reproduced without approval of the chief law enforcement officer.
3. Peace officers shall refuse favors or gratuities which could be reasonably interpreted as capable of influencing official acts or judgments.
4. Unless required for the performance of official duties, peace officers shall not, while on duty, be present at establishments that have the primary purpose of providing sexually-oriented adult entertainment.

This rule does not prohibit officers from conducting walk-through of such establishments as part of regular assigned duties.

5. Peace officers shall:
  - (a) Not authorize the use of their names, photographs or titles in a manner that identifies the officer as an employee of this Department in connection with advertisements for any product, commodity or commercial enterprise
  - (b) Maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity;
  - (c) Not make endorsements of political candidates, while on duty, or while wearing the department's official uniform.



This section does not prohibit officers from expressing their views on existing, proposed or pending Criminal justice legislation in their official capacity.

None of these rules shall prevent officers from engaging in the free expression of political speech in their capacities as private citizens, or the rights of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

#### ***PRINCIPAL SEVEN***

Peace officers shall not compromise their integrity, nor that of their department or profession, by taking or attempting to influence actions when a conflict of interest exists.

##### **Rationale**

For the public to maintain its faith in the integrity and impartiality of peace officers and their departments, officers must avoid taking or influencing official actions where the officer's actions would or could conflict with the officer's appropriate responsibilities.

1. Peace officers shall, unless required by law or policy, refrain from becoming involved in official matters, or influencing actions of other peace officers in official matters, impacting the officer's immediate family, relatives, or persons with whom the officer has or has had a significant personal relationship.
2. Peace officers shall, unless required by law or policy, refrain from acting or influencing official actions of other peace officers in official matters impacting persons with whom the officer has or has had a business or employment relationship.
3. Peace officers shall not use the authority of their position as peace officers or information available to them due to their status as peace officers, for any purpose of personal gain including but not limited to initiating or furthering personal and/or intimate actions of any kind with persons with whom the officer has had contact while on duty.
4. Peace officers shall not engage in any off-duty employment if the position compromises or would reasonably tend to compromise the officer's ability to impartially perform the officer's official duties.

#### ***PRINCIPAL EIGHT***

Peace officers shall observe the confidentiality of information available to them due to their status as peace officers.

##### **Rationale**

Peace officers are entrusted with vast amounts of private and personal information, or access thereto. Peace officers must maintain the confidentiality of such information to protect the privacy of the subjects of that information, and to maintain public faith in the officers and the department's commitment to preserving such confidences.

##### **Rules**

1. Peace officers shall not knowingly violate any legal restriction for the release or dissemination of information.

2. Peace officers shall not, except in the course of official duties or as required by law, publicly disclose information likely to endanger or embarrass victims, witnesses or complainants.
3. Peace officers shall not divulge the identity of persons giving confidential information except as required by law or department policy.

### ***LAW ENFORCEMENT CODE OF ETHICS***

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it, as public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... law enforcement.

### ***CONTACTING DEPARTMENT PERSONNEL***

It is quite common for the public to call the Police Department requesting personal data about an officer such as a phone number, address, etc. Tell the caller that an attempt will be made to contact the officer, and the caller's name and phone number will be given to the officer. In those cases of emergencies or where the supervisor feels the necessity of supplying the information, this will be done by the supervisor. If the officer's phone number is published in the telephone directory, that information may be given to the person requesting it. No cell number will be given out over the radio.





## ***COURT APPEARANCE***

Officers may appear in court wearing either proper summer or winter uniform according to season. Winter uniforms will be worn with tie or dickey. No gloves, sunglasses or additional items will be added to the uniform. Officers may wear dress clothing if desired or if requested by the prosecutor.

### ***Conduct in Court***

The appearance and demeanor of a member of the force are constantly being observed by the court and jury both while on the witness stand, while in the courtroom and in the halls before and after testifying. Their appearance, conduct and attitude should be such as to add to the dignity and seriousness of the court.

A member of the force shall give all the facts, including the names and addresses of all known witnesses, to the City/County attorney assigned to the case.

A member of the force appearing as a complainant or witness is subject to the direction of the court. Immediately upon being sworn, they shall answer all questions truthfully and to the best of their ability. In testifying, they shall furnish the court with all the evidence in their possession.

A member of the force giving testimony in court:

- a. Should understand the question before answering; if in doubt, they shall request to have the question repeated or clarified.
- b. Shall answer the question truthfully and completely without volunteering additional information; if they cannot answer the question, they shall state so.
- c. Shall be impartial, calm, and speak in a clear distinct tone.

Members of the force under subpoena or direction to attend court shall report at the time specified and remain in the court until their case is disposed of or until competent authority advises them that their presence is no longer necessary.

### ***Unexcused Absence***

Occasionally, one or more officers subpoenaed to testify in a case disregard a subpoena and do not appear in court. Frequently this occurs as the result of a conference among them to decide who is and who is not to appear, or when one of the officers excuses themselves as a witness because they believe they have no knowledge relevant to the case to be tried. These Unexcused absences not only embarrass the department, but inconvenience the other witnesses and the prosecutor and may cause a case to be dismissed. If the officer wishes to be excused from appearing, they must obtain permission from the prosecutor's office. Unless they have been lawfully excused, the officer who fails to respond to a subpoena is liable to a charge of contempt of court, and to disciplinary action by the department.

## CRIMINAL JUSTICE INFORMATION AND DISSEMINATION

### *PURPOSE*

The purpose is to provide guidelines to ensure the accuracy of criminal justice information and individual privacy in confidential and non-confidential criminal justice information collection, storage, and dissemination.

### *POLICY*

This Agency will maintain, release, and control criminal justice information in as prescribed by Montana Code Annotated.

### *DEFINITIONS*

1. **“Confidential Criminal Justice Information” means:**
  - a. criminal investigative information;
  - b. criminal intelligence information;
  - c. fingerprints and photographs;
  - d. criminal justice information or records made confidential by law; and
  - e. any other criminal justice information not clearly defined as public criminal justice information, all as prescribe en 44-5-103, MCA.
2. **“Public Criminal Justice Information” means:**
  - a. made public by law;
  - b. court records and proceedings;
  - c. convictions, deferred sentences, and deferred prosecutions;
  - d. post-conviction proceedings and status;
  - e. originated by a criminal justice agency, including:  
Initial offense reports, initial arrest, information considered necessary by a criminal justice agency to secure public assistance in the apprehension of a suspect; or statistical information.
3. **“Initial Offense Reports” means the first record of a criminal justice agency that indicates that a criminal offense may have been committed and includes the initial facts associated with that offense. Initial offense reports should contain the following:**
  - a. the general nature of the charges against the accused;
  - b. the offense location;
  - c. the name, age, and residence of the accused;
  - d. the name of the victim, unless the offense was a sex crime;
  - e. the identity of a witness unless the witness identity is otherwise protected by law;

Initial offense reports should not contain:

  - a. driver’s license numbers;
  - b. social security numbers;
  - c. medical records, including but not limited to, mental health records and records relating to drug and alcohol addiction or treatment; and

any information directly or indirectly identifying the victim of the following offenses:

Sexual Assault, 45-5-502, MCA;  
Sexual Intercourse without Consent, 45-5-503,  
MCA;  
Indecent Exposure, 45-5-504, MCA;  
Incest, 45-5-507, MCA,

unless disclosure is of the location of the crime scene, is required by law, is necessary for law enforcement purposes, or is authorized by a district court upon a showing of good cause.

With respect to the victim of any offense who requests confidentiality, any information that may directly or indirectly disclose the address, telephone number, or place of employment of the victim or a member of the victim's family unless disclosure is of the crime scene, is required by law, or is authorized by a district court upon a showing of good cause.

4. **"Initial Arrest Records"** means the first record made by a criminal justice agency indicating the facts of a particular person's arrest and includes name of the accused, pending charges against the accused, and any available information regarding bail and court appearances, bail records; and daily jail occupancy rosters;

#### **INDIVIDUAL REQUEST TO INSPECT CRIMINAL HISTORY RECORDS**

1. Pursuant to "Inspection or Transfer of Criminal History Records", (44-5-214, MCA), the Agency may release an individual's criminal history information to that individual or their agent. Individuals requesting criminal justice information must be properly identified. If an individual's criminal history record information is maintained in the state repository, copies of the records shall be transferred to the local agency.
2. An individual may contest the accuracy or completeness, or both, of the information about themselves.

#### **DISSEMINATION OF CONFIDENTIAL CRIMINAL JUSTICE INFORMATION**

1. Pursuant to, "Dissemination of Confidential Criminal Justice Information", (44-5-303, MCA), is restricted to the following:
  - a. Criminal justice agencies;
  - b. to those authorized by law to receive it;
  - c. to those authorized to receive it by a district court upon a written finding that the demands of individual privacy do not clearly exceed the merits of public disclosure.
2. If the prosecutor determines that dissemination of confidential criminal justice information would not jeopardize a pending investigation or other criminal proceeding, the information may be disseminated to a victim of the offense by the prosecutor or by the investigating law enforcement agency after consultation with the prosecutor.
3. Unless otherwise ordered by a court, a person or criminal justice agency that accepts confidential criminal justice information assumes equal responsibility for the security of the information with the originating agency. Whenever confidential criminal justice information is disseminated, it must be designated as confidential.
4. The County Attorney or the County Attorney's designee is authorized to receive confidential criminal justice information for the purpose of cooperating with local fetal, infant, and child mortality review teams. The County Attorney or the County Attorney's designee may, in that person's discretion, disclose information determined to be necessary to the goals of the



review team. The review team and the County Attorney or the designee shall maintain the confidentiality of the information.

#### **DISSEMINATION OF CRIMINAL JUSTICE INFORMATION**

1. If an officer receives a request for Criminal Justice Information, other than set forth by policy, the request should be forwarded to the County Attorney. The officer should not attempt to determine if the request involves public or confidential criminal justice information. This determination should be left to the County Attorney. This will in no way be construed to be an attempt to restrict the public's right to know.



## **EXPOSURE CONTROL PLAN**

### **I. PURPOSE**

Federal Standard 29 CFR 1920.1030, titled "Bloodborne Pathogens" requires the Miles City Police Department to develop and carry out the provisions of a written Exposure Control Plan. This is the Exposure Control Plan. It shall become a part of the Miles City Police Department Policy and Procedures.

### **II. RESPONSIBILITIES**

Responsibilities for exposure control rests at all levels:

Director of Public Safety

The Chief of Police has the ultimate responsibility for infection control within the Miles City Police Department, and must, with other supervisors, provide continued support for infection control

Shift Supervisors

Shift Supervisors have overall responsibility for exposure control in their respective areas, including responsibility to:

Ensure that workers know and follow exposure control rules, that protective equipment is available and in working order, and that appropriate training has been provided.

Provide regular infection control and housekeeping inspections, including routine inspections of emergency equipment.

Know the current legal requirements concerning regulated substances.

Determine the required levels of protective apparel and equipment, and...

Ensure that facilities and training are adequate for safe handling and use of any infectious or other hazardous material workers may come in contact with during their operations.

Each individual has the basic responsibility to themselves and colleagues to plan and execute investigation operations in a safe manner, including:

Planning and conducting each operation in accordance with exposure control procedures.

Developing good personal hygiene habits and using personal protective apparel and equipment.

Following universal precautions to prevent contact with blood and other potentially infectious materials; and...

Working safely as a regular, continuing effort, not merely a standby or short-term activity.

Implementation

Provisions of this "Exposure Control Plan" shall be effective

### **III. DEFINITIONS**

Biohazard Bag means bags that are red, orange or red-orange in color, closable, leak-proof, meet the 165 gram drop dart test, and are marked with a 3" or larger biohazard symbol or 1" or larger letters as "INFECTIOUS WASTE".

Blood means human blood, human blood components and products made from human blood. Bloodborne Pathogens means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV)

Clinical Laboratory means a workplace where diagnostic or other screening procedures is performed on blood or other potentially infectious materials.

Contaminated means the presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

Contaminated Laundry means laundry which has been soiled with blood or other potentially infectious materials.

Decontamination means the use of physical or chemical means to remove, inactivate, or destroy Bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

Engineering Controls means controls (e.g. sharps disposal containers, self-sheathing needles) that isolate or remove the bloodborne pathogen hazard from the workplace.

Exposure Incidence means a specific eye, mouth, or other mucus membrane, non-intact skin or parental contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

Hand washing Facilities means a facility providing an adequate supply of running potable (i.e. fit to drink) water, soap and single use towels or hot air drying machines.

HBV means hepatitis B virus.

HIV means human immunodeficiency virus.

Licensed Healthcare Professional is a person whose legally permitted scope of practice allows them to independently perform the activities required by sections VII "Hepatitis B Vaccination and Post-exposure Evaluation and Follow-up".

Occupational Exposure means reasonably anticipated skin, eye, mucous membrane, or parental contact with blood or other potentially infectious materials that may result from performance of an employee's duties.

Other Potentially Infectious Materials means:

The following body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid,

amniotic fluid, saliva in dental procedures, and any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and

Any unfixed tissue or organ (other than intact skin) from a human (living or dead).

Parental means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

Personal Protective Equipment is specialized clothing or equipment worn by an employee for protection from a hazard. General work clothes (e.g. pants, shirts, or blouses) not intended to function, as protections against a hazard are not considered to be personal protective equipment.

Regulated Waste means liquid or semi-liquid blood or other potentially infectious materials; and contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dry blood or other potentially infectious materials are capable of releasing these materials during handling; sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

Sharps means any object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, and broken capillary tubes.

Source Individual means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, trauma victims, human remains, and individuals who donate or sell blood or blood components.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.



Universal Precautions is an approach to infection control. According to the concept of Universal Precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Work Practice Controls means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g. prohibiting recapping of needles by a two-handed technique).

#### IV. EXPOSURE DETERMINATION

Occupational exposure may occur during the following tasks and/or procedures that are performed by Police Department personnel.

- a. Investigating a crime scene or incident in which exposure may occur.
- b. Making a lawful arrest and search; taking into custody persons who may expose the employee to risk.
- c. The collection of evidence and observations at autopsy.
- d. Engaging in the collection of all evidence through appropriate crime scene searches, surveillance, photography, interviews and other approved methods.
- e. Processing, packaging and securing evidence.
- f. Conducting interviews and/or obtaining information from persons who may expose the employee to risk.
- g. Responding to accidents and medical calls where First Aid is administered.

#### V. METHODS OF COMPLIANCE

##### A. General

Universal precautions shall be observed to prevent contact with blood or other potentially Infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

##### B. Work Practice Controls

1. Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protection equipment shall also be used.

Employers shall provide hand washing facilities which are readily accessible to employees. The employer will also provide an antiseptic hand cleanser in the patrol units. When antiseptic hand cleansers are used, hands shall be washed with soap and running water as soon as feasible.

2. Employers shall ensure that employees:

Wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

C. Wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact with blood or other potentially infectious materials.

All sharps, except reusable sharps, or those retained as evidence, will be discarded immediately or as soon as feasible in the containers provided that are:

- a. closable
- b. puncture resistant
- c. leakproof on sides and bottom
- d. labeled as required by section "VIII-A".

D. When moving containers for sharps from the area of use, the containers must be:

- closed prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport or shipping.

- Placed in a secondary container if spillage is possible. The second container must be closable, constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping and labeled according to section "VIII-A".
- Reusable containers must not be opened, emptied or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

E. Eating, drinking, smoking, applying cosmetics or lip balm and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

Food and drink shall not be kept in refrigerators, freezers, shelves, and cabinets or on countertops or benchtops where blood or other potentially infectious materials are present.

All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and the generation of droplets of these substances.

F. Equipment which may become contaminated with blood or other potentially infectious materials shall be cleaned and decontaminated before reuse, or sent out to be laundered or destroyed in appropriate manner.

- A readily observable label in accordance with section "VIII-A" shall be attached to the equipment stating which portions remain contaminated.
- Supervisors will convey this information to all affected employees, the servicing representative, and/or the manufacturer, as appropriate; prior to handling, servicing or shipping so that appropriate precautions will be taken. Personal Protective Equipment

G. General: When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, face shields or masks and eye protection and mouthpieces, resuscitation equipment, pocket masks, or other ventilation devices.

Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

Universal Precautions will be observed by all employees to prevent contact with blood or other potentially infectious materials.

Employees will wear gloves as a minimum when handling items containing blood or other potentially infectious material. Supervisors may determine additional precautions to be observed.

Masks and gowns/aprons will be kept at the LEC and in each squad, available for use.

Use The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

Documentation must verify that the employee, temporary and briefly, declined to use personal protective equipment under extraordinary circumstances. Also, that in the specific instance it was the employee's professional judgment that the use of the personal protective equipment:

Would have prevented the delivery of public safety services, or would have posed an increased hazard to the safety of the worker or co-worker.



1. When the employee makes this judgment, the circumstances will be investigated and documented in order to prevent such occurrences in the future. The employee and supervisor will complete a "Documentation of Non-use of Personal Protective Equipment" Form (Appendix A) and submit it to the Safety and Training coordinator as soon as feasible.
2. Accessibility The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Special equipment (e.g. hypoallergenic gloves, shall be readily accessible to those employees who cannot use the equipment normally provided.
3. Cleaning, Laundering and Disposal Blankets and clothing will be laundered at a commercial laundry facility within the City of Miles City. Other reusable equipment will be cleaned and decontaminated at the LEC.

Repair and replacement the employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

4. Removal All personal protective equipment shall be removed prior to leaving the work area and be placed in an appropriately designated area or container for storage, washing, decontamination or disposal. If a garment is penetrated by blood or other potentially infectious materials, the garment shall be removed immediately or as soon as feasible, dried and placed into a "Biohazard" bag as set forth in V.E. 1.d.
5. Gloves Gloves must be worn when it can be reasonably anticipated that the employee may have had contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin when handling or touching contaminated items or surfaces.
  - a. Cover all cuts, wounds and abrasions prior to putting on the gloves.
  - b. Disposable (single use) gloves, such as surgical or examination gloves, must be replaced as soon as practical when contaminated or, as soon as feasible, if they are torn, punctured, or when their ability to function as a barrier is compromised.
  - c. Disposable (single use) gloves will not be washed or decontaminated for re-use.
  - d. Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

#### 6. Masks, Eye Protection, and Face Shields

Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields must be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

#### 7. Gowns, Aprons and other Protective Body Clothing

Appropriate protective clothing such as, but not limited to gowns, aprons, or similar outer garments may be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated. Generally, these will be implemented at crime scenes, involving serious injury or death, where gross contamination is anticipated.

#### D. Housekeeping

General Management shall ensure that the worksite is maintained in a clean and sanitary condition. All equipment and environmental and working surfaces shall be properly cleaned and decontaminated after contact with blood or other potentially infectious materials.

#### E. Laundry

1. Contaminated laundry shall be handled as little as possible with a minimum of agitation.
  - a. Contaminated laundry shall be bagged or containerized at the location where it was used.



b. Contaminated laundry shall be placed and transported in bags or containers labeled in accordance with section III-A”.

c. Whenever contaminated laundry is wet and presents a reasonable likelihood of soaking through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers that prevent soak-through and/or leakage of fluids to the exterior.

d. All contaminated laundry will be delivered to a laundry for decontamination.

The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment

#### VI. Hepatitis B Vaccination and Post Exposure Evaluation and Follow-up

A. General The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

3. The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up including prophylaxis are:

Made available at no cost to the employee.

Made available to the employee at a reasonable time and place

Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional.

Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place.

C. The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

#### D. Hepatitis B Vaccination

1. The Hepatitis B vaccination shall be made available after the employee has received the training required by section “VIII-B” and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune or the vaccine is contraindicated for medical reasons.

2. The employer shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

3. If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

4. The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign a statement of declination.

5. If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available in accordance with this section.

#### Post-exposure Evaluation and Follow-up

Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

1. Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.

2. Identification and documentation of the source individual, unless the employer can establish that identification is not feasible or prohibited by state or local law.

- a. The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.
- b. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.
- c. Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
3. Collection and testing of blood for HBV and HIV serological status
  - a. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.
  - b. If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.
4. Post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.
5. Counseling
6. Evaluation of reported illnesses
- F. Information Provided to the Healthcare Professional

The employer shall ensure that the healthcare professional responsible for the employee's Hepatitis B vaccination is provided a copy of this regulation.

The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

- A. A copy of this regulation
- b A description of the exposed employee's duties as they relate to the exposure incident
- c. Documentation of the route(s) of exposure and circumstances under which exposure occurred.

Results of the source individual's blood testing, if available.

All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

G. Healthcare Professional's Written Opinion

1. The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.
  - a. The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee and if the employee has received such vaccination.
  - b. The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:
    - (1) That the employee has been informed of the results of the evaluation
    - (2) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.
  - c. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

H. Medical Record keeping Medical records required by this standard shall be maintained in accordance with Section "IX-A".

VII. Communications of Hazards to Employees

A. Labels and Signs

1. Warning labels shall be affixed to containers of regulated waste, refrigerators, and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided for in items f and g of this section.
2. Labels required by this section shall include the following legend:
3. These labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.
4. Labels shall be affixed as close as feasible to the container by string, wire, adhesive or other method that prevents their loss or unintentional removal.
5. Infectious waste bags and containers must be marked with either a three inch or larger "biohazard symbol" or letters one inch or larger as "INFECTIOUS WASTE".
6. Containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.
7. Red bags or containers may be substituted for labels, except on those containing infectious waste.
8. Labels for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated.
9. Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirement of this paragraph.
10. Regulated waste that has been decontaminated need not be labeled.

**Information and Training**

1. Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.
2. Training shall be provided as follows:

At the time of initial assignment to tasks where occupation exposure may take place.

  - b. Within 90 days after the effective date of the standard
  - c. At least annually thereafter.
3. For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.
4. Annual training for all employees shall be provided within one year of their previous training.
5. Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.
6. Material appropriate in context and vocabulary to educational level, literacy, and language of employees shall be used.
7. The training program shall contain at a minimum the following elements:
  - a. An accessible copy of the regulatory text of this standard and an explanation of its contents.



- b. A general explanation of the epidemiology and symptoms of bloodborne diseases.
- c. An explanation of the modes of transmission of bloodborne pathogens.
- d. An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan.
- e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
- f. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices and personal protective equipment.
- g. Information on the types, proper uses location removal, handling, decontamination and disposal of personal protective equipment.
- h. An explanation of the basis for selection of personal protective equipment.
- i. Information on the hepatitis B vaccine, including information on its effectiveness, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.
- j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
- k. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
- l. Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident.
- m. An explanation of the labels and signs and/or color coding required by section "VIII-A".
- n. An opportunity for interactive questions and answers with the person conducting the training session.

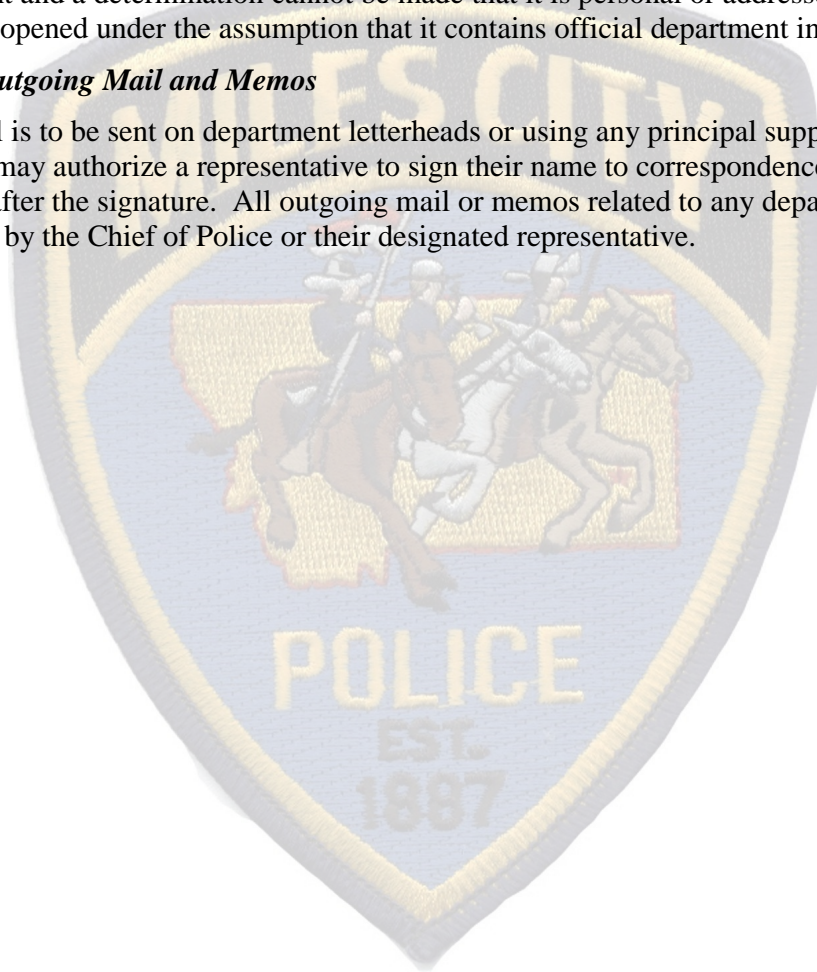
## ***EXTERNAL MAIL PROCEDURES***

### ***DEPARTMENT MAIL***

The Chief of Police or their designated representative will open all incoming mail to the department. Mail marked "personal" and or directed to the addressee will be forwarded to the addressee unopened. Personal mail should be sent to the home of the recipient. All personnel shall use their home address for the return of their personal mail. In the event that a personal letter arrives at the police department and a determination cannot be made that it is personal or addressed to an officer, the letter will be opened under the assumption that it contains official department information.

### ***Signatures on Outgoing Mail and Memos***

No personal mail is to be sent on department letterheads or using any principal supplies. In some cases, the Chief may authorize a representative to sign their name to correspondence with the signer's initials after the signature. All outgoing mail or memos related to any department business will be reviewed by the Chief of Police or their designated representative.



## **Eyewitness Identification Policy**

### **PHOTOGRAPHIC LINEUPS/ SHOW**

#### ***PURPOSE***

The purpose of this policy is to establish procedures for eyewitness identification of suspects in photographic lineups and show ups.

#### ***POLICY***

Eyewitness identifications are a significant component in some criminal investigations. Photographic lineups and show-ups must be carefully administered to minimize the likelihood of misidentifications. Officers must strictly adhere to the procedures set forth below in order to maximize the reliability of identifications, protect innocent persons, and to establish evidence that is reliable and conforms to established legal requirements.

Properly prepared and properly presented photographic lineups are the preferred method of obtaining identification over a show-up. Sequential and simultaneous presentation of photographs both are accepted methods of photographic lineups. Sequential photographic lineups shall be used instead of a simultaneous photographic lineup when the investigating officer conducts the procedure instead of an Independent Administrator. Some departments also prefer sequential lineup, because many studies have found they help to reduce misidentification by eyewitnesses. Sequential photographic lineups may also be conducted by an Independent Administrator.

#### ***DEFINITIONS***

**Simultaneous Photographic Lineup:** An identification procedure in which a group of photographs are displayed all at once to the victim or witness rather than one-at a time (sequential).

**Sequential Photographic Lineup:** An identification procedure in which photographs in the photo group are displayed one-at-a-time to the victim or witness.

**Independent Administrator:** A person administering the photo lineup, who has no knowledge of the suspect's identity.

**Functional Equivalent Procedures (FEP):** Procedures utilized when an Independent Administrator is not utilized, permitting the investigator to conduct a sequential photo lineup in a manner that precludes him or her from knowing when the suspect is presented to the witness.

**Filler Photos:** Photographs of persons other than the suspect, used to complete a photo lineup.



Blank photo: A sheet of paper the same size as the photos utilized in the photo lineup that is blank, with no photo showing. (Blank photos are utilized in sequential photo lineups.)

Photo Array: The group of photographs utilized in a photo lineup. A photo array may be presented to the witness simultaneously or sequentially.

Showup: An identification procedure in which a single suspect is shown to a victim or witness soon after the commission of a crime for the purpose of identifying or eliminating the suspect as the perpetrator.

### ***PHOTO LINEUPS***

A Simultaneous Photo Lineup will consist of six individual photographs in a photo array that is shown to the witness at once or simultaneous.

If a simultaneous photo lineup is used, it should be conducted by another officer, investigator, or employee (Independent Administrator), who is not directly involved in the investigation, and is not aware of which photograph is the suspect.

By utilizing this practice the Independent Administrator would not be aware of which member of the photo lineup is the suspect, and would eliminate the possibility of influencing the witness' election.

If it is not feasible to have an Independent Administrator, the officer shall use the sequential photographic line up method with Functional Equivalent Procedure (FEP). The sequential photo lineup is a good alternative to the simultaneous lineup and can be conducted by either the investigating officer or an Independent Administrator.

A Sequential Photo Lineup will consist of ten folders identical in appearance, size and color. Six folders will contain one photograph each of either the suspect photo or the five filler photos. Four folders will be empty. Each folder will be shown to the witness one at a time or sequentially.

### ***COMPOSING THE LINEUP***

The following procedures will result in the composition of a photo lineup in which a suspect does not unduly stand out. An identification obtained through a lineup composed in this manner should minimize any risk of misidentification and have stronger evidentiary value than one obtained without these procedures.

In composing either a simultaneous or sequential photo lineup, the investigator should:

- a. Include only one suspect in each identification procedure;

- b. Select fillers (non-suspects) who generally fit the witness' description of the perpetrator. When there is limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features;
- c. Select a photo that resembles the suspect's description or appearance at the time of the incident if multiple photos of the subject are available to the investigator;
- d. Include a minimum of five fillers (non-suspects) for both the simultaneous photo lineup and sequential photo lineup;
- e. Use photos that are the same size, comparable background, and profile. Do not mix color and black/white photos;
- f. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by concealing that feature;
- g. A filler photo will be used as the lead photo position in either simultaneous photo lineup and the sequential lineup;
- h. Place suspects in different positions in each lineup when conducting more than one lineup due to multiple witnesses in the same case. Position the suspect randomly in the lineup;
- i. When showing a new suspect, avoid reusing fillers in lineups showed to the same witness;
- j. Never use an officer or employee photograph for the sole purpose of providing a filler photograph;
- k. Ensure that no writings or information concerning previous arrest(s) will be visible to witness;
- l. View the array, once completed to ensure that the suspect does not unduly stand out;
- m. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition.

The following additional procedures should be used when composing a Sequential Photo Lineup:

- a. Select ten folders identical in appearance size and color. Obtain one suspect photo and five filler photographs that closely match the description of the perpetrator. The remaining four folders will not contain any photos and will serve as 'dummy folders.'

- b. Place one each of the five filler photos and the one suspect photo in their own folder (total six folders.)
- c. Make one of the filler photos your lead position folder;
- d. Take the remaining five folders (containing four filler photos and the suspect photo) and shuffle them, so the position of the suspect photo is not known to the person administrating the lineup. (Functional Equivalent Procedure);
- e. Place the lead position folder with known filler on top of the shuffled group of five folders;
- f. Each of your four remaining folders will remain empty or you can place a blank piece of paper in the folder. Place the empty folders underneath the shuffled folders. This is done so the witness does not anticipate viewing the last photo in the sequence.
- g. The folders should not be numbered until after the sequence has been presented to the witness.

#### ***INSTRUCTIONS TO THE WITNESS PRIOR TO VIEWING A LINEUP***

Prior to presenting the lineup, the investigator shall provide the following instructions to ensure the witness understands the purpose of the identification procedure is to exculpate the innocent as well as identify the actual perpetrator:

- a. Instruct the witness that he/she will be asked to view a set of photographs;
- b. Instruct the witness that it is just as important to clear the innocent persons from suspicion as to identify guilty parties;
- c. Instruct the witness that individuals present in the lineup may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change;
- d. Instruct the witness that the person who committed the crime may or may not be present in the set of photographs being presented, and therefore, they should not feel compelled to make an identification;
- e. Assure the witness that regardless of whether an identification is made; the police will continue to investigate the incident;
- f. Instruct the witness that the procedure requires the investigator to ask the witness, to state in his/her own words, how certain he/she is of any identification.

#### ***CONDUCTING THE PHOTO LINEUP***



The investigator shall conduct the lineup in a manner conducive to obtaining accurate identification and non-identification decisions.

Simultaneous Photo Lineup: When conducting a simultaneous photo lineup the Independent Administrator should:

- a. Provide instructions to the witness as outline in section "Instructions to the Witness Prior to Viewing a Lineup".
- b. Confirm the witness understands the nature of the lineup procedure;
- c. Instruct the witness that they do not know whether the person being investigated is included in the photo lineup that is to be viewed.
- d. Instruct the witness that photos shown to them are simultaneous and not in any particular order. They should take as much time as needed to examine them;
- e. Avoid any verbal or nonverbal feedback to the witness that may influence the witness' selection;
- f. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty.
- g. Record any identification results and witness' statement of certainty as outlined in "Documenting the Lineup."
- h. Instruct the witness not to discuss the identification procedure or its results with other witness involved in the case, and discourage contact with the media.

Sequential Photo Lineup: When presenting the sequential photo lineup, the investigator or independent administrator should:

- a. Provide instructions to the witness as outline in section 25.5.0 "Instructions to the Witness Prior to Viewing a Lineup".
- b. Position themselves away from the witness, so they cannot see the inside of the folders as they are being viewed by the witness.
- c. Provide the following additional viewing instructions to the witness:
  - Individual photographs will be viewed one at a time;
  - The photos are not in any particular order;
  - Take as much time as needed to examine each photo;

- There are some blank photos in the series. This is part of the normal process;
  - If you make an identification, I will continue to show you the remaining photos in the series
  - If you do identify someone, I will have you designate the photo of the person you identified;
  - If an Independent Administrator, instruct the witness that they do not know whether the person being investigated is included in the photo lineup that is to be viewed.
  - If an Investigator, instruct the witness that they do not know the order of the photos.
- d. Confirm the witness understands the nature of the lineup procedure;
- e. Avoid any verbal or nonverbal feedback to the witness that may influence the witness' selection;
- f. If an identification is made, avoid reporting to the witness any information regarding the individual he/she has selected prior to obtaining the witness' statement of certainty;
- g. Only if the witness makes the request, the entire photo lineup may be repeated once but must be in the same sequence as originally presented. The entire sequence will be presented even if the witness only requests to see one or a few photos;
- h. Record any identification results and witness' statement of certainty as outlined in 25.7.0 "Documenting the Lineup";
- i. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case, and discourage contact with the media.

### ***DOCUMENTING THE LINEUP***

The investigator shall document in writing the lineup procedure used including:

- a. Identification information and sources of all photos used;
- b. The date and time the lineup was conducted;
- c. Names of persons present at the photo lineup;

The investigator shall document in the witness's own words the level of certainty expressed by the witness and any comment made by the witness during the entire lineup process.

The investigator should note any non-verbal communications (e.g. crying upon viewing of a photo) of the witness;

All results of presentations of photo lineups shall be documented in a written report. The photo array used must be preserved regardless of whether identification was made.

Whenever practicable, the presentation of the photo lineup shall be recorded by audio or audio/ video recording.

### ***SHOWUPS***

Many courts have suppressed identification evidence based on the use of showups or field identifications because of the inherent suggestiveness of the practice. Therefore, the use of showups should be avoided whenever possible in preference of the photo lineup. However, a showup may be used when the following circumstances exist:

- a. The suspect is detained within a reasonably short time frame following the offense and in close proximity to where the offense occurred. Although this is dependent on the individual circumstances of each case, courts have generally held that two hours is a reasonable amount of time to conduct the showup.
- b. The victim or witness had an opportunity to view the suspect during the crime.
- c. A photographic lineup cannot be promptly arranged.
- d. There is an immediate need to arrest the suspect and there is insufficient independent probable cause.

When the above circumstances require the prompt display of a single suspect to the witness, challenges to the inherent suggestiveness of the encounter can be minimized through the use of the following procedures:

- a. Whenever practicable, the showup will be recorded by audio and/or video recording.
- b. A complete description of the suspect should be obtained from the witness prior to conducting the showup.
- c. Whenever possible, the witness should be transported to the location of the suspect rather than bringing the suspect to the witness.

Officers should take the following steps to avoid any suggestiveness of the showup:

- a. Ensure the suspect is removed from any patrol car, prior to being seen by the victim or witness.



- b. If safe to do so, remove handcuffs from the suspect.
- c. Do not require the suspect to put on any discarded clothing worn during the commission of the crime.
- d. Do not require the suspect to make any statements made in the commission of the crime.
- e. Do not require the suspect to perform any actions or movements done in the commission of the crime.

Before having the witness view the suspect, they should be advised that:

- a. It is just as important to clear innocent persons from suspicion as to identify guilty parties.
- b. The person you're viewing may not be the offender.
- c. You do not have to identify anyone.
- d. Regardless of whether you identify the offender we will continue to investigate the incident.

If there are multiple suspects, they should be separated and subjected to separate field identifications.

If there are multiple witnesses to the offense, only one should participate in the field identification process. If a positive ID is made, the other witnesses should be shown a photo lineup.

Officers must avoid making any actions or comments that could possibly influence victims or witnesses as they view the suspect.

### ***Documenting the Showup***

25.9.1 When conducting a showup, the officer should preserve the outcome of the procedure by:

- a. Documenting the time and location of the procedure;
- b. Record any identification or non-identification obtained from the witness.
- c. Record in the witness' own words their certainty if a positive identification is made.

## ***FINGER PRINTING***

### ***PURPOSE***

The purpose is to provide guidelines for, collect, process, and preserve photographs and fingerprints for criminal records and identification

### ***POLICY***

The Miles City Police Department relies on the Custer County Detention Center to fingerprint all offenders that will be placed in jail or has committed a Criminal offense. The Miles City Police Department will track all maintainable offenses with the MANS sheet system. If the offense is not maintained by the state ID bureau, (see attached maintainable offenses) for the criminal history purpose, the decision for any further fingerprints needed, is solely at the Custer County Detention Centers discretion for identification purposes

### Photographs And Fingerprints

**44-5-202. Photographs and fingerprints.** (1) The following agencies may, if authorized by subsections (2) through (5), collect, process, and preserve photographs and fingerprints:

(a) any criminal justice agency performing, under law, the functions of a police department or a sheriff's office, or both;

(b) the department of corrections; and

(c) the department of justice.

(2) The department of corrections may photograph and fingerprint anyone under the jurisdiction of the division of corrections or its successor.

(3) A criminal justice agency described in subsection (1)(a) shall photograph and fingerprint a person who has been arrested or noticed or summoned to appear to answer an information or indictment if:

(a) the charge is the commission of a felony or a misdemeanor except as provided in subsection (5);

(b) the identification of an accused is in issue; or

(c) it is required to do so by court order.

(4) Whenever a person charged with the commission of a felony or a misdemeanor is not arrested, the person shall appear before the sheriff, chief of police, or other concerned law enforcement officer for fingerprinting at the time of initial appearance in court to answer the information or indictment against the person. The individual being fingerprinted shall present the charging document, information, or citation at the time of fingerprinting, and the charging document, information, or citation must be returned to the individual after the fingerprints are taken.

(5) An individual arrested for a traffic, regulatory, or fish and game offense may not be photographed or fingerprinted unless the individual is incarcerated.

(6) Within 10 days, the originating agency shall send the state repository a copy of each fingerprint taken on a completed form provided by the state repository.

(7) The state repository shall compare the fingerprints received with those already on file in the state repository. If it is determined that the individual is wanted or is a fugitive from justice, the state repository shall at once inform the originating agency. If it is determined that the individual has a criminal record, the state repository shall send the originating agency a copy of the individual's complete criminal history record.

(8) If an individual is released without the filing of charges, if the charges did not result in a conviction, or if a conviction is later invalidated, the court having jurisdiction in the criminal action shall report the disposition to the state repository as required in **44-5-213(2)** within 14 business days. Photographs and fingerprints taken of the individual must be returned by the state repository to the originating agency, which shall return all copies to the individual from whom they were taken. A criminal justice agency may not maintain any copies of the individual's fingerprints or photographs related to that charge or invalidated conviction.





## ***FIRE SITUATION***

The closest officer will respond to all fire calls within the City to render any necessary aid.

When the police patrol car discovers or has knowledge of a fire, officer will immediately notify the dispatcher and apprise them of the situation. The dispatcher will then notify the fire department, relay the information, and the fire department will determine what equipment is needed.

If the need for the fire department is of a non-emergency nature, the patrol car will so inform the dispatcher, who will in turn notify the fire department of the situation by phone.

The police patrol car has no authority to cancel or slow down the fire department vehicles. If the police officer determines that the fire is out, e.g. grass, weeds, or any other fire of a minor nature, where no buildings, structures, or vehicles are in danger, officer may inform the dispatcher that the situation is under control and now of a non-emergency nature. The dispatcher will then notify the fire department. It is the responsibility of the fire department once notified to make a decision to continue on to the scene.

In the event that the police officer is first on the fire scene and he/she determines that more firefighting personnel and equipment in addition to what is on the way is needed, this information should be relayed to the dispatcher who will inform the fire department of the request for more equipment.

In the event police officer arrives on the fire scene ahead of the fire department, he/she will obviously remove any persons in danger and inquire if there is anyone in the structure.

As soon as the first fire apparatus arrives, the officer should inform the fire officers of the situation and provide any data which might be helpful to them in determining the cause of the fire, if possible. The officer, if it is determined that they are no longer needed for traffic control, or first aid, should assume their police function and leave the fire function to the fire department.

## ***FIREARMS, DISCHARGE OF & INVESTIGATION***

The Chief of Police or a Supervisor appointed by him/her will investigate all incidents in which an officer discharges a firearm, on or off duty, except the following:

1. The discharge of firearms on the department range and all other forms of target practice.
2. Sporting events, to include hunting and organized shooting matches.
3. The test firing of firearms.
4. Shooting animals when required.

Immediately following the discharge of a firearm, it will be the responsibility of the officer(s) involved to notify his/her immediate supervisor. The supervisor will respond to the scene. The dispatcher will also immediately notify the Chief of Police, if applicable.

- a. The scene will be protected as per a crime scene investigation and will be protected until cleared by the supervisor.
- b. The Officer involved will protect his/her weapon for examination by the Chief.
- c. When an officer is injured and has discharged his/her firearm, his/her immediate supervisor or other command officer who will make the firearm available for examination will secure the firearm.
- d. When more than one officer has discharged a firearm in an incident, a ballistics examination of all firearms discharged will be conducted.
5. Each time an officer discharges a firearm (except in those listed at the top of this page,) he/she will be required to submit a detailed report of the circumstances. The report will be submitted as soon as possible after the incident. The report will contain the following:
  - a. Name and badge number of officer who discharged the firearm(s).
  - b. Date and time of occurrence
  - c. Location of occurrence.
  - d. Type, caliber, and serial number of firearm(s) discharged.
  - e. Type and caliber of ammunition fired.
  - f. Number of shots fired and direction shots were fired.
  - g. Description of object fired at (if a person: name, race, sex, DOB, etc., if known)
  - h. Whether or not the officer or officers were moving, standing or barricading the direction of travel if in a vehicle.
  - i. Whether or not the officer or officers were moving in a vehicle, standing, running, barricaded, etc.
  - j. Results of the shot(s) fired (extent of wounds, other objects struck, etc.)
  - k. Names of supervisor, command officer, and investigator responding to the scene.

Other pertinent information concerning the incident written in a narrative form; to be included is the reasons for the use of firearm, etc.

Officers will complete a weapons discharge form



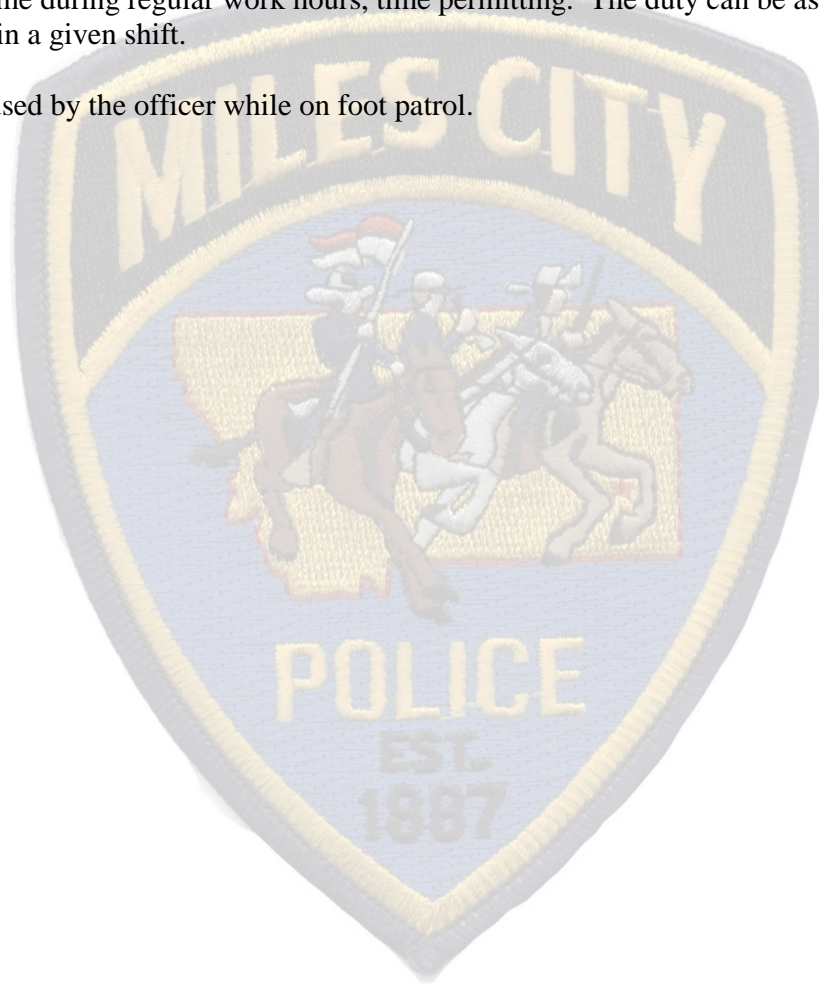


## ***FOOT PATROL***

An officer can increase public relations and be allowed to communicate more freely with businesses and citizens while on foot patrol.

It will be the responsibility of the supervisor on shift to assign an area to walk in the downtown area for a period of time during regular work hours, time permitting. The duty can be assigned to more than one officer in a given shift.

A radio will be used by the officer while on foot patrol.



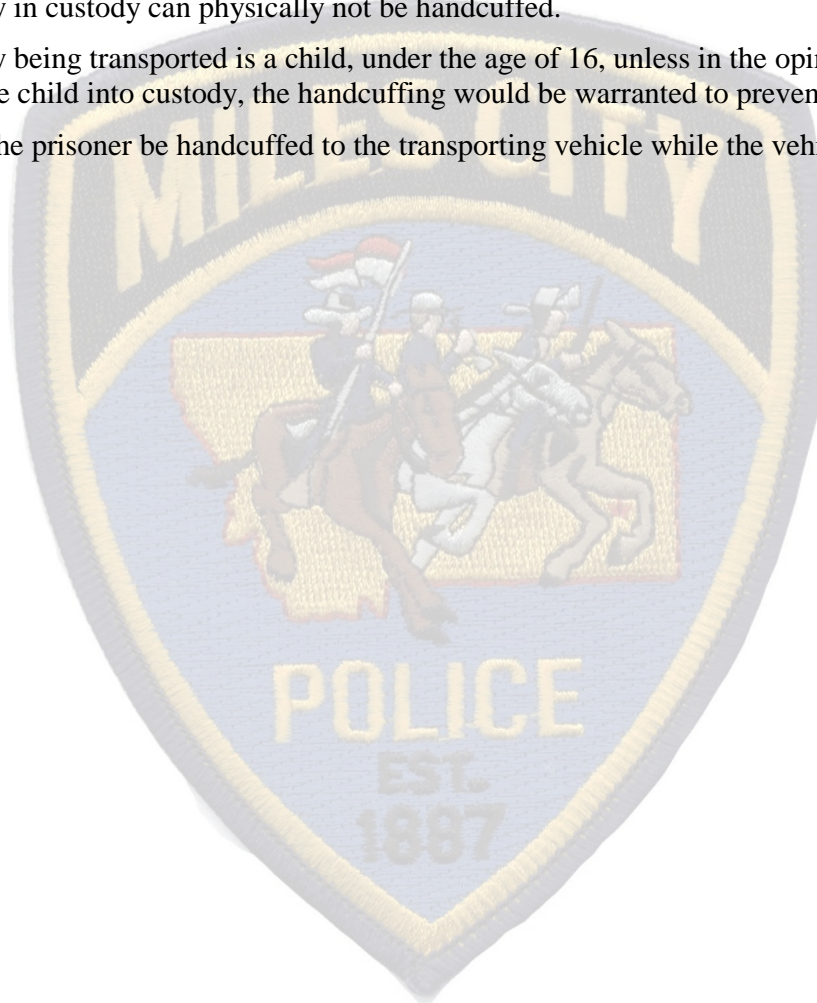
## HANDCUFFS

All prisoners who are placed in custodial arrest of a felony, misdemeanor, or probable cause arrest for either or any person who is forcibly taken into custody for any other reasons shall be handcuffed. The handcuffing will be behind the back of the prisoner.

Exceptions:

1. The party in custody can physically not be handcuffed.
2. The party being transported is a child, under the age of 16, unless in the opinion of the officer taking the child into custody, the handcuffing would be warranted to prevent escape.

At no time will the prisoner be handcuffed to the transporting vehicle while the vehicle is in motion.



## ***HOMICIDE BY OFFICERS IN THE PERFORMANCE OF POLICE DUTY***

1. When an officer of the Miles City Police Department on or off duty takes the life of a person, a thorough and objective investigation of the facts and circumstances will be initiated immediately and completed as soon as possible by the Chief of Police.
2. The officer responsible for the death of another shall be relieved of duty by his/her commanding officer, without loss of pay or benefits, pending the results of the investigation.
  - a. The officer shall be available at all times for official interviews and statements regarding the case, and shall be subject to recall to duty at any time. He/she will notify the Chief of Police prior to leaving the City.
  - b. The officer shall not discuss the case with anyone except the prosecuting attorney and department personnel. This does not prohibit the officer from discussing the case with his/her own attorney(s).
3. The policy outlined here is not intended to imply or indicate that the officer has acted improperly.
4. When a decision has been made by the prosecutor or the coroner's jury relative to the death, the Chief of Police will:
  - a. Non-justified: Suspend the officer without pay, if the prosecutor files criminal charges or the coroner's jury returns a "true bill" or
  - b. Reinstate the officer to active duty if the prosecutor determines the death justifiable or the grand jury returns a "no bill", except in those situations where pending department charges requires the officer to be under suspension.



## **IMPOUNDING VEHICLES**

All vehicles towed by the authority of the Miles City Police Department shall be held for Proof of Ownership, Current Registration and Proof of Insurance.

No vehicle that has been towed by the authority of this Department shall be released from the impound lot until all information stated above has been received in writing.

No vehicle shall be towed from the impound lot until all the information is received, unless new ownership papers are shown or the vehicle is immobilized.

It is this Department's policy to tow vehicles from a D.U.I. arrest, if the vehicle is creating a traffic hazard or traffic sight hazard.

Cars should be impounded by the Miles City Police Officers only under the following circumstances:

1. Where they are being impounded as items of evidence or for purposes of gathering evidence.
2. Where they should be impounded as items of evidence or for purposes of gathering evidence.
3. Where the driver of the car has been placed under arrest other than D.U.I, and there is no other suitable person present to take the car away with the driver's or owner's permission; and where one of the following factors applies:
  - a. The car is illegally parked
  - b. The car is parked in such fashion as to create a traffic hazard or traffic sight hazard.
  - c. The car cannot be secured or obviously expensive material not normally considered to be car accessories is within the car.
4. When the driver or the owner asks that the car been towed.
5. When the vehicle has been abandoned and one or more of the criteria in Number 3 exists.

An inventory search of all impounded vehicles shall be made and attached to the original ICR. In accordance with Department rules regarding inventory Search of Vehicles.

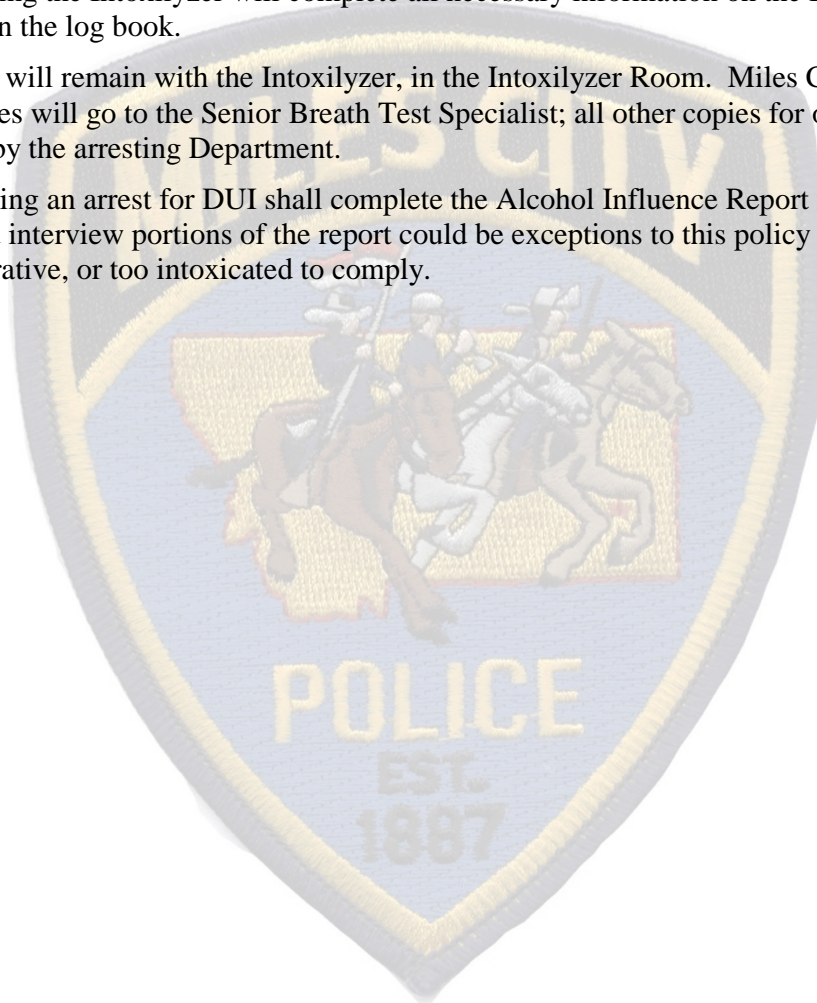
## **INTOXILYZER**

Only officers who that are currently certified as Intoxilyzer Operators will use or operate this instrument. All officers preparing to give a breath test must complete the Implied Consent Advisory Form before testing the subject. If subject refuses testing, the Implied Consent Law Certificate must be completed.

Each operator using the Intoxilyzer will complete all necessary information on the Intoxilyzer ticket, and make entry in the log book.

The yellow copy will remain with the Intoxilyzer, in the Intoxilyzer Room. Miles City Police Department copies will go to the Senior Breath Test Specialist; all other copies for other Departments will be retained by the arresting Department.

All Officers making an arrest for DUI shall complete the Alcohol Influence Report in its entirety. Performance and interview portions of the report could be exceptions to this policy if defendant is unruly, uncooperative, or too intoxicated to comply.



## ***JUVENILE ARREST AND CUSTODY GUIDELINES***

### ***PURPOSE***

The purpose is to provide guidance to officers in making arrests and taking juveniles (youths) into custody in a fashion that provides a reasonable level of safety and security for the officer(s), juvenile offenders and the public.

### ***SUPPORT SERVICES AND RESOURCES***

In addition to the following guidelines, officers involved in arrest and custody of juveniles should be aware they have access to the following resources:

1. The county attorney in cases involving offenses that would be felonies if committed by an adult;
2. The juvenile probation officer for lesser offenses;
3. The Department of Public Health and Human Services, (DPHHS) in cases involving dependent or neglected youth or a need for youth shelter services.

### ***POLICY***

Juvenile offenders will be dealt with as prescribed by the Montana Youth Court Act, except as provided herein. Officers dealing with juvenile offenders shall employ the least coercive alternatives consistent with preserving public safety, order, and individual liberty.

### ***COURTS OF JURISDICTION***

Juveniles cited for traffic, fish and game, alcoholic beverage, tobacco products, and gambling laws violations are subject to justice court, municipal court, or city court jurisdictions

All other violations must be cited into youth court, 41-5-203, Montana Code Annotated, (MCA).

Montana Youth Court has concurrent jurisdiction over offenses involving alcohol, tobacco, and gambling, however, these offenses should initially be cited to justice, city or municipal court.

Juveniles committing traffic offenses under Title 61, MCA, may not be incarcerated but they may;

- a. be fined not to exceed the fine that could be imposed on an adult for the same offense;
- b. have their license suspended or revoked; and
- c. the vehicle used in the offense may be impounded up to 60 days if the court finds the juvenile owns the vehicle or is its only user, 61-8-723, MCA.

### ***Definitions***

**41-5-103. Definitions.** As used in the Montana Youth Court Act, unless the context requires otherwise, the following definitions apply:

- (1) "Adult" means an individual who is 18 years of age or older.
- (2) "Agency" means any entity of state or local government authorized by law to be responsible for the care or rehabilitation of youth.



(3) "Assessment officer" means a person who is authorized by the court to provide initial intake and evaluation for a youth who appears to be in need of intervention or an alleged delinquent youth.

(4) "Commit" means to transfer legal custody of a youth to the department or to the youth court.

(5) "Correctional facility" means a public or private, physically secure residential facility under contract with the department and operated solely for the purpose of housing adjudicated delinquent youth.

(6) "Cost containment pool" means an account from which funds are allocated by the office of court administrator under **41-5-132** to a judicial district that exceeds its annual allocation for juvenile out-of-home placements, programs, and services or to the department for costs incurred under **41-5-1504**.

(7) "Cost containment review panel" means the panel established in **41-5-131**.

(8) "Court", when used without further qualification, means the youth court of the district court.

(9) "Criminally convicted youth" means a youth who has been convicted in a district court pursuant to **41-5-206**.

(10) (a) "Custodian" means a person, other than a parent or guardian, to whom legal custody of the youth has been given.

(b) The term does not include a person who has only physical custody.

(11) "Delinquent youth" means a youth who is adjudicated under formal proceedings under the Montana Youth Court Act as a youth:

(a) who has committed an offense that, if committed by an adult, would constitute a criminal offense; or

(b) who has been placed on probation as a delinquent youth and who has violated any condition of probation.

(12) "Department" means the department of corrections provided for in **2-15-2301**.

(13) (a) "Department records" means information or data, either in written or electronic form, maintained by the department pertaining to youth who are committed under **41-5-1513(1)(b)** or who are under parole supervision.

(b) Department records do not include information provided by the department to the department of public health and human services' management information system or information maintained by the youth court through the office of court administrator.

(14) "Detention" means the holding or temporary placement of a youth in the youth's home under home arrest or in a facility other than the youth's own home for:

(a) the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody and before final disposition of the youth's case;

(b) contempt of court or violation of a valid court order; or

(c) violation of a youth parole agreement.

(15) "Detention facility" means a physically restricting facility designed to prevent a youth from departing at will. The term includes a youth detention facility, short-term detention center, and regional detention facility.

(16) "Emergency placement" means placement of a youth in a youth care facility for less than 45 days to protect the youth when there is no alternative placement available.

(17) "Family" means the parents, guardians, legal custodians, and siblings or other youth with whom a youth ordinarily lives.

(18) "Final disposition" means the implementation of a court order for the disposition or placement of a youth as provided in **41-5-1422, 41-5-1503, 41-5-1504, 41-5-1512, 41-5-1513, and 41-5-1522** through **41-5-1525**.

(19) (a) "Formal youth court records" means information or data, either in written or electronic form, on file with the clerk of district court pertaining to a youth under the jurisdiction of the youth court and includes petitions, motions, other filed pleadings, court findings, verdicts, orders and decrees, and predispositional studies.

(b) The term does not include information provided by the youth court to the department of public health and human services' management information system.

(20) "Foster home" means a private residence licensed by the department of public health and human services for placement of a youth.

(21) "Guardian" means an adult:

(a) who is responsible for a youth and has the reciprocal rights, duties, and responsibilities with the youth; and

(b) whose status is created and defined by law.

(22) "Habitual truancy" means recorded unexcused absences of 9 or more days or 54 or more parts of a day, whichever is less, in 1 school year.

(23) (a) "Holdover" means a room, office, building, or other place approved by the board of crime control for the temporary detention and supervision of youth in a physically unrestricting setting for a period not to exceed 24 hours while the youth is awaiting a probable cause hearing, release, or transfer to an appropriate detention or shelter care facility.

(b) The term does not include a jail.

(24) (a) "Informal youth court records" means information or data, either in written or electronic form, maintained by youth court probation offices pertaining to a youth under the jurisdiction of the youth court and includes reports of preliminary inquiries, youth assessment materials, medical records, school records, and supervision records of probationers.

(b) The term does not include information provided by the youth court to the department of public health and human services' management information system.

(25) (a) "Jail" means a facility used for the confinement of adults accused or convicted of criminal offenses. The term includes a lockup or other facility used primarily for the temporary confinement of adults after arrest.

(b) The term does not include a colocated juvenile detention facility that complies with 28 CFR, part 31.

(26) "Judge", when used without further qualification, means the judge of the youth court.

(27) "Juvenile home arrest officer" means a court-appointed officer administering or supervising juveniles in a program for home arrest, as provided for in Title 46, chapter 18, part 10.

(28) "Law enforcement records" means information or data, either in written or electronic form, maintained by a law enforcement agency, as defined in **7-32-201**, pertaining to a youth covered by this chapter.

(29) (a) "Legal custody" means the legal status created by order of a court of competent jurisdiction that gives a person the right and duty to:

- (i) have physical custody of the youth;
- (ii) determine with whom the youth shall live and for what period;
- (iii) protect, train, and discipline the youth; and
- (iv) provide the youth with food, shelter, education, and ordinary medical care.

(b) An individual granted legal custody of a youth shall personally exercise the individual's rights and duties as guardian unless otherwise authorized by the court entering the order.

(30) "Necessary parties" includes the youth and the youth's parents, guardian, custodian, or spouse.

(31) (a) "Out-of-home placement" means placement of a youth in a program, facility, or home, other than a custodial parent's home, for purposes other than preadjudicatory detention.

(b) The term does not include shelter care or emergency placement of less than 45 days.

(32) (a) "Parent" means the natural or adoptive parent.

(b) The term does not include:

- (i) a person whose parental rights have been judicially terminated; or
- (ii) the putative father of an illegitimate youth unless the putative father's paternity is established by an adjudication or by other clear and convincing proof.

(33) "Probable cause hearing" means the hearing provided for in **41-5-332**.

(34) "Regional detention facility" means a youth detention facility established and maintained by two or more counties, as authorized in **41-5-1804**.



(35) "Restitution" means payments in cash to the victim or with services to the victim or the general community when these payments are made pursuant to a consent adjustment, consent decree, or other youth court order.

(36) "Running away from home" means that a youth has been reported to have run away from home without the consent of a parent or guardian or a custodian having legal custody of the youth.

(37) "Secure detention facility" means a public or private facility that:

(a) is used for the temporary placement of youth or individuals accused or convicted of criminal offenses or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order; and

(b) is designed to physically restrict the movements and activities of youth or other individuals held in lawful custody of the facility.

(38) "Serious juvenile offender" means a youth who has committed an offense that would be considered a felony offense if committed by an adult and that is an offense against a person, an offense against property, or an offense involving dangerous drugs.

(39) "Shelter care" means the temporary substitute care of youth in physically unrestricting facilities.

(40) "Shelter care facility" means a facility used for the shelter care of youth. The term is limited to the facilities enumerated in **41-5-347**.

(41) "Short-term detention center" means a detention facility licensed by the department for the temporary placement or care of youth, for a period not to exceed 10 days excluding weekends and legal holidays, pending a probable cause hearing, release, or transfer of the youth to an appropriate detention facility, youth assessment center, or shelter care facility.

(42) "State youth correctional facility" means the Pine Hills youth correctional facility in Miles City or the Riverside youth correctional facility in Boulder.

(43) "Substitute care" means full-time care of youth in a residential setting for the purpose of providing food, shelter, security and safety, guidance, direction, and, if necessary, treatment to youth who are removed from or are without the care and supervision of their parents or guardians.

(44) "Victim" means:

(a) a person who suffers property, physical, or emotional injury as a result of an offense committed by a youth that would be a criminal offense if committed by an adult;

(b) an adult relative of the victim, as defined in subsection (44)(a), if the victim is a minor; and

(c) an adult relative of a homicide victim.

(45) "Youth" means an individual who is less than 18 years of age without regard to sex or emancipation.

(46) "Youth assessment" means a multidisciplinary assessment of a youth as provided in **41-5-1203**.

(47) "Youth assessment center" means a staff-secured location that is licensed by the department of public health and human services to hold a youth for up to 10 days for the purpose of providing an immediate and comprehensive community-based youth assessment to assist the youth and the youth's family in addressing the youth's behavior.

(48) "Youth care facility" has the meaning provided in **52-2-602**.

(49) "Youth court" means the court established pursuant to this chapter to hear all proceedings in which a youth is alleged to be a delinquent youth or a youth in need of intervention and includes the youth court judge, juvenile probation officers, and assessment officers.

(50) "Youth detention facility" means a secure detention facility licensed by the department for the temporary substitute care of youth that is:

- (a) (i) operated, administered, and staffed separately and independently of a jail; or
- (ii) a colocated secure detention facility that complies with 28 CFR, part 31; and
- (b) used exclusively for the lawful detention of alleged or adjudicated delinquent youth or as a sanction for contempt of court, violation of a parole agreement, or violation of a valid court order.

(51) "Youth in need of intervention" means a youth who is adjudicated as a youth and who:

- (a) commits an offense prohibited by law that if committed by an adult would not constitute a criminal offense, including but not limited to a youth who:
  - (i) violates any Montana municipal or state law regarding alcoholic beverages; or
  - (ii) continues to exhibit behavior, including running away from home or habitual truancy, beyond the control of the youth's parents, foster parents, physical custodian, or guardian despite the attempt of the youth's parents, foster parents, physical custodian, or guardian to exert all reasonable efforts to mediate, resolve, or control the youth's behavior; or
- (b) has committed any of the acts of a delinquent youth but whom the youth court, in its discretion, chooses to regard as a youth in need of intervention.

### ***RIGHTS, QUESTIONING, AND WAIVERS OF YOUTH TAKEN INTO CUSTODY***

1. When a youth is taken into custody for questioning upon a matter that could result in a petition alleging that the youth is either, a delinquent youth or a youth in need of intervention, the following requirements must be met as prescribed in 41-5-331, MCA.
2. The youth must be advised of the youth's right against self-incrimination and the youth's right to counsel and the right to have a parent, guardian or custodian notified as provided in the next paragraph.
3. The investigating officer, probation officer, or person assigned to give notice shall immediately notify the parents, guardian, or legal custodian of the youth that the youth has been taken into custody, the reasons for taking the youth into custody, and where the youth is being held. If the parents, guardian, or legal custodian cannot be found through diligent efforts, a close relative or friend chosen by the youth must be notified.

4. A youth may waive the right to remain silent, counsel and notification of a parent, guardian or custodian under the following situations:
  - a. When the youth is 16 years of age or older, the youth may make an effective waiver;
  - b. When the youth is under 16 years of age and the youth and the youth's parent or guardian agree, they may make an effective waiver of the youth's right to silence and counsel; or
  - c. When the youth is under 16 years of age and the youth and the youth's parent or guardian do not agree, the youth may make an effective waiver of the youth's right to silence only with advice of counsel.

### ***INVESTIGATION, FINGERPRINTS, AND PHOTOGRAPHS***

1. A youth may be fingerprinted or photographed, as prescribed in 41-5-1206, MCA, for criminal identification purposes.
2. If a youth is arrested for conduct alleged to be unlawful that would be a felony if committed by an adult
3. Pursuant to a search warrant, supported by probable cause, issued by a judge, justice of the peace, or magistrate; or
4. Upon the order of the youth court judge, after a petition alleging delinquency has been filed.
5. Fingerprint records and photographs may be used by the department of justice or any law enforcement agency in the judicial district for comparison and identification purposes in any other investigation.

### ***RELEASE FROM CUSTODY, DETENTION OR SHELTER CARE***

1. Whenever an officer believes, on reasonable grounds, that a youth can be released to a responsible person, the officer may release the youth to that person upon receiving a written promise from the person to bring the youth before the probation officer at a time and place specified in the written promise, or an officer may release the youth under any other reasonable circumstances.
2. Whenever the officer believes, on reasonable grounds, that the youth must be detained, the officer shall notify the probation officer immediately and shall, as soon as practicable, provide the probation officer with a written report of the officer's reasons for holding the youth in detention. If it is necessary to hold the youth pending appearance before the youth court, then the youth must be held in a place of detention, as provided in [41-5-348](#), MCA and that is approved by the youth court.
3. If the officer believes that the youth must be sheltered, the officer shall notify the probation officer immediately and shall provide a written report of the officer's reasons for placing the youth in shelter care. If the youth is then held, the youth must be placed in a shelter care facility approved by the youth court.

### ***CUSTODY HEARING FOR PROBABLE CAUSE***

1. When a youth is taken into custody for questioning, a hearing to determine whether there is probable cause to believe the youth is a delinquent youth or a youth in need of intervention



must be held within 24 hours, excluding weekends and legal holidays. A hearing is not required if the youth is released prior to the time of the required hearing.

2. The probable cause hearing required under subsection (1) may be held by the youth court, a justice of the peace, a municipal or city judge, or a magistrate having jurisdiction in the case as provided in [41-5-203](#), MCA.
3. A probable cause hearing may be conducted by telephone or videoconference if other means of conducting the hearing are impractical.
4. A probable cause hearing is not required for a youth placed in detention for an alleged parole violation.

#### ***CRITERIA FOR PLACEMENT OF YOUTH IN SECURE DETENTION FACILITY***

1. A youth may be placed in a secure detention facility only if the youth has allegedly committed an act that if committed by an adult would constitute a criminal offense and the alleged offense is one specified in [41-5-206](#), MCA.
2. A youth may be placed in a secure detention facility only if the youth is alleged to be a delinquent youth and:
  - a. has escaped from a correctional facility or secure detention facility;
  - b. has violated a valid court order or a parole agreement;
  - c. the youth's detention is required to protect persons or property;
  - d. the youth has pending court or administrative action or is awaiting a transfer to another jurisdiction and may abscond or be removed from the jurisdiction of the court;
  - e. there are not adequate assurances that the youth will appear for court when required; or
  - f. the youth meets additional criteria for secure detention established by the youth court in the judicial district that has current jurisdiction over the youth; or
  - g. has been adjudicated a delinquent and is awaiting final disposition of the youth's case.
3. A youth may be placed in a secure detention facility only if the youth is alleged to be a Runaway from another state.

#### ***CRITERIA FOR PLACEMENT OF YOUTH IN SHELTER CARE FACILITY***

1. A youth may be placed in a shelter care facility only if the youth and the youth's family need shelter care to address their problematic situation and it is not possible for the youth to remain at home.
2. A youth may be placed in a shelter care facility only if the youth needs to be protected from physical or emotional harm.
3. A youth may be placed in a shelter care facility only if the youth needs to be deterred or prevented from immediate repetition of troubling behavior.
4. A youth may be placed in a shelter care facility only if shelter care is necessary to assess the youth and the youth's environment.
5. A youth may be placed in a shelter care facility only if shelter care is necessary to provide adequate time for case planning and disposition; or shelter care is necessary to intervene in a

crisis situation and provide intensive services or attention that might alleviate the problem and reunite the family.

### ***CRITERIA FOR PLACEMENT OF YOUTH IN YOUTH ASSESSMENT CENTER***

1. A youth may be placed in a youth assessment center only if the youth meets the requirements for placement in shelter care.
2. A youth may be placed in a youth assessment center only if the youth has not committed an act that would be a felony offense if committed by an adult.
3. A youth may be placed in a youth assessment center only if the youth needs an alternative, staff-secured site for evaluation and assessment of the youth's need for services.
4. A youth may be placed in a youth assessment center only if the youth needs to be held accountable for the youth's actions with structured Programming and the youth meets qualifications as outlined by the placement guidelines that are determined by the department and coordinated with the guidelines used by the youth placement committees.

### ***LIMITATION ON PLACEMENT OF YOUTH IN NEED OF CARE***

1. A youth alleged to be a youth in need of care may be placed only by the Department of Public Health and Human Services as prescribed in 41-3-101 et al, and may not be placed in a youth assessment center, youth detention facility, jail, or other facility intended or used for the confinement of adults accused or convicted of criminal offenses.

### ***LIMITATION ON PLACEMENT OF YOUTH IN NEED OF INTERVENTION***

1. A youth alleged or found to be a youth in need of intervention may not be placed in a jail, secure detention facility, or correctional facility.

### ***YOUTH NOT TO BE DETAINED IN JAIL, EXCEPTIONS AND TIME LIMITATIONS***

1. A youth may not be detained or otherwise placed in a jail or other adult detention facility except as provided in this section.
2. A youth who has allegedly committed an offense that if committed by an adult would constitute a criminal offense may be temporarily detained in a jail or other adult detention facility for a period not to exceed:
  - a. 6 hours, but in no case overnight, for the purpose of identification, processing, or transfer of the youth to an appropriate detention facility or shelter care facility if the detaining agency is located in an urban county; or
  - b. 24 hours, excluding weekends and legal holidays, if the youth is awaiting a probable cause hearing and if the detaining agency is located in a rural county.
3. This exception provided applies only if the court having jurisdiction over the youth is outside a metropolitan statistical area.
4. Detention is appropriate only:

- a. if alternative facilities are not available or alternative facilities do not provide adequate security; and
- b. the youth is kept in an area that provides physical as well as sight and sound separation from adults accused or convicted of criminal offenses.

### ***DETENTION OF YOUTH IN LAW ENFORCEMENT FACILITIES***

1. Detention of a youth in a police station or other law enforcement facility that is attached to or part of a jail is acceptable if the following criteria is met.
2. The area where the youth is held is an unlocked, multipurpose area, such as a lobby, office, interrogation room, or other area that is not designated or used as a secure detention area or that is not part of a secure detention area, or, if part of such an area, that is used only for the purpose of processing, such as a booking room.
3. The youth is not secured to a cuffing rail or other stationary object during the period of detention.
4. The use of the area is limited to ensuring custody of the youth for the purpose of identification, processing, or transfer of the youth to an appropriate detention or shelter care facility.
5. The area is not designed or intended to be used for residential purposes
6. The youth is under continuous visual supervision by a law enforcement officer or by facility staff during the period of time that the youth is held in detention

### **YOUTH RIGHTS WAIVER FOR YOUTHS 16 AND 17 YEAR OF AGE AS A YOUTH 16 OR 17 YEARS OF AGE, YOUR RIGHTS ARE:**

PLACE: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

IN/DR#: \_\_\_\_\_

PARENTAL NOTIFICATION: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

PERSON NOTIFIED: \_\_\_\_\_

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to an attorney.
4. If you cannot afford to hire an attorney, one will be appointed to represent you.
5. You can decide at any time to exercise your rights and not answer any questions or make any statements.
6. You have the right to have your parent or guardian or another responsible person notified that you are in custody for questioning. Your parent or guardian will be notified unless you decide that you do not want notice to be given before you answer questions.

### **YOUTH WAIVER**



I have read and understand my rights as shown above. I am willing to answer questions and make a statement. I know what I am doing. I do not want an attorney at this time. No promises or threats have been made to me and no pressure of any kind has been used against me.

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**AGE:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

#### **WAIVER OF RIGHT TO PARENTAL NOTIFICATION**

I do not want to have my parent or guardian notified that I am in custody before answering questions.

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

#### **YOUTH RIGHTS WAIVER FOR YOUTHS UNDER THE AGE OF 16**

##### **YOUTH STATEMENT OF RIGHTS**

Before Law Enforcement Officers ask you any questions, you must understand your rights.

1. You have the right to remain silent.
2. Anything you say can be used against you in a court of law.
3. You have the right to talk to a lawyer before we ask you any questions and have them with you while you are being questioned.
4. If you or your parents cannot afford a lawyer, one will be appointed for you.
5. You can decide at any time to exercise your rights and stop talking.

I have been advised of my rights and understand what my rights are.

**SIGNED BY THE YOUTH:** \_\_\_\_\_

##### **WAIVER OF RIGHTS**

\_\_\_\_\_ **YOUTH IS 16 YEARS OF AGE OR OLDER**

\_\_\_\_\_ **YOUTH AND PARENT OR GUARDIAN MAKING WAIVER**

Youth is under the age of 16 and parent or guardian - agree.

\_\_\_\_\_ **YOUTH MAKING WAIVER UPON ADVICE OF COUNSEL**

Youth is under the age of 16 and parent or guardian – disagree.

\_\_\_\_\_ The undersigned having been advised of the constitutional and statutory rights of the youth hereby waive said rights and agree to make a statement.

**DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_

**AGE:** \_\_\_\_\_ **DATE OF BIRTH:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**PARENT:** \_\_\_\_\_ **GUARDIAN:** \_\_\_\_\_

**ATTORNEY:** \_\_\_\_\_

## LABOR RELATIONS

Negotiations and collective bargaining are legally recognized methods of peacefully settling labor disputes. The basic police function as it pertains to labor disputes is to protect the lawful rights of parties to the dispute; to prevent conflict from erupting into violence; and to take whatever action may be necessary to protect lives and property and to maintain the public peace. The position of the department and of all departmental personnel with regard to a labor-management dispute will be one of complete impartiality. Department personnel will, moreover, strive to avoid any actions which though neutral in themselves, may give the appearance of partiality. Officers shall make no public statement that reflects preference, in the form of support or opposition, for either side in a labor dispute. Officers shall not accept gifts for any sort, including food or beverage, from anyone involved in a labor dispute. Officers should avoid unnecessary conversations with participants in labor disputes, such as pickets, company guards, or other management or labor personnel, as this may give the impression of favoritism.

The right to picket and disseminate information in a lawful and peaceful manner will be respected and protected. Picketing and information dissemination shall be restricted to those areas which are or are considered to be public. In cases where the public nature of the premises is uncertain, picketing and information dissemination conducted peacefully should be presumed to be lawful by an officer unless he is told otherwise by their supervisor.

Picket lines shall not block public use of roads, sidewalks, or public ways.

Violence, threats of violence, deception, coercion, or fraud on the part of any person, or on the part of any agent for any person, shall not be tolerated.

Destruction of or damage to property should not be tolerated.

All citizens shall be guaranteed access to picketed premises, free from violence or threats against them. As soon as possible after the start of a labor dispute, the department will undertake to acquaint both parties to the dispute with the department's policy in this area and with the manner in which they will be applied in the specific case. Whenever possible, such information will be provided to both parties in the presence of each other.

Communications with both labor and management should be made through designated representatives of both sides. These persons in turn should be encouraged to pass on, to those whom they represent, the information or orders they received from the police. Both sides to the dispute should be encouraged to keep the police informed of their intended activities.

All felonies committed during labor disputes will be handled by arrest. Serious misdemeanors and ordinance violations will also be handled by arrest or by a formal complaint when applicable. Enforcement of some minor offenses might lead to violence or greater hostilities. The enforcement of minor offenses will depend upon the discretion of the supervisor present.

No arrest shall be made for violations or injunctions or court orders unless the department is specifically ordered to do so by the court.

## ***LIGHTS, OPERATING WITHOUT***

### ***DEFINITIONS***

For the purpose of these standards, the following definitions apply:

“OPERATING WITHOUT LIGHTS” - Operating without lights means a peace officer operating a vehicle without lights (headlamps), as an exception to MCA 61-8-107. This definition does not include a parked vehicle.

“AGENCY” - Agency means a local or state law enforcement agency employing peace officers. (Miles City Police Dept.)

“CHIEF LAW ENFORCEMENT OFFICER” - Chief Law Enforcement Officer means the highest ranking peace officer within an Agency.

“POLICE OFFICER” - Police Officer has the meaning given to it in Montana Statutes 61-1-304.

### ***A POLICE OFFICER MAY NOT OPERATE WITHOUT LIGHTS***

- A. On Inter-State Highways
- B. At speeds greater than what is reasonable and prudent under existing weather, road, and traffic conditions.
- C. In situations where the Police Officer is an active participant in pursuing a motor vehicle being operated in violation of Montana Statute 61-8-107.
- D. Contrary to the elements listed in Montana Statutes 61-9-402.
- E. Contrary to any written policies or procedures established by the Chief Law Enforcement Officer of the Agency, which employs the Peace Officer.

1. Peace Officers for the City of Miles City shall be permitted to operate the City vehicles without lights in the performance of the Officer’s Law Enforcement duties, if the officer’s conduct is reasonable and consistent with the standards adopted under Montana 61-8-107, and if the officer reasonably believes that operating the vehicle without lights is necessary under the circumstances to investigate a criminal violation, or suspected criminal violation of State Laws, rules or orders or local laws ordinances, or regulations.

2. If in the course of an Officer’s duty, they determine that driving without lights is a necessary, they should do so prudently with concern for their own safety, and that of the public. The authority to operate a police vehicle without lights does not relieve the responsibility of the Officer from doing so in a safe and cautious manner.



## **LOITERING - POLICE STATION/DISPATCH CENTER**

Since the Police Department and Dispatch Center has the responsibility to maintain an efficient function with those facilities provided, it is imperative that only those officers having a duty requirement remain on the premise, in so far as practicable.

If any officer does not have a specific duty requirement at the police station or dispatch center, he/she should not stay on the premises. Loitering to engage in social conversation or disrupt in any way officers/dispatchers on duty is prohibited.

Off duty Officers will not loiter or remain on the premise. Work that was not completed on the Officers/Dispatchers regularly scheduled shift will be attended to on the next regularly scheduled shift, not off duty.

Civilians and unauthorized personnel will not be allowed to loiter or engage personally in social conversation of a lengthy duration after the reason for the business with the police is completed. The duty officer dealing with the public will courteously inform them he/she must return to his/her work and terminate the contact.

Brief social contacts may take place in the day room, but in no way is this to disturb officers working in the area.

Officers on duty will be in the station to conduct Department business only. When this business is concluded, the officer will leave the station and return to patrol duties. Loitering in the station will not be permitted. Supervisors will insure that Officers do not engage in loitering. Officers will meet the Duty Supervisors Officer at the beginning of each shift to be briefed and receive assignments. Officer will report promptly at the beginning of each shift and will leave the station for duty after the shift meeting.

## ***LOST AND FOUND***

### ***Purpose***

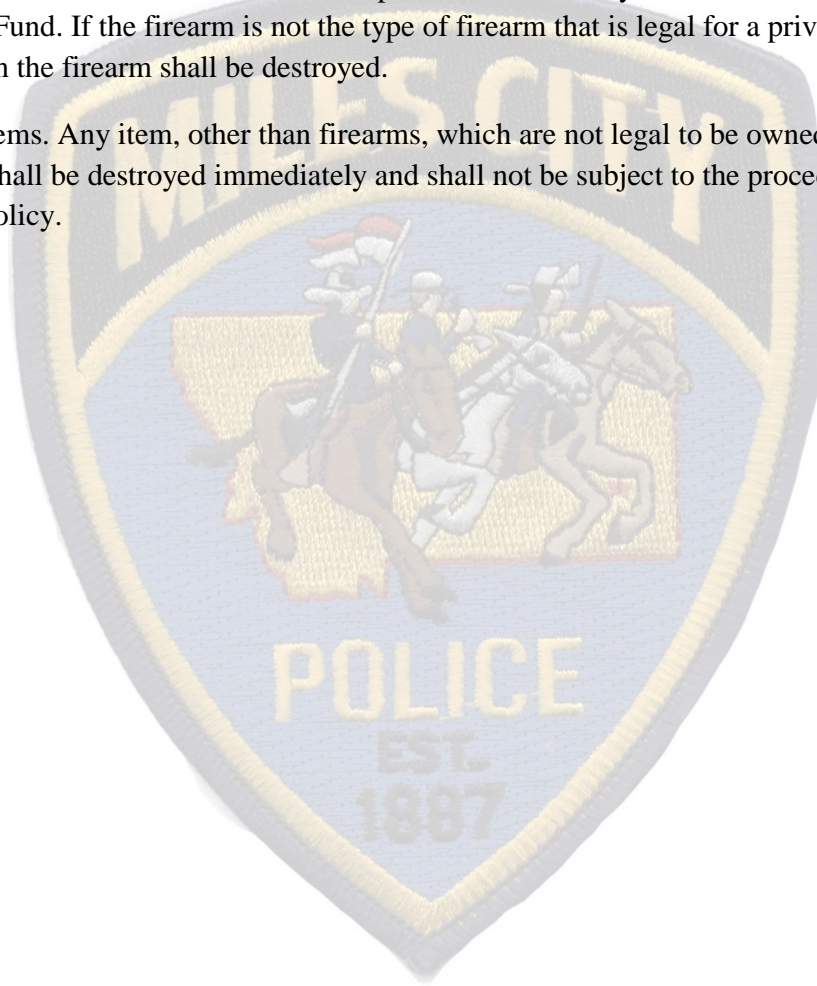
The purpose of this policy is to establish the handling, return, destruction and sale of lost or abandoned property.

1. Found Property. Property which is deposited with the police department shall be logged upon receipt. The following information should be recorded when possible: Name, address and phone number of finder; date deposited; name of owner or suspected owner if known; location the item was found; description; description of the item. If the found property is a firearm, the firearm shall be entered into NCIC as a recovered firearm. Property will not be stored at the Dispatch Center.
2. Retention of Found Property. All property other than firearms, valued at \$20.00 or more, shall be retained for not less than three months. Firearms shall be retained for the remainder of the year found, or the year entered into NCIC if later than the year found, plus two years.
3. Notification of Owner. If it can be determined who the owner of the property is, the department shall attempt to contact the owner via phone, mail, or other reasonable means. If the department is unable to make contact with the owner, the owner of the property will be deemed unknown. The notification shall indicate that the person has three months to claim the property, or else the property will be disposed of.
4. Claim to Property. The owner of property must present valid identification when claiming the property, and must be able to describe the property in sufficient detail to indicate with reasonable certainty that they are the owner of the property.
5. Disposition of Property. At least ten days prior to the time fixed for final disposition of unclaimed property, by either returning to the finder, destruction, donation, or sale at public auction, notice of the planned disposal must be given by publication one time in the Miles City Star.
  - a. Cash. If cash is not claimed by a person identified to be the owner within three months, the department shall notify the finder in writing that they may retrieve the cash within 10 days. If the finder does not claim the cash within 10 days, the cash shall be deposited with the City Treasurer and placed in the General Fund.
  - b. Identification, Credit Cards, Etc. ID cards, credit cards, and similar items shall be destroyed after three months if not claimed.
  - c. Personal Property. Personal property of de minimis value which is not claimed within three months shall be donated to St. Vincent de Paul in Miles City, Montana; or destroyed in the event the donated property is not wanted. Personal property which the Chief of Police

determines to be of substantial value may be sold at public auction, and the proceeds deposited with the City Treasurer to be placed in the General Fund.

d. Firearms. When the owner of a firearm is unknown or is unable to be located, and after the firearm has been entered in NCIC as recovered for the remainder of the year found (or entered), plus two years, and if the firearm is legal for a private citizen to own, then the firearm shall be sold in a commercially reasonable manner to a local licensed firearm dealer. The proceeds from such sale shall be deposited with the City Treasurer and placed in the General Fund. If the firearm is not the type of firearm that is legal for a private citizen to own, then the firearm shall be destroyed.

6. Illegal Items. Any item, other than firearms, which are not legal to be owned by a private citizen, shall be destroyed immediately and shall not be subject to the procedures established by this policy.





***MENTAL ILLNESS OR DISABILITY INTERVENTION*****Section 1. Responses Involving Persons with Suspected Mental Illness**

1. Purpose. The purpose of this policy is to establish procedures for responding to incidents involving persons suspected to suffer from mental illness.
2. Mental Illness Defined. Mental illness is a medical condition that disrupts a person's thinking, feeling, mood, ability to relate to others, and daily functioning. These conditions often result in a diminished capacity for coping with the ordinary demands of life.
3. Upon receiving a call involving a known person with a suspected or diagnosed mental illness, or upon encountering a person whom the officer believes to be suffering from a mental illness, the officer should request that dispatch:
  - a. Assist in determining whether there have been previous incidents involving the person,
  - b. Attempt to determine whether the person is reliant on medication and whether they are taking medication as prescribed, and
  - c. Attempt to contact friends or family members of the person who may be able to assist law enforcement.
4. Upon arrival or encounter with a person suspected to be suffering from a mental illness, the officer should assess the situation, and determine whether the person presents a danger of death or bodily injury to self or others. Officer safety should not be compromised simply because the officer is dealing with a person who may be suffering from a mental illness.
5. While interacting with a person suspected to be suffering from a mental illness, the officer should remain calm and manage their own emotions, remain helpful and professional as appropriate to the situation, move slowly, maintain a positive attitude toward the person, remain conscious of the officer's body language, advise the person what the officer is going to do prior to doing it when practical, and speak simply and briefly. The officer should also do the following:
  - a. Look for a medical alert bracelet on the person and inquire as to what information is on the bracelet;
  - b. Indicate to the person a willingness to understand and help the person; and
  - c. Be honest with the person.
6. While interacting with a person suspected to be suffering from a mental illness, the officer should avoid certain tactics and behaviors. The officer **SHOULD NOT**
  - a. Move suddenly
  - b. Give rapid orders

- c. Shout
  - d. Force discussion
  - e. Maintain direct eye contact
  - f. Touch the person, unless necessary
  - g. Crowd the person
  - h. Express anger, impatience or irritation
  - i. Assume that a person who does not respond cannot hear
  - j. Use inflammatory language (crazy, psycho, mental)
  - k. Challenge delusional or hallucinatory statements
  - l. Mislead the person
  - m. Try to change the person's beliefs
  - n. Threaten the person
7. If no probable cause for arrest exists, the officer should attempt to refer the person to a mental health professional, and release the person to family, friends or some other support network when possible.
8. If the officer believes the person is in imminent danger of death or bodily harm, or a threat of the same to others, the person shall be taken into protective custody in accordance with the department's protective custody policy.
9. A person who may have a mental illness may be arrested for a criminal offense when probable cause has been established. When a person arrested is suspected of having a mental illness, the arresting officer should brief the booking officer as to the charges and should advise the booking officer about the suspected mental illness.
10. If a person suspected to be suffering from a mental illness is in imminent danger of death or bodily harm, and has committed a criminal offense, the officer should take the person into protective custody rather than arrest the person, unless the type of criminal offense requires arrest, based on the facts of the crime committed and the resources available.
11. A written report is required for every call for service where the person is suspected to have a mental illness. The report should include the following, as applicable: information from dispatch; the type of call for service; the officer's observations upon arrival and in investigating the call, to include all signs, symptoms, behaviors and characteristics observed by the officer which led the officer to believe the person suffered from a mental illness; information gathered from friends, family, and witnesses; probable

cause of an arrest has been made, as well as the elements of the crime arrested for; how the person was transported; where the person was transported to; whether restraints were used; and position of the person during transport.

12. The investigating officer's report shall be reviewed by the officer's immediate supervisor. The supervisor shall consult with a mental health professional about the incident if the supervisor, in his or her discretion, feels that such consult is reasonably necessary based on the investigating officer's report and any follow up discussion with the officer about the incident.

## **Section 2. Suicide Intervention.**

1. When interacting with a person, regardless of suspected mental illness, officers should look for warning signs of suicide and be prepared to respond to persons who may be suicidal.

2. The following are some of the typical warning signs of suicide:

- a. A person threatening to hurt or kill themselves, or talking of wanting to hurt or kill themselves;
- b. Someone looking for ways to kill themselves by seeking access to firearms, pills or other means;
- c. Someone talking or writing about death, dying or suicide, when these actions are out of the ordinary for the person;
- d. Hopelessness;
- e. Rage, uncontrolled anger, seeking revenge;
- f. Acting reckless or engaging in risky activities, seemingly without thinking;
- g. Increased alcohol or drug use;
- h. Withdrawing from friends, family and society;
- i. Anxiety, agitation, unable to sleep or sleeping all the time;
- j. Dramatic mood changes;
- k. No reason for living, no sense of purpose in life;
- l. Feeling trapped, like there is no way out;

3. Suicide is preventable, and most suicidal individuals do want to live, but are unable to see alternatives to their problems. Most suicidal persons give definite warnings of their suicidal intentions, but others are either unaware of the significance of these warnings or do not know how to respond to them.



4. When interacting with a person who may be suicidal, the officer should be direct, and talk openly and freely about suicide. The officer should be willing to listen to the person, and be non-judgmental. Do not debate whether suicide is right or wrong, or lecture about the value of life. The officer should never dare the person to commit suicide in response to a person's threat to commit suicide. The officer should not allow the person to swear them to secrecy, rather, the officer should indicate that they will help the person find help, and then assist the person in obtaining professional help.

5. If the officer believes that the person is in imminent danger of death or bodily harm, the person should be taken into protective custody as discussed in the policy covering the response to individuals with mental illness.

### **Section 3. Protective Custody.**

1. When an emergency situation exists, an officer may take any person who appears to have a mental disorder and to present an imminent danger of death or bodily harm to the person or to others or who appears to have a mental disorder and to be substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety into custody only for sufficient time to contact a professional person for emergency evaluation. If possible, a professional person should be called prior to taking the person into custody. MCA 53-21-129.

2. When an officer has taken a person into protective custody, an ambulance shall be dispatched and the EMS crew shall then transport the person to the Emergency Department at Holy Rosary Healthcare, and shall notify hospital staff of the detention and request an evaluation as soon as possible.

3. The officer shall only detain the person for sufficient time to complete an evaluation, and shall keep the person in the officer's custody until the evaluation is completed, or unless sooner released. The person may not be placed in a detention center or jail during this period of custody.

4. Unless the person has completed a criminal offense which will result in arrest, the person should be released once the evaluation is completed, unless further detention is deemed necessary by the professional performing the evaluation.

5. If further detention is deemed necessary by the professional, the officer and the department shall maintain custody of the individual until the following business day.

6. If the professional person authorizes the release of the individual, and there is probable cause that the person has committed a criminal offense, the officer may then place the person under arrest and transport the person to the detention center for booking.

## ***MISSING AND ENDANGERED CHILDREN***

### ***PURPOSE***

The purpose of this policy is to establish guidelines and responsibilities for the consistent response to, and the investigation of, all reports of missing children as defined in Montana Codes Annotated 44-2- 501, and the Missing Children Act of 1985, MCA 44-2-501.

### ***POLICY***

Miles City Police Department recognizes that there is a critical need for immediate and consistent response to reports of missing children. After the Miles City Police Department has received a report of a missing child, obtained the basic facts of the case, descriptions of the missing child abductor (if known) and determined that there is sufficient evidence to believe that the child is endangered, the Miles City Police Department will respond accordingly. The facts surrounding each missing and endangered child report will dictate when the procedures are warranted.

### ***DEFINITIONS***

Missing - According to Montana Statutes, Chapter 44-2-502 (1), missing means, “any person who has been reported as missing to a law enforcement authority and: who is under 18 years of age; whose temporary or permanent residence is in Montana or is believed to be in Montana; and whose location has not been determined.”

Child - According to Montana Statutes, Chapter 41-3-102 (6), child or youth means “any person under the age of 18 years of age.”

Sufficient Evidence - Means articulated facts and circumstance, which would induce a reasonably prudent police or peace officer to believe that a crime has been or is about to be committed.

NCIC - means that National Crime Information Center

CJIS - means the Criminal Justice Information System

### ***PROCEDURE***

#### ***I. INITIAL RESPONSE PROCEDURES***

- A. Dispatch an officer to the scene to conduct a preliminary investigation.
- B. Interview parent(s)/person who made the initial report.
- C. Determine when, where, and by who the missing child was last seen.
- D. Seal the crime scene, do not allow individuals to leave the area until interviewed, and note anyone who may have left just prior to the arrival of law enforcement. Interview the individuals who last had contact with the child.
- F. Obtain a detailed description of the missing child/abductor/vehicles/etc.
- G. Notify Shift Supervisor, contact detectives as needed.
- H. Load the NCIC Missing Person File (involuntary category) with the complete descriptive and critical information regarding the missing and endangered child.
- I. Load the NCIC System with complete descriptive information regarding suspect(s).
- J. Broadcast known details.

K. Activate protocols for working with the media.

As required by Montana Statute, Chapter 44-2-504 submits information to the missing children information program provided for in 44-2-503 and other information as required by 44-2-401.

*II. INITIAL INVESTIGATION*

- A. Search the home or building where the incident took place and conduct search including all surrounding areas. Obtain consent or a search warrant if necessary.
- B. Assign Detectives whose duties will include coordination of the investigation.
- C. Conduct a neighborhood/vehicle canvass.
- D. Arrange for use of helpful media coverage.
- E. Maintain records of telephone communications messages.
- F. Ensure that everyone at the scene is identified and interviewed separately.

*III. INVESTIGATION*

- A. Establish the ability to "trap and trace" all incoming calls, as necessary.
- B. In cases of infant abduction investigates claims of home births made in that area.
- C. Obtain child protective agency records for reports of abuse on child.
- D. Obtain child's medical and dental records.
- E. Update NCIC missing person files with any additional information regarding the child or suspect as necessary.

*IV. RECOVERY/CASE CLOSURE*

- A. Conduct a careful interview of the child, document the results of the interview, and involve all appropriate agencies.
- B. Cancel alarms and removes case from NCIC and other information systems, and removes posters and other publications from circulation.



## ***NEWS MEDIA RELATIONS***

### ***PURPOSE***

The purpose is to provide guidelines on establishing an effective means to convey information to the public through the use of television, radio, and newspapers, while minimizing the disruption of service to the public.

### ***POLICY***

- 1 The following guidelines will assist the Miles City Police Department personnel in providing clear and uniform response to inquiries received.
- 2 Members of the Miles City Police Department shall be courteous and diplomatic in dealing with the news media.
- 3 Members are authorized to release to the media information in the following categories:
- 4 Law Enforcement Personnel are encouraged to release public criminal justice information pursuant to the policy, "Criminal Justice Information and Dissemination".
- 5 The Miles City Police Department's Chief of Police or their designee will approve, coordinate, and or release information concerning confidential Miles City Police Department investigations, operations, and crisis situations.
- 6 Information concerning significant incidents, arrests, investigations or operations shall be submitted to the Miles City Police Department Chief of Police for approval prior to release.
- 7 The Chief of Police or their designee should consult with the City Attorney or County Attorney and appropriate incident advisors when preparing news releases on major cases, special events, catastrophes, or other critical issues.
- 8 The Chief of Police or their designee should consult with the City Attorney or County Attorney regarding the release of confidential criminal justice information pursuant to the policy, "Criminal Justice Information and Dissemination".

### ***CONSIDERATIONS AND LIMITATIONS ON RELEASING INFORMATION***

- 1 Members of the Miles City Police Department should not release for publication or in a manner likely to result in publication, any of the following, except when released as part of a record open to public inspection.
  - a. Information that may jeopardize the successful conclusion of an investigation (address to crime scenes may be restricted for this reason).
  - b. The identity of any suspect prior to arrest or the results of any investigative procedures except to the extent necessary to aid the investigation, to assist in the apprehension of the suspect, or to warn the public of danger.
  - c. Any opinion as to the guilt or innocence of the accused or as to the merits of the case or evidence of the case.
  - d. Prior arrest record, statements, or information regarding the character or reputation of the accused.

- e. The existence or contents of admissions or confessions made by individuals, or the refusal or failure of the accused to make any statement.
- f. The performance of any examination or test or the refusal or failure of the accused to submit to an examination or test.
- g. The identity, testimony or credibility of any prospective witness.
- h. The possibility of a plea of guilty to the offense charged or to a lesser offense.
- i. The construction, content and mechanism of any explosive or incendiary device.
- j. Photographs, except as provided in previous sections.
- k. Information furnished by members of the department to promote publicity for them.
- l. Evidence that may inhibit prosecution of the case.

#### ***ARREST INFORMATION***

- 1 Following an arrest, issuance of an Arrest Warrant, issuance of a Notice to Appear and Complaint, or the filing of information, it is permissible to release the following information:
  - a. The name, address, age, and date of birth of the accused;
  - b. The date, time, and place of arrest, whether the arrest was with or without incident, the initial charges, and whether weapons or other contraband was seized;
  - c. The names of the officers who initiated the arrest, unless the arrest was made by an officer whose primary assignment included covert operations;
  - d. The amount of bond, scheduled court appearance and location of incarceration.
- 2 Following arrest or the filing of formal charges, but prior to adjudication, the following types of information shall not be released:
  - a. Prior criminal history of the defendant, victim, or witnesses;
  - b. Prior record of character or reputation of the defendant, victim, or witnesses;
  - c. Identity, statements, or expected testimony of the defendant, victim, or witnesses;
  - d. Any opinion about the guilt or innocence of the defendant or merits of the case;
  - e. Any opinion, knowledge, or criticism in regards to plea-bargains, negotiations with counsel, or other pre-trial activity.

### ***SPECIAL CONSIDERATIONS FOR MEDIA***

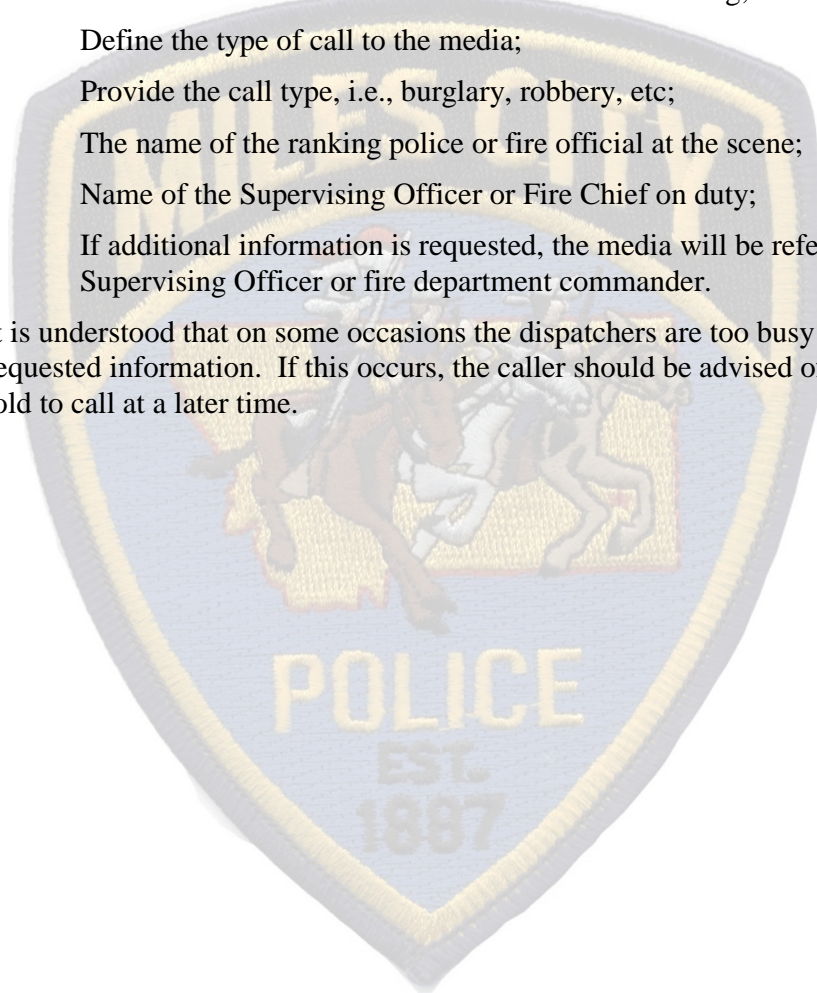
- 1 All members of the Miles City Police Department shall extend reasonable courtesy to the news media representatives at the scenes of crimes or other crisis situations. With approval of the on-scene commander this may include:
  - a. Closer access of personnel and equipment than would be available to the general public to the degree that it does not interfere with the scope and mission of the department or the investigation;
  - b. Closer access of personnel and equipment than available to the general public to the degree it does not create unnecessary risk of harm or unsafe circumstances or interfere with movement of traffic;
- 2 Access shall be denied to all news media representatives at the scenes of a crime or other crisis situations when:
  - a. There is a risk of injury to the news media representative or any other person as a result of closer access being granted;
  - b. The possibility is created that evidence could be damaged, altered, or destroyed, or otherwise prejudiced by the broadcast or publication of its existence;
  - c. Access is sought to enter upon, film, photograph, or videotape upon the premises or property of a private person, without the explicit consent of said person;
  - d. Requests are made to pose or make special arrangements to photograph, film, videotape, audio record, or interview suspects in custody;
  - e. The incident or crisis situation includes hostages and/or other dangerous persons or obstacles.
- 3 At the scene of significant accidents, man-made or natural catastrophes, the principals of news media cooperation shall be maintained to the degree that they do not interfere with the mission and scope of the emergency operations.
- 4 Media access to move within fire lines shall be controlled by the fire service officer in-charge.
- 5 The fire service commander and the Miles City Police Department's on-scene commander will establish an observation point from which the news media may observe, photograph, videotape, or broadcast the events of the incident.

### ***COMMUNICATION CENTERS AND DISPATCHERS***

- 1 The following guidelines will be adhered to when answering telephone inquiries from the news media:
  - a. If the incident involves a police matter, refer the call to a Supervising Officer, if possible.



- b. If the incident involves the fire department, refer the call to the fire department public information officer, if possible.
- c. In the absence of that above, the on-duty dispatcher may release the following information, if known:
  - Either confirm or deny that the incident occurred or is occurring;
  - When and where the incident occurred or is occurring;
  - Define the type of call to the media;
  - Provide the call type, i.e., burglary, robbery, etc;
  - The name of the ranking police or fire official at the scene;
  - Name of the Supervising Officer or Fire Chief on duty;
  - If additional information is requested, the media will be referred to the Supervising Officer or fire department commander.
- d. It is understood that on some occasions the dispatchers are too busy to give the requested information. If this occurs, the caller should be advised of the problem and told to call at a later time.

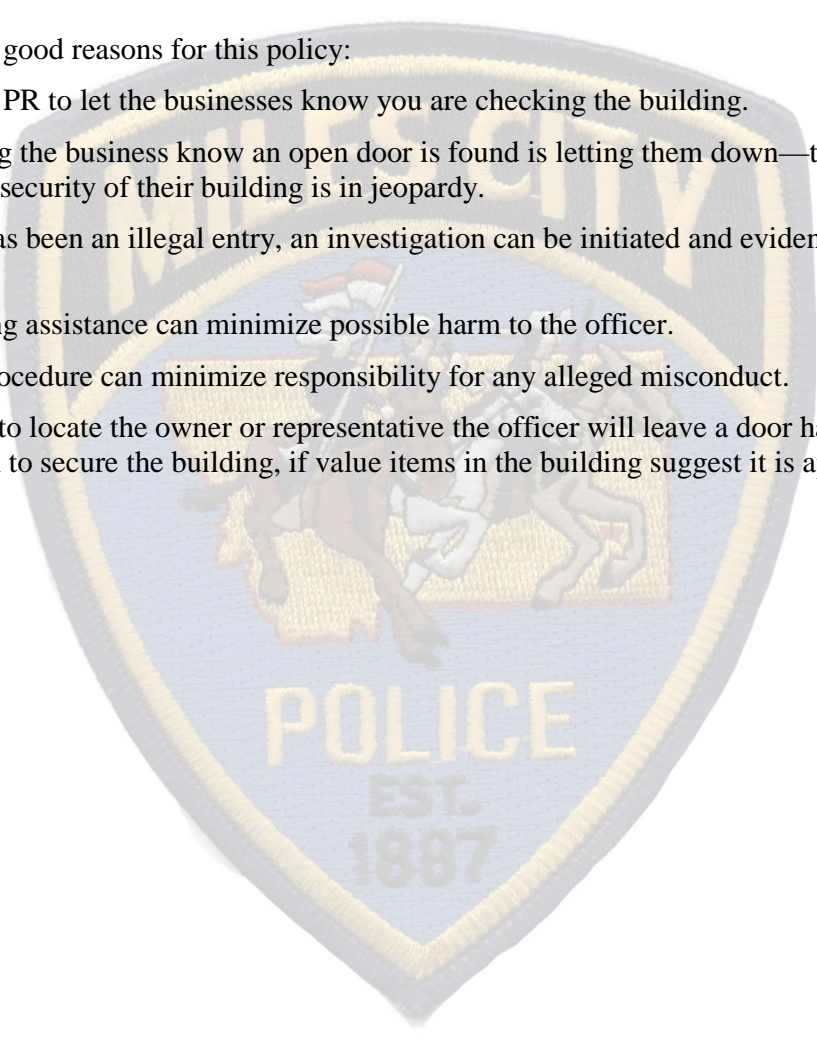


## ***OPEN DOORS***

When an officer finds an open door, they should notify the dispatcher and request that additional assistance be sent to check out the building. They should then have the dispatcher notify the owner or their representative that an open door has been found and that you would like them to come down to check the contents of the building to determine if a crime has been committed and to secure the building.

There are several good reasons for this policy:

1. It is good PR to let the businesses know you are checking the building.
2. Not letting the business know an open door is found is letting them down—they should know when the security of their building is in jeopardy.
3. If there has been an illegal entry, an investigation can be initiated and evidence can be collected.
4. Requesting assistance can minimize possible harm to the officer.
5. Such a procedure can minimize responsibility for any alleged misconduct.
6. If unable to locate the owner or representative the officer will leave a door hanger and call a locksmith to secure the building, if value items in the building suggest it is appropriate to do so.



## ***PARTNER FAMILY MEMBER ASSAULT***

### ***PURPOSE***

The purpose is to provide guidance to officers and support personnel with definitions and direction for providing and promoting a consistent, effective response to partner family member assault.

### ***POLICY***

1. Officer(s) will respond to and investigate all reports of partner family member assault.
2. Officer should make an arrest where probable cause exists that a person has:
  - a. injured the victim;
  - b. has caused reasonable apprehension of bodily injury;
  - c. used or threatened to use a weapon;
  - d. violated a restraining order or other order of protection;
  - e. created a situation that may present other imminent danger to the victim;
3. Officers are discouraged from making dual arrests in partner family member assault incidents by determining and arresting the predominate aggressor.

### ***PROCEDURE***

1. The objectives for intervention by law enforcement in partner family member assault incidents are to:
  - a. Restore and maintain order.
  - b. Render emergency assistance and /or aid.
  - c. Make an arrest for the applicable criminal offenses.
  - d. Reduce the incidents and severity of partner/family member assaults.
  - e. Afford maximum protection and support to adult and child victims of domestic violence through coordinated services of law enforcement and victim assistance.
2. To accomplish these objectives, every law enforcement officer shall make an arrest as the preferred response to the incident, when authorized by state law, instead of using mediation, separation or other intervention techniques.
3. Criteria for determining the predominant aggressor are:
  - a. Prior history/complaints of partner/family member assault;
  - b. Relative severity of injuries to involved parties;
  - c. Did one party act in self-defense?
  - d. Apparent fear or lack of fear
  - e. Relative size and or apparent strength of parties
  - f. Statement of witnesses
4. Treat all acts of partner family member assault as criminal conduct.
5. Immediately report all known or suspected cases of partner family member assault and abuse, elder abuse or child abuse as required by state law;
6. Document the facts of the incident and the subsequent investigation (arrest or non-arrest). If no arrest is made, the officer shall document the reason(s) for no arrest in a report to the Agency Administrator.



7. Officers are required by law to distribute to victims of partner family member assault, the "Notice of Rights to Victim in Partner or Family Member Assault".
8. It is the preferred response to incidents of partner family member assault that officers will respond in teams of two.
9. Officers shall seize any weapon used or threatened with use in the alleged assault. Any weapon seized in relation to a partner or family member assault may not be returned to the offender until acquittal or upon issuance of a court order.
  - a. A weapon is any object used or threatened to be used to harm another.
10. Assist a victim and any other member of the household to remove necessary personal items. Officers will investigate and prepare the appropriate reports pertaining to any and all incidents of partner family member assault.

#### **ENFORCING ORDERS OF PROTECTION FULL FAITH AND CREDIT**

1. Only the Respondent under an Order of Protection may be cited for violation of that order.
2. The Petitioner may not be cited for violating the order.
3. All orders from any other jurisdiction will be enforced as written including provisions, which grant relief not available in Montana as prescribed in 40-15-404, MCA.
4. All orders are presumed valid upon presentation to law enforcement. Orders do not have to be entered into the CJIN/NCIC system to be considered valid and enforceable.

If the victim does not present a copy of the order, but claims it is valid, there is a presumption of validity of the order until proven otherwise. Immunity from civil action in the matter is provided under 40-15-406, MCA.

## ***PATROL CARS***

1. If the vehicle or equipment is in need of repair, notify your shift supervisor and write it up on the maintenance request form so that repairs can be taken care of. The maintenance request will be submitted to the day shift supervisor who will be responsible for submitting the form to the Captain of Operations.
2. An officer operating a squad car will be responsible for the squad car while he is assigned to it for their shift.
3. All conditions of disarray or uncleanness or mess found by an officer upon taking the car for their shift should be reported to the shift supervisor. The supervisor will discuss the situation with the offending officer and take the necessary action.
4. Purchase of tires and other more expensive items for the squads will meet the final approval of the Chief.
5. Purchase of smaller items can be cleared through the supervisor.
6. Squads should be refueled whenever the tank becomes half-empty or at the end of your shift.
7. Officers will not smoke in cars.
8. Marked squads if equipped with an ignition bypass that permits engine operation while at the same time, locking the steering and transmission. Should the Officer desire to leave the squad running while not in immediate attendance of the vehicle, the bypass should be used, and the key removed from the vehicle. This rule will not apply to leaving a patrol vehicle running for extended period of time at the PD or EOC.
9. Squads should be locked when left unattended for some time.
10. In the event an officer has a major breakdown of their patrol vehicle, or has reason to believe the vehicle may be damaged by further operation, he will retire that vehicle to the City shop building and remove all necessary needed equipment and transfer it to another vehicle and resume their normal patrol duties. The shift supervisor will be notified immediately of such vehicle retirement.
11. Car body repairs will be handled by lowest bid to repair.
12. Repairs other than body will normally be handled by the agency where vehicle was purchased if under warranty. Other repairs, tune-ups and wiring will be handled as assigned.
13. Supplies will be purchased for servicing at local wholesale houses following procedures set forth for purchasing of such items.
14. All squad cars will be checked each Sunday morning and deficiencies that can be corrected will be at that time and those that con not, will be reported to the Chief of Police.

## ***PERSONAL APPEARANCE***

Proper personal appearance of a uniform nature helps to indicate the presence of a disciplined police department to the public. A personal deviation from a uniform appearance detracts from this confidence.

### ***MALE***

Hair is to be neatly cut and trimmed to such length as to not hang over a shirt collar while the officer is standing in an erect position. Hair may be styled to cover the ears, but may not extend below the ear lobes. "Be-lying" out of hair beyond a properly worn uniform hat is not acceptable.

Facial hair: Beards are not permitted. Sideburns may be worn but may not extend below the bottom of the ear. Mustaches may be worn but may not extend beyond the corners of the mouth are to be neatly trimmed.

Leather is to be kept polished at all times.

Clothing is to be kept clean and well pressed at the time personnel report for duty. Clothing shall be uniform and subject to inspection as the purpose dictates.

Personnel in supervisory position are responsible for the guidance of acceptable dress and appearance, only when an officer does not take the initiative that we would expect from a professional.

### ***FEMALE***

Hair styled to provide a neat appearance and to discourage the use of the hair by an assailant in assaulting an officer.

### ***NON-GENDER***

Pierced ear posts are permitted. Dangling or hoop type earrings are not to be worn on duty by uniformed officers.



## ***PHOTOGRAPHIC IDENTIFICATION***

Police Officers have the right to show photographs of suspects to witnesses in investigating crimes. Courts have recognized the valuable role photographs play in investigations, but warn that photographs cannot be used to influence a witness's identification.

The primary purpose of a photographic display is to aid in the identification and apprehension of suspects and should not be conducted after the suspect is in custody. When the suspect is in custody, try always to use a regular police lineup. If this is not possible, record the reasons for not doing so.

The photographs should be of persons who match the suspect as closely as possible with respect to physical characteristics of facial hair, skin color, and age. While the Supreme Court has approved a photographic display of only six photos, a greater number lessens the possibility of mistaken identification.

If identification testimony is to be used at the trial, all photographs shown to the witness must be retained and be available. In preparing photos for display, names, age, and other data should not be visible to the viewer.

The courts have disapproved the following police practices in conducting photo lineups:

1. The officer pointed out one of the photographs, saying that this man/woman was the suspect.
2. The police officer told the witness that the photo of the main suspect was among the pictures to be shown.
3. The witness was shown a color photograph of the suspect while the others were in black and white.
4. The witness was shown only the suspect's photograph and was asked if he/she could identify the person.

When testifying concerning photo identification, officers must never refer to the picture of the defendant as a "mug shot" or use any other items which imply that the defendant has a criminal record.

## ***PORTABLE RADIOS***

Police officers will be issued a portable radio. Police officers can utilize radios when you are out of the car on calls, walking beats or tavern inspections or on stakeouts.

Portable radios are an effective tool if they are used properly. Going out at home or other areas without informing the dispatcher of your whereabouts will provide cause for disciplinary action.

If an officer is going out for meals or other reasons, utilize the car radio to do so. Also, check in by car radio when your break or call is completed.



### ***PROPERTY, DISPOSAL OF UNCLAIMED AND ABANDONED***

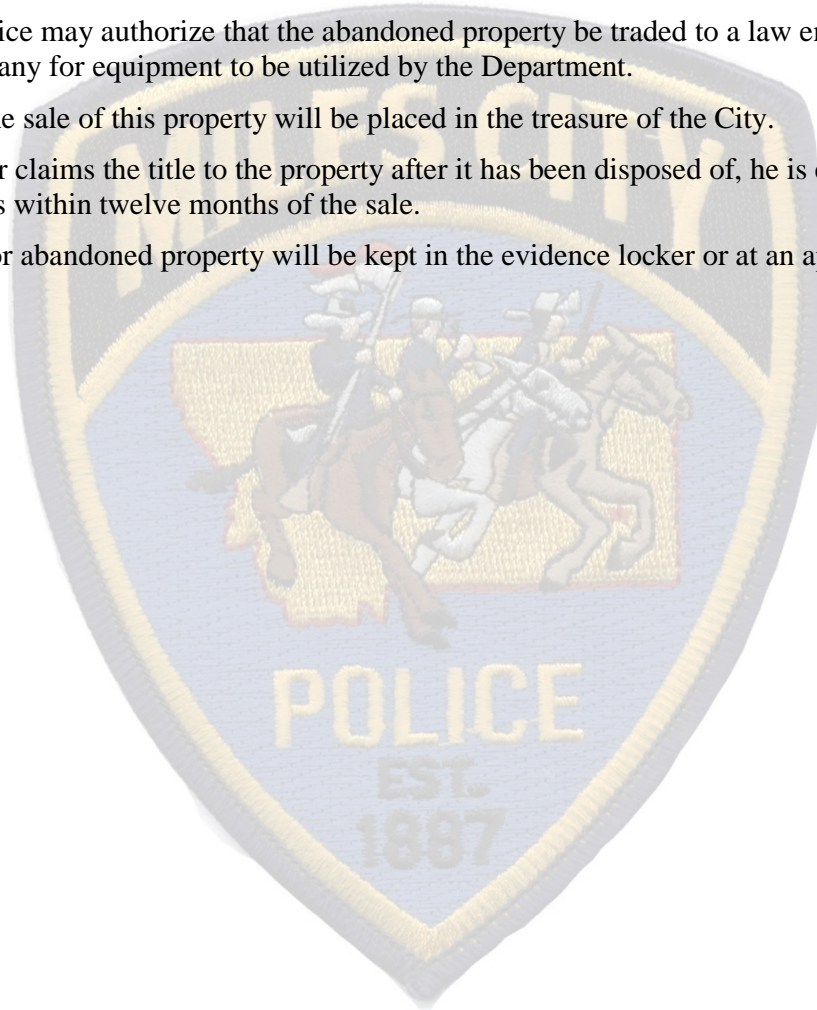
If the property remains unclaimed in the possession of the City for a period of 60 days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police. Such auction will be held after publishing a notice once in each of the two consecutive weeks, setting for the time and place of the auction and the property to be sold. The auction will be held no sooner than 3 weeks after the first notice.

The Chief of Police may authorize that the abandoned property be traded to a law enforcement equipment company for equipment to be utilized by the Department.

Proceeds from the sale of this property will be placed in the treasure of the City.

If a formal owner claims the title to the property after it has been disposed of, he is entitled to the sale price of the items within twelve months of the sale.

Unclaimed and/or abandoned property will be kept in the evidence locker or at an approved storage facility.



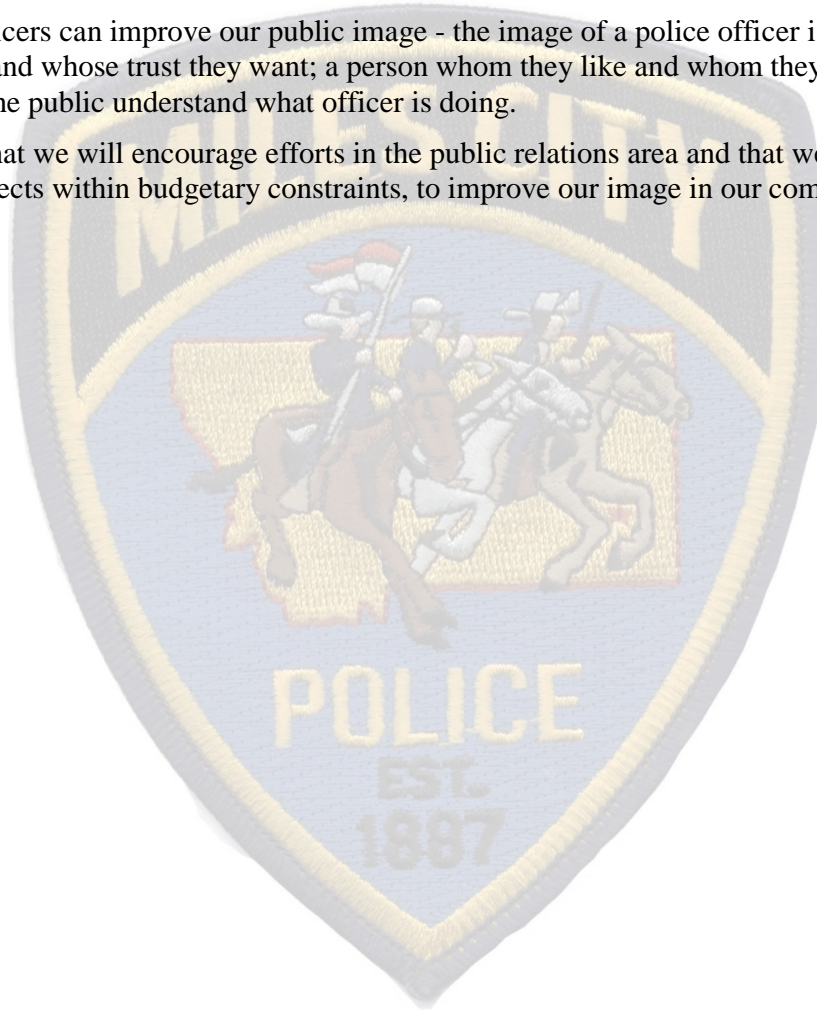


## ***PUBLIC RELATIONS***

Police Departments require many things, but they need the support of the people of Miles City more than anything else. People are willing to support law enforcement and it should be the feeling that any knowledge about police activities which can provide for our citizens will improve the police image considerably. Obtaining cooperation with our citizens can be the most successful public relations a police department can formulate.

We as police officers can improve our public image - the image of a police officer is a person who the people trust and whose trust they want; a person whom they like and whom they will cooperate with as long as the public understand what officer is doing.

It is our policy that we will encourage efforts in the public relations area and that we will involve ourselves in projects within budgetary constraints, to improve our image in our community.



## ***RACIAL PROFILING POLICY***

### ***PURPOSE***

This policy is intended to reaffirm Miles City Police Department's commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, and to serve to assure the public that we are providing service and enforcing laws in an equitable way.

### ***DEFINITION***

Racial profiling means the detention, official restraint, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of an individual.

### ***POLICY***

- A. Policing Impartially
  - 1. Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of particularized suspicion, or probable cause in accordance with the 4<sup>th</sup> Amendment of the U.S. Constitution, and Article II of the Montana Constitution. Officers must be able to articulate specific facts and circumstances that support particularized suspicion, or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
- B. Except as provided below, officers shall not consider race/ethnicity in establishing either particularized suspicion or probable cause. Similarly, except as provided below, officer shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- C. Officers may take into account the reported race/ethnicity of a specific suspect(s) based on trustworthy, locally relevant information that links a person of a specific race/ethnicity to a particular unlawful incident. Race/ethnicity can never be used as the sole basis for particularized suspicion or probable cause.
- D. Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.

## ***RADAR***

The use of radar will be used in the normal course of duty by an officer. In cases of areas with high accident frequency or citizen complaint, a supervisor may direct the use of radar in those instances.





## ***RADIO MAINTENANCE***

All maintenance of our radios will be taken care of by the radio repair service under contract.

Any damage incurred to any of our radios owned by the City, whether by an employee or other persons, shall immediately report it to his shift supervisor.

If there is any type of malfunction in any of the units, please contact your shift supervisor.

The only person authorized to make any changes, repairs, alterations on any police radio is the above stated maintenance service.



## ***RIDEALONGS***

We often have requests from members of the media or citizens who would like to ride with police officers to learn firsthand what officers do on their normal tour of duty.

The Miles City Police Department cannot allow citizens to ride with officers. The City's insurance provider will only cover Police Reserves and Police Chaplains. The Chief will allow a potential hiring applicant to ride along with approval first.



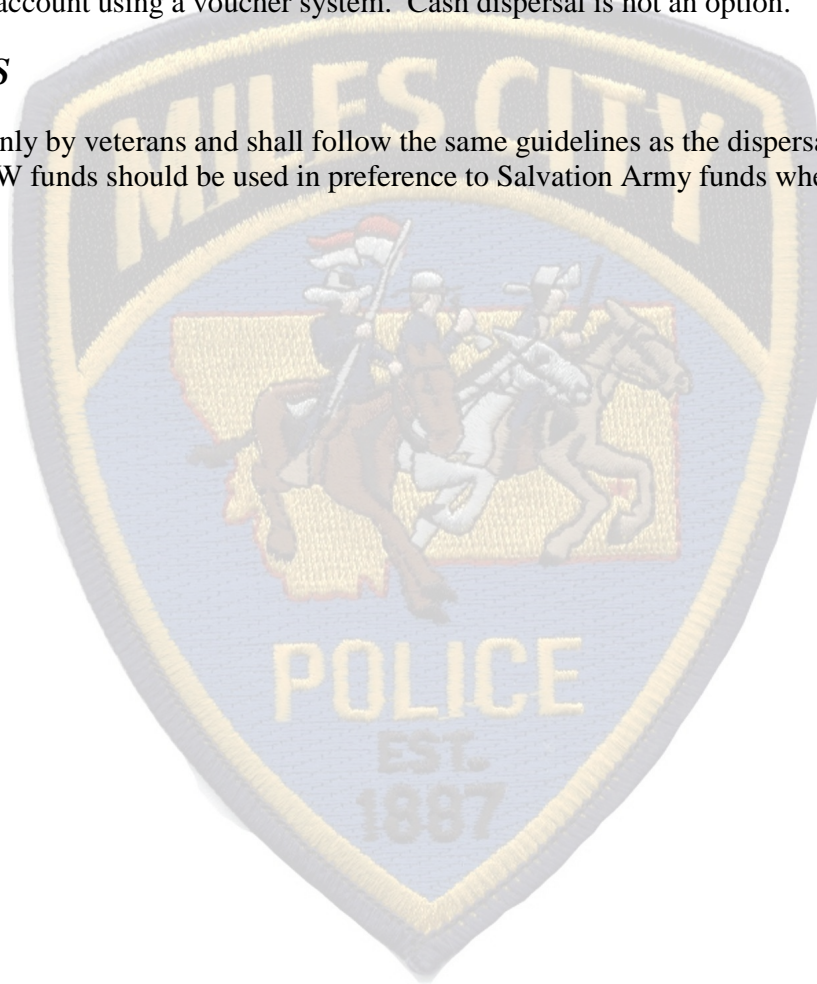
### ***SALVATION ARMY FUNDS***

The Salvation Army has provided funds to assist indigent transients in our area. The fund is used to purchase items such as gasoline, tires, batteries, bus tickets, lodging and meals, etc. These funds are to be used only when other agencies cannot take care of the needs for transients.

The duty Dispatcher or the Shift Supervisor is the only persons that can release funds from the Salvation Army account using a voucher system. Cash dispersal is not an option.

### ***VFW FUNDS***

Funds are used only by veterans and shall follow the same guidelines as the dispersal of Salvation Army funds. VFW funds should be used in preference to Salvation Army funds when the applicant is eligible.





## ***SCHOOLS***

School authorities at parochial schools serve in loco parentis, that is they represent the welfare of the child while the child is in school and in the absence of the parents. It is in the best interests of the child and the school, as well as the police department, if we follow the guidelines below:

1. If a need arises to talk to a student or a teacher in the school, you are to contact either the principal of that school before talking to either a student or a teacher.
2. If a child is to be interviewed in the school, you must
  - a. Obtain permission from the parents or legal guardian to talk to that child.
  - b. The Miranda Warning must be given to both the child and the parent or legal guardian and they must understand the warning, and be willing to talk to you before proceeding with the questioning.
  - c. If a parent has given permission to a school principal or other school employee, they must also be given the Miranda Warning.
  - d. It is the officer's obligation to determine if both the parent or legal guardian and the child have an understanding of the warning and are not under the influence of narcotics, alcoholic beverages, or anything that will affect their normal behavior and to determine if the child is of sufficient intelligence so that he can willfully and knowingly waive their rights.
3. If you wish to interview a child regarding a crime that occurred in a place other than the school, try to contact the student and their parents at the child's place of residence, if possible.
4. If you remove a student from the school, such removal will be with the knowledge of the principal of that school.

An emergency situation may change some of the basics above, however if it becomes necessary in an emergency situation to deviate from the above, the school principal will be notified as soon as possible as to the actions taken by the officer.

## ***SEARCH AND SEIZURE***

### ***PURPOSE***

The purpose is to provide guidelines to officers regarding searches and seizures.

### ***POLICY***

1. The Miles City Police Department shall conduct searches and seizures in accordance with law contained within Montana Code Annotated (MCA), specifically the following sections:
  - a. 44-12-103 MCA - "When Property May be Seized"
  - b. 46-5-101 MCA - "Searches and Seizures"
  - c. 46-5-102 MCA - "Scope of Search Incident to Arrest"
  - d. 46-5-103 MCA - "When Search and Seizure is Not Illegal"
2. The Miles City Police Department recognizes that the basic concept of the United States and Montana Constitution is to prohibit searches that are conducted without a warrant, unless certain conditions prevail.

### ***STOP AND FRISK***

1. "Investigative Stop" - In order to obtain or verify an account of the person's presence or conduct or to determine whether to arrest the person, a peace officer may stop any person or vehicle that is observed in circumstances that create a particularized suspicion that the person or occupant of the vehicle has committed, is committing, or is about to commit an offense, all as prescribed in 46-5-401, MCA.
2. "Stop and Frisk - A peace officer who has lawfully stopped a person under "Investigative Stop", (46-5-401, MCA) or this section:
  - a. may frisk the person and take other reasonably necessary steps for protection if the officer has reasonable cause to suspect that the person is armed and presently dangerous to the officer or another person present;
  - b. may take possession of any object that is discovered during the course of the frisk if the officer has probable cause to believe the object is a deadly weapon;
  - c. may demand the name and present address of the person; and
  - d. shall inform the person, as promptly as possible under the circumstances and in any case before questioning the person, that the officer is a peace officer, that the stop is not an arrest but rather a temporary detention for an investigation, and that upon completion of the investigation, the person will be released if not arrested, all as prescribed in 46-5-402, MCA.
3. "Duration of Stop" - A stop authorized by an "Investigative Stop", (46-5-401, MCA) or "Assisting an Officer of Another State", (46-6-411, MCA) may not last longer than is necessary to effectuate the purpose of the stop, all as prescribed in 46-5-403, MCA.

***SEARCH INCIDENT TO AN ARREST***

1. When officers make a lawful custodial arrest, they may search the person, and the area within the person's immediate control, for the purpose of: protecting the officer from attack; preventing the person from escaping; discovering and seizing the fruits of the crime; or discovering and seizing any person instruments articles or things which may have been used in the commission of or which may constitute evidence of the offense. The search should be made as soon as reasonably possible after the arrest has been made.
2. A search incident to a lawful arrest is not rendered illegal simply because it precedes rather than follows the arrest. This rule is subject to three limitations:
  - a. the officer must have been able to effect a lawful arrest at the time of making the search;
  - b. the actual arrest must be substantially contemporaneously with the search; and
  - c. the search must satisfy the permissible scope and purposes of a search incident to a lawful arrest.
3. Articles found during this search that are generally admissible include weapons, fruits of the crime and instruments of the crime that contraband or fruits of another crime are discovered that do not relate directly to the crime for which the arrest was made, that discovery must be inadvertent in nature.
4. The arresting officer may use only the amount of force necessary to reach the objectives of the search.

***WARRANTLESS VEHICLE SEARCHES***

- 1 When officers have probable cause to believe contraband, fruits or instruments of a crime or evidence of a crime are located in a vehicle, they may conduct a warrantless search of the vehicle for those items, if they can articulate that obtaining a warrant is not practical under the circumstance. Warrantless vehicle searches require the officer to describe not only the probable cause supporting the search but the particular exigent circumstances that they believe supports conducting the search before obtaining a search warrant. Whenever possible, officers are encouraged to obtain a search warrant prior to conducting a search of the vehicle.
2. The search must be limited to those portions of the vehicle that officers have probable cause to believe the items may be found and to any containers capable of holding the items.

***CONSENT SEARCHES***

- 1 A person may consent to a search of their person, premises, vehicle or other item within the person's control. This consent to search must be voluntary and officers must advise the person of their right to refuse the search. The consent to search must be free of coercion, duress, and misleading statements.

The Miranda Warning is not required as part of the voluntary consent to search notification. Officers should obtain a written consent to search.



2. Officers will read the Consent to Search form approved for use within its jurisdiction in its entirety and have the person who has the legal right to give permission for the search sign and date the form to attest to their knowledge of their right to refuse permission to search.
3. Officers must provide the individual a list of items seized pursuant to the consent to search.

### **SEARCH WARRANTS**

1. "Authority to Issue Search Warrant" - A peace officer, the city or county attorney, or the attorney general may apply for a search warrant. A search warrant may be issued by a city or municipal court judge or justice of the peace within the judge's geographical jurisdiction; or a district court judge within this state, all as prescribed in 46-5-220, MCA.
2. Search warrants should be obtained in cooperation with the City Attorney, County Attorney, or Attorney General. A search conducted under the authority of a warrant has undergone prior review by the court. The court of issuance has established through the review that the standards for probable cause have been met.
3. Advice concerning the technical aspects of issuing, executing and returning a search warrant may be obtained from the City / County Attorney, or Attorney General.
4. "Grounds for Search Warrant" - A judge shall issue a search warrant to a person upon application, in writing or by telephone, made under oath or affirmation, that:
  - a. states facts sufficient to support probable cause to believe that an offense has been committed;
  - b. states facts sufficient to support probable cause to believe that evidence, contraband, or persons connected with the offense may be found;
  - c. particularly describes the place, object, or persons to be searched; and
  - d. particularly describes who or what is to be seized, all as prescribed in 46-5-221, MCA.
5. "Search Warrants Issued by Telephone" - Whenever an application for a search warrant is made by telephone, the applicant shall, in addition to the requirements contained in "Grounds for a Search Warrant", (46-5-221, MCA), state reasons to justify immediate issuance of a search warrant. All testimony given over the telephone that is intended to support an application for a search warrant must be given on oath or affirmation and must identify the person testifying. For the purpose of this section, the judge is authorized to administer an oath or affirmation by telephone. Sworn or affirmed testimony given over the telephone must be electronically recorded by the judge or a peace officer on a recording device in the custody of the judge or a peace officer when the application is made. If the recording is made by the judge the recording must be retained in the court records and must be transcribed verbatim as soon as possible after the application is made. The recording must include the time and date it was recorded. If the recording is made by the peace officer the recording must be transcribed verbatim as soon as possible after the application is made. The recording must contain the time and date when it was recorded. The peace officer making the recording shall, as soon as possible, provide the judge with the original recording and a transcription of the recording so that the judge may expeditiously verify the accuracy of the transcription. The original

recording must be retained in the court records. The peace officer making the recording shall secure a copy of the recording and transcription of the recording in the same manner as other evidence is secured. If the judge approves a warrant over the telephone, the peace officer serving the warrant shall sign the search warrant in the officer's own name and in the judge's name. The peace officer signing the judge's name shall initial the judge's name indicating the signature was authorized by the judge but signed by the officer. Any search warrant issued by telephone must be signed by the issuing judge or the judge's successor as soon as possible after it has been issued, all as prescribed in 46-5-222, MCA.

6. "To Whom Search Warrant Directed" - A search warrant must be directed to a specific peace officer commanding the officer to search for and seize the evidence, contraband, or person designated in the warrant, all as prescribed in 45-5-223, MCA.
7. "What May be Seized with Search Warrant" - A warrant may be issued under this section to search for and seize any evidence, contraband, or person for whose arrest there is probable cause, for whom there has been a warrant of arrest issued, or who is unlawfully restrained, all as prescribed in 46-5-221, MCA.
8. "When Warrant May be Served" - The warrant may be served at any time of the day or night. The warrant must be served within 10 days from the time of issuance. Any warrant not served within 10 days is void and must be returned to the court or the judge issuing the warrant and identified as "not served", all as prescribed within 46-5-225, MCA.
9. "Service of Search Warrant" - A search warrant must in all cases be served by the peace officer specifically named and by no other person except in aid of the officer when the officer is present and acting in its service, all as prescribed in 46-5-226, MCA.
10. "Service and Return of search warrant. Service of a search warrant is made by exhibiting the original warrant or a duplicate original warrant at the place or to the person to be searched. The officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the search warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. Failure to leave a copy and receipt may not render the property seized inadmissible at trial, all as prescribed in 46-5-227, MCA.
11. "Procedures Assisting in Execution of Service of Search Warrant" - All necessary and reasonable force may be used to serve a search warrant or to affect an entry into any building, property, or object to serve a search warrant. The person serving the search warrant may reasonably detain and search any person on the premises being searched at the time of the search for self-protection or to prevent the disposal or concealment of any evidence, contraband, or persons particularly described in the warrant, all as prescribed in 46-5-228, MCA.
12. "Return" - A return must be made promptly and must be accompanied by a written inventory of any evidence or contraband taken, verified by the person serving the warrant. The return must be made before the judge who issued the warrant or, if the judge is absent or unavailable, before the nearest available judge. The judge shall, upon request, deliver a copy of the inventory and the order of custody or disposition to the person from whom or from whose premises the property was taken and to the applicant for the warrant. The judge shall



enter an order providing for the custody or appropriate disposition of the evidence or contraband seized pending further proceedings, all as prescribed in 46-5-301, MCA.

13. Articles located that are contraband or the fruits or instruments of any crime may be seized if the article described on the search warrant has not yet been located.
14. When the items named in the warrant are located, the search must stop.

### ***PLAIN VIEW SEARCH***

1. Officers may seize evidence, contraband, and persons pursuant to the plain-view doctrine without a warrant under the following circumstances.
2. In order for plain search to occur the officer must be in a lawful position to observe the article and or persons. The article and or persons must be in plain view.
3. The incriminating nature of the article and or persons must be immediately apparent.
4. Evidence seized in a plain view search may provide probable cause for a warrantless vehicle search.
5. Evidence seized in a plain view search may provide probable cause in support of an application for a search warrant vehicle search.

### ***EXIGENT CIRCUMSTANCE SEARCHES***

1. Warrantless entry into private property, including a residence or its land may be made under exigent circumstance to:
  - a. Preserve evidence that may be damaged or destroyed.
  - b. Prevent escape of a criminal.
  - c. Prevent a criminal from committing further criminal acts.
  - d. Render and/or determine the need for emergency medical aid.
  - e. Maintain public safety.

### ***OPEN FIELD SEARCHES***

1. Officers should carefully consider the circumstances surrounding warrantless entry and searches of open fields. When conditions permit, these decisions should be reviewed in advance with legal counsel.
2. A person may have an expectation of privacy in an area of land beyond the curtilage. When that expectation is evidenced by fencing, signs, or by other means which indicate entry is not permitted. When there is a reasonable expectation of privacy, entry by law enforcement should be by warrant or consent.
3. Curtilage is defined in common law as the term used to describe the area around a dwelling house where the resident or occupants have some expectation of privacy. In considering the proximity of the area claimed to be curtilage to the home, the courts examine:
  - a. Whether the area is included within an enclosure surrounding the home;
  - b. the nature of the uses to which the area is put;
  - c. the steps taken by the resident to protect the area from observation by people passing by.



4. Officers are not precluded from making observations of private land from public property.

#### ***ADMINISTRATIVE INVENTORY***

1. Occasionally it becomes necessary for officers to remove motor vehicles from the scene to a location of greater security. This is necessary in cases of abandonment, vehicles involved in traffic accidents (hit and run, etc.) or when certain arrest actions are executed. Officer should refer to the Agencies administrative inventory guidelines when conducting an administrative inventory. Once developed, these guidelines should be uniformly administered.
2. The justification for an inventory, which is to be considered an administrative function, is:
  - a. To protect the owner's property when the owner is unable to do so.
  - b. To protect the officer and the agency against potential civil liability.
3. During the course of an Administrative inventory, when contraband, fruits or instruments of a crime or evidence of a crime are discovered, the officer should halt the inventory and not seize the item or items found. The items should be left in their original location and used as probable cause for a search warrant. Exigent circumstance may arise when the item discovered is of such a nature that's its immediate seizure is required to prevent the item from being destroyed or the evidence dissipating before a search warrant can be obtained.

#### ***CUSTODY AND DISPOSITION OF PROPERTY***

1. Evidence or contraband lawfully seized without a warrant may be retained in the custody of the officer making the seizure for a time sufficient to complete an investigation.
2. Notice of the seizure and a receipt for the evidence or contraband seized must be given to the person from whose possession the evidence or contraband was taken and to the owner of the evidence or contraband if the owner is reasonably ascertainable. The failure to give a receipt may not render the evidence seized inadmissible at trial.

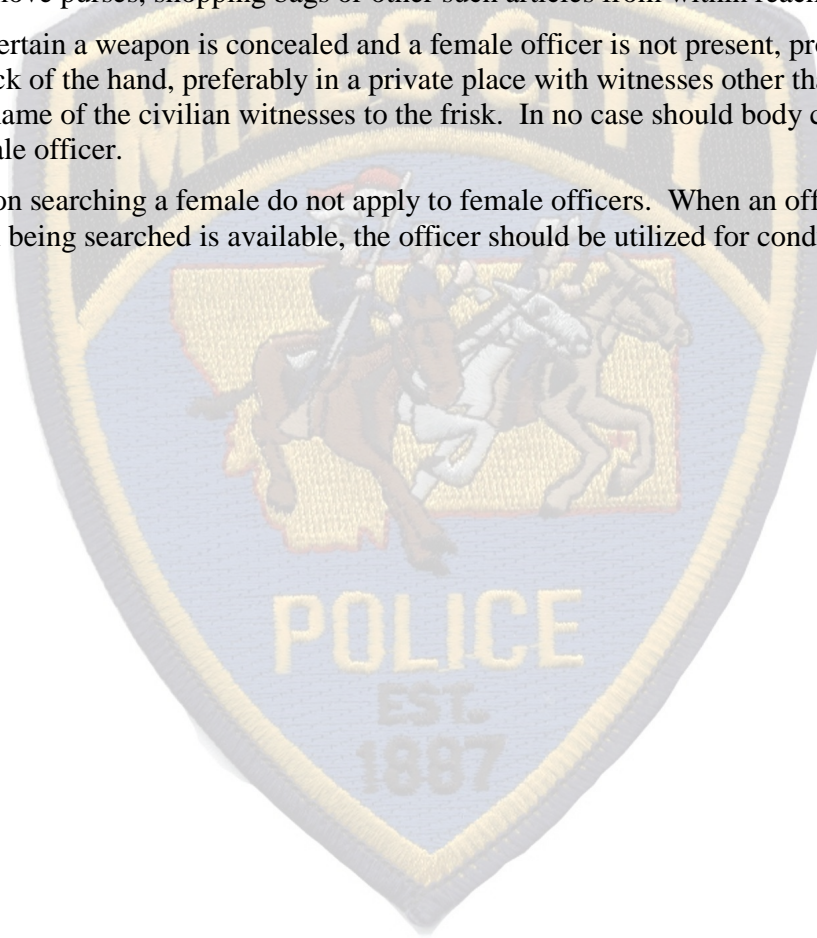
***SEARCH, FEMALE***

When a female is taken into custody and is to be transported in a police vehicle, she may be searched prior to being placed in a police vehicle if the officer has reason to believe the female has a dangerous weapon concealed on her person. Such search will consist of a "pat-down". A strip searcher by a male officer is not authorized.

Visual inspection of light or form fitting clothing is usually sufficient. Outer coats or sweaters may be removed if the prisoner is placed in a warm place of custody such as a squad car. Check bulky footwear and remove purses, shopping bags or other such articles from within reach of the female.

If the officer is certain a weapon is concealed and a female officer is not present, proceed with a pat frisk with the back of the hand, preferably in a private place with witnesses other than a police officer. Get the name of the civilian witnesses to the frisk. In no case should body cavities be searched by a male officer.

The restrictions on searching a female do not apply to female officers. When an officer of the same sex as the person being searched is available, the officer should be utilized for conducting the search.



### ***SEATBELT USAGE***

All members of the Miles City Police Department will wear the seat belt, lap belt and shoulder strap, when so equipped in any vehicle being operated that is owned by the City of Miles City per Montana State Statutes. Passengers riding in the same vehicle will also be required to wear the lap and shoulder belts as per current Montana State Statutes. Exception to this policy would be in transporting prisoners in the rear seat of the squad cars that are equipped with protective cages.





## ***Social Media***

### ***Purpose***

The purpose of this policy is to provide guidelines concerning the personal use of social media when it references the Miles City Police Department. This policy is not meant to address one particular form of social media in general, as advances in technology will occur and new tools will emerge.

This policy does not prohibit and will not be interpreted or enforced in a manner which could interfere with, restrain, or coerce employees from engaging in activities protected by the National Labor Relations Act, including concerted activities, discussion of wages, benefits, and other terms and conditions of employment.

### ***Policy***

Personnel shall not use any form of social media or social networking in any way that discredits themselves or their department or otherwise impairs their ability or that of other officers or the department to provide fair, impartial and unbiased law enforcement services to the community. An officer's ability to perform his or her duties is dependent upon the respect and confidence communities have for the officer and law enforcement in general. Officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them by the public. Any online activity that has the effect of diminishing the public's trust and/or confidence in this department will hinder the efforts of the department to fulfill its mission. Law enforcement officers, by virtue of their position, are held to a higher standard than the general members of the public, and their online activities should reflect such professional expectations and standards. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

### ***Definitions***

**Social Media:** A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to social networking sites (Facebook, MySpace), micro-blogging sites (Twitter, Nixle), photo and video sharing sites (Flickr, Youtube), wikis (Wikipedia) blogs, and new sites.

**Social Networks:** Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

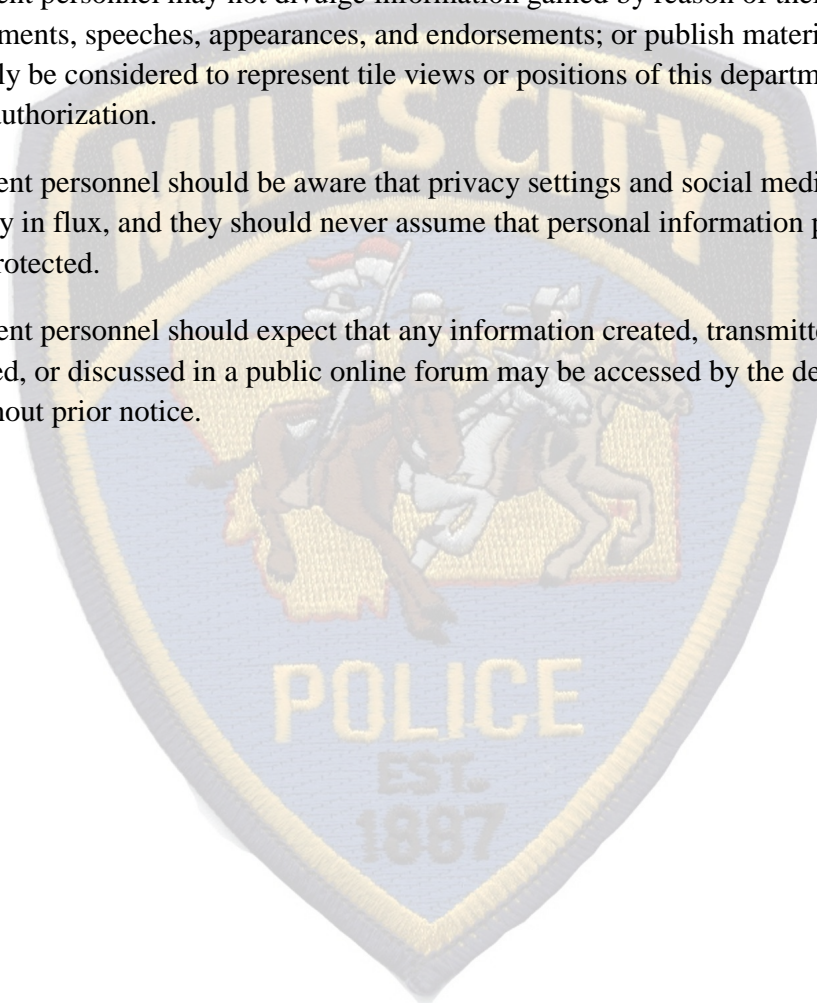
### ***Procedures***

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair

discipline and harmony among coworkers, or negatively affect the public perception of the department.

2. Employees are expected to exercise good judgment and demonstrate personal accountability when choosing to participate on social-networking sites.
3. Employees should not represent themselves in a public forum in any manner that reflects a lack of good moral character, post any material on the Internet that brings discredit to, or may adversely affect the efficiency or integrity of the department.
4. As public employees, department personnel are cautioned that speech on or off-duty, made pursuant to their official duties, that is, that owes its existence to the employee's professional duties and responsibilities is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.
5. Employees should not post, transmit, or otherwise disseminate any confidential criminal justice information or any other information to which they have access as a result of their employment without the express written consent of the Chief of Police or his or her designee.
6. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As such, department personnel are cautioned not to do the following:
  - a. Display department logos, uniforms, or similar identifying items on personal web pages.
  - b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a peace officer of this agency. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
7. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, or protected class of individuals.

- b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
- 8. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
- 9. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.
- 10. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- 11. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.





## ***Special Tactical Situations***

### ***Purpose***

The purpose is to provide guidelines that establish general procedures for handling special tactical situations that may be comprised of unusual operational activities and problems including hostage situations, armed barricaded persons, sniper incidents, aggravated suicide attempts and other tactical problems.

### ***Policy***

It is the policy of the Miles City Police Department to respond to special tactical situation incidents in a manner that will promote resolve to the particular situation that includes the minimization of injuries and the preservation of life of all persons involved, all in an effort to apprehend those persons responsible for criminal conduct.

### ***Definitions***

"Inner Perimeter"- means a containment area immediately surrounding the situation location that minimizes and controls movement of a suspect within that area. The inner perimeter should be sufficiently large to present no immediate danger to persons within the area but should be as small as possible to ensure that control and management can be maintained.

"Outer Perimeter"-means a large containment area that completely surrounds the inner perimeter and prohibits unauthorized vehicular and pedestrian traffic from reaching the inner perimeter. The outer perimeter should be positioned in a manner to afford protection and safety to anyone outside the outer perimeter boundaries.

"Control Zone"-means the space between the outer perimeter and the inner perimeter. Officers manning the outer perimeter will allow authorized persons into the control zone for restricted purposes as designated by the officer in charge.

"Traffic Control Points" -means key intersections or other locations that restrict all unauthorized vehicular traffic from reaching the boundaries of the outer perimeter.

"Field Command Post"-means a temporary location used as the on-scene command center to coordinate the activities of all operational personnel. The field command post will be placed outside the inner perimeter, preferably inside the control zone, and will include the actual command post facility and a controlled area utilized for assembly and parking. Either a vehicle or another suitable structure may be used as a field command post.

"Administrative Command Post"-means a temporary location used as an assembly point for the on-scene commander for the purpose of administrative control of the situation. Telephone service is mandatory.

### ***Response to Tactical Situations***

Procedural guidelines are designed to prevent or minimize confusion in assuming command and initiating control procedures.

When possible these variables should be considered when confronted with a complex tactical and/or life-threatening situation such as a hostage or barricaded suspect incident, including:

- a. The mental state of the suspect
- b. The physical condition of the hostage
- c. The suspects stated objectives and motivations
- d. The Involvement and proximity of bystanders
- e. location

This agency will not grant immunity or pay ransom to neutralize a hostage situation.

When a suspect has barricaded himself and does not hold a hostage, the agency should attempt all reasonable measures to affect capture by use of non-lethal means consistent with the offense and the safety of agency personnel and by-standers.

### ***Deployment of Force***

Time is a benefit and shall be made to work to the advantage of this agency. Thoughtful coordinated response is essential.

Officers should adhere to the Miles City Police Department's policy on Use of Force.

Personnel should maintain strict firearm discipline. Should an individual office come under attack by the suspect, or If the suspect attacks or attempts to attack the hostage with force, it is not required that an officer wait for Instruction to protect themselves or the hostage.

Only those specifically qualified should employ specialized weapons and equipment.

### ***Officer Responsibility***

for the effective coordination of responding forces, it is essential that our personnel not engage in individual action unless forced to do so.

Strict compliance with the directions of the on-scene commander regarding reporting locations, deployment, response routes, traffic and pedestrian controls, and other appropriate instructions must be adhered to by all persons involved with these situations.

***Command and Control***

The senior officer in the first unit on the scene will have command and control of the situation until relieved by an officer of higher rank.

The on-duty supervisor should deploy arriving officers promptly and efficiently to effect containment as soon as possible.

Command and control should not automatically be relinquished to a superior, nor should the superior assume control until each is certain that all available information relating to the Incident is thoroughly explained and understood, and to the maximum extent possible, all personnel understand that command and control is being transferred and to whom.

***Field Command Operations***

The officer with command and control should implement the following steps:

- a. Establish an inner perimeter to contain the suspect. This may be accomplished by making certain the units at the scene are in the best positions possible to effectively contain the site. These officers may serve as an arrest team should the suspect surrender or exit unexpectedly;
- b. Establish an outer perimeter and traffic control points to control vehicular and pedestrian traffic;
- c. Locate and establish, or determine a location for a command post away from the objective structure;
- d. Locate and establish a staging area for responding personnel and supporting agencies away from the command post but within the outer perimeter,
- e. Establish a communications network and request frequency restriction for continuous communication with deployed personnel;
- f. Attempt to secure maps, aerial photos, assignment sheets and related materials.

***Notification***

When any officer of the Miles City Police Department becomes aware of the existence of a special tactical situation the officer should:

- a. Request sufficient personnel to contain the effected area;
- b. Notify the on-duty supervisor at the earliest possible opportunity;
- c. Periodically update the supervisor.



The on-duty supervisor should ensure notification of the Miles City Police Department administration.

***Communications with suspects***

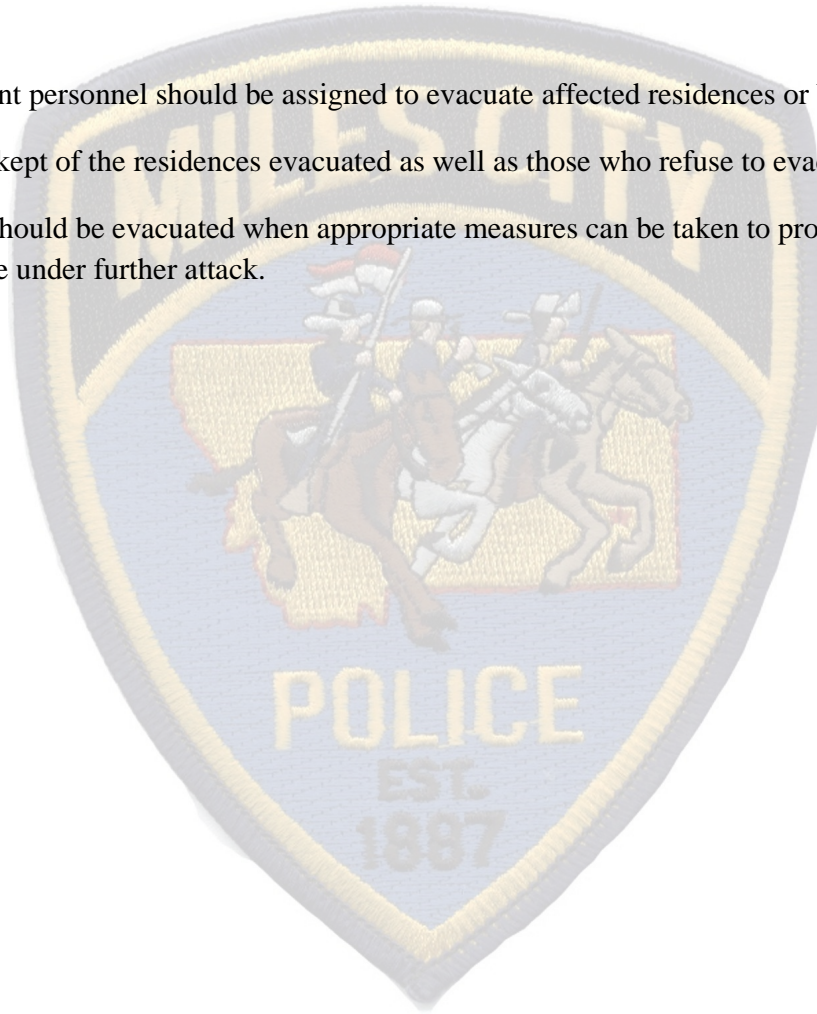
The on-duty supervisor should attempt to establish communication with any and all suspects until negotiators arrive, whereupon they may delegate the task.

***Evacuations***

Outer containment personnel should be assigned to evacuate affected residences or bystanders.

A log should be kept of the residences evacuated as well as those who refuse to evacuate.

Injured victims should be evacuated when appropriate measures can be taken to protect the rescuers should they come under further attack.



## ***SUPERVISORY PERSONNEL***

### **Supervisors and/or Acting Supervisors will:**

1. Assume supervisory authority over on-duty, uniformed, and civilian personnel of the City of Miles City Police Dept.
2. Assign Officers to details in a manner consistent with the needs of the police department.
3. Analyze calls for police services and reported crimes and execute the patrol, investigative and youth relations functions for their particular shift.
4. Be responsible for evaluating the quality of the work performed by the personnel assigned to their shift.
5. Strive to instill in their personnel a total concept of the law enforcement task.
6. Be responsible for the level of proficiency of the personnel assigned to their shift.
7. Make reports as may be assigned by the Chief of Police.
8. Take proper action on any problem of a disciplinary nature and keep records for evaluating purposes. All serious instances of misconduct shall be brought to the attention of the Chief of Police for action and disposition. Special attention is to be given to rule #24 Enforcement of violations.
9. In the chief's absence, the Shift Supervisor or in their absence, the officer appointed by the Chief will assume command. All personnel will respond to reasonable and lawful orders of the officer in command.
10. When no supervisory personnel are on duty and the acting shift commander is not able to handle a given situation, the acting shift commander may call the last supervisor on duty for reference.
11. Supervisory personnel are responsible for enforcing all rules, regulations and policies of the Miles City Police Department.

## **TASER X26-Electronic Control Device (ECO)**

### ***Purpose***

The purpose of this policy is to provide guidelines to officers in the proper deployment, care, and use of the Taser X26 - Electronic Control Devices.

### ***Policy***

Deployment of the Taser X25 - Electronic Control Device constitutes an intermediate or medium use of force. Officers should use the amount of force, which is reasonable and justified under the circumstances and necessary to make an arrest or gain control of a situation. The Taser X26 - Electronic Control Device falls into the category of non-lethal force. Non-lethal, however, is not synonymous with non-excessive; all force, lethal and non-lethal, must be justified by the need for the specific level of force employed. The Taser X26 - Electronic Control Device is not substitute for deadly force when the situation escalates and the use of deadly force is justified.

### ***Training Required***

Officers who intend to carry and/or use department issued Taser X26 - Electronic Control Devices must first complete a recognized and approved training course. To continue to use and carry the Taser X26 - Electronic Control Device, ongoing training and familiarization with the deployment and application of the device is required by the department for every officer.

### ***Authorized Electronic Control Devices***

1. The police department will document and record the serial numbers of all Taser X26 - Electronic Control Devices within its inventory.
2. Training records will also be kept to document those officers authorized to carry and use police department issued Taser X26 - Electronic Control Devices.
3. Alterations or Modifications - No changes, alterations, modifications, or substitutions shall be made to Taser X26 - Electronic Control Devices, cartridges or department issued holsters.

### ***Carrying the Taser X26 - Electronic Control Device***

1. Officers may only carry and use agency authorized Taser X26 - Electronic Control Devices.
2. Belt Holsters for the Taser X26 - Electronic Control Device shall be worn opposite of the officer's firearm in a cross-draw position.



3. Upper Leg Holsters may also be worn in order to carry the Taser X26 - Electronic Control Device.
4. Chest holsters may also be worn in order to carry the Taser X26 - Electronic Control Device.
5. All holsters used to carry the Taser X26 - Electronic Control Device should be positioned on an officer's body to avoid confusion between the officer's firearm and the Taser X26 - Electronic Control Device.

Prior to the deployment of the Taser X26 - Electronic Control Device, officers are required to visually and physically confirm that the device selected is in fact the Taser X26 - Electronic Control Device and not the firearm.

### ***Inspections, Tests & Repairs***

1. Officers who intend to carry the Taser X26 - Electronic Control Device during their shift should first inspect the device and its cartridges for damage.
2. The device should also be turned on to ensure that it has a functioning charge.
3. If the officer intends to test fire the device to ensure that it is in working order, the officer should first remove the cartridge from the front of the device in order to activate it safely. The device should then be pointed in a safe direction towards the ground away from the officer and others.
4. If the device is inoperable or if it malfunctions, it should be submitted to the department command for examination and repair.
5. All repairs shall be completed by a police department authorized armorer or vendor. Repairs to a Taser X26 - Electronic Control Device shall be documented and a record shall be maintained by the police department.

### ***Guidelines For Use And Deployment***

The following procedures provide guidance in the proper use, deployment and application of the Taser X26 - Electronic Control Device.

1. The Taser X26 - Electronic Control Device temporarily overrides the command and control systems of the body to impair muscular control. The Taser X26- Electronic Control Device delivers an electrical charge cycle. The operator has the ability to shut the device off, this ending the charge cycle. Pulling the trigger additional times will reactivate the 5 second charge cycle. The Taser X26 - Electronic Control Device can be discharged by two different methods:

- a. Probe Method -When a Cartridge is inserted in the front of the Taser X26 - Electronic Control Device and it is discharged, two small probes attached to wires are expelled from the device by use of nitrogen gas. When the probes penetrate clothing or skin, electrical contact may be made between the probes impairing muscular control between the probes. There are several different cartridges, which vary in wire length in determining the distance to target.
  - b. Touch-Stun Method - When there is no cartridge inserted in the front of the Taser X26 - electronic Control Device and it is discharged, an electrical charge will be generated between the two metal probes at the front of the device. The device can then be placed against an individual's skin in order to make contact.
2. Because the Taser X26- Electronic Control Device constitutes an intermediate or medium use of force, officers must be justified by the objective factors of the situation to employ such a level of force. Officers must consider the following before redeploying or discharging the Taser X26- Electronic Control Device:
  - a. The severity of the crime at present must be serious enough to support and justify the level of force (Is the offense a misdemeanor or felony and/or a violent or non-violent crime?)
  - b. The suspect must pose an Immediate threat to the safety of the officers or others. The Taser X26 - Electronic Control Device should be used only against suspects who are exhibiting active aggression or who are actively restricting in a manner that, in the officer's judgement, is likely to result in injuries to themselves or others.
3. The suspect must be actively resisting arrest or attempting to evade arrest by flight. The Taser X26 - Electronic Control Device should never be used against an unarmed non-aggressive, passive suspect. Note that the potential for injury is greater if a suspect is tasered while running. The fact that the suspect is just fleeing from officers should not be the sole justification for using the Taser X26 - Electronic Control Device against the suspect.
4. Are there other less intrusive tactics available to affect the arrest?
5. The type of ground surface. (Because of the location, is there greater potential for injury when the suspect falls?)
6. Verbal warnings are not required, however they are recommended in most instances in an attempt to gain compliance to avoid actual discharge of the device. Warning a suspect that he/she will be tasered if they do not comply may initiate compliance from the suspect. In certain situations, surprise deployment without verbal warning may be necessary to subdue a

suspect to prevent them from immediately hurting themselves or others; or to prevent the suspect from grabbing and/or using a weapon against themselves or others.

7. When officers discharge the Taser X26 - Electronic Control Device they shall allow the device to discharge for one complete standard charge cycle (five seconds). The officers should be giving verbal commands to the suspect upon deployment. Officers should then attempt hands-on control tactics during and immediately after the charge cycle in an attempt to restrain and handcuff the suspect. When the first charge cycle has ended, officers must evaluate the situation before reactivating an additional charge. Immediately after being tasered, suspects may appear non-compliant with verbal commands due to disorientation and the lack of muscle control caused by the Taser. Officers should use this brief time period to hand cuff the suspect. If the suspect continues to actively resist arrest, an additional charge may be necessary. Officers must understand that multiple applications or continuous cycling of longer than 15 seconds (whether continuous or cumulative) may increase the risk of serious injury or death and should be avoided. Note that officers can shut the device off during any charge cycle to stop the charge cycle and decrease the suspect's exposure to the device's charge.

8. Preferred Target Areas of the Body- when a suspect is facing away, officers should aim for the back center mass of the suspect and avoid targeting the head and neck area. When the suspect is face on, officers should aim at the lower torso, trying to avoid the chest and genital area.

#### ***Use on Persons In Restraints Or In Custody***

1. After deploying the Taser X26 - Electronic Control Device, medical personnel from the Miles City Fire Department shall be summoned to the scene at the officer's request . Medical personnel shall assess the areas of the suspect's body where the Taser and/or Taser probes entered and/or made contact. Injuries sustained during the fall or during the custodial arrest shall also be examined and assessed and treated by medical personnel.

2. If the injuries warrant further treatment or if the suspect requests further treatment at the hospital, the suspect shall be transported by ambulance to the hospital. Medical treatment shall not be refused for anyone who requests it.

3. Probe Removal - Medical personnel summoned to the scene or medical personnel at Holy Rosary Hospital shall remove the probes from the suspect's body and administer the necessary medical treatment.

4. When the probes are removed by medical personnel, officers should inspect the probes to ensure that the entire probe, including the barb, has been removed.



5. Suspects who have been tasered, exhibiting the following signs should be examined and monitored by medical personnel at the hospital:
  - a. Suspects who are unconscious or unresponsive.
  - b. Suspects who appear highly intoxicated or under the influence of a narcotic.
  - c. Suspects who are highly agitated or acting irrational.
  - d. Suspects with elevated or irregular breathing.
  - e. Suspects who appear extremely over heated or they are sweating profusely.
  - f. Suspects who claim that they have a heart condition.
  - g. Suspects who have chest pain or are claiming further injury or pain.
  - h. Any suspect receiving multiple charge cycles, 3 standard charge cycles or more In excess of 15 seconds.
6. Suspects who have been tasered and who are now in the custody and care of the police department; should be monitored closely by officers until they are turned over to detention staff or medical personnel.
7. Detention staff must be informed that the suspect was controlled by the use of the Taser X26 -Electronic Control Device.

#### ***Photographs***

1. Photographs should be taken of Taser contact sites and/or probe impact sites; as well as any other related injuries as soon as possible.

#### ***Handling Of Spent Probes and Cartridges (Biohazards)***

1. Spent probes shall be treated as biohazards. With the use of gloves, the spent probes should be placed point down into the expended cartridge bores and secured.
2. Officers shall also try to collect the "Afids" expelled from the Taser cartridge.
3. The "Afids," spent cartridges and spent probes should be considered evidence and department's Evidence Handling Procedures should be adhered to.

#### ***Elevated Risk Factors***

1. Officers should be cognizant of certain dangers associated with the use of and the incapacitating effects of the Taser X26 - Electronic Control Device under the following circumstances:

- a. When Flammable liquids/fumes or explosives are present.
- b. When the suspect is in an elevated position and the fall may result in death or serious bodily injury.
- c. When the suspect is seated in, driving a motor vehicle.
- d. When the suspect is actively running or fleeing.
- e. When the suspect is pregnant or appears pregnant.
- f. When the suspect is in or near a body of water.
- g. When the suspect is a young child.
- h. When the suspect is elderly or appears frail.
- i. When the suspect is amongst others and there is no clear line of sight.

#### ***Use On Animals***

The Taser X26 - Electronic Control Device may be deployed on an animal when the animal:

- a. Is threatening or attacking a person, including officers or another animal; or
- b. Needs to be controlled for the reason of public peace and safety, preservation of property, or other legitimate purpose; or
- c. Poses an active threat to officers in their efforts to perform their duties.

#### ***Use History***

After using the Taser X26 - Electronic Control Device, the device should be turned into command staff to download the Taser event. The Taser event shall then be downloaded and maintained by the department. A use history report will also be maintained by the police department in accordance with record retention policies. Use history reports will be generated upon the occurrence of the following:

- a. When the Taser X26 - Electronic Control Device is used against any suspect or animal.
- b. Any claim of excessive force by use of the Taser X26 - Electronic Control Device.

- c. Hospitalization of the suspect following the use of Taser X26 - Electronic Control Device.
- d. The death of a suspect following the use of the Taser X26 - Electronic Control Device.
- e. In the event the Taser X26 - Electronic Control Device is repaired or in no longer utilized.
- f. Semi-annually.

#### ***Accidental Cartridge- Discharge***

In the event of an accidental cartridge discharge, officers shall promptly notify their immediate supervisor.

#### ***Prohibited Uses***

The Taser X26 - Electronic Control Device shall not be used:

- a. Punitively.
- b. In touch-stun mode as a prod or escort device.
- c. To rouse an unresponsive, unconscious, impaired or intoxicated person.
- d. For horseplay or clowning around in an unprofessional manner.
- e. To experiment on a person or allow a person to experience the effects unless authorized by the department during training or demonstrations.
- f. Against non-aggressive, passive suspects.
- g. Against suspects who have committed minor offenses.
- h. Against suspects who are not posing an immediate threat towards the safety of officers or others.
- i. Against suspects who are just running and/or fleeing from police.

#### ***Records And Use By Officers***

After deploying and using the Taser X26- Electronic Control Device against suspects and/or animals, officers must complete an officer statement as well as a Taser Use Report explaining and documenting the event. The officer statement and Taser Use Report will then be submitted to the officer's immediate supervisor.



The department shall maintain records, documenting and tracking the use of its Taser X26 - Electronic Control Device by officers.

The department will review incidents and track the use of all of its Taser X26 - Electronic Control Devices to ensure the department policy is being adhered to. When policy infractions are suspected and/or inconsistencies are detected the department shall conduct an investigation to determine what actions should be taken by the department.



## ***TAVERN CHECKS***

There is every reason to believe that a preventative walk-through of a tavern by a police officer at irregular times is helpful in our role of preventing crime and keeping the peace. This should be accomplished.

It will be the duty of the shift supervisor to assign officers to make regular tavern checks. The officer will be responsible for checking ID's of possible minors and taking any action necessary to ensure that the laws regarding the peace and liquor are enforced.

It is also the responsibility of the bar owner/manager/employee to check customers for ID when their age is questionable.



## ***THREATENING THE USE OF FORCE***

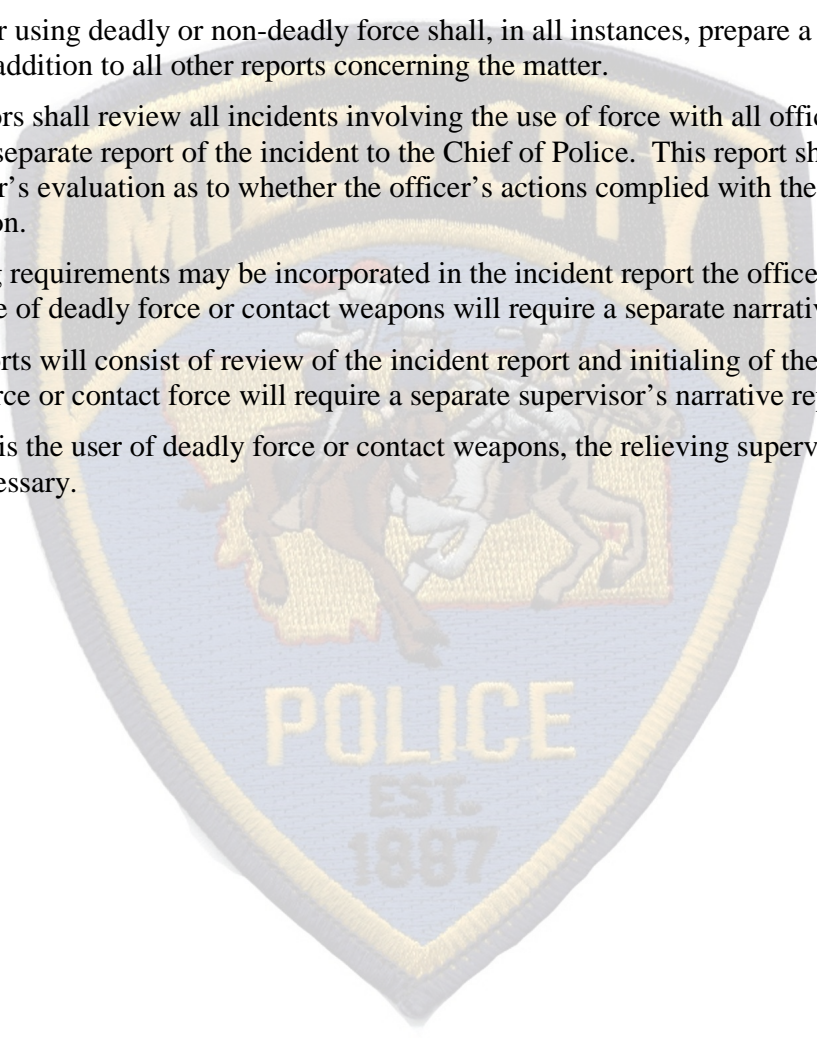
An officer may announce to another his or her intention to use only that types and degree of force, which is reasonably necessary under the circumstances. This provision shall not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.

## ***REPORTING REQUIREMENTS***

1. An officer using deadly or non-deadly force shall, in all instances, prepare a use of force report in addition to all other reports concerning the matter.
2. Supervisors shall review all incidents involving the use of force with all officers involved and submit a separate report of the incident to the Chief of Police. This report shall contain the supervisor's evaluation as to whether the officer's actions complied with the provisions of this section.
3. Reporting requirements may be incorporated in the incident report the officer writes, in most cases. Use of deadly force or contact weapons will require a separate narrative report.

Supervisor's reports will consist of review of the incident report and initialing of the same, in most cases. Deadly force or contact force will require a separate supervisor's narrative report.

If the Supervisor is the user of deadly force or contact weapons, the relieving supervisor shall review and report, if necessary.





## ***TRANSPORTING SUSPECTS IN CUSTODY***

### ***PURPOSE***

The purpose is to establish guidelines for the transporting of suspects (prisoners) in custody.

### ***POLICY***

An officer transporting a suspect should always protect the safety and well-being of the officer, the suspect, and the public.

### ***RESTRAINT EQUIPMENT***

1. The use of handcuffs should be the preferred method while transporting suspects. Handcuffs should be applied immediately prior to and during transport, except in circumstances where the arresting officer determines the use of handcuffs would not be appropriate.
2. Officers should exercise caution in the application of handcuffs to ensure that they are applied correctly, and do not cause injury or unnecessary discomfort. When applying handcuffs, the following method of use should be employed:
  - a. The suspect's wrists should be secured behind the back with the preferred application of the back of the hands together.
  - b. If the above method is not attainable for suspects whose physical size or limitations prevents their arms from being joined behind their back, then persons may be handcuffed as described:  
The suspect's hands will be secured in front of them with the back of the hands together.  
The handcuffs should be secured through the suspect's belt and the belt laced through the pants so that the belt buckle is exposed to their backside.  
Alternate restraint devices or two sets of handcuffs may be employed to secure the suspect's wrists behind them.
3. Suspects whose hands and or wrists are too small for regular handcuffs will be secured with alternative restraint devices.
4. Handcuffs should be double locked to prevent injury to the suspect's hands or wrists.
5. Supplemental restraints may be used when the arresting officer has cause to believe that the suspect presents a substantial risk of escape, violent resistance, or injury to themselves or others.
6. Officers will not attach handcuffs to leg restraints behind the back thereby resulting in a "hog-tie" position due to the extreme risk of positional asphyxia.

### ***TRANSPORT VEHICLE***

1. Vehicles used in transporting suspects should have a barrier separating the driver from the suspect.

2. The transport vehicle should be so equipped and or modified to minimize opportunities for the suspect to exit from the rear compartment of the vehicle without the aid of the transporting officer.
3. While transporting suspects, officers should closely monitor the suspect to ensure they have an unobstructed airway and are breathing properly. Officers should be aware of positions which might restrict a person's ability to breathe, or of other medical or physical conditions which might affect the person's wellbeing.
4. The officer should check the transport vehicle for weapons or contraband prior to and after transporting a suspect.

### ***PROCEDURE***

1. To maximize the safety of officer(s), the suspect(s) and the public, the following procedures should be used in transporting suspects in custody.
2. All suspects in custody should be searched prior to being placed in a law enforcement vehicle.
3. Suspects should be placed in the rear seat of the vehicle on the passenger side with the seat belt securely fastened, unless the seat belt cannot be safely fastened without significant risk of injury to the officer.
4. If possible, female suspects being transported will be transported or accompanied by a female officer.
5. Whenever a suspect is transported, the starting odometer reading, location, and destination should be reported by radio or cell phone at the initiation and termination of the transport.
6. If a suspect reports or complains of an injury, as a result of the use of handcuffs or during transport, photos of the injury and a written report will be provided with the arrest report.

### ***EXTENDED TRANSPORTS***

1. During normal suspect transports, a rest stop should not be required. Prior to leaving a facility on an extended transport, the officer should allow the suspect to use the rest room.
2. If while at the hospital, court, or on an extended transport the suspect requires use of the rest room, the officer should accompany the suspect to the rest room keeping the suspect in the officers field of vision. Only officers of the same sex as the suspect may accompany suspects to the rest room to perform these functions.
3. Upon leaving any of the previously noted locations, the officer should search the suspect prior to resuming transport. Whenever the transport vehicle is left unattended, the vehicle should be locked.
4. If an officer is required to perform an extended transport and the suspect requires a rest stop, the officer should use appropriate care and caution in determining the proper place to stop. Isolated gas stations in rural areas involve the least hazard.
5. The officer should never allow the suspect out of sight.
6. Extended transports require an officer of the same sex as the transported suspect.
7. The officer should always be cognizant of other persons who may desire to prevent a successful transport.
8. If a suspect attempts to escape from custody, the officer should summon assistance and subdue the suspect using the force necessary to maintain custody.

### ***PERFORMING LAW ENFORCEMENT SERVICES WHILE IN TRANSPORT***

1. An officer should not respond to or engage in other law enforcement activities while transporting a suspect, unless the incident is of such magnitude that an officer or other person is placed in jeopardy of serious bodily harm or death. The officer should be constantly concerned with the safety of the suspect, and should not expose the suspect to unnecessary hazards.

### ***ESCAPE OF A SUSPECT IN TRANSPORT WITHIN JURISDICTION***

1. In the event of an escape of a suspect, the officer shall notify dispatch of the escape and the direction of travel. Dispatch will direct additional units to respond to assist in the apprehension.
2. If the officer discovers that a suspect is missing and not in sight, the officer must decide whether the suspect is within an enclosed area the officer can control. If the suspect is contained, the officer should:
  - a. Maintain their position blocking the suspect's escape.
  - b. Notify Dispatch of their location and status.
  - c. Await the arrival of assisting officers to aid in the search.
3. If the officer has reason to believe that the suspect is not within a confined area and is out of sight, the officer should:
  - a. Notify Dispatch of the officer's location and status.
  - b. Broadcast an appropriate "be on the lookout" message; describing the escapee; providing the last known location of the subject; providing the direction of travel if known; description of the escapee including clothing; and criminal charges pending or convicted of. Notify the supervisor.
4. Under no circumstances should the supervision of other suspects be relaxed to pursue an escaping suspect.
5. A written report of the escape or escape attempt will be completed. The report will include any use of force deployed, circumstances for the use of force, specific events leading up to the escape or escape attempt, and the action of the officer.
6. If the suspect is injured during the escape or escape attempt or recapture, the officer should transport the suspect to a medical facility. If the injuries are severe enough to preclude transport in a law enforcement vehicle, the suspect will request and transport in an ambulance. Suspects transported in an ambulance will be accompanied by an officer.

### ***ESCAPE OF A SUSPECT IN TRANSPORT OUTSIDE JURISDICTION***

1. If the escape occurs while an officer is conducting transport outside the department's jurisdiction, the officer should:
  - a. Immediately summon assistance by notifying the local law enforcement authority, including:
    - a summary of the situation;
    - description of the escapee including clothing;
    - and criminal charges pending or convicted of.
2. The officer should then notify their supervisor of the incident.



3. The officer should file a report in the jurisdiction where the escape occurred while maintaining a copy to include with their agencies incident report.
4. If the escaped suspect is recaptured by an officer, the suspect should immediately be thoroughly searched for weapons or contraband. The suspect should then be placed in appropriate restraints and transported to the original destination or the agency having jurisdiction where the escape occurred.
5. Under no circumstances should the supervision of other suspects be relaxed to pursue an escaping suspect.
6. A written report of the escape or escape attempt will be completed. The report will include any use of force deployed, circumstances for the use of force, specific events leading up to the escape or escape attempt, and the action of the officer.
7. If the suspect is injured during the escape or escape attempt or recapture, the officer should transport the suspect to a medical facility. If the injuries are severe enough to preclude transport in a law enforcement vehicle, the suspect will request and transport in an ambulance. Suspects transported in an ambulance will be accompanied by an officer.

#### ***MEALS DURING EXTENDED TRANSPORTS***

1. On extended transports the officer should either make arrangements to have the suspect fed prior to the transport or make arrangements with the destination facility to feed the suspect within 1 hour of a normally scheduled meal time and or upon arrival.
2. If the transport requires a meal stop before reaching the destination, the officer should plan the route of transport and make arrangements with a local law enforcement agency to feed the suspect at a local detention facility.
3. If the local detention facility cannot feed the suspect but will hold the suspect in custody, the officer may obtain a meal and feed the suspect at a local holding facility. If utensils are required to eat the meal they should be made of plastic. All containers and utensils should be accounted for at the end of a meal.
4. If the local detention facility cannot hold or feed the suspect in custody the officer should obtain the meal at a randomly selected "drive-in" restaurant and conduct the feeding in the patrol vehicle or provide a sack lunch prior to the transportation at a randomly selected site.
5. The suspect should again be searched for weapons or contraband prior to being placed in the transport vehicle.
6. In no case should the officer take the suspect into a public dining room or restaurant.

#### ***TRANSPORT TO A MEDICAL FACILITY***

1. Suspects requiring medical treatment should be transported to a medical facility. Officers should provide advanced notification to the medical facility that they are transporting a suspect to the facility for treatment. The notification should include the following:
  - a. What medical condition requires treatment;
  - b. What is the expected arrival time;
  - c. What if any, risks does the suspect poses to the medical staff or public.
  - d. What measures will be in place to minimize any such risks.

Upon arrival, the officer should maintain close contact with the suspect to ensure the safety of the medical staff, public, and the officer. The officer should take precautions to restrict the suspect's opportunity to escape.

2. The officer should remain with the suspect at all times during the examination and treatment. The officer should be of the same sex as the suspect.
3. Restraints should not be removed from the suspect unless the medical staff request removal of these restraints. When removing restraints, use utmost caution and only remove those restraints that are necessary for treatment or are requested by the medical staff. In some cases alternative restraints may be appropriate. When handcuffs are removed, use ankle or leg restraints.
4. Upon completion of the treatment, place the restraints back on the suspect.
5. If the required medical treatment restricts the officer's access to the suspect or the use of the restraints, the officer should comply with the attending physician's directions after the physician has been advised of safety concerns.  
If the suspect is a risk to the officer's safety or the safety of the medical staff or may escape, the officer should notify their supervisor and request additional assistance.
6. If the suspect is admitted into the hospital, the officer in control of the suspect will notify their supervisor as soon as practical for a decision as to whether an officer will be assigned as a guard to keep watch over the suspect.
7. The officer should obtain all documents, medical releases and or medications from the hospital when the treatment is completed. If the suspect is to be incarcerated, the transporting officer should ensure all documents, medical releases and or medications is turned over to the receiving officer at the detention facility.
8. If the suspect refuses medical treatment, this should occur in the presence of medical staff. The officer should prepare documentation of the refusal and include those persons present at the time of refusal in their report. The officer may sign the release form for the arrestee's refusal.
9. Upon conclusion of medical treatment or refusal of medical treatment the officer shall prepare a written report that should include the following:
  1. A description of the injuries;
  2. A detailed explanation of how the injuries occurred, if unknown, state so and explain. (i.e. suspect had head injuries prior to arrest).
  3. Photos of injuries, if appropriate;
  4. Treatment provided;
  5. Who treated the suspect; and  
The place, date and time treatment was provided.

### ***TRANSPORT TO COURT***

1. When a suspect is required to appear in court, the officer should preplan the transport by acquiring the following information:
  - a. Suspect's name;
  - b. Charges pending;
  - c. Any pertinent criminal history;
  - d. Any other holds and or warrants;

- e. The courtroom and judge scheduled for the suspect's appearance;
  - f. The date and time of the required appearance.
2. Officers transporting suspects to court should coordinate the appearance of the suspect with the Court Clerk and follow their procedures.
3. In cases where the escape risk is great or there is a security hazard, the judge should be notified prior to transport. The judge may allow or direct the use of restraining devices in the court room and may request additional security officers.
4. In escorting the suspect from the vehicle into the court, the following procedures should be adhered to, under normal circumstances:
  - a. The officer should walk to the side and slightly to the rear of the suspect, keeping their weapon side away from the suspect;
  - b. The officer should not turn their back on the suspect;
  - c. The officer should not allow another person to come between themselves and the suspect;
  - d. The officer should avoid crowded situations where the suspect might have contact with others;
  - e. The officer should not allow the suspect to have contact with other persons.
5. Once in the courtroom, the officer controlling the suspect(s) should, to the extent possible, segregate them from the general public. The officer shall ensure the suspect(s) are sufficiently removed from the public in order to prohibit contact between the suspect and the public.
6. The officer should be aware at all times of the critical security role assigned to them. The officer should be aware that the victim's and suspect's families represent one of the greatest dangers and may be present during the court appearance.

### ***SPECIAL TRANSPORT SITUATIONS***

1. Physically and mentally disabled suspects present conditions dictate special care and attention for transportation.
2. If a suspect declares or the officer observes a disability that would preclude the suspect from being placed in the vehicle, the officer should notify the on-duty supervisor of the problem. The supervisor should evaluate the situation and request an ambulance or other form of transportation device that is suitable for transport.
3. If a suspect becomes sick or injured during transport, the officer shall seek the appropriate level of medical care for the suspect.

### ***SUPERVISED TRIP TRANSPORT***

1. Unusual circumstances surrounding situations such as funerals and visits to hospitals, or courtroom appearances provide extraordinary opportunities for a suspect to engage in unauthorized personal contact, escape, or the infliction of injury to themselves or others.
2. Maximum supervision should be required when transporting suspects approved for supervised trips.
3. In transport situations where there is doubt whether or not restraint equipment should be used, the decision should be reviewed by the supervisor authorizing such transport prior to departure.



or in compliance with a court order. The following procedures should be followed prior to conducting a special transport:

- a. Careful planning made prior to departure to determine any special or significant factors involving possible security hazards;
- b. The suspect is thoroughly instructed regarding forbidden practices, communications or unauthorized contacts;
- c. The suspect and officer(s) should be "inseparable companions" and the suspect should be so advised;
- d. Layovers should be planned so that approved jails or institutions are utilized for temporary holding;
- e. The return of the suspect to the facility following termination of the visit, funeral or courtroom appearance is by means that provide for the most expeditious return.
- f. The suspect should be searched and restrained as soon as practical, prior to and during transport.

#### ***ARRIVAL AT A DETENTION OR HOLDING FACILITY***

1. Upon arrival at the destination, the officer should notify dispatch and follow their protocol.
2. The officer should deliver all the necessary paperwork and required legal documents to the receiving officer at the holding facility.
3. The officer should obtain a receipt from the receiving officer for the suspect and their personal property.

#### ***COMMUNICATIONS BETWEEN SUSPECT AND CIVILIANS***

1. While transporting a suspect, officers should not allow the suspect to have contact with other persons including the suspect's attorney. The lack of control of the physical surroundings by the officer during transport precludes suspect contact with anyone.

#### ***DOCUMENTATION***

1. Each suspect being transported from a detention facility should be positively identified as the person who is required to be moved.
2. In the case of interstate transports, the officer should have a properly executed governor's warrant or a properly executed waiver of extradition.

## ***UNIFORMS***

Members shall wear the prescribed equipment, insignia and other emblems while on duty unless otherwise directed by the Chief of Police.

### ***Use and Care***

Members of the department are responsible for the proper and authorized use and care of all uniforms and equipment. Uniforms shall be kept clean, well pressed, and in good repair at all times when on duty.

The hat may be worn by all uniformed officers. The hats should not be worn (at home, restaurant, church) Distinguishable police uniforms shall not be worn off-duty with civilian clothing.

### ***Accessories***

Scarves: Navy blue or Black in color and must be worn with a jacket and the jacket must be buttoned or zipped up.

Sweaters and Vests: Navy blue in color and must be worn underneath the jacket.

Gloves and Mittens: Black in color. Leather material.

Stockings: Must be blue or black in color when wearing low quarter shoes.

### **Uniform Required by Department:**

Shoes: Black in color, leather, and plain toe (no decorative stitching).

Boots: Plain toe designs either lace up style or pull on style. Predominantly leather construction.

Tie: Navy blue in color.

Dickeys: Black in color with Department initials MCPD on the left side in gold letters. Will be only worn with "winter uniforms" as directed by the Chief of Police.

Turtleneck Shirts: must be black in color and appearance as the Dickeys. No Officer will roll up any portion of the long sleeve uniform shirt while wearing a Turtle Neck Shirt or Tie.

Hat: 4 Star Hat, navy blue in color. The hat may be worn by uniformed officers on patrol, but is not required. When required to wear full dress uniform, the hat must be worn along with a long-sleeved shirt and tie.

Shirts: 1. "Summer shirts" will be short-sleeved shirts, the necks open and without tie, turtle neck shirt or dickeys. May be worn May 1 to September 30, as permitted. In considering outside temperatures and weather conditions, dates may be altered at the discretion of the Chief of Police. 2.

“Winter uniform” shirt will be long sleeved shirts with tie, dickey, or turtleneck shirt as described above.

Trousers: Trousers will be navy blue in color, full length.

Shorts: Navy blue in color, authorized by the Chief of Police. May be worn May 1 to September 30, as permitted. In considering outside temperatures and weather conditions, dates may be altered at the discretion of the Chief of Police. Shorts worn with uniform top must be navy blue. Bike Patrol shorts (black) will be worn with polo bike shirt.

Light Jacket: Navy blue wind breaker style jacket. To be worn at officer’s discretion.

Winter Jacket: The full-length navy blue winter jacket is acceptable. To be worn at officer’s discretion

Name Plates: To be worn on the right side of the uniform shirt in the chest area, A name plate may also be worn on the uniform jacket, located on the right side of the jacket in the chest area.

Collar Brass: (MCPD, Sgt, Chevrons, Lt./Capt Bars) As supplied by the Department, To be worn on the collar 1” from the tips.

Badge: Issued Official Department badge to be worn at all times on uniform shirt, jacket and hat.

Patches: As approved by department. Worn on left and right sleeve of shirts and jackets, 1” from the shoulder seam and centered.

Sergeant Chevrons: To be worn on both sleeves of shirts and jackets/coats, approx. ½” below the department patch.

Police Traffic Vests: Shall be stored in the trunk of the line patrol units, Shall be worn by officers during low visibility conditions or high traffic incidents.

Crime scene suits: Shall be stored in the trunk of the line patrol units. Shall be worn by officers when the surrounding environment they are working is in filthy or the possibility of biohazard conditions exist. (This includes a crime scene containing body fluids.)

Leather: Officers will carry the following items: Garrison belt, either with no buckle (Velcro design), belt keepers, double cartridge case, holster, baton or flashlight holder, OC holder, handcuff case. All to be black in color.

Pins and Logos: All Pins and logos not specified in policy must be authorized by the Chief of Police prior to wearing them on duty or placing them on the official department uniform.

Distinguishable police uniform shall not be worn off-duty with civilian clothing.

Hat Bands: As furnished, silver for patrolpersons and gold for Officers above that rank.



## **USE OF FORCE**

*This policy recognizes that the use of force by law enforcement officers requires constant evaluation. Even at its lowest level, the use of force by police is a serious responsibility. The purpose of this policy is to provide officers of Miles City Police Department with guidelines on the reasonable use of force.*

This policy consists of principles to be followed in activities directed toward attainment of the Agency objectives of serving our community and keeping the peace

### **POLICY**

1. Each use of force situation is unique and will be evaluated based on the circumstance faced by the officer at the time force is applied. Officers may use the amount of force, which is objectively reasonable to make an arrest or gain control of a situation. As the situation that necessitated the use of force diminishes, so too shall the use of force.
2. Many force and equipment options are available to the officer. The officer should choose the appropriate option based on the threat, either actual or perceived, including but not limited to: Officer presence, verbal direction, physical control, electronic control devices, chemical or inflammatory agents, impact weapons, firearms, vehicles, and/or weapons of necessity or opportunity.

### **PROCEDURE**

1. The following procedures supplement and provide guidance in application of force.
2. Officers should use tactics and or weapons as necessitated by the situation.
3. When deploying any force, for any reason, officers shall exercise reasonable caution in order to avoid unnecessarily endangering the lives of bystanders. When possible, officers should give consideration to background, bystanders, and location.
4. A supervisor will be notified and respond to all cases where the use of force resulted in any known injury or death.
5. An officer is justified in the use of force likely to cause death or serious bodily harm only if the officer reasonably believes that such force is necessary to prevent imminent death or serious bodily harm to the officer or another or to prevent the commission of a forcible felony.
6. Officers may use deadly force to affect the capture or prevent the escape of a felony suspect whose flight is reasonably believed to represent an imminent threat of serious bodily harm or death to the officers or other person(s).
7. Officers may discharge a firearm at a moving vehicle or from a moving vehicle if it is necessary to do so to protect against an imminent threat of serious bodily harm or death to the officers or others.
8. Officers should not fire warning shots.
9. Whenever the use of force results in an injury, officers should institute appropriate first aid procedures for anyone taken into custody or who needs medical treatment. Officers should follow established procedures for treatment or decontamination.

10. A vehicle is a law enforcement tool, which is capable of inflicting serious injury or death when used as an offensive weapon. Therefore, its use should be considered in the same manner as any use of deadly force.

#### ***USE OF DEADLY FORCE WHETHER OR NOT INJURIES OR DEATH RESULT***

- 1 Any officer involved in the use of deadly force shall be allowed to consult with a representative or other person of the officer's choosing prior to being required to give an oral or written statement about the use of deadly force. Such right to consult with a representative or other person shall not unduly delay the giving of the statement. This does not preclude initial inquiries by the responding supervisor.
- 2 The officers shall be afforded the opportunity to consult with a mental health provider at the Agency's expense. If the use of force results in death, the officers involved shall be required to consult with a mental health provider at the Agency's expense, prior to return to duty.
3. Any officer who is witness to, or has information as to the use of force occurrence will prepare an appropriate report.
- 4 The officer's immediate supervisor shall respond to the scene and shall determine which support services, including but not limited to investigative and identification personnel, would be beneficial to the reporting and evaluation of the occurrence and should request the response of these units as appropriate. In addition, a supervisor's report will be prepared detailing the activity regarding the incident. The agency administrator shall be notified as soon as practical.
- 5 When a death has occurred as the result of the use of force, the Agency shall notify the county coroner's office as soon as practical.

#### ***DESTRUCTION OF INJURED OR DANGEROUS ANIMALS***

- 1 The destruction of an animal is justified for:
  - a. self-defense;
  - b. to prevent substantial harm to the officer or another; or
  - c. when the animal is believed to be so badly injured that humanity requires its relief from further suffering.
- 2 Supervisory approval should be obtained when time and circumstances permit.
3. Officers using such force against animals will prepare an appropriate report detailing the incident, paying particular attention to the circumstances requiring the immediacy of the situation.

#### ***REPORTING USE OF FORCE***

1. A report should be made in all occasions where use of force was utilized regardless of whether or not injuries occurred.
2. Officers using force will document the use of such force in the official reports of the incident and will, in addition, notify their immediate supervisor of such use of force as soon as

practical after the occurrence. Reports will be written, documenting the use of force whether or not an arrest is made.

3. Whenever possible, photographs of any injury should be taken to be included with the report.
4. In instances where the use of force resulted in an injury, a supervisor will respond to the scene and/or hospital, and will document the findings on a supplemental report.



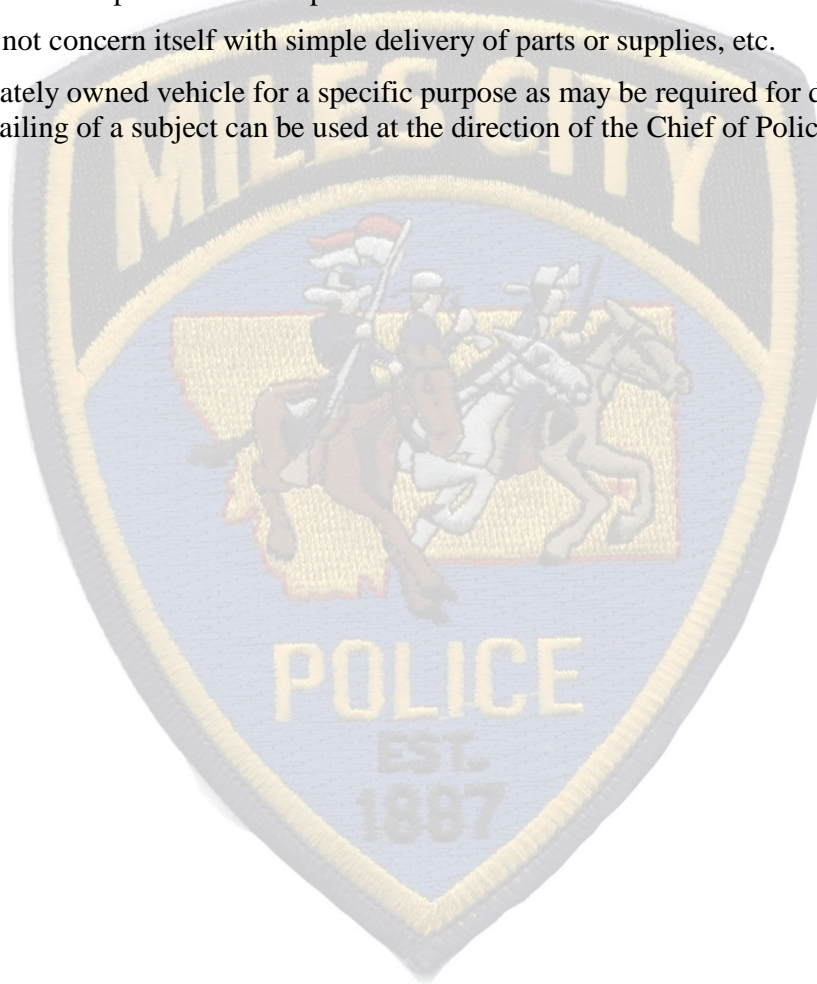


### ***VEHICLE, USE OF PRIVATE***

The uses of the officer's own or borrowed vehicle for police work is mainly to be discouraged for obvious reasons. It should be considered that lack of communications, equipment, marking recognition, etc., would limit the effectiveness of this use as well as placing the officer at a disadvantage to themselves and the department. Privately owned vehicles should not be used in making arrests or traffic law enforcement. This does not relate to situations where an officer may commandeer an auto to capture a felon as provided for under Montana State Law.

This policy does not concern itself with simple delivery of parts or supplies, etc.

The use of a privately owned vehicle for a specific purpose as may be required for details such as a stake-out or the tailing of a subject can be used at the direction of the Chief of Police.



## ***VEHICULAR PURSUITS***

### ***PURPOSE***

The purpose is to provide guidelines for making decisions with regard to vehicular pursuits.

### ***POLICY***

The policy of the Miles City Police Department is to regulate the manner in which vehicular pursuits are undertaken and performed.

### ***PURSUIT***

Definition:

1. The active attempt by an officer to apprehend the driver and or occupants of a vehicle who, having been given visual and audible signals to stop, willfully attempts to elude and flee by high speed driving, evasive tactics, failing to yield regardless of speed, or any other overt action intended to avoid apprehension.
2. Decision to Pursue:  
Deciding whether or not to pursue a vehicle is among the most critical decisions a law enforcement officer has to make. Because of the potential risk to public safety, officers and supervisors will not be criticized or disciplined for deciding whether to initiate, engage in, or terminate an ongoing pursuit. This specifically includes circumstances where this policy would permit the commencement or continuation of a pursuit.
3. Primary Considerations:  
The primary consideration to engage in a pursuit is a discretionary decision. This decision to initiate and continue a pursuit should be based on, but not limited to the following factors:
  - a. Seriousness of the offense;
  - b. Probability of apprehension;
  - c. Can the identity of the suspect and or occupants be established to the point where a later apprehension is possible?
  - d. Degree of risk created by the pursuit in relation to the risk created by the suspect and or occupants remaining at large or escaping;
  - e. Volume, type, speed, and direction of all traffic;
  - f. Geographical factors such as residential, commercial, school zone, open highway, etc;
  - g. Presence of pedestrian traffic in and around the roadway;
  - h. Environmental factors such as weather and darkness;
  - i. Road conditions, construction, curves, wet, ice, etc.

4. Officers will terminate a pursuit when the officer has determined that it is no longer prudent to remain engaged or when instructed to do so by a supervisor.

### ***PURSUIT PROCEDURES***

1. The following procedures are designed to provide guidance to officers involved in pursuit situations:
  - a. As soon as practical, officers should notify the communications center that a pursuit is in progress.
  - b. Provide as much of the following information as possible:
    - Officer and or Unit radio identifier;
    - Location, speed, and direction of the pursuit;
    - Vehicle description, including license plate number – whole or in part;
    - Reason for pursuit – specifying alleged criminal act;
    - Number of possible occupants;
    - Traffic, road, and weather conditions;
    - Any radio frequency change.
  - c. The initiating primary officer will have operational responsibility for the pursuit, unless relieved by a supervisor.
2. Supervisor Responsibilities:
  - a. Supervisors in charge will monitor the progress of pursuits and may direct the termination of the pursuit. Supervisors should consider termination of the pursuit when the risk to the safety of the public exceeds the risk created by the suspect and or occupants remaining at large or escaping.
3. Assisting Patrol Vehicles Responsibilities:
  - a. A pursuit should consist of a primary and backup unit. Request for additional units may be determined by clear and articulated facts that would warrant the need for additional units.
  - b. Authorization for additional units to be involved in a pursuit should be obtained from a supervisor.
  - c. Supervisors should minimize the number of patrol vehicles that will actually be engaged in the pursuit to that number that is necessary for the safety of all officers involved and the safe apprehension of the suspect(s).
  - d. All additional units will maintain a safe distance behind the primary unit, but close enough to provide assistance if required.
4. Pursuit Intervention Consideration:
 

Any intervention tactic at high speed must take into consideration all of the factors surrounding the incident. Safety is always the foremost factor to be considered. Intervention tactics are discouraged without prior approval by a supervisor and will always be guided by the Miles City Police Department **Use of Force Policy**.
5. Methods of Pursuit Intervention:
  - a. Intentional Contact



Intentional contact with a fleeing vehicle is a high-risk maneuver that should be used only if the officer has concluded that this type of contact would be of less risk than allowing the suspect to continue.

- Whenever practical, officers should obtain supervisory approval prior to initiating contact with a fleeing vehicle.  
This policy and the agency's Use of Force Policy should guide officers making these requests and the decision to approve the use of this tactic.

b. **Vehicle Disabling Devices**

Fabricated tire deflating devices are acceptable methods of terminating a pursuit. When practical, officers should obtain supervisory approval prior to deployment of these types of devices.

Supervisors and Officers considering deploying a fabricated tire deflating device should do so only after giving considerations to all the principles of this policy, and the degree of risk created by the pursuit and the use of these types of devices in relation to the risk created by the suspect and or

- Occupants remaining at large or escaping.
- All officers involved in the pursuit must be aware of the exact location of the deployed fabricated tire deflating device so they can reduce speeds in time to allow removal of the device.
- Fabricated tire deflating devices will not be used when a pursuit involves motorcycles, three wheeled vehicles or all-terrain vehicles.

6. **Roadblocks:**

- a. The use of a roadblock is authorized under Montana Code Annotated, 46-5-502, which says in part that any law enforcement agency of this state is authorized to establish, within its jurisdiction, temporary roadblocks on the highways of this state for the purpose of apprehending persons wanted for violation of the laws of this state, of any other state, or of the United States who are using the highways of this state.
- b. The following factors should be considered when establishing a roadblock:
- The site selected will provide sufficient visibility to all oncoming traffic, as well as permit safe off-road parking for patrol vehicles and processed vehicles.
  - Time of day. The hours of darkness should be avoided unless the suspect poses an extreme risk to the safety and or welfare of the public.
  - A minimum of two officers is needed to adequately process civilian operated vehicles.
  - The only vehicles that may be used to blockade any portion of the roadway will be marked, unoccupied law enforcement vehicles, except in a use of force situation.
  - Vehicles used as stationary blockades will be placed at an angle that reveals emblems and or markings to oncoming traffic. Emergency lights will be activated.
  - The emergency roadblock will be constructed in such a manner as to leave a

route through the area. The design should be such that it would be necessary to navigate slowly through the roadblock. A roadway should not be completely blocked by vehicles, except in a situation where the suspect presents an imminent threat of death or serious bodily harm to innocent members of the public.

- In a situation where the suspect presents an imminent threat of death or serious bodily injury to the officers or innocent members of the public, a complete roadblock may be used. A roadway that is completely blocked may result in an intentional seizure using force. The officer must be able to clearly articulate specific facts and circumstances as to the immediate need for the seizure, and the use of force during the seizure. A vehicle other than a law enforcement vehicle may be used to completely block the roadway.
- Officers will always place themselves in a position of safety. They should never expose themselves to a risk for the sake of stopping a suspect or diverting traffic. If the emergency roadblock is established for the purpose of apprehending a fugitive or fleeing suspect, officers should position themselves to be able to make apprehension of the suspect if they so choose to terminate their flight at the roadblock.
- If a patrol vehicle is not being used as part of the roadblock, it should be off the roadway in a safe position to initiate a pursuit should it become necessary. The emergency lights will be activated while in the parked position.

7. Use of Firearms during Pursuits:

The use of a firearm as a method to intervention constitutes the deployment of use of force and therefore must meet and fall within the acceptable standards contained and imposed by a Use of Force Policy.

8. Notification:

The Chief of police and designated members of the command staff will be notified as soon as reasonably possible when any intervention action results in injury or death.

9. Inter-Jurisdictionnel Pursuit:

a. When a pursuit initiated by this agency enters another jurisdiction, the primary officer should notify the local law enforcement agency of the pursuit. The notification message should include as much as the following information as possible:

- Officer and or Unit radio identifier;
- Location, speed, and direction of the pursuit;
- Vehicle description, including license plate number – whole or in part;
- Reason for pursuit – specifying alleged criminal act;
- Number of possible occupants;
- Traffic, road, and weather conditions;
- Any radio frequency change.

- b. The primary officer should clearly indicate if they are requesting assistance from the law enforcement agency or merely providing notification of the pursuit being conducted.
- c. Officers of this agency will not become involved in pursuits initiated by another agency without a request for assistance.
- d. Officers may continue pursuits across a state line only if the person being pursued is believed to be a felon.
- e. A supervisor must be notified immediately when it becomes apparent that a pursuit will cross a state line.
- f. Pursuits are not allowed into Canada.
- g. In pursuit cases where the criminal act is not a felony, officers will not cross a state line except where the degree of risk created by the suspect and or occupants remaining at large or escaping exceeds the risk of the pursuit or where such authority has been specifically granted by mutual aid agreement.
- h. When a pursuit crosses into another state, that state's highway patrol, state police agency, county sheriff's office or other local law enforcement will be contacted immediately and advised of the circumstances of the pursuit.
- i. Pursuits may or may not be permitted on tribal lands. Agencies and their officers must be cognizant of the right of tribal authorities, as sovereign nations, to terminate or prohibit pursuits upon their lands.  
If a fleeing suspect is subsequently apprehended by a law enforcement agency in a neighboring state, the officer may, with supervisor approval, go to the termination point.

### ***CRITICAL INCIDENT REVIEW PROCESS***

1. The primary pursuing officer will prepare a detailed written report articulating information that should include:
  - Officer and or Unit radio identifier;
  - Location, speed, and direction of the pursuit;
  - Vehicle description, including license plate number – whole or in part;

Reason for pursuit – specifying

- alleged criminal act;
- Number of possible occupants;
- Traffic, road, and weather conditions;
- Any radio frequency change

The report will be submitted to the officer's supervisor as soon as practical and possible. The reports will be made available to a Critical Incident Review Board. The Board may consist of:

- a. Command Level Officer designated by the Miles City Police Chief, (board chairperson)
- b. The Miles City Police Department training coordinator
- c. A member of the command staff
- d. The immediate supervisor of the officer involved in the pursuit



- e. A Miles City Police Department member of the same rank as the officer involved in the pursuit.
2. The Critical Incident Review Board evaluates, in explicit and fact-finding fashion, each aspect of a vehicular pursuit. Such evaluation should include:
  - a. A thorough review of the officer's report.
  - b. A thorough review of any additional reports or documents, such as those submitted to the agency's insurance carrier as a result of accident or injury sustained by any person during the course of the pursuit.
  - c. Hearing of direct statements, if necessary, from officers and witnesses.
3. The Critical Incident Review Board shall develop findings and the chairperson shall prepare a report making recommendations to the Miles City Police Chief in the following areas:
  - a. Whether the pursuit was within policy.
  - b. Tactical considerations
  - c. Training considerations
  - d. Quality of supervision during the event
  - e. Any corrective action, if required
  - f. The quality of the post pursuit investigative processes
4. The officer who is the subject of the Critical Incident Review Board shall be present during all phases of the board's action with the exception of deliberation. They shall have the right to listen to the presentation of all information and evidence and shall be allowed to speak in their own behalf, if they so choose.
5. The Critical Incident Review Board's report will be submitted to the Miles City Police Chief as soon as reasonably possible following the incident.

### ***ESCORTS***

1. Escorts of private vehicles with the use of patrol vehicles are not authorized. Officers will not authorize the driver of any private vehicle to exceed the speed limit or to ignore traffic regulations, signs or devices. Officers will not lead or otherwise escort ambulances. If an ambulance requires traffic control assistance, officers may attempt to clear intersections along the route of the emergency response.

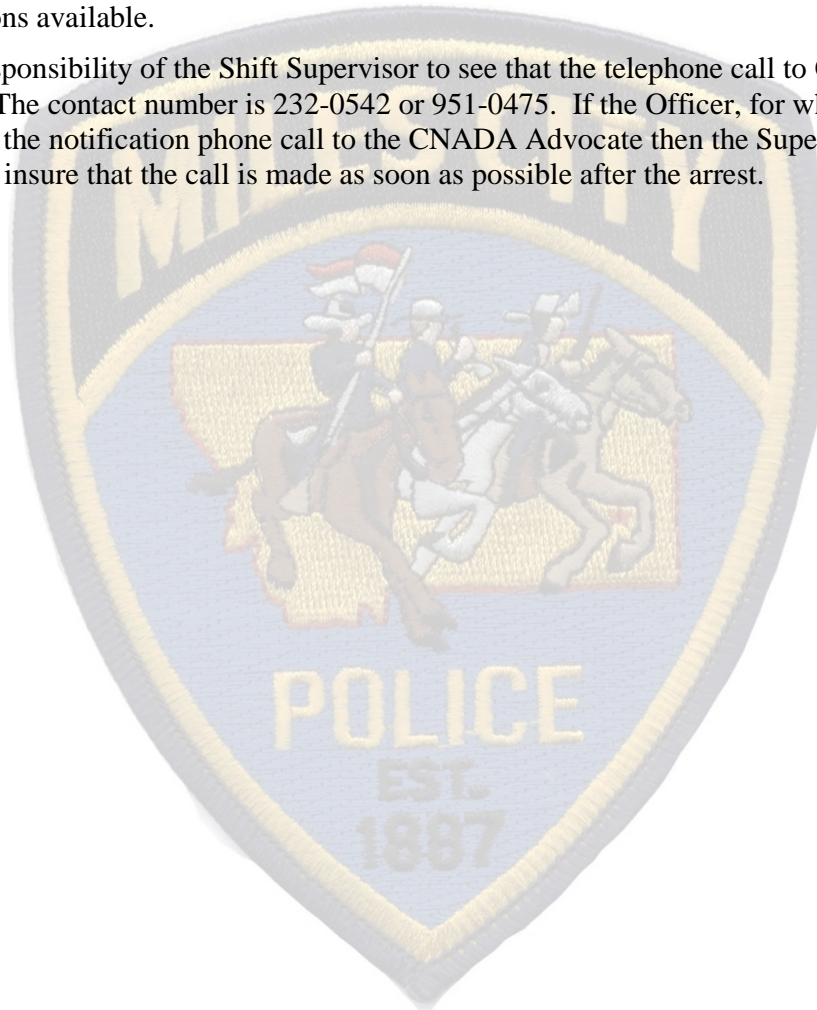
### ***VEHICULAR PURSUIT OVERVIEW***

1. Officers should continually reassess all factors and conditions during all pursuit situations. Officers must have a direct influence in choosing the preferred response or pursuit in direct relation to the event or circumstance that is being confronted all the while being constantly mindful of the risks to self and the public.

## ***VICTIMS RIGHTS AND INFORMATION***

An Officer shall advise victims of the availability of the Crime Victims Assistance Program and Victim/Witness assistance Program and give the victims their legal rights and services cards. Following a domestic related arrest, the Officer shall advise the victim of the Custer Network Against Domestic Abuse program (CNADA) and arrange to have an advocate contact them immediately or that an advocate will contact them within the next 24 hours to explain the legal rights and service options available.

It shall be the responsibility of the Shift Supervisor to see that the telephone call to CNADA is made after the arrest. The contact number is 232-0542 or 951-0475. If the Officer, for whatever reason, is not able to make the notification phone call to the CNADA Advocate then the Supervisor should make the call, or insure that the call is made as soon as possible after the arrest.



## **WEAPONS, CONTACT**

1. Contact weapons shall be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted. Contact weapons may be used only in the following manner:
  - A. To ward off blows or kicks from another person; or
  - B. To strike another for the purpose of rendering that person temporarily incapacitated; or
  - C. To restrain persons; or
  - D. In appropriate crowd control situations, to direct and control the movement of people or persons, or as a barricade.
2. Officers striking another person with a contact weapon should avoid striking, if possibly, bodily areas likely to result in serious injuries or death unless deadly force is authorized under this section. These areas include the head, neck, throat, armpits, elbows, ribs and kneecaps.
3. Officer striking another person with a contact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacity. These areas include the arms, hands, legs, shins, toes, solar plexus, rear shoulder blades, buttocks, thighs, calves, and tendons or ankles.

## ***CHEMICAL AGENTS***

1. The use of chemical agents shall be governed by the provisions governing non-deadly force. Only chemical agents which are approved weapons, as defined in Section C shall be used.
2. Officers shall exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents.
3. Chemical agents shall not be applied to any person for the purpose of effecting punishment.
4. First aid or medical attention shall be provided to all persons sprayed with chemical agents pursuant to Section D.

Approved Agents: Capsicum 10%, CS, and CN



## ***WEAPONS, TRAINING AMMUNITION DISTRIBUTION***

The Miles City Police Department will authorize all sworn officers to receive ammunition from the department, for training purposes.

During the first week of every month, Officers will be eligible to sign a roster and receive a box of 50 rounds, .40 cal. Ball ammunition. Officers are responsible for this transition. Contact the firearms instructor or the Assistant Chief or Chief for supplies.

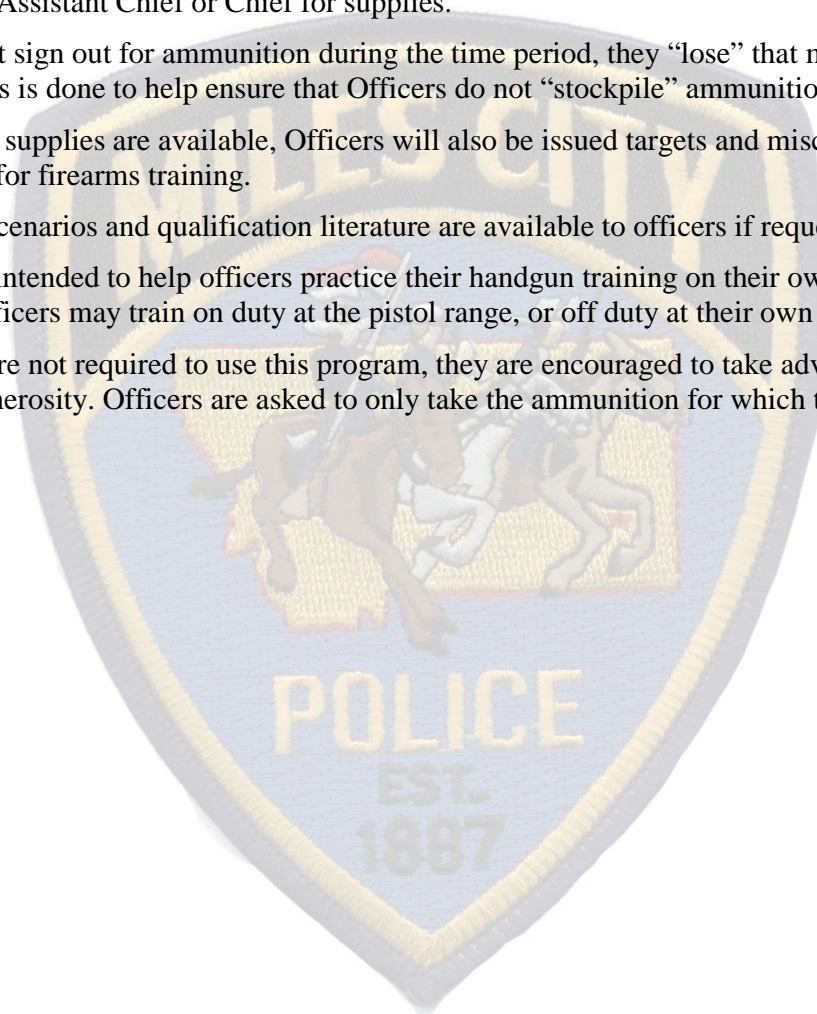
If Officers do not sign out for ammunition during the time period, they “lose” that month ammunition. This is done to help ensure that Officers do not “stockpile” ammunition.

If requested, and supplies are available, Officers will also be issued targets and miscellaneous supplies needed for firearms training.

Training drills, scenarios and qualification literature are available to officers if requested.

This program is intended to help officers practice their handgun training on their own at their convenience. Officers may train on duty at the pistol range, or off duty at their own risk without pay.

While Officers are not required to use this program, they are encouraged to take advantage of the department’s generosity. Officers are asked to only take the ammunition for which they intend to use.



## ***WEAPONS, ANIMALS***

Officers will adhere to the following steps in using weapons on animals:

1. Effect steps to insure that the safety of all citizens, property, and other animals by moving the animal that is to be destroyed to an area of relative safety and out of the public view, if possible. This area may be a primary concern in that the animal should be placed on the ground to decrease the possibility of ricochet.
2. Shoot the animal from close range (5 to 15 feet maximum, if possible).
3. Shoot "down" into the animal so that the projectile will enter the ground if it goes through the animal's body.
4. Shoot the animal in the brain to minimize suffering. EXCEPTION: IF the possibility of rabies or that the animal has bitten someone exists, the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity, directly behind either front leg.
5. Upon destroying an animal, proper authorities should be notified without delay for removal of the animal's body. EXCEPTION: If the possibility of rabies or that the animal has bitten someone exists, the animal's body should be moved to the East Main Animal Clinic for diagnosis.
6. Copies of all animal complaints will be forwarded to the Animal Control Officer for his/her information and follow-up.
7. Weapons discharge forms will be completed for all animals including skunks. This will also apply to animal control officer.

## ***WEAPONS, USE OF***

The discharge of a firearm is an irreversible action, and if possible, an officer should, prior to firing, evaluate the following:

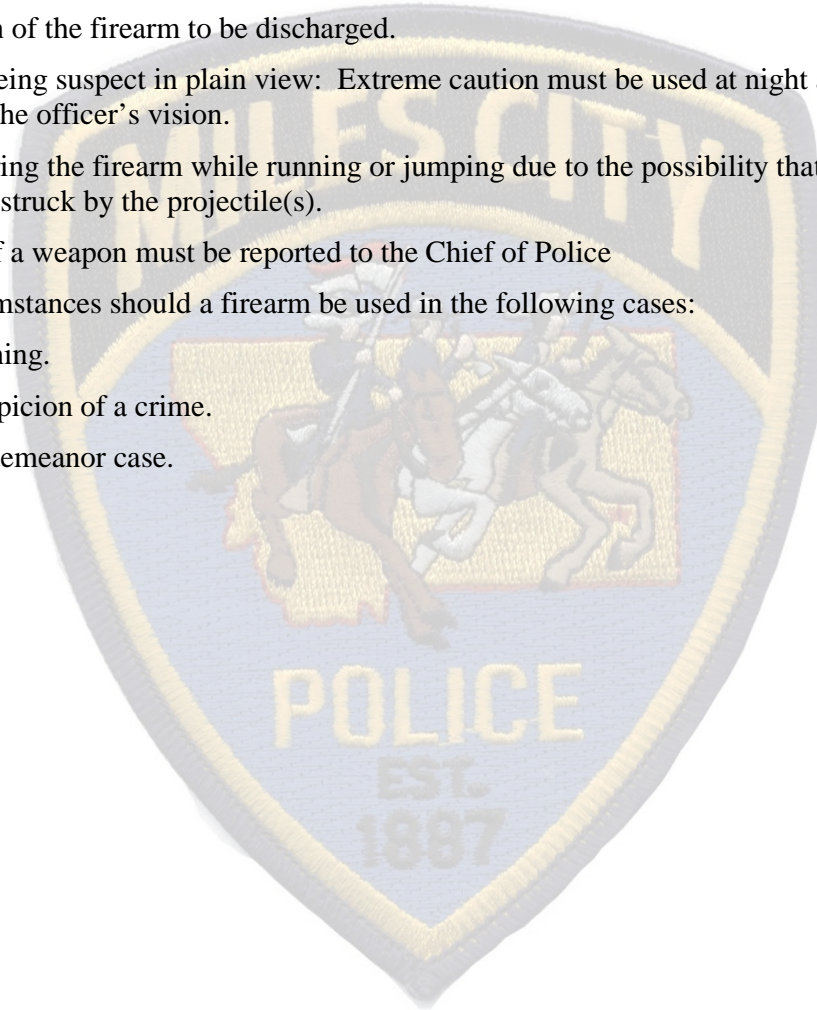
1. Other methods of effecting the arrest and/or apprehension.
2. Age of the suspect(s) and the offense(s) committed.
3. Direction of the firearm to be discharged.
4. Is the fleeing suspect in plain view: Extreme caution must be used at night as darkness will obscure the officer's vision.

The danger of firing the firearm while running or jumping due to the possibility that other persons or property may be struck by the projectile(s).

Any discharge of a weapon must be reported to the Chief of Police

Under No Circumstances should a firearm be used in the following cases:

1. as a warning.
2. mere suspicion of a crime.
3. in a misdemeanor case.





## **WEAPONS**

### ***General***

- All police department personnel must adhere to any local, state or federal laws existing or enacted in the future regarding firearms.
- Displaying weapons while under the influence of alcohol or narcotics will not be tolerated.

### ***Handgun***

- All full time Officers on the Department are required to carry the sidearm issued by the department while on duty.
- All full time Officers will be issued a department owned handgun to use while on duty. Handgun will be issued with no less than 3 magazines.
- All reserve Officers, while on duty, shall carry their personally owned handgun. The handgun shall be approved by the department armorer and/or department firearms instructor. It must be a LE/MilSpec quality, serviceable handgun chambered in either 9x19, .40 S&W or .45 ACP.
- All uniformed Officers shall carry a minimum of 2 additional magazines, carried in magazine pouches designed for that purpose.
- Handgun must be carried in duty ready condition while on duty. One round chambered and magazines loaded to full capacity.
- Modifications other than addition of grip tape or grip sleeves shall be pre-approved and performed by the department armorer. Addition of weapon mounted lights shall be approved once armorer or firearms instructor verify handgun functions with said added light.

### ***Patrol Rifle***

- The department may issue full time Officers Patrol Rifle. Department issued rifles, shall be issued with a minimum of 2 magazines.
- Full time Officers have the option of providing personally owned rifles for use while on duty. The rifle shall be subject to prior approval by the department's armorer and/or firearms instructor.
- LE/MilSpec quality red dot style optics or magnified optics shall be permitted or issued. Magnified optics shall be no more than four times magnification (4x) unless approved by the department armorer or firearms instructor.
- Weapon mounted flashlights shall be permitted.
- Modifications other than addition of optics or lights to the rifle shall be approved and performed by the department armorer.
- Rifles shall be carried in patrol ready condition unless deployed. In the patrol ready condition, chamber of the rifle shall be empty, hammer forward and loaded magazine in mag well. \*Chamber shall be empty!\* If entering PD with rifle, rifle shall be empty magazine removed and bolt locked to rear. Officer will not leave a patrol rifle unattended for any time at the Police Department or in the parking area. Officers have the option to lock up their patrol rifle in the rifle rack in the Detective office.
- Reserve Officer will need prior approval from the Chief for use and qualification with a Patrol Rifle. The Reserve Officer's rifle will need approval from the department's armorer and firearms instructor.

***Patrol Shotguns***

- Patrol vehicles shall be equipped with a Department owned Remington 870 shotgun
- Full time Officers have the option of providing personally owned shotguns for use while on duty. The shotgun shall be subject to prior approval by the department's armorer and/or firearms instructor.
- LE/MilSpec quality red dot style optics shall be permitted or issued.
- Weapon mounted flashlights shall be permitted.
- Patrol Shotguns shall be chambered in 12 gauge.
- Shotguns shall be kept in patrol ready condition. Magazine loaded, chamber empty and hammer forward.

***Off Duty/Back-up guns***

- The carry of back-up guns and/or off duty is highly encouraged.
- Personally, owned weapons should be of quality, serviceable design and chambered in a center-fire cartridge.
- Off Duty carry shall not be permitted when alcohol is consumed.
- Officers will be allowed to carry (1) one approved backup firearm after qualifying with it. The firearm must be a minimum of .380 ACP in a semi-automatic and .32 H&R Magnum in a revolver.
- The backup firearm must be of a reputable manufacture and is subject to inspection and approval by the firearms instructor(s). When carried on duty the firearm is subject to the same policies governing the issue handgun (records, maintenance, qualification, etc.). Ammunition must be of a hollow point design and of a reputable factory manufacturer. All ammunition must be approved by the firearms instructor(s).
- Backup firearms will be carried concealed, in holsters, and locations subject to firearms instructor(s).
- Qualifications with backup firearms. At the end of every duty handgun qualification course the officer will immediately transition to his or her backup firearm and engage the target/threat. The officer will expend all the ammunition that the firearm carries. The backup firearm is subject to the same qualification standards as the duty handgun (100 percent on target/90 percent within the zone). If the officer fails to qualify with the backup firearm they will be allowed to fire the course again. If they fail the second time they will not be authorized to carry the backup firearm until they successfully qualify with it.

***Special Purpose Weapons***

- Circumstances may require the use of specialized weapons (i.e. door breaching shotgun, precision rifle), the use of these weapons shall be evaluated on a case by case basis and approved as required.

***Ammunition***

- All full time Officers, while on duty or off duty, shall carry or use the duty round issued by the department in the department issued handgun, rifle and shot other than target practice.
- Reserve Officers, Off Duty or Back up guns, when carrying a handgun chambered in a round not provided by the department, shall provide a round that is

factory loaded with an expanding style projectile from a reputable manufacture and is subject to prior approval by the department's armorer and/or firearms instructor(s).

- The Department armorer shall issue training ammunition on a monthly basis upon request to full time Officers.

### ***Maintenance***

- All weapons shall be clean and in excellent operating order at all times.
- Basic field strip cleaning, lubricating and inspection of duty weapons shall be the responsibility of the individual officer.
- Detail cleaning and inspection shall be performed by the department armorer on a regular basis.
- In the event that department issued weapon becomes non-operational, it shall be returned to the armorer for repair and a temporary replacement weapon shall be issued.

### **Qualification**

- All Officers, full and reserve, shall qualify with the duty, back-up guns carried while on duty and/or off duty (optional) handgun, patrol rifle and patrol shotgun twice a year.
- Any Officer failing to meet the minimum qualification with the duty handgun, shotgun or rifle will be given thrifty (30) days grace period to meet the qualification or will be relieved of duty without pay until said officer is able to meet the qualifications. Officer shall be given no more than 3 attempts in passing the qualification any given day. Remedial training will be conducted. Then makeup qualification will be conducted. Failing to pass the qualification after 6th attempt. Officer will continue the relief of duty until Chief decides on course of action.
- All qualifications with duty weapons shall be with duty ammunition. Reserve Officers shall be responsible for their qualification ammunition.
- Qualifications with back-up guns and off-duty weapons shall be with the intended carry ammunition. Up to 3 off-duty/backup weapons may be qualified with.
- Minimum qualification passing score is 90%.