

*Mille Lacs Band Police Department  
Operations Manual*

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# MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

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# **MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL**

## **INTRODUCTION**

To achieve true success, a police department must attain and retain the confidence and respect of the community it serves. Mille Lacs Band Law Enforcement Officers must work together, striving towards the same objectives in order for us to achieve that success. This goal can be accomplished by the commitment on the part of all our members to perform their duties and conduct themselves in a manner that shows the community that the Mille Lacs Band Police Department is an important part to the well being of the community.

This can be accomplished through policies and procedures with which Officers shall abide without question. Law Enforcement agencies have departmental policies and procedures to ensure success of the organization. The accomplishment of the department depends on the cooperation of all employees to comply with them.

Policies and procedures cannot be precise and exact in every detail; however, Officers have to be exact in their actions. These are basic guidelines that Officers must follow to the best of their ability. Officers must use good judgment and common sense during the performance of their duties.

In order to perform their duties properly, Officers must abide by the Law Enforcement Code of Ethics and the policies and procedures of the Mille Lacs Band Police Department.

This Operations Manual has been divided into the following chapters:

### **CHAPTER 1: POLICY STATEMENTS**

These statements consist of principles and values, which guide the performance Law Enforcement services to the community. They are broad in nature to accommodate Officer discretion.

### **CHAPTER 2: POSITION DESCRIPTIONS**

This chapter provides descriptions of current departmental positions. The descriptions establish performance standards, define lines of authority and make each employee aware of the importance of their position within the organization.

### CHAPTER 3: GENERAL ORDERS AND PROCEDURES

This chapter defines methods of operation and procedures for performing law enforcement duties.

### CHAPTER 4: SPECIAL ORDERS - MEMORANDA

Special Orders or memoranda address specific activities or procedures. Special Orders or memoranda may be in effect for only a specified period of time and may replace or supplement previously issued General Orders. If a conflict arises between Special Orders and existing General Orders, memoranda or past practices, the authority of the Special Orders shall prevail. Employees are encouraged to keep other memoranda or directives related to their shift, assignment or position.

Law Enforcement agencies are complex and dynamic organizations, which provide services to an ever-changing society. A manual or set of regulations may not adequately cover all aspects of police duties. Other authorities strongly influence and impact Law Enforcement operations such as federal, tribal, state and local laws and court decisions.

Considering these influences, Law Enforcement's role in the criminal justice system must be routinely reexamined. If necessary, policies, procedures, rule and regulations will be modified. All employees within the department are encouraged to offer suggestions for improvement.

# **CHAPTER 1**

# **POLICY STATEMENTS**

## SECTION 100: GENERAL PROVISIONS

### 100.1 GLOSSARY

#### 1. POLICY

Policy guides the performance of a Police Department. Policy is a guiding principle, which should be followed in order to attain the Police Department's objectives.

Policy is formulated by analyzing objectives and determining the most appropriate course of action for the Police Department in achieving its objectives. Policy is based upon Officer ethics and experience, the expectations of the community and the mandate of the law.

Policy is objective, rather than situation oriented, so it can encompass most situations. Policy is stated in general terms to recognize Officer discretion.

#### 2. VALUE

A value is a weight accorded to the quality of performance or accomplishment. Values are the basis for the determination of objectives and may be both ethical and functional.

#### 3. OBJECTIVE

An objective is a specific and definable desired end for which effort is expended and which, if attained, fulfills the purposes of the Police Department.

#### 4. GOAL

A goal is a general ideal toward which all Police Department's efforts are directed.

#### 5. PRINCIPLE

A principle is a concept based on logical deduction, evaluation and experience. Principles assist in the exercise of Officer judgment in an on duty-related or off-duty situation.

#### 6. PROCEDURE

A procedure is a method of performing operations. It directs how to perform a specific task in a particular situation. Both policies and procedures are objective oriented, but policy establishes limits of action while procedure directs a specific response within those limits.

#### 7. RULE / ORDER / GENERAL ORDER / SPECIAL ORDER

A rule or order is a specific requirement or prohibition of action. Deviation from or violation of rules or orders generally requires immediate and documented justification and explanation.

## SECTION 101: OBJECTIVES

### 101.1 MOTTO OF THE DEPARTMENT

"Serving the People" is the principal upon which the Police Department rests signifying its ability to perform in an efficient, effective and professional manner.

### 101.2 PRIMARY OBJECTIVE

The primary objective of the Mille Lacs Band Police Department is to keep its jurisdiction free from crime and disorder. Officers must enforce the law in a fair and impartial manner, recognizing the statutory and judicial limitations of the Officer's authority and the constitutional rights of all persons. The Police Department does not legislate, render legal judgments or punish.

### 101.3 FUNCTIONAL OBJECTIVES

#### 1. PREVENTION OF CRIME

Peace is compliance with the law. People are responsible for following the law. Crime prevention is the concern of everyone. Law Enforcement Officers prevent crime, deter it and when that fails, apprehend those who violate the law. The department is responsible for interacting with the community to generate a mutual partnership in crime prevention.

#### 2. DETERRENCE OF CRIME

Some crimes cannot be stopped but some crimes committed against property and victims in public places are reduced by Law Enforcement presence because a criminal fears immediate apprehension or the increased likelihood of his detection. The Police Department must deter crime and inspire public confidence in its ability to keep the peace.

#### 3. APPREHENSION OF OFFENDERS

The administration of criminal justice consists of the identification, arrest, prosecution, punishment and rehabilitation of a law violator. Once a crime has been reported, it is the duty of the Police Department to initiate the criminal justice process by identifying and arresting the perpetrator, by obtaining necessary evidence and cooperating in the prosecution of the case. Swift and sure punishment serves as an effective deterrent to crime. The Police Department must diligently strive to solve crimes and bring perpetrators to justice.

#### 4. RECOVERY AND RETURN OF PROPERTY

Actual costs of crime are difficult to measure. There cannot be monetary value placed on broken bodies, ruined lives and human suffering. It is possible, however, to ascertain the costs of lost and stolen property. Costs of crime are ultimately borne by its victims. To minimize these losses, the Police Department makes every reasonable effort to recover lost or stolen property, to identify its owners and ensure its prompt return.

#### 5. MOVEMENT OF TRAFFIC

To facilitate the safe and expeditious movement of vehicular and pedestrian traffic, the Police Department must enforce traffic laws; investigate traffic accidents and direct traffic. To enforce traffic laws and develop driver awareness of the causes of traffic accidents, Officers warn, cite and arrest traffic law violators. Certain traffic accidents are investigated to care for the injured and to determine the causes of accidents so that methods of prevention may be developed and to protect the rights of the involved parties. When a traffic law violation is discovered, evidence must be gathered to prosecute the violator. When necessary, the Police Department provides direction for vehicular and pedestrian traffic and information to the public to assist them in arriving safely at their destination.

#### 6. PUBLIC SERVICE

The community relies on the Police Department for assistance and advice in many routine and emergency situations. Officers regularly respond to incidents where a crime has not been committed. To assure the peace and safety of all persons, Officers may respond to calls for service and render aid or advice as necessary. Services may culminate in a coordinated effort with fire, rescue, ambulance and other appropriate public safety agencies.

### 101.4 RESOURCE OBJECTIVES

#### 1. POLICE DEPARTMENT PERSONNEL

Officers frequently make difficult decisions that affect human life and liberty. There may be no opportunity to seek advice and little time for reflection. An Officer must have the stamina, intelligence, moral courage and emotional stability to fairly and impartially deal with people in complicated and potentially explosive situations. To provide professional Law Enforcement, the Police Department needs to recruit and select Officers with different levels of experience. The Police Department must strive to maintain and perfect the quality of its Officers through education and promotion of the most qualified. The selection and training process will be conducted in accordance with POST mandated standards and Police Department regulations.

## 2. UTILIZATION OF RESOURCES

The quality and extent of Law Enforcement services are limited by resources available to the Tribal government. The Police Department shall use the most efficient management and budgeting techniques available. Every employee is responsible for using resources as carefully and economically as possible.

SECTION 102: PERSONAL CONDUCT (Supplemented by General Orders 300.0 & 301.0.)

102.1 LAW ENFORCEMENT CODE OF ETHICS

The Law Enforcement code of ethics is a general guideline of conduct for Officers of the Mille Lacs Band Police Department. All employees of the Police Department shall follow the rules, regulations and policies of the Police Department and the Band's Personnel Policy Manual that govern conduct. If there is a conflict between the Police Department policies and the General Band Personnel policies, the Police Department Policies shall govern.

An Officer's fundamental duty is to serve humankind; 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.

Officer's personal lives should be unsullied as an example to all. To be honest in thought and deed in both our personal and official lives, we must be exemplary in obeying the laws of the land and regulations of our department.

Officers should not permit personal feelings; prejudices, animosities or friendships influence our decisions. Officers must maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Officers must enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and or accepting gratuities.

102.2 LOYALTY

An Officer's duty is to serve society. Police officers must make difficult decisions. He must exercise discretion in situations where an Officer's rights and liabilities and those of the Police Department depend upon his conduct and judgment. A Police Officer's decisions may involve a choice, which can cause him hardship or discomfort. A Police Officer must uphold their oath of office, the principles of Law Enforcement and the objectives of the Police Department. An Officer must not allow personal motives to govern their decisions and conduct.

102.3 CONDUCT UNBECOMING AN OFFICER

An Officer is a representative of government and a symbol of stability and authority. An Officer's conduct is closely scrutinized. Since the conduct of any Officer or civilian employee, on or off-duty, reflects upon the Police Department, all members of the department must conduct themselves in a manner which does not bring discredit to themselves, the Police Department, the Mille Lacs Band of Ojibwe Indians or the Law Enforcement profession.

102.4 RESPECT FOR CONSTITUTIONAL RIGHTS

A person cannot be deprived of constitutional rights because they are suspected of committing a crime. Courts determine the constitutionality of a Statute, not Officers who seek to properly enforce the law, as it exists. Officers may enforce Federal, State or Band Statutes without fear of abrogating a person's constitutional rights. An Officer who lawfully acts within the scope of his duty does not deprive persons of their civil liberties. An Officer may make reasonable inquiries; conduct investigations and arrest with probable cause. When Officers exceed their scope of duty, however, through unreasonable conduct, they violate the sanctity of the law, which they are sworn to uphold.

#### 102.5            USE OF FORCE

Officers confront situations where they must exercise control to make arrests and protect the public safety. Control may be achieved through advice, warnings and persuasion or by the use of physical force. The use of reasonable physical force may be necessary in some situations, which cannot be otherwise controlled. Officers may resort to force only when other available alternatives have been exhausted or would clearly be ineffective under the circumstances. Force is properly applied when it is reasonable and necessary to protect others or themselves from bodily harm and consistent with applicable Federal, State and Band Statutes and General Order 323.0.

#### 102.6            INTEGRITY

Integrity of Law Enforcement personnel will be above reproach. The dishonesty of a single Police Department's member may impair public confidence and cast suspicion upon the entire Department. Succumbing to even minor temptation may contribute to erosion of public confidence. Police Department employees must scrupulously avoid any conduct which might compromise their integrity, their fellow Officers' or the Police Department. Officers are obligated to report the dishonesty of others.

##### 1.            GRATUITIES

A member of the Police Department shall not accept gifts, rewards, gratuities or other benefits when such benefit is granted, whether fully or partially, as a result of their employment. No member of the Department shall offer or give gifts, gratuities or special privileges to any other person or agency in expectation of special benefit to the member or the Police Department.

##### 2.            SOLICITATIONS

No employee of the Police Department shall solicit any form of benefit for themselves, the Police Department, the Mille Lacs Band of Ojibwe Indians or any other organization, from any person, group or firm, when the benefit is secured as a result of their employment.

#### 102.7            COURTESY

Effective Law Enforcement depends on a high degree of cooperation between the Police Department, the public and other public agencies. Courtesy encourages understanding and appreciation while discourtesy breeds contempt and resistance. Most people are law-abiding and expect fair and courteous treatment by Police Department employees. While the urgency of a situation might preclude the ordinary social amenities, discourtesy under any circumstances is indefensible. An Officer's courtesy is not a sign of weakness, but rather of firmness and impartiality that characterizes professionalism.

#### 102.8 COMPLIANCE WITH LAWFUL ORDERS

The Police Department is an organization with a clearly defined chain of command. Proper performance in the chain of authority displays a willingness to serve and may be recognized and rewarded. If there is a willful disregard of orders, commands, directives or policies, retraining of personnel or disciplinary action may be necessary.

#### 102.9 USE OF INTOXICANTS

Law Enforcement requires an employee to be mentally alert and physically responsive. When the community encounters an employee of the Police Department who appears intoxicated, there is an immediate decrease in public confidence. An Officer must not consume intoxicants to such a degree that it impairs their on-duty performance or discredits the Department. Except as necessary in the performance of an official assignment, the consumption of intoxicants is prohibited while an employee is on duty.

#### 102.10 ATTENTION TO DUTY

Because most rural officers perform without close supervision, Officers themselves are responsible for the proper performance of their duties. An Officer is responsible for the safety of the community and fellow Officers. Officers discharge that responsibility by the faithful and diligent performance of their duty. Anything less violates the trust placed in them by the community and will not be tolerated.

#### 102.11 FINANCIAL OBLIGATIONS

Financial distress may impair an employee's effectiveness and discredits the Police Department. Employees should avoid incurring financial obligations that are beyond their ability to reasonably satisfy from their earnings.

#### 102.12 REFUSAL TO WORK

An Officer's commitment to public service and professional ethics precludes engaging in labor strikes or similar concerted activities. Officers do not have the right to strike or engage in any work stoppage or slowdown. This Police Department will seek the termination of an employee who plans to or engages in any such strike, work stoppage or slow-down.

102.13            EMPLOYEE GRIEVANCES

A Police Department employee has a right of review of a complaint relating to their employment. No formal or informal actions shall be taken by the Police Department, however, if a grievance is only filed pursuant to the Mille Lacs Band's Personnel Policy Manual.

102.14            COMMENDATIONS

A high level of professionalism is always expected of all employees. When an Officer's performance exceeds standards of the Department, an official commendation may be awarded to recognize those who have brought honor to themselves and the Police Department.

102.15            DISCIPLINE

The Police Department has the responsibility to seek out and discipline employees whose conduct discredits the Police Department or impairs its effective operation.

102.16            RELIGIOUS ACTIVITY

The First Amendment to the Constitution guarantees the right of all citizens to freedom of religious belief or non-belief and precludes governmental intervention in religious matters. Employees of the Police Department, in their official capacities, shall act in a non-sectarian manner. Employees must conduct themselves in a manner that neither favors nor illegally restricts any particular religious belief while acting in an official capacity. This section does not intend to restrict an employee's freedom of personal belief, but to insure that employees, while functioning in an official capacity, do not manifest their beliefs in a manner that interferes with the rights of other citizens.

102.17            RESPONSIBILITY OF ON-DUTY OFFICERS

On-duty Officers within reservation boundaries, after considering the tactical situation, are to take steps as reasonably necessary and consistent with their assignment to protect life and property, to effect the enforcement the laws of the Band, county, state and nation, to serve the public.

On-duty Officers who are outside the reservation boundaries who become aware of a situation requiring Officer response, must first consider the tactical situation and mutual aid agreements, then take steps as reasonably necessary to carry out the Band's responsibilities under the mutual aid agreement. On-duty Officers outside the reservation who are not acting within the scope of their employment as Officers on matters of direct concern to the Band are to give first consideration to the tactical situation and of their personal liability and that of the Band.

102.18            RESPONSIBILITY OF OFF-DUTY OFFICERS

Under current Minnesota law, both on and off-duty Officers have peace Officer authority as to any public offense committed or which there is probable cause to believe has been committed in their employing jurisdiction with respect to which there is immediate danger to person or property or the escape of the perpetrator of the offense. Off-duty Officers, on and off reservation, must first consider the tactical situation and then the liability of themselves and the Band.

102.19            NO PEACE OFFICER AUTHORITY OUTSIDE OF MINNESOTA

Powers of Mille Lacs Band Peace Officers do not extend beyond Minnesota except as provided for in the Uniform Act of Fresh Pursuit and Minnesota Statutes. Officers who are outside the boundaries of the state, county or reservation for extradition or other matters of direct concern to the Band, shall not engage in Law Enforcement activities, unless necessary in the performance of their duties as an Officer of the Band, or when called upon to assist another Law Enforcement agency or when necessary to protect the life of any person.

102.20            OFF-DUTY WEAPONS

Carrying off-duty weapons is prohibited without the prior written approval of the Chief of Police.

## SECTION 103: LAW ENFORCEMENT - COMMUNITY INTERACTION

### 103.1 GENERAL PROVISIONS

Good community relations and positive interactions between people and Officers promote unity, common purpose and a climate where Officers may perform their duties with public acceptance, understanding and approval.

### 103.2 INDIVIDUAL DIGNITY

All persons are subject to the law and have a right to be treated with dignity under the law. The Police Department has a duty to protect this right. Officers must treat a person with respect as a duty inherent in an Officer's primary responsibilities.

### 103.3 ROLE OF THE INDIVIDUAL OFFICER

Community relations are strengthened by interaction between Officers and citizens. These interactions inspire respect in the Officer and the community that will generate the cooperation and approval by the community.

### 103.4 EQUALITY OF ENFORCEMENT

In order to respond to Law Enforcement needs on a diverse reservation, policies should be formulated on a reservation-wide basis and applied uniformly. Law should be enforced evenhandedly. Similar circumstances require similar treatment in all areas of the reservation and for all groups and individuals.

### 103.5 RESPONSIVENESS TO THE COMMUNITY

The Police Department must be responsive to the needs and problems of the Reservation. The Police Department must demonstrate a willingness to listen and a genuine concern for the problems of the community in all three districts.

### 103.6 OPENNESS OF OPERATION

The Police Department may disseminate accurate and factual accounts of occurrences and other matters of public interest to the extent such disclosure will not violate the Minnesota Data Practices Act, individual rights or the need for confidentiality.

### 103.7 INTERPERSONAL COMMUNICATIONS

Interpersonal communications between the community and the Police Department promote understanding and cooperation. Where there may be a language barrier, an Officer may need additional patience and understanding in dealing with what might otherwise appear to be lack of response.

## SECTION 104: COMMUNITY AFFAIRS

### 104.1 NEWS MEDIA RELATIONS

This Police Department seeks to establish a cooperative climate with the news media. Certain information, however, must be withheld from the media in order to protect the constitutional rights of an accused, to protect an ongoing investigation or because it is legally privileged. When a representative of the news media is denied access to certain information, they shall be given a courteous explanation of the reasons for such denial.

### 104.2 LABOR DISPUTES AND DEMONSTRATIONS

#### 1. OFFICER'S ROLE

If a labor dispute or demonstration occurs within the Mille Lacs Tribal jurisdiction, the Police Department must protect the rights of the public by enforcing the law and by maintaining order.

#### 2. NECESSITY OF OFFICER'S IMPARTIALITY

The effectiveness of the Police Department in any labor dispute and demonstration is displayed impartiality regarding the parties and issues involved and by taking appropriate action when illegal acts are observed or reported.

#### 3. NECESSITY OF ENFORCEMENT OF LAWS

The Police Department should attempt to inform both parties of a labor dispute or demonstration about the laws on the use of public areas and roadways, free access to public places and the right of persons to enter and leave private premises without interference. Cooperation of both parties to comply with the law will minimize illegal acts. If an illegal act occurs, the Police Department will take prompt and impartial Law Enforcement actions.

### 104.3 LIAISON WITH CRIMINAL JUSTICE SYSTEM

#### 1. COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES

The Police Department maintains close working relationships with other Law Enforcement agencies and shares information about techniques and procedures developed or used by the Police Department.

#### 2. PROFESSIONAL ASSOCIATIONS

To preserve and promote the Mille Lacs Band Police Department as a professional Law Enforcement agency, employees may become members in or affiliated with local, regional, state, Tribal or national criminal justice or Law Enforcement organizations to the extent permissible under the Band's personnel policies.

## SECTION 105: LAW ENFORCEMENT OPERATIONS

### 105.1 NATURE OF THE TASK-OFFICER DISCRETION

Decisions in Law Enforcement operations frequently must be made in an instant and the lives of Officers and others may depend on those decisions. An Officer must be capable of making a reasonable response in both cases. Officers must base their conduct and action in each instance upon the facts as they reasonably appear, relying upon their experience, training and judgment to guide them toward reasonable and lawful decisions and actions.

### 105.2 POLICE ACTION BASED ON LEGAL JUSTIFICATION

Reasonableness of police action or facts constituting probable cause varies with each situation. The facts may justify an investigation, a detention, a search, an arrest or no action at all. The requirement for legal justification imposes limitations on an Officer. In every case, an Officer must act reasonably within the limits of their authority as defined by Statute and judicial interpretation, thereby ensuring that the rights of both the individual and the public are protected.

### 105.3 SPEED ENFORCEMENT

Traffic enforcement, particularly speed enforcement, must allow for Officer discretion within reasonable limits. This Police Department follows the rules of good judgment, common sense and discretion, considering all factors existing at the particular time and place of the offense.

### 105.4 ALTERNATIVES TO PHYSICAL ARREST, BOOKING OR CONTINUED DETENTION

Once a violator is identified, Officers initiate the criminal process. Sometimes an Officer may not make an arrest. There may be a report written and a summons issued, an application for a complaint made, or in some cases when the offense is of a minor nature, a verbal warning or other direction may be given. A decision not to arrest will be guided by the Police Department policy and the particular factual situation, not by the personal feelings of the Officer.

An arrest does not necessarily require a booking and a booking does not necessarily require continued detention. When the circumstances allow, an arrestee should be released without being booked and, if booked, should be released from further detention when warranted.

## 105.5 CALLS FOR SERVICE

### 1. PROFESSIONAL STANDARD OF SERVICE

The Police Department cannot be aware of each situation on the Reservation where they are needed. Officers depend on the community for information. The community expects Officers to respond to requests for police service within a reasonable period of time and to satisfactorily perform the necessary service. The extent of the service will depend on the particular situation, but a professional quality of service must be rendered in all cases.

### 2. PRIORITY OF HANDLING CALLS FOR SERVICE

It is not always possible for the Police Department to respond to every call for service. The Police Department must use available resources to give the highest level of efficient service possible. Priority of call assignment depends on many factors and it is normally the responsibility of staff personnel to make such assignments. An Officer in the field may be required to decide whether to continue on an assigned call or handle a citizen's complaint or other observed event and cause the call to be reassigned. In any event, a supervisor may override the decision of an Officer. Such determination should be based upon the comparative urgency and the risk of life and property of the assigned call and the intervening incident. When it is impossible for an Officer to handle a citizen's complaint or an observed event, the Officer should, if circumstances permit, either give directions for obtaining such assistance or initiate the necessary notifications themselves.

## 105.6 SCOPE OF PRELIMINARY INVESTIGATION

The scope of preliminary investigation may be very restricted or it may constitute the entire investigation of the crime. For instance, the scope may be limited by an Officer's assigned workload. An Officer should continue a preliminary investigation to the point where a delay in an investigation caused by the report being processed would not materially jeopardize the investigation.

## 105.7 CIVIL DISPUTES

Officers are frequently called to a scene where no crime has been committed. The presence of Officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring, not give legal advice. Officers should avoid become unnecessarily involved in civil disputes and, if appropriate, advise the parties to seek the advice of legal counsel.

105.8            FIELD SUPERVISION

Since emergency situations occur without warning, and duration is often brief, Officers must frequently make critical decisions without the benefit of on-the-scene direction. In most of these operations, however, supervision is available and necessary to provide guidance and training. Supervision gives coherence to the Officer's task and directs the energies of the department into an organized effort. Proper supervision is essential to maintain a professional level of competence in Law Enforcement operations.

105.9            COMMAND RESPONSIBILITY AT LAW ENFORCEMENT SITUATIONS

Except as otherwise provided in policy, command of the Police Department's resources in a Law Enforcement situation rests with the first Officer on-scene or a supervisor, if the first Officer is relieved. This Officer has the authority to direct the operation and is responsible for the outcome.

105.10          CRIME SCENE SUPERVISION

Except as provided elsewhere in this policy, the first Officer on the scene is in charge of a crime scene unless relieved of the responsibility by an assigned investigator or supervisory personnel.

105.11          FOLLOW UP INVESTIGATION

1.            INVESTIGATION OF REPORTED CRIMES

Follow up investigation consists of efforts to interview victims and witnesses; locate, identify, and preserve physical evidence; recover stolen property; identify, locate, interview and arrest suspects; present the case to the prosecutor and cooperate in the prosecution of the suspect. Investigations are conducted to produce evidence relative to the guilt or innocence of any suspect and recover property.

2.            ALLOCATION OF RESOURCES TO FOLLOW UP INVESTIGATIONS

It may not be feasible to expend equal time and energy in the investigation of all reported crimes. Priority of investigations and allocation of resources must be based upon the relative seriousness of each reported crime. Reported crimes will be investigated to the fullest extent possible without regard to the status of victims or the areas of the reservation in which the crimes occur.

## 105.12 INFORMANTS

### 1. USE OF INFORMANTS

Information from confidential sources may be the lead which solves a case and without which there could not be prosecution. The Police Department receives information regarding criminal activities and suspects from persons in all walks of life. Many people who give information have been victims or witnesses of crime or they have a strong desire to aid Law Enforcement. Regardless, of their motivation, the use of informants is a basic weapon in the fight against crime and they are judicially recognized sources of information. An informant's motivation should be carefully evaluated in determining the extent to which the information will be relied upon.

### 2. INFORMANT'S IMMUNITY FROM PROSECUTION

Informants will sometimes offer to exchange information for prosecutorial immunity or for their release. Only a judge in a judicial proceeding may properly grant such immunity. No member of the Department may grant any person immunity from prosecution.

### 3. INDIVIDUAL OFFICER INFORMANT RESPONSIBILITIES

Officers should keep their supervisors informed of their relations and activities involving informants. The Police Department requires that the identity of informants be disclosed by means of an informant file maintained by the Police Chief. When a juvenile informant is utilized, the Department must retain a release form signed by a parent or guardian giving the Department permission to utilize the informant.

## 105.13 CONDUCT OF UNDERCOVER OFFICERS

In order to obtain information and evidence regarding criminal activities, it may be necessary for the Department to use undercover personnel. Such personnel shall not engage in entrapment.

## 105.14 ELECTRONIC SURVEILLANCE

Federal, Band and State laws and the United States Constitution protect the individual's right of privacy and right not to be subjected to unreasonable searches and seizures. Electronic surveillance equipment shall only be used in a manner consistent with the law and at the direction of a supervisor.

## 105.15 IMPENDING RIOT OR MAJOR DISTURBANCE

When a situation may escalate into a riot, Officers must establish control of the situation by reacting quickly and committing sufficient resources to control the situation. Control should be established in all parts of the involved area so that there are no areas into which the Police Department cannot go. Law violators must be arrested and their prosecution sought. Finally, the Police Department must remain in the affected area with adequate personnel and equipment for a sufficient period of time after order is restored to convince all concerned that additional outbreaks will not be tolerated.

105.16        DEMONSTRATIONS

The Police Department will reasonably provide any resources needed to protect the rights of any person or group to conduct a peaceful and lawful demonstration within the reservation in accordance to Band law. Unlawful activity requires prompt and effective action by the Police Department. The Police Department will take appropriate legal steps to discourage unlawful acts.

105.17        USE OF FORCE

In no instance shall an Officer use force other than that necessary to lawfully and properly neutralize an unlawful assault or more than that which is necessary to overcome resistance by a person being taken into custody. In each instance, lawful and proper force is restricted to only that force necessary to control and terminate unlawful resistance and to prevent any further physical attack against the police Officer or any other persons.

105.18        USE OF FIREARMS

As long as Officers, in the performance of their duties, may be confronted with deadly force, it is necessary for an Officer to be properly armed for the protection of society and themselves. The general policy of the Police Department regarding the use of firearms or other deadly force by Officers, on or off duty, is that Officers will discharge their weapon at another person only when they are legally justified.

105.19        POLICE VEHICLES

Employees shall drive Band-owned vehicles in a lawful and proper manner at all times with due regard for the safety of all persons and good condition of the vehicle. Officers shall consider the risks to the public and themselves in any high-speed pursuit, the nature of the offense for which a subject is being pursued, the danger to the public if the subject is not apprehended and possible alternative methods of apprehension.

Good judgment and common sense shall be used in every vehicle pursuit engaged in by members of the Police Department. Pursuits of known dangerous persons will generally allow Officers to drive at higher speeds however; higher speeds pose higher risks of loss of vehicle control and an accident. Supervisors have the authority to terminate a pursuit at any time. Each instance must be considered separately and successful apprehension of a subject must be weighed against the real and present danger involved in a high-speed pursuit.

Officers shall not attempt to deliberately collide with other vehicles or to use the police vehicle to force any other vehicle off a roadway. The only exception to this policy occurs when an Officer is in pursuit of known and extremely dangerous felons who, if allowed to escape, would create a substantial risk of a person being killed or seriously injured.

#### 105.20 USE OF CHEMICAL MUNITIONS

To minimize injury to suspects, Officers and others and to avoid property damage, the use of chemical munitions such as tear gas is allowed only in circumstances where a serious danger to life and property exists and other methods of control or apprehension would be ineffective or more dangerous.

#### 105.21 HOSTAGES

Criminals who use hostages to aid their escape are desperate individuals who, if allowed to escape, will pose a continuing threat to their hostage(s) and the public. Assurance that a hostage will be released unharmed is a meaningless promise. The Police Department does not have the ability to protect the safety of a hostage who are removed from the presence of Officers. The safety of hostages can be best assured by keeping them in the presence of Officers and by preventing the suspect from removing them. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage. Exceptional situations could arise where good judgment dictates allowing removal of a hostage, such as where there is imminent probable danger to a large group of persons.

#### 105.22 OFFICERS SURRENDERING WEAPONS

Officers may find themselves at the mercy of an armed suspect who has an advantage. A suspect who has surrendered his weapon upon demand does not reduce the danger to an Officer. Surrendering their weapon may mean giving away their only chance of survival. Officers should not surrender their weapon(s) except as a last resort when, in their judgment; they believe that the act of giving up the weapon will save their life or the lives of others.

## 105.23 BARRICADED SUSPECTS

### 1. TACTICAL PLAN

A barricaded suspect poses an extreme danger to Officers who seek to arrest him and others. Good judgment demands that a tactical plan be developed rather than immediately rushing a barricaded suspect.

Upon contact with a barricaded suspect, that immediate area should be cordoned off to seal avenues of escape. Bystanders must be evacuated from the area. A command post should be established from which operations would be directed upwind from target location. A traffic control perimeter should be established to control traffic in the area. Attempts to establish communication with the barricaded subject should be made in an effort to persuade the subject to surrender.

Every possible attempt shall be made to persuade the subject to surrender. Once the subject is isolated, time is to the benefit of the Officers and the full resources of the Police Department are available to remove the subject from the location if necessary. The Police Department Use of Force Policy shall be strictly followed and random firing is prohibited.

### 2. SUPERVISION AT SCENE OF BARRICADED SUBJECT

In situations that develop from radio calls or spontaneous activities, the first Officer on the scene is in command and shall immediately have dispatch notify the Chief of Police or the Supervisor who, upon arrival, shall assume command.

When a suspect is located as a result of a follow-up investigation, the senior Officer based on rank at the scene is in command and shall immediately have dispatch notify the Chief of Police or Supervisor who shall assume command upon arrival. After the arrival of the Chief of Police or the Supervisor, the steps outlined in the section above shall be followed.

## 105.24 DEPLOYMENT IN ANTICIPATION OF THE COMMISSION OF A CRIME

The purpose of deploying Officers to the scene of an anticipated crime is to arrest the perpetrator of the attempted or consummated crime. Since the objective to arrest is subordinate to the protection of life, however, Officers should not subject themselves or other persons to unreasonable risk.

## 105.25      TRAFFIC ENFORCEMENT

### 1.      OBJECTIVES

The traffic enforcement objectives are to reduce traffic accidents and injuries and facilitates the safe and expeditious flow of vehicular and pedestrian traffic. This can be achieved by education and enforcement.

The Police Department seeks to educate the public regarding traffic regulations through programs aimed at exposing specific problems and by giving notice and warnings of changes in regulations prior to taking enforcement action.

The Police Department will take enforcement action upon the detections of an illegal and potentially hazardous driving offense without regard for such factors as attitude, intent or frivolous excuse. Enforcement action may consist of a warning, citation, and application for complaint or physical arrest.

Another objective of traffic enforcement is the identification of changing traffic patterns and potentially hazardous conditions. This information will be conveyed in a timely manner to the appropriate authority for review and evaluation.

### 2.      VIOLATOR CONDUCT

Traffic enforcement is routine for Officers, but for violators it frequently is an emotionally traumatic experience. In many cases, this is the only contact that a person has with Law Enforcement. Officers should be aware of these conditions and should strive to make each contact educational and to leave the violator with the impression that the Officer has performed a necessary task in a professional manner.

### 3.      SELECTIVE ENFORCEMENT

When the Department receives complaints of problems in particular areas, it may specifically assign personnel to investigate and take necessary enforcement action. Additionally, based on information obtained by the Department, Officers may be assigned specific areas because of problems anticipated there.

### 4.      VISIBLE PATROL

Open and visible patrol deters motorists from violating traffic law and reduces traffic accidents. When there is an unusual or continuing enforcement problem at a particular location, Officers should park in a conspicuous location and observe traffic.

5. UNIFORMITY

Each Officer should reasonably and uniformly enforce traffic laws.

6. ACCIDENT INVESTIGATION

The investigation of certain traffic accidents is necessary to determine traffic law violations, obtain engineering data, protect the rights of individuals involved and assist in traffic education.

105.26 NARCOTIC INFORMATION

It is the objective of the Department to enforce state, Band and federal laws which prohibit the possession, use or traffic in narcotics, non-prescription dangerous drugs and other restricted drugs within the Reservation. The Department seeks to prevent and deter the use, possession and traffic of such substances within the reservation. The Department may conduct investigations outside the reservation in cooperation with appropriate Law Enforcement agencies to prevent the flow of such illegal substances into the reservation.

To prevent the spreading use of narcotics and other dangerous substances, the Department participates in public education programs to inform people about the effects and hazards of drug abuse. Additionally, the Police Department informs the public about drugs so that they can make decisions regarding personal use of drugs. The public needs to understand and appreciate the dangers of drug abuse that is the key to overcoming its threat. The Police Department seeks to work with the people in a cooperative attack on this critical problem.

## **CHAPTER TWO**

## **POSITION DESCRIPTIONS**

SECTION 200: CHIEF OF POLICE

200.1 MAJOR OBJECTIVES

To protect the public and address the law enforcement needs of the community, maintain law and order, prevent, detect and investigate crime, enforce traffic, criminal, and other laws of the Band and State, apprehend criminal suspects, establish policy and procedure for the department, establish structure to properly train and supervise department personnel and other functions relative to a rural Law Enforcement agency.

200.2 AREAS OF ACCOUNTABILITY

1. ADMINISTRATION

The Chief of Police will:

- a. Coordinate the activities of Police Officers and other department personnel in accordance with Band statutes and authority delegated by the Band Assembly;
- b. Promulgate policies, rules and regulations of the department;
- c. Assume overall responsibility for efficiency and discipline of workers under this command;
- d. Oversee employee performance evaluations and prepare and maintain files concerning employee performance;
- e. Administer disciplinary action as delegated by department and Band policy manual, conduct disciplinary hearings and take disciplinary actions;
- f. Assisting and working with governmental employees to examine and prepare operating budget for the department;
- g. Reading and answering police correspondence;
- h. Preparing or amending the Mille Lacs Band Police Operations Manual and submitting for approval to the Solicitor General's Office;
- i. Establishing and maintaining police record keeping system to ensure ready retrieval and exchange of information with state, local, tribal or Federal enforcement agencies in accordance with the Minnesota Data Practices Act.
- j. Review information to determine whether release is in accordance with policy or law.

## 2. COMMUNITY RELATIONS

The Chief of Police is responsible for:

- a. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
- b. Consulting with other public service providers and groups to determine community needs and take appropriate action; and
- c. Initiating, supervising and coordinating activities of members attempting to resolve community social problems and promote understanding of police functions within the community.

## 3. SUPERVISORY

Supervisory responsibilities include:

- a. Reviewing activity reports and other paperwork, including investigation reports for quantity and quality of work performance;
- b. Establishing training program for probationary and experienced personnel in such phases of police work as police science, law community relations, marksmanship, self-defense use and maintenance of equipment and care of firearms;
- c. Examining personnel and case records to ensure that enforcement personnel conform to prescribed policy;
- d. Notifying tribal, state, county and federal authorities of major crimes or disturbances within the area and take appropriate action if requested to do so;
- e. Establishing and maintain good working relationships with other Law Enforcement agencies and assist those agencies if requested to do so;
- f. Monitoring and resolving work problems or assists members of department in doing so;
- g. Explaining general orders, special messages, directives, commissioner's orders and laws to members of department;
- h. Informing members of changes in regulations and policies, implications of new or amended laws and new techniques of police work;
- i. Submitting reports of activity and equipment to supervisors; and
- j. Recommending merit awards for subordinates.

#### 4. LAW ENFORCEMENT

Law enforcement responsibilities include:

- a. Patrolling reservation communities to control traffic, prevent crime or disturbances of the peace and to arrest violators;
- b. Maintaining familiarity with area, its residents and community needs.
- c. Rendering first aid at, investigating, citing violators, locating, interviewing and recording eyewitness accounts of accidents.
- d. Filing facts and reports for possible use in civil or criminal court;
- e. Investigating criminal cases which involve violations of federal, state, local or Band laws;
- f. Analyzing charges, complaints or alleged violations to identify issues, jurisdictional areas and evidence needed;
- g. Developing and using informants in accordance with this manual to obtain information and evidence;
- h. Conducting surveillance of persons and areas warranted;
- i. Using cameras, telephones and other equipment to record facts and evidence;
- j. Inspecting and investigating crime scenes, locating, recording, collecting, and preserving evidence;
- k. Preparing and presenting findings and progress of investigations in properly documented reports;
- l. Assisting prosecuting attorney in case preparation for trial;
- m. Preparing or obtaining search warrants and execute same;
- n. Testifying before courts and juries; and
- o. Leading, directing or assigning department personnel to investigate or follow up work;



SECTION 201: DEPUTY CHIEF OF POLICE

201.1 MAJOR OBJECTIVES

To protect the public and address the law enforcement needs of the community, maintain law and order, prevent, detect and investigate crime, enforce traffic, criminal, and other laws of the Band and State, apprehend criminal suspects, establish policy and procedure for the department, establish structure to properly train and supervise department personnel and other functions relative to a rural Law Enforcement agency.

201.2 AREAS OF ACCOUNTABILITY

1. ADMINISTRATION

The Deputy Chief will:

- a. Coordinate the activities of Police Officers and other department personnel in accordance with Band statutes and authority delegated by the Band Assembly;
- b. Promulgate policies, rules and regulations of the department;
- c. Assume overall responsibility for efficiency and discipline of workers under their command;
- k. Oversee employee performance evaluations and prepare and maintain files concerning employee performance under their command;
- l. Administer disciplinary action as delegated by department and Band policy manual, conduct disciplinary hearings and take disciplinary actions;
- m. Assisting and working with the Chief of Police to examine and prepare operating budget for the department;
- n. Reading and answering police correspondence;
- o. Assist the Chief of Police in preparing or amending the Mille Lacs Tribal Police Operations Manual and submitting for approval to the Solicitor Generals Office;
- p. Establishing and maintaining police record keeping system to ensure ready retrieval and exchange of information with state, local, tribal or Federal enforcement agencies in accordance with the Minnesota Data Practices Act.
- q. Review information to determine whether release is in accordance with policy or law.
- r. Assume the responsibilities of the Chief of Police during his/her absence.
- s. Oversee the Administrative Forfeiture Process.
- t. Oversee the Department's Training to ensure personnel are meeting their POST requirements.

## 2. COMMUNITY RELATIONS

The Deputy Chief is responsible for:

- d. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
- e. Consulting with other public service providers and groups to determine community needs and take appropriate action; and
- f. Initiating, supervising and coordinating activities of members attempting to resolve community social problems and promote understanding of police functions within the community.

## 4. SUPERVISORY

Supervisory responsibilities include:

- k. Reviewing activity reports and other paperwork, including investigation reports for quantity and quality of work performance;
- l. Establishing training program for probationary and experienced personnel in such phases of police work as police science, law community relations, marksmanship, self-defense use and maintenance of equipment and care of firearms;
- m. Examining personnel and case records to ensure that enforcement personnel conform to prescribed policy;
- n. Notifying tribal, state, county and federal authorities of major crimes or disturbances within the area and take appropriate action if requested to do so;
- o. Establishing and maintain good working relationships with other Law Enforcement agencies and assist those agencies if requested to do so;
- p. Monitoring and resolving work problems or assists members of department in doing so;
- q. Explaining general orders, special messages, directives, commissioner's orders and laws to members of department;
- r. Informing members of changes in regulations and policies, implications of new or amended laws and new techniques of police work;
- s. Submitting reports of activity and equipment to supervisors; and
- t. Recommending merit awards for subordinates.

#### 4. LAW ENFORCEMENT

Law enforcement responsibilities include:

- p. Patrolling reservation communities to control traffic, prevent crime or disturbances of the peace and to arrest violators;
- q. Maintaining familiarity with area, its residents and community needs.
- r. Rendering first aid at, investigating, citing violators, locating, interviewing and recording eyewitness accounts of accidents.
- s. Filing facts and reports for possible use in civil or criminal court;
- t. Investigating criminal cases which involve violations of federal, state, local or Band laws;
- u. Analyzing charges, complaints or alleged violations to identify issues, jurisdictional areas and evidence needed;
- v. Developing and using informants in accordance with this manual to obtain information and evidence;
- w. Conducting surveillance of persons and areas warranted;
- x. Using cameras, telephones and other equipment to record facts and evidence;
- y. Inspecting and investigating crime scenes, locating, recording, collecting, and preserving evidence;
- z. Preparing and presenting findings and progress of investigations in properly documented reports;
- aa. Assisting prosecuting attorney in case preparation for trial;
- bb. Preparing or obtaining search warrants and execute same;
- cc. Testifying before courts and juries; and
- dd. Leading, directing or assigning department personnel to investigate or follow up work;



SECTION 202: SERGEANT OF POLICE OFFICERS

202.1 MAJOR OBJECTIVES

To protect the public and address the law enforcement needs of the community, maintain law and order and preserve the peace, detect, prevent and investigate crime, enforce traffic, natural resources and other laws of the Band and state, apprehend criminal suspects, maintain order in the Mille Lacs Band Court of Central Jurisdiction, serve court process, arrest violators of the law, direct and supervise daily activities of police personnel and other functions relative to rural Law Enforcement.

202.2 AREAS OF RESPONSIBILITY

1. ADMINISTRATIVE

The Sergeant of Police Officers will:

- a. Examine personnel and case records to ensure that enforcement personnel conform to prescribed standards of appearance, conduct and efficiency;
- b. Recommend revisions to the Operations Manual by submitting recommendations to the Chief of Police;
- c. Submit reports of activity reports and equipment to the Chief of Police;
- d. Maintain police record keeping system to ensure ready retrieval and exchange of information with state, local, tribal or federal enforcement agencies in accordance with the Minnesota Data Practices Act.
- e. Review information to determine whether its' release is in accordance with policy or law.

2. COMMUNITY RELATIONS

The Sergeant of Police is responsible for:

- a. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
- b. Consulting with other public service providers and groups to determine community needs; and
- c. Supervising and coordinate activities of members attempting to resolve community social problems and to create better understanding of police functions within the community.

### 3. SUPERVISORY

Supervisory responsibilities include:

- a. Directing and coordinating activities of Police Officers and other personnel in accordance to Band Statutes and authority delegated by the Band Assembly and as directed by the Chief of Police;
- b. Explaining rules and regulations of the Department to subordinates;
- c. Directing daily Law Enforcement activities of members of Department;
- d. Commanding subordinate Officers on assigned duty and assume responsibility for efficiency and disciplinary actions as delegated by the Operations Manual;
- e. Taking or making recommendations for disciplinary action;
- f. Explaining general orders, special messages directives, commissioner's orders and laws to other members of Department;
- g. Informing members of changes in regulation and policy, implications of new or amended laws and new techniques of police work;
- h. Recommending merit awards for subordinates to the Chief of Police;
- i. Reviewing activity reports of subordinates for quantity and quality of work performance;
- j. Instructing probationary and experienced personnel in such phases of police work as police science, law community relations, marksmanship, self-defense and use, maintenance and care of equipment and firearms;
- k. Monitoring and resolving work problems or assist members of department in doing same.

### 4. LAW ENFORCEMENT

Law enforcement responsibilities include:

- a. Notify state and county authorities of major crimes or disturbances within the area and take appropriate action if requested to do so;
- b. Establish good working relationship with other Law Enforcement agencies and assist those agencies if requested to do so;
- c. Patrol Reservation community to control traffic, prevent crime or disturbances of the peace and to arrest violators;
- d. Must be familiar with area residents and community needs;
- e. Render first aid at accidents and investigate;
- f. Issue tickets to violators, locate, interview and record eyewitness accounts of violations;
- g. File facts and reports for possible use in civil or criminal courts;
- h. Investigate criminal cases which involve violations of federal, state, local or Tribal laws;
- i. Analyze charge, complaint or alleged violation to identify issues and jurisdictional area and evidence;

- j. Develop and use informants in accordance with this policy to obtain information and evidence;
- k. Conduct surveillance of persons and area if warranted;
- l. Use camera, telephones and other equipment to record facts and evidence;
- m. Prepare and present findings and progress of investigations in properly documented reports;
- n. Prepare or obtain search warrants and execute; and
- o. Lead, direct or assist Officers in investigative follow-up.

## 5. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

- a. Serving legal process such as court orders, summons and complaints and subpoenas to individuals;
- b. Serving arrest warrants and evict persons from property designated by court order;
- c. Assisting prosecuting attorney in case preparation for trial;
- d. Testifying before courts and juries; and
- e. Maintaining order in courtroom during trial and ensure security of participants.

## SECTION 203: INVESTIGATOR

### 203.1 MAJOR OBJECTIVES

To investigate crimes and attempted crimes against persons and property, gather and evaluate supporting evidence for prosecution, distinguish between an actual crime and circumstances which appear to be a crime, apply the best methods of interviewing and questioning suspects to gain needed information, preserve crime scenes, maintain current knowledge of forensics, investigative equipment and firearms and gather and preserve physical evidence.

### 203.2 AREAS OF ACCOUNTABILITY

#### 1. LAW ENFORCEMENT

Law enforcement responsibilities include:

- a. Finding and interviewing witnesses;
- b. Taking statements from suspects, victims and witnesses;
- c. Coordinating the information search at the scene of a crime and following the laws of arrest and search and seizure;
- d. Recognizing, collecting, preserving and processing physical evidence;
- e. Determining the nature of the crime and evaluating possible charges against suspects;
- f. Knowing legal requirements, restraints and investigative procedures;
- g. Identifying and apprehending of criminals;
- h. Preparing cases for prosecution;
- i. Understanding basics of crime prevention, recognizing crime risks and contributing factors in crimes and supplying information to the crime prevention unit;
- j. Working cooperatively with officers in the department and other law enforcement agencies;
- k. Identifying criminal techniques and behavior from intelligence information to recognize criminals operating in the community;
- l. Effectively using resources to manage an active caseload;
- m. Submitting reports in a timely manner, which contain relevant information, correct terminology, proper format;
- n. Maintaining appropriate records and files;
- o. Functioning independently of immediate supervision;
- p. Developing informational sources;
- q. Patrolling reservation community to control traffic prevents crime or disturbances of the peace and to arrest violators;
- r. Maintain familiarity with area, residents and community needs;

- s. Issuing tickets to violators, locates interview and records eyewitness accounts of violations;
- t. Filing facts and reports for possible use in civil or criminal court;
- u. Investigating criminal cases, which involve violations of Federal, state, local or Tribal laws;
- v. Analyzing charge, complaint of alleged violation to identify issues and jurisdictional areas and evidence needed;
- w. Developing and using informants in accordance with this manual to obtain information and evidence;
- x. Conducting surveillance of person and areas warranted;
- y. Using cameras, telephones, and other equipment to record facts and evidence; and
- z. Preparing and presenting findings and progress of investigations in properly documented reports;

## 2. COMMUNITY RELATIONS

The Investigator is responsible for:

- a. Advising the public of crime prevention measures and community resources;
- b. Establish rapport with groups and individuals to identify and resolve complaints, problems and needs;

## 3. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

- a. Serving legal process such as court orders, summons and complaints, subpoenas to individuals;
- b. Serving arrest warrants and evicting persons from property designated by court order;
- c. Assisting prosecuting attorney in case preparation for trial.
- d. Preparing or obtaining search warrants and executes it;
- e. Notifying state and county authorities of major crimes or disturbances within the area and takes appropriate action if requested to do so;
- f. Establishing and maintaining good working relationship with other law enforcement agencies, and assisting those agencies if requested to do so.
- g. Testifying before courts and juries; and
- h. Maintaining order in courtroom during trial and ensuring security of participants.

SECTION 204: POLICE OFFICER

204.1 MAJOR OBJECTIVE

To protect the public and address the needs of the community, maintain law and order and preserve the peace, detect, prevent and investigate crime, enforce traffic, criminal, natural resources and other laws of the Band and State, apprehend criminal suspects, maintain order in Tribal Court, serve process, arrest violators of the law, work various shifts as assigned by supervising personnel and other functions relative to a rural Law Enforcement agency.

204.2 AREAS OF RESPONSIBILITY

1. LAW ENFORCEMENT

Law enforcement responsibilities include:

- a. Patrolling reservation community to control traffic, prevent crime or disturbances of the peace and to arrest violators;
- b. Maintain familiarity with area, residents and community needs;
- c. Issuing tickets to violators, locates, interviews and records eyewitness accounts of violations;
- d. Filing facts and reports for possible use in civil or criminal court;
- e. Investigating criminal cases, which involve violations of Federal, State, local or Tribal laws;
- f. Analyzing charge, complaint or alleged violation to identify issues and jurisdictional areas and evidence needed;
- g. Establishing rapport with groups and individuals to identify and resolve complaints, problems and needs;
- h. Developing and using informants in accordance with this manual to obtain information and evidence;
- i. Conducting surveillance of person and areas warranted;
- j. Using cameras, telephones, and other equipment to record facts and evidence;
- k. Inspecting and investigating crime scenes; locating, recording, collecting and preserving evidence;
- l. Preparing and presenting findings and progress of investigations in properly documented reports;
- m. Assisting prosecuting attorney in case preparation for trial;
- n. Preparing or obtain search warrants and execute it;
- o. Testifying before the Court and/or juries;
- p. Notify state and county authorities of major crimes or disturbances within the area and takes appropriate action if requested to do so; and
- q. Establish and maintain good working relationship with other Law Enforcement agencies and assist those agencies if requested to do so.

## 2. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

- a. Serving legal process such as court orders, summons and complaints, subpoenas to individuals;
- b. Serving arrest warrants and evicts person from property designated by court order; and
- c. Maintaining order in courtroom during trial and ensures security of participants.

205.1            MAJOR OBJECTIVES

To participate in developing a cooperative community approach between schools, parents, police and other resources to responding to needs of education and schools; Find and eliminate factors which lead to delinquency; Build and maintain working relationships between youth, schools and Police through daily contact; Act as a resource and member of a team effort concerned with youth and youth issues.

205.2            AREAS OF RESPONSIBILITY

1.            COMMUNITY RELATIONS

The School Resource Officer is responsible for:

- a.            Helping coordinate community events in the schools;
- b.            Serving as a resource to students, faculty and parents on community organizations, programs, issues and needs;
- c.            Teaching and implementing crime prevention strategies and seeking alternatives to traditional juvenile court processes;
- d.            Responding to students and/or parent(s) who are physically or emotionally suffering and in need of help and support;
- e.            Being acquainted with and available to administrators and counselors;
- f.            Serving as a resource for case conferences, class presentations, staff meetings or specially arranged discussions involving individual students and/or family community problems; and
- g.            Being a resource for drug education programs in the schools and the community.

2.            LAW ENFORCEMENT

Law enforcement responsibilities include:

- a.            Following up on referrals requested by the Police Department;
- b.            Consulting with parents on student's behavior that has lead or might lead to law infractions;
- c.            Responding to incidents of theft, destruction of school property, chemical problems and unauthorized school visitors;
- d.            Delivering law enforcement services in "non-traditional and non-threatening" ways;
- e.            Protecting the health, safety and welfare of all who come to the schools;
- f.            Assisting school officials in responding to unusual, disruptive student behavior and/or singular disciplinary situations; and

Assisting faculty in responding to crisis or unusual situations



## SECTION 206.0 OFFICE MANAGER

### 206.1 MAJOR OBJECTIVES

To provide direct supervision of the Tribal Police administrative staff and assist with the day-to-day activities of the front office.

### 206.2 AUTHORITY AND RESPONSIBILITY

#### 1. ADMINISTRATION

- a. Supervises all administrative non-sworn personnel.
- b. Assists with the preparation of the bi-annual budget.
- c. Responsible for processing and follow through of all civil process papers and documents in a timely basis and in accordance with the Minnesota State statutes and/or Tribal regulations regarding billings, receipts, deposits and distribution of all monies involved in the civil process.
- d. Supervises the staff in determining what information is required to be entered into the computer data bank and regularly updating the information as required.
- e. Monitor a comprehensive filing and retrieval system to support a functionally efficient office.
- f. Assist in all phases of operational administration of the Police Department .
- g. Responsible for Grant Management in working with the Chief of Police and Director of Public Safety.
- h. Establish and maintain positive interaction with all fellow employees, outside vendors, and the public.

#### 2. CLERICAL

- a. Provide support services to department personnel.
- b. Assist the Records Technician in maintaining a current and confidential record keeping system, which meets the minimum standards of the Minnesota Criminal Justice Reporting system and the Mille Lacs Band of Ojibwe.
- c. Transcription of police, witness, victim and suspect statements.
- d. Complete Purchase Orders, Check Requests, Training requests, etc.
- e. Answer telephones, direct calls, take messages, and deliver information in a timely manner.

#### 3. LAW ENFORCEMENT

- a. Receive complaints and requests for Law Enforcement services or information. Provides routine Law Enforcement information or makes appropriate referrals.
- b. Maintains radio contact with field officers and dispatches calls.

SECTION 207.0: ADMINISTRATIVE ASSISTANT

207.1 MAJOR OBJECTIVES

To provide administrative support to the department by typing confidential letters, reports and statements, assisting in the preparation of materials for law enforcement meetings and presentations.

207.2 AREAS OF RESPONSIBILITY

1. ADMINISTRATION

The Administrative Assistant will:

- a. Provide direction to the public through telephone or in person regarding questions, complaints and other requests without prejudice or ridicule and according to the department's policies and procedures;
- b. Keep annual records for budgeting on all squad maintenance and gas used;
- c. Keep annual records of all employees' time sheets;
- d. Type reports and witness statements for Officers expeditiously; and
- e. Maintain a current and accurate confidential record keeping system for the entire Department that meets the standards of the Minnesota Criminal Justice Reporting System, the Minnesota Department of Corrections and the Mille Lacs Band of Ojibwe Indians.

2. COURT PROCEEDINGS

Pre-trial and trial responsibilities include:

- a. Ensuring proper civil service of process in accordance with Minnesota and Band law, including, but not limited to, the billing, receipt, deposit and distribution of all monies involved in civil process;
- b. Documenting all civil service of process papers, including executions, and instruction Officers of what they are to seize;
- c. Advising Officers on service of process; and
- d. Ensuring that affidavits are properly filled out and returned to the attorney or court;

### 3. LAW ENFORCEMENT

Law enforcement responsibilities include:

- a. Receiving complaints and requests for Law Enforcement services or information;
- b. Processing all correspondence directed to the department as required, including military criminal history checks, warrants from other counties and requests from the public and insurance companies for information;
- c. Determining what information may be released under data privacy laws;
- d. Providing routine Law Enforcement information, make appropriate referrals; receiving and transmitting fire alarm calls received by telephone or radio;
- e. Maintaining radio communication with Law Enforcement mobile patrol units; dispatching personnel to investigate incidents or requests for service and receiving reports from mobile units;
- f. Maintaining radio communication with other Law Enforcement, fire and emergency agencies;
- g. Receiving and transmitting messages over several systems and the performance of related recording tasks;

### 4. CLERICAL

The Administrative Assistant will:

- a. Complete purchase orders, check requests, training requests. etc. And all other paperwork as deemed necessary by the Office Manager.
- b. Complete transcriptions on an as needed basis as directed by the Office Manager.
- c. Assist the Office Manager in the daily paperwork preparation.

### 5. RECEPTION

The Administrative Assistant will:

- a. Distribute mail to the police department;
- b. Screen telephone calls for the Chief of Police; and
- c. Direct and announce all visitors and directs to the appropriate person or place.
- d. Maintain working knowledge and skill of office equipment such as computer, printer, adding machine, typewriter, copy machine, Dictaphone, transcriber, telephone, police radio and postage meter.



SECTION 208: RECORDS TECHNICAN

208.1 MAJOR OBJECTIVE

To provide support to the Department by performing specialized complex record keeping duties and serving as a positive point of contact for the public.

208.2 AREAS OF RESPONSIBILITY

- a. Maintains the Law Enforcement Automated Data Retrieval System (Crabtree).
- b. Maintains the Law Enforcement Technology Group records management system (LETG). This includes extensive data entry, tracking and retrieval on a daily on-going basis.
- c. Transcribes legal documents, incident case reports, supplemental reports, statements, forms, etc.
- d. Photocopying and disbursements of paperwork to various Law Enforcement agencies, County Attorney, Solicitor General, Public Safety, State and Tribal family services and Bureau of Criminal Apprehension.
- e. Maintains the processing and completion of fingerprint cards associated with arrests, and employee cards for use in the BCA CJIS systems.
- f. TAC (Terminal Agency Coordinator ) CJIS/NCIC for the Tribal Police Department. Which includes all of , but not limited to the following responsibilities:
  - Maintain security of CJDN computer terminals.
  - Maintain written policies for the CJDN system.
  - Maintain records of all CJDN terminal usage.
  - Train all CJDN terminal users within the Police Department
  - Ensure all quality control messages from CJIS/NCIC are reviewed and make corrections as soon as possible.
  - Validate all CJIS and NCIC hot files (monthly)
  - Ensure confidentiality of all Criminal History Reports
  - Ensure all Criminal History reports which are not disseminated are destroyed.
  - Responsible for keeping BCA apprised of any changes to terminal users, administrators, etc.
- g. Serves as a dispatcher when needed.
- h. Perform general office duties when need and as directed by the Office Manager.
- i. Monitor security alarms and weather alerts.



## **CHAPTER THREE**

## **GENERAL ORDERS**

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 301.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: CONDUCT UNBECOMING A PEACE OFFICER AND  
RULES AND REGULATIONS GOVERNING CONDUCT

PURPOSE

To define conduct unbecoming an Officer. This policy supplements the ethical standards contained in the Law Enforcement Code of Ethics, General Order 102.1.

POLICY

Law Enforcement effectiveness depends upon respect and confidence from the community and conduct which detracts from this respect and confidence is detrimental to the public interest is prohibited. The policy of this Department is to investigate circumstances in which an Officer has engaged in unbecoming conduct and impose disciplinary action when appropriate.

SCOPE

This Order applies to all Officers performing official duties, within and outside of the territorial jurisdiction of this agency. Unless otherwise noted, this Order applies to both on and off duty conduct. Conduct not mentioned under a specific rule, but which violates a general principle is prohibited.

This Order 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.

301.01 PRINCIPLE ONE

Officers shall conduct themselves, whether on or off duty, in accordance with the Constitutions of the United States, Minnesota and the Minnesota Chippewa Tribe, the laws of Mille Lacs Band of Ojibwe Indians and all applicable laws, ordinances and rules.

RATIONALE

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

## RULES

1. Officers shall not exceed their authority in the enforcement of the law.
2. Officers shall not 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. Officers shall not restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States, the State of Minnesota, the Minnesota Chippewa Tribe or the Mille Lacs Band of Ojibwe Indians.
4. Officers, whether on or off duty, shall not commit any criminal offense under any laws of the United States, any State or local jurisdiction in which the Officer is present, except where permitted in the performance of official duties under lawful authority.

### 301.02 PRINCIPLE TWO

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 impartially. The Officer, as the public's initial contact with the criminal justice system, must act in a manner that instills such trust.

## RULES

1. Officers shall carry out their duties with integrity, fairness and impartiality.
2. 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 permitted under law.
3. Officers shall truthfully, completely and impartially report, testify and present evidence, including exculpatory evidence, in all matters of an official nature.
4. Officers shall not take action if they know it will violate the constitutional rights of any person.

5. Officers must obey lawful orders and refuse to obey an order that they know would require illegal action. If an order needs clarification, the Officer shall, if feasible, request the issuing Officer to clarify the order. Officers who refuse to obey an order will have to justify his or her actions.
6. Officers who learn of or observe conduct that violates the law or policy of this department shall report the incident to the Officer's immediate supervisor who shall forward the information to the Chief Law Enforcement Officer. If the Officer's immediate supervisor commits the misconduct, the Officer shall report the incident to the immediate supervisor's supervisor.

301.03 PRINCIPLE THREE

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. Officers should foster harmony in their communities and perform their duties without regard to race, color, creed, religion, national origin, gender, and marital status, status with regard to public assistance, disability, sexual orientation or age.

RULES

1. Officers shall provide every person in our community with professional, effective and efficient Law Enforcement services.
2. Officers shall not express by act, omission or statements, prejudice concerning race, color, creed, religion, national origin, gender, and marital status, status with regard to public assistance, disability, sexual orientation or age.
3. Officers shall not allow their Law Enforcement decisions to be influenced by race, color, creed, religion, national origin, gender, and marital status, status with regard to public assistance, disability, sexual orientation or age.

301.04      PRINCIPLE FOUR

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

Officers' performance of their duties depends on the respect and confidence communities have for the Officer and Law Enforcement Officers in general. Officers must conduct themselves in a manner consistent with the integrity and trustworthiness expected of them.

RULES

1. 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 Rule 3.
2. Officers shall not consume alcoholic beverages off duty to the extent that the Officer would be rendered unfit for the Officer's next scheduled shift. An Officer shall not report for work with the odor of an alcoholic beverage on the Officer's breath.
3. Officers shall not use narcotics, hallucinogens or other controlled substances except when legally prescribed. When medications are prescribed, Officers shall ask their doctor whether the medication will impair their performance of their duties. The Officer shall immediately notify the Officer's supervisor if it is possible that a prescribed medication could impair the Officer's performance during the Officer's next scheduled shift.
4. Officers, while on duty, will not commit any act which, as defined under applicable law constitutes sexual harassment, including but not limited to, making unwelcome sexual advances, requesting sexual favors, engaging in sexually motivated physical contact or other unwelcome verbal or physical conduct or communication of a sexual nature.
5. 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 conductor communication of a sexual nature.

6. Officers shall not commit any acts, which, as defined under applicable law, constitute sexual assault or indecent exposure. Sexual assault does not include a legal frisk or search.
7. Officers shall not commit any acts which, as defined under applicable law, constitute (1) domestic abuse, or (2) the violation of a court order restraining the Officer from committing an act of domestic abuse or harassment, having contact with the petitioner, or excluding the Officer from the petitioner's home or workplace.
8. Officers, while on duty, shall not, engage in any sexual contact or conduct constituting lewd behavior, including but not limited to, showering, receiving a massage in the nude, exposing themselves or otherwise making physical contact with the nude or partially nude body of any person.
9. Officers shall avoid regular personal associations with persons who are known to engage in criminal activity where such associations will undermine public trust and confidence in the Officer or the Department. This rule does not prohibit those associations that are necessary to the performance of official duties or are unavoidable because of the Officer's personal or family relationships.

301.05 PRINCIPLE FIVE

Officers shall treat all members of the public with courtesy and respect.

RATIONALE

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

RULES

1. Officers shall exercise reasonable courtesy in their dealings with the public, fellow Officers, superiors and subordinates.
2. Officers shall not ridicule, mock, deride, taunt, belittle, embarrass, humiliate, shame or to do anything reasonably calculated to incite a person to violence.
3. Officers shall promptly advise any inquiring citizen of the department's complaint procedure, and shall follow the established departmental policy for processing complaints.

301.06      PRINCIPLE SIX

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 an Officer for personal, financial, commercial or political gain.

RATIONALE

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

RULES

1. Officers shall:
  - a. Refuse favors or gratuities, which could be reasonably interpreted as capable of influencing official acts or judgments.
  - 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; and
2. Officers shall not:
  - a. Use their official position, identification cards or badges for:
    - i. Personal or financial gain for themselves or another person;
    - ii. Obtaining privileges not otherwise available to them except in the performance of duty; and
    - iii. Avoiding the consequences of unlawful or prohibited actions.
  - b. 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.
  - c. While on duty, be present at establishments that have the primary purpose of providing sexually oriented adult entertainment unless required in the performance of their duties. This rule does not prohibit Officers from conducting a walk-through of such establishments as part of regular assigned duties.
  - d. 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;

- e. Not endorse political candidates, while on duty, or in 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 prevent Officers from engaging in the free expression of political speech in their capacities as private citizens or members of police fraternal or labor organizations to endorse political candidates or express views on political issues or other matters of public concern.

### 301.07 PRINCIPLE SEVEN

Officers shall not compromise their integrity, the Department's or profession's integrity by taking or attempting to influence actions when a conflict of interest or appearance of a conflict of interest exists.

#### RATIONALE

To maintain the public's faith in the integrity and impartiality of Officers and their department, Officers must not take or influence official actions where their actions would or could conflict with their duties.

#### RULES

1. Officers will, unless required by law or policy, refrain from becoming involved in official matters or influencing actions of other 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. Officers will, unless required by law or policy, refrain from acting or influencing official actions of other Officers in official matters impacting persons with whom the Officer has or has had a financial, business or employment relationship.
3. Officers will not use the authority of their position as Officers or information available to them due to their status as Officers, for any of personal gain including, but not limited to, initiating or furthering personal intimate interactions of any kind with persons with whom the Officer has had contact while on duty.
4. Officers will not engage in any off-duty employment if the position interferes with, compromises or would reasonably tend to compromise the

Officer's ability to perform their duties. Officers must have approval from the Chief of Police prior accepting any off-duty employment.

301.08      PRINCIPLE EIGHT

Officers shall maintain the confidentiality of information available to them due to their status as an Officer.

RATIONALE

Officers are entrusted with vast amounts of private and personal information or access to such information. Officers must maintain the confidentiality of such information to protect the privacy of the subjects of the information and to maintain public faith in Officers and the Department.

RULES

1.      Officers shall not violate any legal restriction for the release or dissemination of information.
2.      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.      Officers shall not divulge the identity of persons giving confidential information except as required by law or department policy.

301.09      RULES AND REGULATIONS GOVERNING CONDUCT

The following regulations provide a basis for the orderly and disciplined performance of duties.

301.11      COOPERATION

Cooperation within the department is essential to effective Law Enforcement. All members are charged with establishing and maintaining a high spirit of cooperation.

301.12      CONDUCT TOWARD RANKING OFFICERS

Officer must at all times show respect to others and obey Officer rank. When dealing with other Law Enforcement agencies whether it is by correspondence or in person, all members shall use their rank titles properly.

301.13      GIVING NAME AND BADGE NUMBER

When acting in an official capacity, officers of the police department shall give their name and man number to any person whom so requests.

301.14        CONDUCT TOWARD THE PUBLIC

Officers shall be courteous to members of the public by performing their duties quietly, avoiding harsh, violent, profane or insolent language and remaining calm regardless of provocation to do otherwise.

301.15        PUBLIC SUPPORT AND COOPERATION

Public support and cooperation is essential for Officers to fulfill their responsibilities. Each officer must understand that a positive work attitude depends on a desire and willingness to serve the public.

GUIDELINES

1. Officers shall be courteous, civil and respectful.
2. Officers shall maintain proper decorum befitting a professional Officer.
3. Officers shall be pleasant and personal in non-restrictive situations, firm and impersonal in situations calling for regulation and control.
4. Officers shall endeavor to maintain an even temperament regardless of the situation.
5. Officers shall refrain from harsh, violent, coarse, profane, sarcastic, insolent or derogatory language, which would demean human dignity.
6. An Officer shall observe, uphold and enforce all laws without bias or regard to race, creed, gender, national origin, economic status, religion, age or sexual orientation.

301.16        REPORTING FOR DUTY

Officers and civilian personnel of the department shall be punctual in reporting for duty when scheduled to work. Repeated failure to report promptly when scheduled to work will be neglect of duty. Sickness or illness must be reported promptly prior to the time the member is scheduled to work. When sick, the member shall keep the Chief Supervisor advised as to their status and expected return to duty.

301.17        MAINTENANCE OF COMMUNICATIONS

Officers, on duty or officially on call, must be directly available by normal radio communications or inform dispatch of how they can be reached when not available by radio.

301.18            PHYSICAL FITNESS

Officers shall maintain good physical condition to ensure their ability to handle all situations. Officers may use up to (4) hours of on-duty time per week to exercise. However, they must get permission from their Sergeant and be readily available to respond to calls.

301.19            ON-DUTY ACTIVITY

Officers shall not loiter in restaurants; service stations or other public places except for the purpose of transacting department business or eating meals. Officers shall not loiter in department offices while engaged in activities that do not pertain to official business.

301.20            SLEEPING ON DUTY

Officers shall not sleep on duty. Duty is determined to be the Officer's regular scheduled shift.

301.21            SHOPPING IN UNIFORM

Officers in uniform shall not shop and carry large quantities of merchandise unless directly connected with Law Enforcement activity. The occasional stop for gas, milk or other small items for personal use is allowed.

301.22            INTOXICANTS / DRUGS

Officers in uniform or while wearing any identifying part of the uniform shall not consume alcoholic beverages while on duty except when necessary in the performance of duty. Off-duty members shall not consume alcoholic beverages that result in the commission of an obnoxious or offensive act. No officer will be on duty while impaired or under the influence of alcoholic beverages or drugs, have an odor of alcoholic beverages or drugs on their breath when reporting for duty or become unfit for duty as a result of such use. Employees of the police department are prohibited from keeping any alcoholic beverages or drugs (except prescribed by a doctor) in departmental vehicles, lockers, desks or drawers, refrigerators or storage bins unless such beverages are evidence being prepared for proper inventory.

301.23            OFFICE KEYS

Officers shall submit requests for duplicate keys to the Police Chief.

301.24            RESPONDING TO CALLS

1. CALLS FOR OFFICER ASSISTANCE

Officers shall respond to all calls for Officer assistance without delay. Emergency calls take priority. All calls should be answered as soon as possible consistent with normal safety precautions and vehicle traffic laws. Failure to answer a call for Officer assistance is justification for misconduct charges.

1. REQUESTS FOR INFORMATION AND COMPLAINT CALLS

Except where circumstances make it necessary for members to report a matter or refer a complaint to a more suitable member or agency, members shall be attentive to take suitable action on reports and complaints. Proper requests for information or assistance shall be fulfilled and members shall aid the person in otherwise obtaining the requested information or assistance if the Officer is unable to help.

301.25 POLICE DEPARTMENT PROPERTY

All officers are responsible for the safekeeping and proper care of all property used by them and belonging to the department. Property shall be used only for official business and in the capacity for which such property was assigned. It shall not be transferred to any other member without the explicit permission of the member's supervisor. Officers will reimburse the department for any lost or stolen items entrusted to the officer, belonging to the department. Officers must maintain all department property in good working condition.

301.26 DAMAGED OR INOPERATIVE PROPERTY OR EQUIPMENT

Officers shall immediately report in writing the loss of or damage to police department property assigned to or used by them to their supervisor. Officers shall notify their supervisor of any defects or hazardous conditions existing in any police department equipment or property and be responsible to see that such conditions are corrected.

301.27 SOLICITATION OF SPECIAL PRIVILEGES

Officers shall not use their badge, uniform, identification card or position to solicit special privileges for themselves or others. Officers may only use their badge or other official credentials to obtain admission to any public gathering when such use is in the course of official duty.

Officers shall not accept any gift, gratuity, and reward of money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful compensation by the Band.

301.28 ACCEPTANCE OF FEES, COMPENSATIONS

Every officer is prohibited from buying, obtaining items of value from or selling to any complainant, suspect, witness, defendant, prisoner or other person involved in a case which has come to their attention or is a result of their employment.

301.29        PERSONAL USE OF PROPERTY

Officers shall not convert to their own use or have any claim in any found property or recovered property or property held as evidence except through legal channels.

301.30        OFF-DUTY REPORTING IN EMERGENCIES

Off-duty officers shall, upon official notice of an emergency, report for duty immediately and comply with instructions given at the time of the notification. Officers will receive pay from the time of their notification.

301.31        ACTS OR STATEMENTS BY OFFICERS

Officers shall not perform any acts or make any statements oral, written for publication or otherwise which to ridicule, criticize or bring discredit to the Department, the Mille Lacs Band of Ojibwe Indians or its administration, in the performance of their official duties or interfere with or subvert the supervision and proper discipline of Department members.

301.32        CRITICISM OF OTHER OFFICERS

Every member shall refrain from making any statement or inference, which discredits another officer, except when reporting to his supervisors as required by these rules. Every officer shall accord courtesy, consideration and cooperation to every other officer.

301.33        ASSISTANCE TO OTHER OFFICERS

All officers are required to take prompt and appropriate Law Enforcement action toward aiding another Officer exposed to danger or pending danger.

301.34        CITIZENS IN POLICE VEHICLES

No person will be allowed to ride in department vehicles, except members of the department, individuals detained or being transported in the course of Law Enforcement or other person(s) specifically approved by the Chief or supervisor. A citizen, for the reason of observation, must sign a waiver form before they are permitted to accompany the Officer. Ride-along release forms must be given to the immediate supervisor 24 hours prior to the ride along.

301.35        CIVIL ACTIONS

Officers shall notify the Chief of Police when notified of any civil action arising out of their official duties. Officers shall not use their positions with the department as a means of forcing or intimidating persons with whom they are engaged in civil matters in order to settle the case in their favor.

301.36        CIVIL DISPUTES

Officers shall avoid entering into civil disputes while performing Law Enforcement duties.

301.37        PAYMENTS FOR LINE-OF-DUTY INJURY

Officers who accept or agree to accept compensation for any personal injury incurred in the line of duty shall promptly notify the Chief.

301.38        ASSAULTS UPON PERSONNEL

Any assault upon an officer of this department acting in an official capacity must be reported in writing to the Chief immediately. This written report should include the name of the officer who has been victimized, the name of the suspect(s) and a brief description of the facts involved and any injury sustained.

301.39        TESTIFYING FOR THE POLICE DEPARTMENT

Any officer subpoenaed to testify for the defense in any trial or hearing against any municipality or Law Enforcement agency shall promptly notify the Chief upon receipt of the subpoena or such request to testify.

301.40        CHANGE OF ADDRESS

Officers shall notify the Chief in writing within 24 hours of change of address or telephone number.

301.41        TELEPHONE

All officers shall maintain a telephone in their residence.

301.42        BUSINESS CARDS

Officers are encouraged to use business cards for means of communicating with victims, witnesses, and offenders, during their normal course of duties.

301.43        INFORMATION TO SUPERIORS

Officers shall inform superiors of any matter coming to their attention that may affect the welfare of the Department. Officers will utilize the chain of command.

301.44        OBEYING ORDERS

All officers shall promptly obey any lawful order from any superior Officer.

301.45        DISOBEDIENCE OF ORDERS

Failure to comply in a timely manner with any legal command or order, written or oral, issued by a superior Officer shall constitute a violation of this section.

301.46        QUESTIONS REGARDING ASSIGNMENT / ORDER

Officers and employees in doubt as to the nature or details of their assignment or orders shall seek such information from their supervisors as necessary by going through the chain of command. If an Officer has a question about an order, the Order shall be obeyed so long as it is legal and afterwards any question regarding a lawful order should be submitted to a higher-ranking Officer. The responsibility for the effect of any lawful order issued lies with the Officer issuing it and not with the subordinate.

301.47        CRITICISM OF ORDERS

Officers shall not criticize assignments, directives or orders they have received unless in accordance with this manual.

301.48        REPORTING A VIOLATIONS OF LAW, ORDINANCE, RULE OR ORDER

Officers knowing of any other officer violating any law, ordinance, rule or order shall promptly notify their supervisor in writing, unless the supervisor is the officer in question, in which case the officer may go their step in the chain of command.

301.49        ACTING SUPERVISORS

An officer temporarily acting as a supervisor shall be vested with the authority and responsibility of that position as denoted in the position description.

301.50        FORWARDING COMMUNICATIONS VIA CHAIN OF COMMAND

Any officer receiving or initiating a written communication for transmission to a higher level shall forward such communication to their immediate supervisor until the communication reaches the person designated.

301.51        FIRST OFFICER AT A CRIME SCENE

The first Officer to arrive at the scene of a crime or other police incident is responsible for:

1. Summoning medical assistance and administering first aid to prevent further injury or loss of life;
2. Arresting of any perpetrator;
3. Securing the scene; and
4. Any other action, which appears to be warranted in the best judgment of the member.

301.52        RADIO DISCIPLINE

All officers operating the police radio either from a mobile unit or in the office shall strictly observe all regulations for radio operations as set forth in general orders and by the Federal Communications Commission. Horseplay on the radio, interfering with transmissions by another officer, will not be tolerated.

301.53        MARKING NOTICES OR DEFACING

Officers shall not mark, alter or deface any printed notices relating to the Department or other government business. Posting any notice of a derogatory nature related to the Department, government or any officials of either is prohibited. Unauthorized notices or correspondence will be removed.

301.54        DIVULGING OFFICIAL BUSINESS

All officers and civilian personnel shall maintain the confidentiality of department business and only give information to those authorized to receive it. Contents of any criminal record or report filed with the police department shall not be exhibited or divulged to any person other than during the process of an investigation, or to other duly authorized Law Enforcement Officers or as provided for under applicable law except as directed by a supervisor. Officers shall not, because of their position, obtain information from other agencies of government to be used by the member personally or for personal gain.

301.55        CRIMINAL NEGOTIATIONS

Officers shall not communicate in any manner, directly or indirectly, any information which might assist persons who may have committed criminal or quasi-criminal acts to escape detection, arrest or punishment or which may enable them to dispose of or hide evidence of unlawful activity or money, merchandise or other property unlawfully obtained. If members have information of such conduct of any other Officer or member, that information shall be given to the Chief or the prosecuting Officer of the court.

301.56            WITHHOLDING CRIMINAL INFORMATION

Officers shall not withhold facts or information relative to any criminal offense but shall report the facts or information in accordance with proper procedure. No member shall retain in his or her personal possession pictures, reproductions, diagrams, daily logs, accident reports or information that is evidence of official Department business.

301.57            DEPARTMENTAL INVESTIGATIONS

Officers must truthfully answer questions or produce relevant documents and statements to a competent authority in a departmental investigation.

301.58            ATTORNEY AND BONDING COMPLAINTS

No officer shall, in the line of duty; either directly or indirectly, recommend the employment of any person as attorney or counsel. No officer shall suggest or recommend the name of any bonding company to any prisoner or suspect.

301.59            REPORTING

Officers must submit reports required in the performance of their duties at the end of their shift. Supervisor may approve the submission of non-custodial arrest or incident reports on the officer's next duty day.

301.60            REVIEW OF REPORTS

Supervisors will return any report that contains errors or is incomplete with instructions for necessary correction.

301.61            SPECIAL PRIVILEGES

No officer shall be granted any special privileges or be required to work fewer hours per week than required of other officers of the police department of similar rank and assignment, or be exempted from any rule or regulations to which other members with similar rank and assignment are subjected except when the Chief of Police determines that public interest requires assignment of a member of Law Enforcement to a special assignment.

301.62            SERIOUS INJURY OR DEATH IN THE LINE OF DUTY

If an officer is seriously injured or dies in the line of duty, the Chief of Police shall be notified immediately. The Chief of Police will be responsible for notifying the next of kin, issuing a press release and initiating an investigation.

301.63            NEWS MEDIA RELATIONS

Officers shall be courteous to representatives of the news media provided but forward any inquiry to the Chief of Police. Non-supervisory personnel shall not make statements to the news media unless authorized to do so by the Chief of Police. No statements shall be given that jeopardizes pending investigations and prosecutions. See also general Order 322.

301.64            COMPULSORY FIREARM PRACTICE AND INSPECTION

Officers must keep firearms in proper condition and be proficient in its use. Failure to do so may be considered a violation of this regulation. Officers must attend training and inspection when officially directed.

301.65            MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

Officers must keep their manuals accurately updated and remain familiar with the contents.

301.66            VIOLATION OF ANY CRIMINAL LAW

Member found guilty of a misdemeanor shall be subject to such disciplinary action as may be compatible with the nature of the offense. Members found guilty of a gross misdemeanor or felony may be subject to immediate dismissal.

## MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 302.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: DISCIPLINARY PROCEDURES

### PURPOSE

Establishes procedures for promptly and thoroughly investigating complaints and taking disciplinary action against an officer.

### SCOPE

This Order applies to violations by Officers of law, rules or Orders or complaints against members (i.e. sworn civilian and temporary employees) of the Department submitted to supervising Officers by complainants in person, by telephone or in writing, either signed or anonymous.

#### 302.01 EMERGENCY SUSPENSION

Supervisory Officers have the authority to impose an emergency suspension until the next business day on a member when it appears that it is in the best interest of the Department. A suspended member and the supervising Officer who recommended or imposed the suspension shall report to the Chief at 1000 hours the next business day unless circumstances require special action. Discretion will be used when exercising such discipline, which will be used only when the offending member has failed to respond to previous supervisory commands. Care must be taken to ensure that critical assignments are not left uncovered as a result of a suspension action.

#### 302.02 VERBAL REPRIMAND

A verbal reprimand is communication by a supervisor to correct a member for a minor violation of a departmental rule, regulation or procedure. The verbal reprimand will be documented in writing and placed in the Officer's personnel file for a period of 1 year.

#### 302.03 WRITTEN REPRIMAND

A written reprimand will be issued to an Officer and their personnel file upon finding that a violation of this Manual by an Officer is sustained. A written reprimand will be issued when an oral reprimand is insufficient.

302.04            ISSUANCE OF VERBAL REPRIMAND & WRITTEN REPRIMAND

Immediate disciplinary action shall be taken against members who:

1.     Fail to comply with Department Rules and Regulations.
2.     Fail to report back in service immediately upon completion of an assignment.
3.     Fail to properly care for or use official Department Equipment.
4.     Take excessive time for meals and breaks.
5.     Fail to provide prompt, correct and courteous service.
6.     Fail to give full attention to the prevention of crime by:
  - a.     Lounging on post.
  - b.     Visiting with other Officers other than for the exchange of information related to their assignments.
  - c.     Parking in locations and in such a manner as to serve no useful purpose in preventing crime.
7.     Transport persons in a department vehicle except for a proper law enforcement purpose or on police business without approval by the Chief or supervisor.
8.     Leave community or patrol area without authorization before designated time.
9.     Fail to perform assigned tasks or submit required reports or records.
10.    Report unfit for duty for reasons other than would justify action under other provisions of this order.
11.    If a supervising Officer, fail to act when observing any of the above.

302.05            DISCIPLINARY ACTIONS

Any member may be subject to reprimand, suspension from duty, reduction in rank, dismissal or any one or more of the foregoing penalties according to the nature of the offense. When greater disciplinary action is justified, either because of the circumstances or the offender's past record, the procedures outlined in general Order 303 will be followed. Action under this section does not prevent the imposition of a more severe disciplinary action by a higher authority when it is felt that a lesser disciplinary action is being used to cover up conduct warranting more severe disciplinary action. If a more severe disciplinary action results, any other disciplinary action already taken will be taken into consideration.

302.06        REPORTING DISCIPLINARY ACTION

Reports of disciplinary action shall be forwarded to the Chief of Police by the use of sealed envelopes.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 303.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: COMPLAINTS AGAINST MEMBERS

PURPOSE

To provide corrective action when members act improperly and protect them from unwarranted criticism when they properly discharge their duties. A person who believes that a member acted improperly is encouraged to bring a complaint. Complaints shall be handled in a prompt, just, open and expeditious manner in accordance with these procedures. No reprisal shall be taken against a person who brings a complaint or provides information in an investigation of a complaint.

303.01 DEFINITIONS

For the purposes of this Order:

1. “Chief” means the Mille Lacs Band Police Chief.
2. “Complainant” means the person(s) who file a complaint alleging misconduct or an infraction/violation of policies and procedures or the supervisor who believes facts, which support allegations of misconduct or infraction/violations of policies, and procedures.
3. “Complaint” means a statement in writing, in person or by telephone made to a Supervisor which alleges misconduct or an infraction/violation policies and procedures.
4. “Exonerated” means the investigation found that no misconduct or infraction/violation of law or policies or procedures occurred.
5. “Infraction” means violation of any department policy and procedure.
6. “Member” means Officers and civilian employees, full-time, part-time or temporary, including the Chief.
7. “Misconduct” means an infraction/violation committed by a member, which adversely reflects upon the Department or the member's ability to perform their duties within the Department.
8. “Not Sustained” means the investigation failed to disclose sufficient evidence to support allegation(s) made by a complaint.

9. “Policies and Procedures” means the administrative acts promulgated by the Band regulating conduct of members.
10. “Sustained” means a preponderance of the evidence obtained in the investigation supports a finding that a member's actions constituted misconduct or an infraction/violation of policies and procedures.

303.02 FILING COMPLAINTS

1. A person who is not a member and has personal knowledge of facts giving rise to a complaint or has reliable hearsay information may file a complaint according to these procedures.
2. Any member of the Mille Lacs Band Police Department can take a citizen complaint. Upon receiving a complaint, the member shall fill out or assist the citizen in filling out an Initial Complaint Form. The Initial Complaint Form will be forwarded to the Chief of Police.
3. The Chief of Police will review the Initial Complaint Form
4. The Chief of Police will determine if the complaint warrants a Formal Internal Investigation, Criminal Investigation, or counseling at the supervisory level.
5. A complainant has the right to be accompanied by an attorney, legal Officer or other appropriate representative at the time a complaint is filed or at any other stage of the process.
6. Complaints against the Chief must be filed in writing to the Solicitor General and the same procedures set forth in this Order shall apply.

303.03 PROCEDURE FOR NOTIFICATION

Upon receipt of an Initial Complaint Form, the Chief shall make an initial determination whether the facts alleged warrant a formal investigation. In making this determination, the Internal Investigator may meet informally with the complainant(s), accused member or witnesses. If the Chief decides that an investigation is not warranted, the disposition of the complaint shall be “Unfounded”. If the matter was based on a citizen's complaint, the complainant will be notified in writing of this decision and the basis for the determination. The accused member will also be notified in writing. If the complainant supplies additional information within thirty days of the determination, the Chief may reverse this decision.

303.04 PROCEDURE FOR INVESTIGATION OF COMPLAINTS

1. If the Chief determines that a formal investigation should be conducted, the Chief will assign an Internal Investigator to investigate the complaint. The investigation may be assigned to an external agency where there is the potential for criminal charges resulting from the investigation or in any other situation where the Chief believes that an external investigation is appropriate. If the complaint involves allegations of criminal wrongdoing or the investigation reveals criminal wrongdoing, the Chief may suspend the member with pay pending completion of the investigation.
2. The investigator shall, as soon as possible after being assigned, inform the complainant that an investigation has commenced and provide a business phone number and update on the status of the complaint, unless the disclosure would compromise an on-going investigation.
3. The investigator shall thoroughly investigate all allegations contained in the complaint and any other potential misconduct discovered in the course of the investigation. If the investigation uncovers potential misconduct by another member, the investigator shall initiate a complaint against that member.
4. Members shall not refuse to answer questions asked by a superior or the investigator that are specifically directed and narrowly related to their official duties or fitness for duty (or the duties and fitness of fellow members). If they refuse, they may be disciplined or dismissed for refusal to answer questions lawfully requested. The answers are not admissible in a later criminal trial, nor may the "fruits" of their responses be used in a criminal trial. The answers are admissible in a disciplinary proceeding. Members under investigation shall be informed of their rights and their statements may not be used in a criminal trial but may be used in a disciplinary proceeding. They may not be compelled to sign a waiver so that their responses could be used in a criminal trial. The Chief or investigator shall inform members under investigation of their rights by reading the following:

I wish to advise you that you are being questioned as part of an official investigation of the Mille Lacs Band Police Department. You will be asked questions specifically, directly and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws of the State of Minnesota and the Constitution of the United States, including the right not to be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to departmental charges, which could result in your dismissal from the Mille Lacs Tribal Police Department. If you do answer, neither your statement nor any information or evidence, which is gained by reason of such statement, can be used against you in any subsequent criminal

proceedings. However, admissions obtained during this formal statement, may be used as evidence of misconduct and as a basis for discipline.

by Some, or all of the information you will be asked to provide, is classified

State law as either private or confidential data. Private data is information that generally cannot be accessed by the public, but is accessible by the subject of the data. Confidential data is information, which generally cannot be accessed by either the public or the subject of the data. Other persons or entities who are authorized by law to receive this information are employees and officials of the Mille Lacs Band of Ojibwe who have a need to know about the information in the course of their duties or responsibilities, the subject of any private data, individuals who have obtained a court order for the information, or other administrative proceedings which results from the actions taken. If litigation arises, the information may be provided in documents filed with the court, which are available to the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information is available to the public

You have the right to an attorney, union representation, or person of your choice present during this interview.

5. The investigator shall complete a written report that includes:
  - a. Allegations: An itemized summary of the acts of misconduct alleged in the complaint including the rules, policies, procedures, directives, orders, State or constitutional provisions that have been violated if the allegations are taken as true.
  - b. Investigation: A chronological summary of the investigation, including all pertinent facts obtained through interviews with the complainant, accused member(s) and all available witnesses. Written statements, descriptions and analysis of all physical evidence and all other relevant information shall be included in this summary.
  - c. Conclusions: Findings of fact and conclusions about misconduct or infraction/violation of policies and procedures or applicable law. These conclusions shall be binding unless overturned.

The investigation shall be concluded within thirty days of the accused member's signature and notice of the written complaint, unless, for good cause shown, an extension is granted in writing by the Chief. The accused member and the complainant shall be informed in writing of any extension in time.

INVESTIGATION REVIEW AND DISPOSITION

1. Upon completion of the investigation, the investigator shall submit the investigative summary to the Chief. The Chief will make the following dispositions: unfounded, exonerated, not sustained or sustained, based on the facts contained in the investigative summary.
2. The Chief may withhold issuing a disposition until any related criminal charges are resolved. The complainant and the accused shall be so informed in writing.
3. If the complaint is unfounded, exonerated or not sustained, the Chief shall immediately notify the complainant and accused member of the disposition in writing.
4. If the complaint is sustained, the Chief shall take appropriate disciplinary action. Such action shall be based on the investigative report and the accused member's record of service. The disciplinary action may include counseling, remedial education, an oral reprimand, a written reprimand, suspension with or without pay, demotion or discharge. In making this decision, the Chief may consider the severity of the infraction and any prior infractions committed by the accused. Members who have a history of committing infractions may be discharged even in cases where a conglomeration of "minor" infractions were committed in the past. The Chief shall determine whether a violation is a major or minor infraction.
5. After selecting the appropriate disciplinary action, the Chief shall issue a written Findings of Fact that contains the following:
  - a. A summary of the act or acts constituting misconduct, infractions or violations of policies, procedures or directives.
  - b. A description of the disciplinary or remedial action taken to prevent recurrence of the misconduct.
  - c. Any additional information relevant to the disposition.
6. Prior to the implementation of remedial or disciplinary actions, the accused member shall be provided with a copy of the Findings of Fact. The Chief shall review it with the accused member and explain reasons for the action.
7. The complainant shall also be given a copy of the Findings of Fact.
8. Within fifteen days after notification of the disposition, the complainant or the accused member may request in writing that the Chief, for good cause shown, reconsider his decision and reopen the investigation. If no request is made within

fifteen days, the disposition becomes final. If a request for reconsideration is made, the disposition shall become final upon a decision on the request for reconsideration or the completion of any additional actions directed by the Chief. Notwithstanding the foregoing, the Chief may reopen the investigation at any time if substantial and relevant evidence is later discovered.

9. When a sustained disposition is final, the accused member may appeal the disposition according to the Band's Personnel Policy Manual's Grievance and Disciplinary Procedures.
10. The Chief may suspend an accused member with pay at any time during the investigation of a complaint.
11. This procedure does not preclude any other disciplinary action for complaints of misconduct not initiated by a citizen complaint.

303.06 MAINTENANCE AND DISCLOSURE OF DATA

1. Disclosure to the complainant, accused member and the public regarding disciplinary data collected, created, received or maintained shall be done in accordance with this manual, Minnesota Data Practices Act and the Band's Policies and Procedures governing disclosure of data.
  2. All data collected, created or received by the Department in connection with this manual shall be maintained in accordance with the Department's retention schedule.
  3. The Band's Personnel Policy Manual shall govern the placement of the disposition report or other data in an employee's personnel file.

303.07 PEACE OFFICER BILL OF RIGHTS

1. Officers are afforded the protection of the Peace Officer Bill of Rights as stated in Minnesota State Statutes 626.89, with the exception of Subdivision 16.

# MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 304.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: PERSONAL CONDUCT

## 304.01 RESPECT FOR CONSTITUTIONAL RIGHTS

A person cannot be deprived of his or her constitutional rights because they are suspected of committing a crime. The task of determining the constitutionality of a law lays with a court of law not an Officer who seeks to enforce the law, as it exists. Officers may enforce Band, federal, State or local law without fear of abrogating a person's constitutional rights. Officers who lawfully act within the scope their authority do not deprive persons of their civil liberties. Officers may, within the scope of their authority, make reasonable inquiries; conduct investigations and arrest on probable cause. Officers do not exceed their authority when they act reasonably.

## 304.02 USE OF FORCE

Officers must exercise control to make arrests and protect public safety. Control may be achieved through advice, warnings, persuasion or the use of physical force. Officers may only use force that is reasonable and necessary. The use of reasonable physical force may be necessary in situations, which cannot be otherwise controlled but can only be used when reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.

## 304.03 INTEGRITY

The public demands that the integrity of its Law Enforcement Officers be above reproach. The dishonesty of one Officer may impair public confidence and cast suspicion upon the entire police department. Officers must avoid any conduct that compromises their integrity, that of other Officers or the Department.

## 304.04 COURTESY

Courtesy promotes understanding and appreciation. Discourtesy breeds contempt and resistance. Courtesy is not a sign of weakness but rather firmness and impartiality that characterizes professionalism.

## 304.05 COORDINATION

In carrying out the functions of Law Enforcement, members shall maintain the highest standards of efficiency.

304.06        LOYALTY

Loyalty to the Band, the Department and other Officers is important for Department moral and efficiency. Members shall maintain loyalty to the Band, Department and other Officers in accordance with personal and professional ethics and standards.

304.07        FINANCIAL OBLIGATIONS

Employees should avoid incurring financial obligations, which are beyond their ability to reasonably satisfy from their anticipated earnings. When financial obligations become financial distress, it impairs an individual's effectiveness and tends discredit the police department.

304.08        OUTSIDE EMPLOYMENT

Law Enforcement requires employees to work irregular schedules that are subject to change to meet deployment needs. It is necessary that an employee have adequate rest in order to be alert during their tour of duty. The Department may impose conditions on outside employment or prohibit it. All members who seek outside employment, must have approval from the Chief of Police.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 305.0

EFFECTIVE DATE: JANUARY 31, 2006

SUBJECT: HAIR AND GROOMING REGULATIONS

PURPOSE

To set standards of appearance for hairstyles and facial hair growth worn by members.

305.01 POLICY

Members must appear neat, alert, efficient and professional.

305.02 UNIFORMED MEMBERS

1. Hair shall be neatly groomed and clean. Its bulk or length shall not interfere with the normal wearing of all standard headgear.
2. Bushy hair protruding from the side or back of the head when a hat is worn is prohibited.
4. The face shall be clean-shaven except:
  - a. Neatly trimmed mustaches.
  - b. Neatly trimmed sideburns that do not extend more than one-half inch past the bottom of the ear lobe and its maximum width at the bottom of the sideburn shall not exceed 1 3/4 inches.

305.03 STANDARDS FOR PLAIN CLOTHES MEMBERS

1. Plain-clothes members may wear their hair in conformance with the existing contemporary standards.
2. Mustaches and sideburns - same as uniformed members.

305.04 EXCEPTIONS

Exceptions from this Order are for special assignment purposes only and must have prior written approval from the Chief.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 306.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: UNIFORM/DUTY GEAR - REGULATIONS

PURPOSE

To set forth regulations governing uniforms and uniform equipment.

306.01 REGULATIONS FOR THE WEARING OF THE UNIFORM

Unless otherwise ordered, on-duty members shall wear uniforms and equipment prescribed by the Chief.

1. The uniform shall fit properly and be clean, neat, pressed and serviceable.
2. Members shall not report for duty wearing soiled, faded, torn or patched uniforms.
3. Wearing non-regulation articles of clothing or items associated with the uniform is prohibited, except if a supervisor approves an exception from the regulation uniform if an assignment or weather indicates that the regulation uniform is impractical.
4. Long sleeve uniforms are authorized year round. Short sleeve uniforms are authorized from April 1- Nov 1. A uniform tie will be worn with the long sleeve shirt. A navy blue/black turtleneck/mock turtleneck shirt worn beneath the long sleeve shirt is acceptable in place of a tie.
5. When the identifying portions of the uniform are worn, they must be worn in their entirety. A Department issued breast badge must be worn in a badge holder on left side of shirt and jacket at all times while on duty. On jackets, Officers shall wear nameplates affixed to the upper portion of the right pocket flap at all times. On shirts, Officer shall wear the nameplate affixed to the right pocket flap.
6. Uniform hats and white gloves shall be worn for all funerals. Hats will be worn in a level position with the hat badge visible.
7. Shoes or boots shall be black and polished.
8. Buttons including sleeve cuffs must be fastened on shirts. (Sleeves not rolled up.)
9. Identifying insignias from worn out clothing must be removed to prevent its use.

10. All brass must be polished with black or blue figures and lettering in those places where it appeared originally.
11. Only approved equipment will be affixed to the belt.
12. There are three uniform classes:
  - a. Class A Uniform - navy blue standard uniform slacks, long sleeved shirt, tie, and coat or jacket if weather dictates. BDU's are not authorized.
  - b. Class B Uniform - navy blue standard uniform slacks, short sleeve shirt, no tie, and coat or jacket if weather dictates.
  - c. Class C Uniform - tactical uniform clothing to consist of: police tee shirt, "tactical" pants or clothing; "undercover" type jackets, appropriate footwear and baseball type hats. These are to only be worn on training days and range days, by personnel who are not answering calls for service.
13. Officers may wear their Class A uniform while attending court, or a sport coat and tie, with dress slacks. No blue jeans or t-shirts are allowed.
14. Baseball hats are not authorized uniform attire. Plain black knit caps are authorized during frigid conditions.
15. Administrative office personnel may wear appropriate civilian clothing while on duty.
16. Officers who are issued body armor by the department are required to wear the armor at all times while on-duty. Armor will be worn beneath the uniform shirt and shall be contained in the blue/black or white carrier. Administrative police personnel are exempt, but must wear body armor when responding to calls for service.

#### 306.02 AUTHORIZED DUTY GEAR

1. Each uniformed officer will wear a Sam Browne or Border Patrol duty belt, black in color, non-shiny finish. Shiny finishes, and over the shoulder straps are not permitted.
2. The holster shall be of matching finish with at least a threat level III security.
3. All accessories to include handcuff case, mace case, baton holder, magazine pouches Etc. will be of matching finish.
4. Authorized duty gear of the ERT team is subject to approval by the Chief of Police.

#### 306.03 PORTABLE RADIO

1. USE OF PORTABLE RADIO

- a. Officers must carry a hand held radio when they are not in their patrol cars. Officers may leave their patrol cars more often in order to personally investigate matters on foot. Officers are encouraged to do this as much as possible. Personal contact with suspects and witnesses is important in crime prevention and case clearance.
- b. The radio must be turned on and the Officer must monitor their duty station frequencies.

2. WHEN TO CARRY RADIO

- a. When leaving patrol car to talk to any complainant, victim or witness.
- b. On all medical emergency calls.
- c. When checking any buildings or suspects while on foot.
- d. At fire calls.
- e. On lunch and coffee breaks.
- f. On special foot patrol assignments.
- g. Any other incident that takes an Officer away from the patrol car.
- h. In buildings where portables do not work, Officers must notify dispatch of a telephone number where they can be reached. E.g. Mille Lacs Casino, Nay Ah Shing School.

306.04 PORTABLE RADIO ASSIGNMENTS

- 1. Radios will be assigned to each Officer as standard equipment.
- 2. Radios in need of repair shall be so marked and reported to the Sergeant in writing.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 307.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: WORK SCHEDULE / REST BREAKS / MEAL BREAKS

PURPOSE

To establish and define the work schedules, rest breaks and meal breaks.

307.01 WORK YEAR

The work year for full-time employees is two thousand eighty hours, (average forty hour week) accounted by hours worked on assigned shifts, holidays, assigned training and authorized leave time.

307.02 WORK WEEK

All full time administrative staff will work a five-day, forty-hour schedule between 8:00 a.m. to 4:30 p.m. or an equivalent number of hours by arrangement with the Chief. Weekend and other hours when support staff are needed may be scheduled subject to general Order 309.0, OVERTIME. Nothing contained in this or any other section shall be interpreted to be a guarantee of a minimum or maximum number of hours employees may be assigned to work per day or per week.

307.03 BREAKS - GENERALLY

Each employee may take a forty-five minute meal break. A rest break of fifteen minutes shall be provided to employees each morning and afternoon.

307.04 MEAL BREAKS

All full time Law Enforcement personnel who work scheduled eight (8) - ten (10) hour shifts, shall take a forty five minute meal break during their shift and remain subject to call-out during this period. Due to operational requirements, Officers may not be able to take their meal break during the appropriate time. In these instances, the employee shall be allowed an alternate mealtime during the shift. To maximize police response and service, meal breaks must be taken within a ten mile radius of the District I, Government Center. District II and III Officers are exempted from this general Order at this time.

307.05            REST BREAKS

All full time Law Enforcement personnel who work scheduled eight - ten hour shifts shall enjoy an early shift rest break and a late shift rest break of fifteen - eighteen minutes and remain subject to call-out during this period. Rest breaks shall be taken at a time that does not disrupt the operational functions of the Department. If an employee does not receive a rest break because of operational requirements, the break may not be taken during a subsequent shift. To minimize response time to service, all breaks will be taken in the Officer's assigned patrol district.

307.06            SIGN-ON AND SIGN-OFF

Officers assigned vehicles equipped with radios shall begin and end their shifts by notifying the appropriate dispatcher of their status via use of standard 10-code. Officers shall begin and end their work shift within the geographical area, which they are assigned to patrol, unless, due to operational requirements, it is not feasible to do so.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 308.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: HOLIDAYS

PURPOSE

To define compensation for holidays worked by departmental personnel.

308.01 ELIGIBILITY FOR HOLIDAY PAY

Full time employees are eligible for paid Band holidays. Employees not scheduled to work on the holiday shall have a paid holiday. In order to qualify for holiday pay, full time employees must work the last scheduled work day immediately preceding the holiday and the first scheduled working day immediately following the holiday, unless the employee is on paid leave or the absence is approved by a supervisor.

308.02 COMPENSATION FOR HOLIDAY PAY

Full time employees scheduled to work on a holiday shall receive time and one-half (1 1/2) the regular rate of pay for 8 hours worked on Band holidays. If the employees work a ten hour shift they will receive compensatory time for the remaining two hours of the holiday at (1-1/2) times the rate of pay.

MILLE LACS BAND POLICE DEPARTMENT OPERATION MANUAL

GENERAL ORDER: 309.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: OVERTIME/COMPENSATORY TIME

PURPOSE

To define overtime/compensatory time for department personnel.

POLICY

309.01 It is the policy of this department to compensate hourly employees who work in excess of forty hours per week at one and one half (1 ½) rate of pay for each hour worked in excess of forty hours per work week.

Employees shall make every effort to complete their duties or assigned services within the scheduled shift, work period or work week. Any hours worked beyond the regularly scheduled work shift must have prior approval of a supervisor.

Employees may accrue up to 10 hours compensatory time for hours worked in excess of forty hours per week. Compensatory time is accrued at (1 ½) rate of pay.

Compensatory time at or above 10 hours must be used within 30 days unless an extension is approved by the Chief of Police.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS

GENERAL ORDER: 310.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: IDENTIFICATION CARDS

PURPOSE

To regulate identification cards that are distributed to Officers in order to properly identify them, ensure uniformity and maintain control.

310.01 POLICY

1. No I.D. card shall be carried other than the one issued by the Band.
2. When an I.D. card is lost, stolen or destroyed, a general incident report explaining in full details the loss or destruction must be submitted before a new card will be issued.
3. Worn or mutilated I.D. cards must be replaced immediately.
4. New I.D. cards will be issued upon a title or assignment change.
5. I.D. cards are the property of the Mille Lacs Band Police Department and must be returned upon request or as required by this manual.
6. Officers must give their badge number and name or present their official I.D. card on the request of any citizen or they will be found in violation of this Order.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 311.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: SEARCH WARRANTS

PURPOSE

To establish guidelines for executing search warrants for lawful searches and seizures of evidence necessary for successful investigations.

311.01 APPLICATION FOR WARRANT

1. INFORMATION NEEDED

- a. Objects to be searched - Generally
  - i. Property or things stolen or embezzled or used in committing a crime;
  - ii. The possession of the property or things that constitutes a crime;
  - iii. The property or things in the possession of any person with the intent to use them as a means of committing a crime or the property or things so intended to be used are in the possession of another to whom they have been delivered for the purpose of concealing them or preventing their being discovered; or
  - iv. The property or things to be seized consist of any item or constitute any evidence which tends to show a crime has been committed or that a particular person has committed a crime.
- b. Particular description of place to be searched:
  - i. Private residences should be identified by street address. Any detached building within the curtilage of the primary buildings should be described if it is intended to be searched.
  - ii. Vehicles shall be listed separately.
- c. Particular description of things to be seized:
  - i. As complete a description as is available should be used in identifying the things to be seized.

- ii. Generally, a less precise description is required of property that is unique or of a particular character, such as contraband.
    - iii. Greater care in description is ordinarily necessary when the type of property sought is generally in lawful use in substantial quantity.
  2. Verbal request is made to a supervisor.
  3. After a careful review of all reports and information available, the Investigator or Officer in Charge will be asked to complete search warrant request including:
    - a. Application for a search warrant. The original and two photocopies will be needed. The original will be forwarded to the Court Administrator's Office following the execution of the warrant. One photocopy will be provided to the owner of the property being searched. One photocopy will be provided to the Mille Lacs Band Police Department Records section.
    - b. Supporting Affidavit. Must establish probable cause to search for the particular items at the particular place described in the application.
    - c. Search warrant. The original and two photocopies will be needed. These will be distributed in the same manner as the Application listed above.
    - d. Receipt, Inventory and Return form. This portion is not completed until after the warrant is executed. This form will list all items seized during the execution of the warrant. The original and two photocopies will be needed. These will be distributed in the same manner as the Application and the Search Warrant listed above.
    - e. At the time the warrant is executed, the property owner must be immediately provided a list/receipt of all items removed from his/her property by police. A copy of this list/receipt must accompany the other forms listed above and distributed in the same manner.
  4. Application must be made to a judge assigned to the Judicial District in which the search is to be executed.
    - a. An Officer must deliver to the issuing judge a copy of the warrant (part one and two) when making the application.
    - b. The warrant must be read and signed by the judge.
  5. After a warrant is signed, an Officer shall not alter it in any manner. If an error is detected in the warrant, it must be returned to the issuing judge for correction.

6. Application for warrants outside of the jurisdiction of the Band:

Officers may execute search warrants outside their normal jurisdiction (see paragraph 4 Above). Contacting the law enforcement agency having jurisdiction at location of the search is recommended, providing them an opportunity to assist or be present at the time of the search.

#### 311.02 PREPARATION FOR EXECUTION OF WARRANTS

1. In preparing to execute a warrant, the Officer in charge should allocate sufficient personnel to assure:
  - a. Officer safety.
  - b. The containment of persons at the scene of warrant execution.
  - c. The security of the items being sought. Generally, three Officers is the minimum number necessary to execute a warrant, with at least one Officer in uniform for entry purposes. This number should be increased depending upon the magnitude of the search to be conducted.
2. Where warrants obtained by Officers are to be executed in another jurisdiction, that jurisdiction shall be notified before the warrant is served and asked if they wish to participate.

#### 311.03 EXECUTION OF WARRANTS

1. A warrant must be executed and returned to the court from which it was issued within ten days after issuance. A warrant is valid for ten days from its issuance, as long as the probable cause recited in the affidavit exists at the time of execution. A warrant should be executed as timely as possible to ensure that such probable cause has not dissipated.
2. A warrant is valid for day time service only unless the facts in the affidavit justify a night time search and a night time search is expressly authorized in a warrant.
3. No person other than Officers or members of the prosecuting attorney's office shall be permitted to accompany Officers in the execution of a warrant unless absolutely necessary.
4. Gaining entry to a private residence.

- a. Knock, announce identity and demand admittance. Wait to be admitted, explain purpose and display the warrant. When no one is home, entrance may be accomplished by the least forceful means possible under the circumstances.
- b. Officers may enter unannounced, providing entry without announcement has been expressly authorized by the warrant. In such cases, Officers shall enter the premises by the most efficient means possible, inflicting the least amount of damage possible under the circumstances.
- c. When Officers execute a warrant that does not authorize an unannounced entry and are confronted with exigent circumstances which would have otherwise justified a judge to authorize an unannounced entry, Officers may enter unannounced. The burden of proof then lies entirely with the executing Officers and their ability to articulate the exigent circumstances present at the time of execution. To validate the exigent circumstances, the executing Officers will have to show that the unannounced entry was necessary to prevent the loss, destruction or the removal of the objects of the search or to protect the safety of the Officers or others.

5. Entry - Commercial Establishment

- a. When Officers execute a warrant at a commercial establishment under normal circumstances, the Officers should execute the warrant when someone is present therein.
- b. The same principles as with private residences also apply for entry of commercial establishments.

- 6. When a person is injured or property is damaged during the execution of a warrant, the involved Officers must file complete reports setting forth any reason for the injuries or the necessity for the damage.

311.04 DETENTION AND SEARCH OF PERSONS ON SEARCHED PREMISES

- 1. Persons on the premises may be detained while the search is conducted when the executing Officers reasonably believe that the detained persons are involved in criminal activity relating to the warrant.
- 2. Officers may frisk any person on the premises whom they reasonably believe may have a weapon concealed upon their person.
- 3. A person on the premises may be searched when:
  - a. It is incidental to a lawful arrest.

- b. The person is named in the warrant.
- c. The Officer has reason to believe that the person has an object of the search concealed upon their person.

311.05 ARREST

Arrests may be made in accordance with general Order 314.

311.06 SCOPE OF SEARCH

- 1. Upon completion of the search, a copy of the warrant and a receipt and list of items seized during the search shall be given to the person from whom the property was seized or left at the scene of the search.
- 2. The original warrant and the completed original of the Receipt, Inventory and Return shall be returned to the issuing court as soon as practical.

311.07 DISPOSITION OF PROPERTY

- 1. Property seized pursuant to a search warrant issued in conjunction with an investigation being conducted by the Mille Lacs Band Police shall be properly inventoried on a Department Property Inventory Form.
  - a. The property may be transferred to other criminal justice agencies for investigative purposes providing the chain of custody is maintained and so noted on the Inventory Form.
  - b. Seized property, which will be used in a subsequent prosecution, may be released to the legal owner upon approval of the prosecuting authority. The property will be photographed with the owner and an identifying case number prior to release. Date and time of release shall be noted on the Inventory Form.
- 2. When Officers assist another jurisdiction with warrant execution, that jurisdiction will be responsible for the property seized and no department Inventory Form is necessary.

## MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 312.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: STOP AND FRISK

### PURPOSE

To provide guidelines for lawful "stop and frisks." Stop and frisk is a Law Enforcement practice that involves the temporary detention, field questioning and limited search for weapons on persons who are reasonably suspected of committing a crime, about to commit a crime, having recently committed a crime or suspected of being armed.

### 312.01 DEFINITIONS

For purposes of this Order:

1. "Access Area" means readily accessible places where a weapon could be concealed and used in assaulting an Officer or other person, including:
  - a. unlocked glove box;
  - b. the areas above the visors and beneath the front seat;
  - c. under clothing;
  - d. paper or other matter on the car seat;
  - e. many parts of the human anatomy;
  - f. hand-carried cases;
  - g. packages; and
  - h. purses, bags, etc.
2. "Arrest" means the intentional seizure of a person, whether actual or constructive, by an Officer who is acting under real or assumed legal authority to do so, coupled with a recognition of the arrest by the person arrested, for the purpose of bringing him before a court to answer for the commission of an offense or crime, distinguished from "stop" and "detention."
3. "Frisk" means a limited search of a person to discover weapons; a "pat-down."
4. "Full Search" means a complete and unrestricted search of a person who has been arrested to discover weapons, contraband and the fruits, instrumentalities and evidence of a crime.
5. "Interrogation / Interview" means the questioning of a person who is not suspected of criminal activity at the time of the encounter.

6. "Non-Suspect" means a person who is not suspected of criminal activity or any other matter within the scope of the Officer's duties.
7. "Outer Clothing" means generally garments such as coats, waistbands and pocket exteriors when inside heavy coats, hats, pants, cuffs, boot tops and other places where, if touched, would reveal suspect is armed. See also Access Area.
8. "Pat Down" means feeling portions of a suspect's body where a weapon could be concealed, including arms and armpits, waistline and back, groin and the entire surface of the legs down to the feet; a limited search is a "frisk."
9. "Probable Cause" means facts or circumstances which would lead a reasonable, cautious and prudent person to believe that a crime has been committed, that a particular person has committed it or that seizable items will be found in a particular place.
10. "Reasonable Suspicion" means facts or circumstances which would lead a reasonable person to suspect that a crime has been committed or that a particular person is armed; less than probable cause but more than a mere hunch.
11. "Search" means either a full search based upon probable cause or incidental to lawful arrest, or a limited search known as a "frisk," consisting of a pat down and inspection of nearby access areas.
12. "Suspect" a person who is possibly involved in criminal activity.

#### 312.02 CONTACTS AND INTERVIEWING

Officers may contact any person and interview them when the Officer reasonably believes the interview is necessary and the Officer is in a public place and the circumstances justify the interview. An Officer may not arbitrarily hold any citizen they see on the streets. Officers must identify himself or herself as an Officer when asked. Persons contacted for interviews must be permitted to leave if they choose to do so. Officers may observe the person, however, if the Officer believes it is necessary and it is conducted in a reasonable manner.

#### 312.03 STOPS FOR INTERROGATION

##### 1. WHEN MADE - GENERALLY

An Officer may stop a person and interrogate the person if the Officer reasonably suspects that person to be involved in criminal activity, including pedestrians and motorists. The Officer must be in a public place. An Officer must identify himself or herself as an Officer when stopping persons for interrogation unless their identity is obvious.

## 2. WHEN MADE - SPECIFICALLY

Before an Officer stops a person for interrogation, they must be able to describe suspicious conduct or circumstances that justify the detention. Situations that may establish a lawful stop and detention are:

- a. The suspect makes evasive or furtive movements.
- b. The suspect fits a "wanted" notice.
- c. The suspect is near the scene of a recently committed crime.
- d. The suspect's demeanor or presence is unusual for the time or the place.
- e. The Officer has received information that the suspect is involved in criminal activity.
- f. In evaluating a person's conduct or appearance, Officers can rely on their training and experience to determine if the person is involved in criminal activity.
- g. Officers can base their suspicion that a person is involved in criminal activity upon information received from a citizen informant including an anonymous informant.
- h. When the suspected crime is serious, detention and interrogation of a suspect is more justified than when the suspected crime is of a less serious nature.

## 3. SPECIFIC AND ARTICULABLE FACTS

Officers must be able to articulate the reason why a person was detained and interrogated. They do not need to point to any one thing that alone would justify the action, but may refer to several things, each of which when taken alone may seem innocuous, but when considered together by an Officer who is trained and experienced in detecting criminal activity, raise a suspicion of criminal activity.

## 312.04 FRISKS - GENERALLY

1. WHEN DONE

- a. Immediately after stop, if Officer reasonably suspects the person is armed prior to questioning; or
- b. During or after stop, if grounds to suspect that the person is armed did not exist at the time the encounter began, but later develop.

2. FACTORS TO CONSIDER:

- a. If suspect flees or attempts to flee from the Officer when stopped;
- b. If suspect fails to produce valid identification and is unable to account for his actions or presence (or refuses to talk to the Officer at all);
- c. If a companion is found to be armed;
- d. If the suspected crime involved the use of weapons;
- e. If the Officer observes bulges in the suspect's clothing or efforts to conceal objects;
- f. Knowledge by the Officer that the suspect has been reported to customarily or occasionally carry weapons; or
- g. If suspect offers a patently false or fabricated story.
- h. Officers can base their judgment on whether a person is actually suspected of being armed upon information received from an informant.

3. SPECIFIC AND ARTICULABLE FACTS

Officers must be able to articulate a reason why a person stopped was frisked. Officers do not need to point to any one thing that would justify their action, but may refer to several things which when considered together by an Officer who is trained and experienced in dealing with criminal suspects, raise a reasonable suspicion that the person is armed.

312.05 SCOPE OF FRISKS

## 1. PAT DOWN

Officers shall feel the suspect's outer clothing and start at the place where a weapon would most likely be concealed. This location will differ based on the type of clothing worn and weather. The pat down should proceed to the next most likely places. Officer shall feel every portion of the suspect's body where a weapon could be concealed, including the arms and armpits, waistline and back, groin area and the entire surface of the legs down to the feet.

## 2. INNER CLOTHING

Officers shall open a suspect's coat or outer garments and pat down the inner clothing when the garments worn are too bulky to detect a concealed weapon. An Officer shall not open inner clothing to pat down underclothing unless there is probable cause to extend the search and the person is under arrest.

## 3. WEAPONS

An Officer who has a reasonable suspicion that a weapon is concealed in a particular place on a suspect may reach directly into that area to seize it. Officers must be able to justify this action, based on facts that led them to suspect that a weapon would be found at that location.

### 312.06 RESULTS OF FRISKS

#### 1. WEAPONS

When Officers, during the course of a lawful frisk, feel an object or item that they reasonably suspect is a weapon or dangerous instrument, they shall remove that object or item for closer examination.

#### 2. CONTRABAND EVIDENCE

If the object or item removed reasonably appears to be or to contain contraband or evidence, Officers shall arrest the person, conduct a complete search of their person and inventory the contraband or other evidence seized.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 313.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: ARRESTS

PURPOSE

To provide guidelines for making arrests out of jurisdiction or off-duty.

313.01 OUT OF JURISDICTION ARREST FOR CRIME COMMITTED W/IN JURISDICTION

Officers may arrest a person in another jurisdiction for a crime or offense committed within the territorial jurisdiction of the Mille Lacs Band provided that the Officer is acting within the course and scope of employment at the time the arrest is made. In making arrests, Officers shall:

1. Prior to arrest, notify the police or sheriff's department having jurisdiction where the arrest is to be made.
2. Request assistance of local authorities if necessary.
3. If no assistance is necessary, at a minimum, advise local authorities of the planned action.
4. After making the arrest and clearing the jurisdiction, notify the local authorities.
5. Transport the individual to the appropriate jail.
6. File appropriate reports.

OUT OF JURISDICTION ARREST: ON VIEW CRIME COMMITTED W/IN JURISDICTION

1. Officers may arrest a person in another jurisdiction for a crime or offense committed outside of the territorial jurisdiction of the Mille Lacs Band provided that the Officer is acting within the course and scope of employment at the time the arrest is made under the following conditions:
  - a. The Officer witnesses the commission of a crime;
  - b. The crime constitutes a threat to public safety such that imminent danger exists which is likely to result in death or serious injury if no enforcement action is taken; or
  - c. No local Law Enforcement officials are within the immediate area to observe the offense and effect an arrest.
2. Procedure for out of jurisdiction on-view arrests:
  - a. If possible, notify local authorities of action prior to making the stop;
  - b. Make stop and detain suspect;
  - c. Immediately notify local Law Enforcement agency of the stop and request assistance;
  - d. Upon arrival of local authorities, turn suspect over to local authorities and provide verbal account of incident leading to stop;
  - e. Follow local procedures for detention, arrest and processing of suspect; and
  - f. Complete report of stop and arrest for local authorities, provide them a copy and file a copy with the Mille Lacs Band Police Department.
3. If no local assistance is available:
  - a. Advise local jail or Law Enforcement center that a suspect is in custody;
  - b. Transport suspect to the jail or Law Enforcement center within the local jurisdiction;
  - c. Process arrestee as directed by local authorities; and file reports

313.03      OFF DUTY ARRESTS: WITHIN JURISDICTION

1.      A full time licensed Officer employed by the Band may effect an off-duty arrest for any violation committed within the Officer's presence and within the territorial jurisdiction of the Mille Lacs Band.
  
2.      Procedures
  - a.      Detain suspect;
  
  - b.      Contact Mille Lacs County or Mille Lacs Band administrative personnel and request an on-duty Officer to respond;
  
  - c.      Turn suspect over to on-duty Officer;
  
  - d.      If no on-duty Officer is available, transport suspect to the Department or Mille Lacs County Jail and process by normal procedures; and
  
  - e.      Complete and file appropriate reports.

313.04      OFF-DUTY ARRESTS: OUTSIDE JURISDICTION

Full time licensed Officers may make an arrest while off-duty, outside the territorial jurisdiction of the Mille Lacs Band only when the Officer would be justified in using deadly force as provided under Minn. Stat. Sec. 609.066.

313.05      CITIZEN'S ARREST

Nothing in this policy limits an Officer's authority to arrest as a private citizen while inside or outside the jurisdiction of the Mille Lacs Band. These arrests will not be deemed within the course and scope of employment.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 314.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: PERSONS IN CUSTODY

PURPOSE

To provide guidelines on transporting persons in custody.

314.01 POLICY

Officers shall take the precautions necessary while transporting persons in custody to protect the lives and safety of Officers, the public and the person in custody.

314.02 PROCEDURE

1. Vehicle Inspection

- a. At the beginning and end of each tour of duty, vehicles regularly used for transport of persons in custody shall be inspected for readiness as follows:
  - i. The safety screen shall be securely in place and undamaged;
  - ii. All windows shall be intact and outer door latches in proper working order;
  - iii. Rear door handles and window controls shall be deactivated; and
  - iv. The interior shall be thoroughly searched to ensure that no weapons or contraband have been left or hidden within the vehicle.
- b. Prior to placing a person in custody in the vehicle for transport, the Officer shall again inspect the interior for weapons or contraband. The vehicle shall be searched again after the person in custody has been delivered to the detention facility or other destination.

## 2. Handcuffing

- a. Officers shall handcuff (double lock) all persons in custody with their hands behind their back and palms facing outward.
- b. The Officer may handcuff the person in custody with their hands in front or utilize other appropriate restraining devices where the person:
  - i. Is obviously pregnant;
  - ii. Has a physical handicap; or
  - iii. Has injuries that could be aggravated by standard handcuffing procedures.
- c. Prisoners shall not be handcuffed to any part of the vehicle during transport.
- d. Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders so that they pose a threat to themselves or to the public.

## 3. Transport

- a. Prior to transport, all persons in custody shall be thoroughly searched for any weapons or tools of escape.
  - i. If practical, the protective search should be conducted by an Officer of the same sex as the prisoner; and
  - ii. Transporting Officers should also search the persons in custody unless a search was conducted in their presence.
- b. When transporting persons in custody, the Officer shall provide the communications center with the following information when possible:
  - i. Identity of the person in custody;
  - ii. Arrest location and destination of transport; and
  - iii. Time and mileage readings before and after transport.
- c. Persons in custody shall be transported in the following manner:

- i. Officers should use care when helping a person in custody into the vehicle for transport.
- ii. If the vehicle has a security screen, but only one transporting Officer, the person in custody shall be placed in the back seat on the right hand side of the vehicle. If the vehicle does not have a security screen and has only one transporting Officer, the person in custody shall be placed in the right front seat.
- iii. When a person in custody is being transported in a two-Officer vehicle with a security screen, the person in custody shall be placed in the right rear seat. The second Officer shall sit in the left rear seat behind the driver.
- iv. Leg restraints shall be used if an Officer believes the person in custody has a potential for violent behavior.
- v. One transporting Officer should not transport more than one person in custody in a vehicle without a security barrier. In such situations, additional transport assistance should be requested.
- vi. All persons in custody shall be secured in a vehicle by proper use of a seatbelt.
- vii. Any wheelchairs, crutches, prosthetic devices and medication should be transported with, but not in the possession of, the person in custody.
- viii. Persons in custody shall not be left unattended during transport. Any escape shall be immediately reported to the communications center.

## MILLE LACS BANDPOLICE OPERATION MANUAL

GENERAL ORDER: 315.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: MOTOR VEHICLE SEARCHES

PURPOSE:

To provide guidelines on searches of motor vehicles.

### 315.01 POLICY

Motor vehicle searches must be conducted in strict observance of the constitutional rights of the owner and occupants of the motor vehicle being searched and with due regard for the safety of all Officers, other persons and the property involved.

### 315.02 DEFINITIONS

1. "Motor vehicle" means any vehicle operating or capable of being operated on public streets or highways including automobiles, trucks, trailers, recreational vehicles, mobile homes, motor homes and other types of vehicles, whether self-propelled or towed. For purposes of this policy, motor vehicle does not mean vehicles of any type that have been immobilized in one location for use as a temporary or permanent residence, storage facility or which are otherwise classified by law as residences or buildings.
2. "Vehicle Search" means an examination of all or a portion of a vehicle with an investigatory motive (i.e., for the purpose of discovering fruits, instrumentalities or evidence of a crime or contraband, or to enter the vehicle to examine the vehicle identification number or determine ownership of the vehicle). Inventory of personal property must be conducted pursuant to general Order 319.

### 315.03 PROCEDURES

1. WHEN CONDUCTED
  - a. With Warrant

Whenever feasible, a warrant will be obtained for the search of a motor vehicle. When a vehicle has broken down, or there is otherwise no significant chance the vehicle will be driven away or that evidence contained within it will be removed or destroyed, the vehicle should be searched only after a warrant has been obtained.

b. Without a Warrant

Warrantless searches are to be conducted only when other exigencies make it impractical for Officers to obtain a warrant. Vehicles may be searched without a warrant:

- i. When Officer has probable cause to search the vehicle;
- ii. With operator's consent;
- iii. Incident to arrest of any occupant of the vehicle;
- iv. For weapons, limited to those areas in passenger compartment in which a weapon can be placed;
- v. When necessary to examine the vehicle identification number to determine the ownership of the vehicle; or
- vi. Under emergency circumstances not otherwise stated above.

2. SCOPE OF SEARCH

- a. Searches with a warrant. Officers may search all areas of the vehicle unless the warrant states otherwise.
- b. With probable cause. May extend to all areas of the motor vehicle, unless the probable cause is limited to a specific area.
- c. With Consent. Depends on the terms of consent. If the consent is limited to specific areas of the vehicle, Officers may search only those areas. Consent must be knowing, voluntary and in writing before being conducted.
- d. Incident to arrest of any occupant. Shall be limited to areas within reach of the arrestee (normally the passenger area of the vehicle). The trunk, the engine compartment and locked compartments within the passenger area may not be searched.
- e. Incident to search of passenger compartment for weapons. Areas immediately accessible to the vehicle's occupants may be searched but not an area such as a locked glove compartment.
- f. Examining a vehicle identification number to determine its ownership. Entry made to examine the vehicle identification number or to determine the ownership of the vehicle must be limited to actions reasonably necessary to accomplish these goals.

- g. Emergencies. Search of a motor vehicle under emergency circumstances not otherwise enumerated above must be limited by the nature of the emergency. The proper extent of the search must therefore be determined by the searching Officer in each specific situation, but in no event may the extent of the search exceed what is necessary to respond properly to the emergency. *Note: Where the initial search discloses probable cause to believe that other portions of the vehicle may contain fruits, instrumentalities or evidence of a crime or contraband, any additional portions of the vehicle may be searched that could reasonably contain the items being sought.*

### 3. CONTAINERS IN VEHICLE

In no instance shall a container in a motor vehicle be searched unless it could contain the item(s) being sought. In addition:

- a. Unlocked containers in motor vehicles may be searched as follows:
  - i. With probable cause: paper bags, cardboard boxes, wrapped packages, etc., wherever found in the vehicle, may be opened.
  - ii. Incident to arrest: containers found in passenger compartment may be opened.
  - iii. With consent: Containers may be opened provided that the terms of the consent expressly permit or reasonably imply that the particular container may be opened.
  - iv. Containers found in or discarded from a vehicle under circumstances that do not justify their search under probable cause rules or in connection with a search incident to arrest should be secured but not searched until a warrant is obtained to search them.
- b. Locked containers such as attaché cases, suitcases and footlockers found during a vehicle search should not be opened unless:
  - i. The search is being conducted with a warrant; or
  - ii. Officers obtain a valid consent to open the locked container.
- c. When the conditions in b. are not met, locked containers should be secured by search personnel and opened only after a warrant has been obtained.

### 4. LOCATION AND TIME OF SEARCH

Whenever possible, searches of motor vehicles, and containers found therein, should be conducted at the location where the vehicle was discovered or detained. Under exigent circumstances, search of the vehicle or container may be delayed and conducted after the vehicle or container has been moved to another location. Thereafter, the search shall be conducted as soon as is reasonably possible, that is, as soon as adequate personnel are available to conduct a thorough search with due regard for the safety of all Officers, the public and property concerned.

5. CONDUCT OF THE SEARCH

Motor vehicle searches shall be conducted in a manner that minimizes the intrusiveness of the search and the inconvenience caused to vehicle owners, occupants and other persons involved. Where possible, damage to the vehicle or to other property in the course of the search should be avoided. Where unavoidable, such damage should be confined to that reasonably necessary to carry out a safe and thorough search.

6. ABANDONED VEHICLES

Examination of a vehicle that has been abandoned on a public roadway is technically not a search. If an Officer determines in advance that the vehicle has been abandoned, examination of the interior of the vehicle shall be conducted only in accordance with the provisions of this policy and applicable law.

7. SEIZURE OF EVIDENCE

Evidence discovered in the course of a motor vehicle search shall be collected, handled, packaged, marked, transported and stored in accordance with applicable policies and procedures of this department. Where appropriate and feasible, itemized receipts for seized property shall be given to the owner or occupants of the vehicle.

8. COMPLIANCE WITH HEALTH AND SAFETY REQUIREMENTS

Searches of motor vehicles are to be conducted in strict compliance with all applicable laws, governmental regulations and departmental policies and procedures pertaining to the protection of departmental personnel from communicable diseases and hazardous substances. Any exposure of search personnel or others to such substances shall be immediately reported to a supervisor.

9. SECURITY OF VEHICLES AND PROPERTY SEIZED

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, Officers shall take such steps as are reasonably necessary to secure and preserve the vehicle or property from such hazards.

10. RESPONSIBILITY OF SUPERVISING OFFICER.

An Officer supervising a vehicle search shall be responsible for ensuring that it is conducted in accordance with this policy and applicable law. In the event that the vehicle search is conducted pursuant to a warrant, the Officer shall ensure that the execution of the warrant is properly reported to the issuing court or other authority. The Officer shall also be responsible for making any other reports regarding the search that may be required by applicable law, policy or procedure.

## MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 316.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: EMERGENCY OPERATION OF LAW ENFORCEMENT VEHICLES

### PURPOSE

To establish procedures for the proper emergency operation of law enforcement vehicles and equipment.

#### 316.01 DEFINITIONS

For purposes of this Order:

1. "Emergency" means that the immediate presence of an Officer is required to:
  - a. Protect a person from death or serious injury;
  - b. Provide emergency medical treatment to the victims of accidents, injuries or other life threatening situations;
  - c. Make the timely apprehension of those suspected of being involved in a criminal activity.
2. "Authorized Emergency Vehicle" means a vehicle equipped and identified as such and is publicly owned for use by Officers for law enforcement work. Emergency equipment, consistent with applicable law, shall consist of at least one red light to the front and a siren.

#### 316.02 RESPONDING TO AN EMERGENCY CALL

1. Use of Emergency Equipment
  - a. Traffic lights

The driver of an authorized emergency vehicle may disregard certain traffic regulations if both the siren and red lights are operating. The use of either the siren or red lights alone is not permitted when responding as an authorized emergency vehicle. The use of other equipment, when available, such as wigwag headlights, is encouraged while responding to an emergency call.

b. Stop lights

The driver of an authorized emergency vehicle, upon approaching a red or stop signal or any stop sign, shall slow down as necessary for safety, but may proceed cautiously past such red or stop signal or any stop sign after sounding siren and displaying red lights.

c. Traffic Laws

No driver of an authorized emergency vehicle shall violate any traffic laws except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

2. First Officer On Scene

Responding Officers should attempt to coordinate their response to emergencies so that no more vehicles than necessary are en route to the emergency call. Upon arrival at the scene, the first Officer(s) may request additional assistance, if needed, or the on-duty supervisor can deploy more units to the location.

3. Multi-Vehicle Response

In a multi-vehicle response to an emergency call (i.e.: other law enforcement vehicles, fire trucks or ambulances) the operator of one vehicle should not pass another unless there are sufficient lanes to accommodate the vehicles or unless the vehicle to the front has become inoperable.

4. Lights Only – No Siren

There are incidents which require an immediate response, but where the use of the siren may have a detrimental effect (i.e.: crimes in progress, or hostage situations). If only the red lights are being used, the vehicle is not considered an authorized emergency vehicle and the driver is expected to comply with traffic control devices.

316.03 OFFICER RESPONSIBILITY

Officers responding to emergencies must operate the emergency vehicle with due regard for safety. When responding to emergencies, Officers may violate certain traffic laws but do so in a manner which will not jeopardize safety.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 317.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: FEBRUARY 6, 2006

SUBJECT: VEHICLE PURSUITS

POLICY

Department Policy is to initiate a pursuit only when an officer has reasonable grounds to believe the offender presents a clear and immediate serious threat to the safety of other motorists or the public, which is ongoing and prior to the pursuit beginning, or the offender has committed or is committing a violent felony.

317.01 DEFINITIONS

A. MOTOR VEHICLE PURSUIT

A motor vehicle pursuit is an active attempt by a law enforcement officer operating a departmental vehicle to apprehend one or more occupants of another moving vehicle, when it is reasonably apparent that the driver of that vehicle is aware of that attempt and is resisting apprehension by increasing speed in excess of the posted speed limit, disobeying traffic laws, or attempting to elude the officer through evasive maneuvers or tactics.

B. INITIATING /PRIMARY PURSUIT SQUAD

The police squad that initiates a pursuit, or any other squad that assumes the lead position in a pursuit.

C. MARKED SQUAD

A police vehicle must be equipped with a roof mounted light bar, siren, and authorized police squad insignia. These elements must be present for the vehicle to be considered a marked squad.

D. SUPERVISOR

For the purpose of this section “supervisor” will include only on-duty Officers with the rank of Sergeant and above.

#### E. VIOLENT FELONY

Violent felonies for the purpose of this section are as follows: Homicide, criminal sexual penetration, robbery with a deadly weapon, kidnapping/false imprisonment, felony assault inflicting great bodily harm, and assault with a deadly weapon.

#### F. CLEAR AND IMMEDIATE THREAT

A threat which is present prior to the pursuit and which represents a willful disregard by the occupants of the vehicle of the rights and safety of others which reasonably places the public in imminent danger of great bodily harm or death.

#### G. PURSUIT IMMOBILIZATION TECHNIQUE (PIT)

A technique used by officers to stop a suspect vehicle, by utilizing their police vehicle.

#### H. HIGH RISK STOP

A high risk stop is a method of stopping , removing, disarming, and detaining occupants of a vehicle who are believed to be dangerous, violent, and/or armed with a deadly weapon. The high risk stop utilizes officers , cover, and assigned areas of responsibility and structured orders to stop a vehicle and remove occupants while reducing the risk of danger to citizens and responding officers.

317.02

#### RULES AND PROCEDURES:

#### INITIATING/PRIMARY PURSUIT UNIT RESPONSIBILITIES

- A. An officer may initiate a pursuit when at least one of the following factors exist
  - 1. Reasonable grounds have been established to believe the offender presents a clear and immediate serious threat. The threat must be ongoing and occurring prior to the pursuit beginning, and reasonably places the public in imminent danger of great bodily harm and or death.

2. The offender has committed or is committing a violent felony and allowing escape would put the public in imminent danger of great bodily harm or death.
- B. If one of the factors in subsection “A” above are present, the officer shall also consider the following factors prior to initiating the pursuit:
1. The nature of the offense for which the pursuit was initiated;
  2. The current driving behavior exhibited by the offender(s);
  3. The time of day;
  4. Road, weather and vehicle conditions;
  5. Any other risk presented by the pursuit itself;
  6. Knowledge of the offender’s identity, possible destination, and previous activities;
  7. The risk of harm to others from the offender’s escape.
- C. Officers involved in pursuits must continually question whether the seriousness of the crime(s) reasonably warrants continuation of the pursuit.
1. At any time during a pursuit when an officer or supervisor determines that the danger to the public or officer(s) outweighs the need for immediate apprehension, the officer will immediately discontinue the pursuit.
  2. The decision of an officer or supervisor to terminate a pursuit for safety considerations is not subject to review, and the officer will not be criticized, nor disciplined for that decision.
  3. Officers initiating/sustaining pursuits are ultimately responsible for the outcome of their actions and compliance with this order.
- D. Prior to engaging any emergency equipment to effect the stopping of a vehicle, the officer should attempt to note the license plate number and vehicle description.
- E. Any officer initiating a pursuit shall immediately notify Dispatch that a pursuit is in progress, giving the following information:

1. Reason for the pursuit;
  2. Present location and direction of travel;
  3. Vehicle speeds involved in the pursuit;
  4. Description of vehicle and occupants
  5. Number of occupants in the offender(s) vehicle;
  6. Any safety factors that need to be noted;
  7. If a hostage is involved, this fact, along with a description and the exact location of the hostage in the vehicle, if known.
- F. All pursuits shall be conducted using “Code 3” full emergency equipment.
- G. Officer radio transmission on the progress of the pursuit:
1. The primary officer is responsible for broadcasting the progress of the pursuit until arrival of a secondary unit, who will then assume that responsibility.
- H. Officers with a prisoner in their vehicle will not initiate or join a pursuit.
- I. After a supervisor is notified of the pursuit, it may only continue with specific authorization from the supervisor.

317.03

#### ASSISTING/SECONDARY SQUADS

Assisting/secondary pursuit vehicles shall:

- A. Engage all emergency equipment
- B. Notify Dispatch of their identity.
- C. Assume radio communications responsibility, allowing primary unit to devote complete attention to the pursuit.
- D. Officers will not parallel or caravan a pursuit; however, officers may proceed into the area of a pursuit if directed by a supervisor to assist at the termination of the pursuit. Assisting officers may also be utilized in the stopping of the pursued vehicle.

- E. No more than three police vehicles will become actively involved in a pursuit, unless specifically authorized to do so by a supervisor. Assisting officer will be alert to the pursuit progress and location.
- F. Officers involved in a pursuit will not attempt to pass the primary unit unless instructed to do so by that officer or the primary officer is unable to continue.

317.04

#### SUPERVISOR RESPONSIBILITIES

- A. The initiating pursuit officer's on-duty supervisor or, if the on-duty supervisor is unavailable the next available on-duty supervisor will be in command of the pursuit.
- B. Upon being notified of a pursuit, the supervisor shall;
  - 1. Assume command from origination through conclusion.
  - 2. Ensure the pursuit is in compliance with this Order.
  - 3. Ensure the effected law enforcement agencies are notified.
  - 4. Assist the primary unit with the necessary support requested.
  - 5. When necessary, abandon or direct the dispatcher to have officers abandon the pursuit.
  - 6. When necessary for the protection of the public, call for establishment of a location to disable the fleeing vehicle.
- C. The supervisor monitoring and/or notified of the pursuit must continually evaluate the pursuit to allow its continuation, or to order termination of the pursuit.
- D. If a supervisor orders a pursuit to be terminated, he/she will direct the officers involved to **immediately** meet with him/her at a designated location.
- E. Utilization of Aerial Assistance during Pursuits
  - 1. Once aerial assistance has responded and has a visual on the pursued vehicle, the Aerial Unit shall be the primary unit and will relay the progress of the vehicle to the ground units.
    - a. All ground units involved in the pursuit will shut down emergency equipment and cease emergency driving activities.

- b. The supervisor will determine how many units are needed in order to track the vehicle based on the information from the Aerial Unit.
- c. With direction from the Aerial Unit, the supervisor will direct and control ground units in a manner which increasing constricts the perimeter surrounding the vehicle in order to apprehend the offenders.

317.05

#### STOPPING A PURSUED VEHICLE

- A. Officers will use high risk stop procedures if possible
- B. Mechanical Tire Deflation System

The mechanical tire deflation system is an acceptable method of terminating a pursuit. Only those officers who have received training in the device are authorized to deploy the system.

- C. Pursuit Immobilization Technique (PIT)

The pursuit immobilization technique is an acceptable method of terminating a pursuit when authorized by a supervisor. The pursuit immobilization technique will not be used at speeds greater than 35 MPH unless deadly force is warranted. Every effort will be made to utilize a high risk stop with additional officers after PIT has been employed.

2. Only those officers who are trained and certified in the Pursuit Immobilization Technique (PIT) are authorized to employ it.
3. (PIT) **will only** be utilized when an officer is attempting to stop a violent fleeing felon.

317.06

#### JURISDICTION ISSUES

- A. When a pursuit leaves the boundaries of the Mille Lacs Reservation, the officer will terminate the pursuit if:

1. Directed to do so by a supervisor
2. A supervisor is no longer in command of the pursuit
3. Requested to do so by the jurisdictional agency
4. Proper communications becomes a safety issue

- B. When a pursuit by another agency enters the Mille Lacs Reservation, the responsible supervisor will:

1. Ensure the pursuit policy is adhered to:
  2. Ensure every attempt is made to assist the pursuing agency as resources and safety factors allow. This assistance must remain within the guidelines of this policy.
  3. Request the pursuing agency terminate the chase if this policy is not adhered to.
- C. When another agency's pursuit does not meet the standards of this policy, limited departmental participation may be provided if resources allow, however such participation is restricted. Department officers will not actively participate in the pursuit by may provide the following safety measures.:
1. Blocking of intersection(s) to allow unrestricted and safe passage of vehicles involved in the pursuit.
  2. Communications support will be utilized to coordinate the movements of the pursuit and facilitate the timely response of assisting units to the areas involved.
  3. Containment and preservation of the location where a pursuit is terminated, if it is within the Mille Lacs Reservation.

317.07

#### CARE OF VICTIMS

If during a pursuit an officer observes or is made aware of an injury to an individual, the Officer shall immediately notify dispatch to have the appropriate emergency units respond.

The primary unit will be responsible for ensuring that assistance is provided to persons injured during the course of a pursuit. The primary unit may delegate the responsibility to render the assistance to a specific support or backup unit when they are immediately available to render assistance.

317.08

#### REPORTS REQUIRED

1. The primary officer and the supervisor shall file a pursuit summary report.
2. To ensure compliance with Minn. Stat. § 626.5531, the Chief of Police shall insure the completion of the state pursuit report form and forward it to the Commissioner of Public Safety within 30 days following the incident.
3. The report must contain the following elements:

- a. The reason(s) for, and the circumstances surrounding the incident;
- b. the alleged offense;
- c. the length of the pursuit including time and distance;
- d. the outcome of the pursuit;
- e. any injuries or property damage resulting from the incident;  
and
- f. any pending criminal charges against the driver.

317.09

#### EVALUATION

After each pursuit, the supervisor and department units involved with the pursuit will evaluate the pursuit and make recommendations to the Chief of Police on ways to improve the department's pursuit policy and tactics.

MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 318.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: IMPOUNDING AND RELEASING MOTOR VEHICLES

PURPOSE

To establish guidelines governing conditions for impounding and releasing vehicles. For purposes of this order, "impounded vehicle" shall mean a vehicle towed at the direction of a Mille Lacs Police Department employee.

318.01 WHEN VEHICLES MAY BE IMPOUNDED

A vehicle can be impounded:

1. In accordance with Minn. Stat. Sec. 169.33.
2. When involved in a crime and the vehicle itself constitutes or contains evidence.
3. When reported stolen.
4. When parked in such a manner that it creates a public hazard.
5. When the driver is arrested AND:
  - a. The driver is the owner and consents to the vehicle being released to another person. The vehicle shall be released to that person providing that other conditions do not exist that would be contrary to this arrangement.
  - b. The driver is not the owner and the owner is present, the vehicle shall be released to the owner providing that other conditions do not exist that would be contrary to this arrangement.
  - c. The arrestee is removed from a vehicle parked upon his property, the vehicle may not be impounded unless the arrestee requests that the vehicle be towed or the vehicle is evidence, contains evidence or is reported stolen.
  - d. Any other occupant is arrested and that person was not using the car to commit a crime or was not seen in the car at the time of the offense, the vehicle shall not be impounded except at their request.

6. When the driver is removed because of incapacity due to a medical condition.
7. When operated with unsafe equipment, the operation of the vehicle presents a hazard to public safety.

#### 318.02 PRIVATE TOWS

If a tow is required for a vehicle that is stalled at the scene of an accident where the owner or driver is not arrested or removed for medical care and the vehicle need not be impounded for investigation, the Officer shall inform the owner or driver that a tow will be requested to remove the vehicle and the responsibility of where the vehicle is to be taken is that of the owner or driver. If the vehicle is not a hazard, the driver or owner may arrange for his own tow.

#### 318.03 PRIVATE PROPERTY

Removal of a vehicle from private property is the responsibility of the property owner or their agent in the absence of an Officer "hold" or "want."

#### 318.04 REPORTS

1. Any time a vehicle is impounded, an impound / inventory form must be completed and submitted along with an incident report wherein the reason for the impound is established.
2. The impound / inventory form must be completed in its entirety. Where information is requested on the form and none is available, the annotation "N/A" shall be inserted in the space provided. The completed form shall be submitted no later than the end of the Officer's shift.
3. In all instances when an impounded vehicle is designated "hold," the employee responsible for the impound shall write in the remarks section of the impound form the reason for the hold.
4. The impound form shall be completed by the Officer who impounds the vehicle before the end of the shift.

318.05 VEHICLE INVENTORY

1. The contents of all impounded vehicles shall be inventoried and articles with an approximate value in excess of \$100.00 itemized on the impound form. Money and jewelry valued in excess of \$100.00, all firearms and any other property having substantial value and not affixed to the vehicle, may be brought to the Department, inventoried and stored in the evidence room. Any article of substantial value, which is so large that removing and storing at the Police Department would be impractical, may be left in the vehicle and so indicated on the impound form.
2. Keys must remain with the vehicle except under circumstances when the vehicle has evidentiary value or contains evidence. When these circumstances exist, the keys shall be removed and property inventoried as evidence.

318.06 ISSUANCE OF CITATIONS

1. When a citation is issued for a parking violation against a vehicle that is impounded and the owner / operator is present, the owner / operator will be given the violator copy and the remaining copy will be deposited at the office.
2. When a citation is issued for a parking violation against a vehicle that is impounded and unattended, the citation shall be completed in full and attached to the impound form. When the vehicle is claimed, the violator's copy will be given to the claimant and the other copy processed through the normal channels.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 319.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: TRAFFIC ACCIDENT REPORTS

### PURPOSE

To provide guidelines for the preparation and submission of traffic accident reports. The guidelines will enable Officers to provide a consistent response to motor vehicle accidents.

#### 319.01 WHEN REQUIRED

Officers must submit a traffic accident report and, if needed, a supplemental report for motor vehicle accidents involving:

1. Personal injury or property damage in excess of \$500.00.
2. Felony or gross misdemeanor violations.
3. Violations which the investigating Officer intends to prosecute including hit and run accidents.
4. Property belonging to the Mille Lacs Band of Ojibwe Indians.
5. Property belonging to any other unit of government or political subdivision when requested by that agency.
6. Commercial vehicles with property damage in excess of \$3,000.00.

#### 319.02 WHEN OPTIONAL

1. Officers are not required to prepare and submit a traffic accident report for motor vehicle accidents which involve damage to private property only.
2. If the investigating Officer believes that the circumstances of a particular traffic accident (i.e., excessive dollar value in damage, age or maturity of the drivers) warrant the preparation of a traffic accident report, the Officer may submit a traffic accident report and Initial Complaint Report. If the investigating Officer elects not to prepare a traffic accident report, the Officer shall submit an Initial Complaint Report which contains in the narrative portion: name(s), address(es), driver's license number(s), vehicle license number(s), vehicle make(s), witness information, if available, insurance information and any other information believed to be relevant.

3. If a traffic accident report will not be prepared, Officers shall:
  - a. Insure that the roadway is safe for vehicular and pedestrian traffic;
  - b. Prepare and submit an Initial Complaint Report; and
  - c. Advise drivers if a traffic accident report will or will not be filled out.

319.03 TOW VS. IMPOUND

Drivers or owners of vehicles may choose a towing service unless a delay would pose a potential hazard to vehicle and pedestrian traffic or unnecessary delay in the performance of other duties. Officers may suggest towing services that are close and readily available. Officers shall enter the vehicle in the Impound Log if it is impounded.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 320.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: DAILY LOGS / ICR / POLICE INVESTIGATION REPORTS

### PURPOSE

To provide guidelines for accurate, complete and concise police reports involving police activities.

#### 320.01 DAILY ACTIVITY LOGS

The daily log provides an accurate and uniform record of times involving certain police activities. Officers must record their activities in a daily log completely and accurately. Officers shall turn in their daily activity logs and the end of their assigned shift.

#### 320.02 INITIAL COMPLAINT REPORTS

County Sheriff's Department dispatcher issues an Initial Complaint Report (ICR) on incoming calls. The ICR is assigned a case number and contains pertinent information. The ICR is assigned to an Officer. Complete investigations by the assigned Officer will be logged on the yellow copy and turned into the office. The white copy remains with the dispatcher. The ICR must include an estimate of damage or estimate of loss of property value. The ICR must be completed and signed by the assigned Officer. Upon implementation of the Computer Aided Dispatch system all ICR's will become "paperless" and tracked through the Records Department.

#### 320.03 FILING OF INVESTIGATION REPORTS

1. The report will be filed by ICR number in chronological order.
2. All investigation reports shall be complete and in detail for all offenses and include pictures, when possible, and an estimated value of damage. Officers assisting in any investigation, will complete a supplemental report, detailing their involvement in the incident. The report shall not contain abbreviations, opinions, conclusions or "10-code" terms.
3. All in custody reports will be faxed to the County Attorney's office prior to the officer ending his shift. All other reports will be completed in a timely manner. If an officer is unable to complete a report (not in custody) he shall do so during his next scheduled shift.
4. Pictures should be taken, marked and filed with reports if necessary.

5. Any additions or corrections must be completed on a supplemental report if the original report has already been turned into records.
6. All reports will be reviewed by a supervisor before filing.
9. Correspondence received by the Tribal Police Department mailbox will be given to the Officer it pertains to.
10. Each Officer is responsible for evidence pertaining to a case including properly marking and handling of evidence in accordance with this Manual.
11. Each Officer will receive a copy of any memo, correspondence, directives, etc. that pertains to him or works matters.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 321.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: NEWS MEDIA

### PURPOSE

To provide guidelines for communicating with news media.

#### 321.01 GENERALLY

News media report newsworthy events by obtaining information and photographs. The opportunity to do so is momentary at an emergency scene. News media should not be unnecessarily obstructed from doing their function, however, news media is not exempt from the law.

#### 321.02 CRIME SCENES

Police lines prevent persons from entering areas of serious police incidents or crimes. Depending upon the tactical situation and the likelihood of jeopardizing law enforcement operations, representatives of the news media may be allowed in such areas but not the actual crime scene or area which has been secured to preserve evidence. Officers may examine credentials of representatives of the news media. Representatives assume responsibility for their safety if they voluntarily choose to subject themselves to danger by entering an area that is closed because of a threat to public health or safety. Representatives may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect or others in jeopardy, Officers should advise the media or their superiors of the possible consequences of publication.

#### 321.03 AUTHORIZATION FOR PRESS RELEASES

The Chief or his designee will issue press releases. No information concerning the case shall be released by anyone other than that information in the press release.

#### 321.04 GUIDELINES FOR PRESS RELEASE

The following may be released upon the suspect being formally charged and arraigned:

1. The substance or text of the charges including the complaint or indictment.
2. The identity of the investigating and arresting agency and the length of the investigation.

3. The circumstances immediately surrounding an arrest, including the time and place of arrest.
4. In no case shall the identity of juveniles be released.

321.05 PROHIBITED INFORMATION FOR PRESS RELEASE

The following shall not be released at or immediately after the time of arrest:

1. Statements about the suspect's character or reputation.
2. Any confession, admission or statement by a suspect or their refusal to make a statement.
3. Suspect's performance or results of test or refusal to take such a test.
4. Expected testimony or credibility of perspective witnesses.
5. Possibility of a guilty plea to the offense charged or to a lesser offense or other disposition.
6. Statements about the merits, evidence, argument, opinions or theories of the case.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 322.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 15, 2005

SUBJECT: USE OF FORCE AND DEADLY FORCE

PURPOSE:

To set forth the guidelines which govern the use of force by personnel of the Mille Lacs Tribal Police Department.

322.01 GENERAL GUIDELINES

1. When Officers are confronted with force, they will, if circumstances permit, respond with greater force until the situation is under control. Only that degree and type of force that is necessary will be employed. Under no circumstances will an Officer use unnecessary force, excessive force or retaliatory force.
2. Any time force is applied to an individual, the Officer(s) will render all appropriate first aid as soon as it is practical and safe to do so. In addition, medical/rescue personnel will be summoned, if necessary, and professional emergency hospital treatment will be made available.
3. Officers will use only those techniques and instrumentalities of force with which they have been adequately trained. Officers whose training is deficient or is not current will notify the training Officer as soon as possible for correction. The Chief will insure that training is competent and up-to-date.

322.02 NON – DEADLY FORCE

1. It is the policy of this agency to accord Officers discretion in the use of non-deadly force to the extent permitted by Minnesota State Statutes Sec. 609.06, which permits police officers to use reasonable force in:
  - a. Effecting a lawful arrest; or
  - b. The execution of legal process; or
  - c. Enforcing an order of the court; or
  - d. Executing any other duty imposed upon the Officer by law.

2. In determining the degree of force that is reasonable under the circumstances, Officers should consider:
  - a. The severity of the crime at issue; or
  - 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 by flight.
  
3. Rules governing the Use of Force:
  - a. Officers should use the least amount of force reasonably necessary to accomplish the intended objective without impairing the safety of others. This provision should not be construed to require officers to first use types and degrees of force that reasonably appear to be inadequate to accomplish the intended objective.
  - b. Protracted hand to hand combat may be harmful to public safety, safety of law enforcement personnel, and the safety of the person being arrested. Accordingly, it shall be deemed reasonable for officers to use that type and degree of non-deadly force necessary to bring a subject under control.
  - c. Officers will carry and use only approved weapons unless circumstances exist which pose an imminent threat to the safety of the officer or the public, requiring the immediate use of a non-approved weapon to counter such a threat. This provision should not be construed as authorizing officers to use a non-approved weapon where, under the circumstances, it was be feasible to procure approval for use of the particular weapon prior to its use.
  - d. No officer will modify, alter, or cause to be altered an approved weapon in his or her possession or control.
  - e. Display of firearms- firearms may be readied for use in situations where it is reasonably anticipated that they may be required.
  - f. Threatening the Use of Force- an officer may announce to another his or her intention to use only that type and degree of force that may reasonably be necessary under the circumstances.

4. Non-deadly force shall be applied in an increasing degree in the following Use of Force Continuum.

- a. Voice commands-Must be temperate and tactful, regardless of the circumstances or of language directed at Officers.
- b. Pain compliance holds-When necessary to effect or complete a lawful arrest, or to persuade the subject to move or assume a particular position. Only the holds in which an officer is trained and approved by the Department are permitted. Officers must exercise reasonable care so that the persons to whom they are applied are not inadvertently injured. Use of holds or pain compliance techniques to torment or extract information from subjects is prohibited.
- c. Taser (M26/X26)- The M26/X26 Advanced Tasers have been determined to be an extremely effective, less-lethal weapon for gaining compliance of uncooperative subjects.

The M-26 Taser and X-26 Advanced Taser are hand held, laser aimed, battery operated, less lethal conducted energy weapon. Voltage is applied to a subject by two probes connected to conducting wires propelled from a charged cartridge, or from direct contact. The unit uses an Electro-Muscular Disruptive system that overrides the central nervous system. They develop 50,000 volts at 0.162 amps of electricity which, when applied, affects the sensory and motor nervous systems, resulting in temporary, involuntary, muscle contractions. The contractions will incapacitate a subject so they can be placed under the control of law enforcement officers.

For this purpose the M-26 and X-26 Advanced Taser is considered a less lethal weapon likely to have less lasting effects on a subject, than chemical agents and impact weapons.

The Advanced Taser shall be used on the force continuum before chemical agents. The Advanced Taser is considered an approved electronic weapon for use, by trained personnel.

The Advanced Taser may be used in situations where force is justified to control an aggressive, non-compliant subject, thereby reducing the likelihood of injury to the officers and subjects.

The most effective range is between 12 and 18 feet. The maximum range is 21 feet.

The Advanced Taser should be deployed by directive drive/stun contact when combative on non-combative physical confrontations with officers are in progress.

The deploying officer shall inform other officers of the presence and/or planned use of the Advanced Taser as tactically prudent and practical, so the Advanced Taser shot is not mistaken for a gunshot.

The Advanced Taser will cycle for a period of (5) seconds, but may be turned off sooner. The newer models M-26 (blue dot) and X-26 can be cycled longer than the (5) second period by continuing to depress the trigger. This will allow the officer to continually keep control of the subject until restrained and in custody.

The Advanced Taser should not be used when a subject is in danger of falling from a significant height.

The Advanced Taser should not be used when a subject is in water, where drowning is a possibility.

Removed probes are considered a biohazard and must be handled appropriately. This includes the use of gloves and designated biohazard containers by department personnel.

Officers are to make every effort to avoid probe placement in soft tissue areas, which have been determined to be the face, eyes, neck area, and groin or genital area.

When the Advanced Taser has been used on a subject, officers must seek medical treatment for the subject if requested and/or in obvious need. Medical personnel must remove probes that may have penetrated soft tissue areas. An officer/individual of the same sex shall remove the probes from a subject when feasible.

The Advanced Taser shall not be used on the following:

- 1) Individuals exhibiting compliant or passive resistive behavior
- 2) Restrained individuals unless the actions of the subject present an immediate threat to themselves, an officer, or any other person.
- 3) When the presence of flammable fumes, liquids, or gasses is known.
- 4) On women, known by the officer to be pregnant, unless all other means short of lethal force have been used.

Officers must take every reasonable effort to have any probe impact area on the subject's person photographed. Unless circumstance dictate, two persons should always be present when photographs are taken. It is acceptable to have a hospital or jail staff serve as the second person. If the subject is of the opposite sex of the officer taking the photographs, same sex arrangements will be made.

Officers are required to fully document the Taser use and results, in an Advanced Taser Use Report. Officers will submit copies of the reports with the case file, along with a copy to the Taser Instructor and Chief of Police.

A Certified Taser Instructor must train all officers who carry and deploy the Advanced Taser. Officers must qualify once a year with the Advanced Taser if they carry and/or deploy the Advanced Taser.

d. Chemical Agents

- 1) Use of chemical agents is authorized under Minn Statute Sec 609.06.
- 2) Only department issued chemical agents shall be used.
- 3) Use of chemical agents to torment or extract information is prohibited.
- 4) Use of a chemical agent will be documented in a use of force report.
- 5) Officers should limit use to a one-two second burst, as over-exposure may cause serious injury.
- 6) Once the subject has been restrained or is compliant, Officers shall flush the face and eyes with a suitable neutralizing agent or water. The subject will get afforded medical attention or evaluation prior to the booking process.

e. Impact Weapons

- 1) The only impact weapon officers are authorized to carry is the expandable baton.
- 2) All officers shall undergo training and re-certification sessions once per year.
- 3) The expandable baton will be maintained in factory condition and will not be modified in any way. Broken or altered batons will be replaced with serviceable ones.

4) Potentially lethal target areas of the body such as the head, throat, neck, spine, kidneys, liver, sternum, diaphragm, and genitalia, will not be intentionally struck, unless the officer is otherwise justified in using deadly force and the baton is the only instrumentality reasonably available to the officer at the time.

5) Flashlights will not be used as an impact weapon except when the baton is not reasonably available. Officers will not strike the potentially lethal areas of the body listed above, unless the officer is otherwise justified in using deadly force and the flashlight is the only instrumentality reasonably available to the officer at the time.

f. Physical Fighting

- 1) Strikes may be applied with fists, hands, feet, knees, elbows, and other body parts, when necessary and reasonable under the circumstances.
- 2) Throwing techniques may be used when necessary and under reasonable circumstances.

g. Restraint Devices

- 1) Shall be applied in accordance with approved techniques.
- 2) Officers must use reasonable care to insure the subject is not inadvertently or accidentally injured as the restraints are applied or after they have been applied.

322.03

DEADLY FORCE

1) It is the policy of the Mille Lacs Band Police Department to accord officers the discretion in the use of force to the extent permitted by Minnesota Statutes Sec. 609.066, Subd. 2, which authorizes peace officers acting in the line of duty to use deadly force only when necessary to:

a. Protect the officer or another from apparent death or great bodily harm.

b. Effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force.

c. Effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony, if the officer believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

d. If feasibly possible an officer should give a verbal warning before using or attempting to use deadly force.

## 322.04 LETHAL (DEADLY) FORCE: INVOLVING FIREARMS

### 1. POLICY

- a. Deadly force shall be used only in response to a deadly threat. **ONLY WHEN THE OFFICER, ANOTHER OFFICER OR A CITIZEN IS IN IMMEDIATE AND OTHERWISE UNAVOIDABLE DANGER OF DEATH OR GRAVE BODILY HARM FROM THE INDIVIDUAL(S) AGAINST WHOM THE OFFICER IS APPLYING OR IS ABOUT TO APPLY DEADLY FORCE.**
- b. The decision to use deadly force hinges on a balance between risk exposure and restraint. Risk must be identified, controlled and minimized.
- c. Officers are expected to expose themselves to some risk during the performance of their duties but not to unreasonable or suicidal risk.
- d. As exposure to risk increases, Officers must take reasonable measures to reduce it and exhibit restraint from using deadly force until such time the risk exposure has or may escalate to unacceptable levels. Only at that point, may deadly force may be applied if it is the only reasonable avenue through which the risk can be reduced.

### 2. FOUR COVENANTS

To justify deadly force, four conditions must be met in order to constitute an "immediate and otherwise unavoidable danger of death or grave bodily harm."

- a. **ABILITY** - The offender(s) must be able to kill or inflict serious bodily harm. "Ability" usually manifests itself in the form of a weapon but not always. Serious injury can be inflicted by a person using no weapon at all. For example, if Officers are attacked by a person much larger than

themselves, a person using martial arts techniques or by several persons at the same time, Officers may reasonably believe that the person has the ability to inflict serious injury although the offender(s) may technically be "unarmed." "Ability" may depend on the person's size, age, strength, gender and level of aggression. Threats alone do not suffice unless the offender has the imminent ability to carry them out.

- b. **OPPORTUNITY** - The offender(s) must be able to harm the Officer or another innocent person. The Officer (or another innocent person) must be within the effective range of the weapon(s). For example, a knife or bludgeon is harmless in the hands of someone standing twenty meters away from the intended victim. The weapon becomes deadly if the offender is standing within three meters of the intended victim or seven meters away and closing fast. A firearm is considered deadly at ANY range.
- c. **IMMINENT JEOPARDY (MANIFEST INTENT)** - The offender(s) must be acting in a manner that a reasonable person would conclude that they will likely exercise their power to kill or maim immediately. Offender(s) must clearly indicate, by words and/or actions, that they will likely kill or seriously injure the Officer or another innocent person unless stopped. Officers are not permitted to use deadly force to defend themselves against vague or imagined threats. The danger must be potentially lethal, present, substantive, and imminent. Officers are not expected to absolutely know that a weapon or the threat of a weapon is real or not, but there must be an overt act coupled with that threat. It does not matter if the offender's "weapon" later proves to be non-functional, unloaded or even a toy. If an Officer had good reason to believe that the weapon was real and functional and that the offender was about to use it, an Officer's defensive actions will most likely be considered reasonable and appropriate.
- d. **PRECLUSION** - Officers may apply deadly force, only when under the circumstances where Officers have no reasonable alternatives to using deadly force to defend themselves or others. The danger must be real and imminent and otherwise unavoidable.

322.06 LETHAL (DEADLY) FORCE: NOT INVOLVING FIREARMS

1. MOTOR VEHICLES

- a. Using a motor vehicle to ram another vehicle or a pedestrian suspect, will very likely result in death or grave bodily injury. Using a motor vehicle to ram a suspect's vehicle or strike a pedestrian suspect is a use of deadly force. Officers are prohibited from using their vehicles to ram another vehicle or a pedestrian unless the Officer is convinced that:
  - i. The circumstances justify deadly force and the use of the vehicle is the only reasonable way to apply it. Officers must reasonable believe that innocent persons will not be harmed by the act and that the driver and occupants of the rammed vehicle are posing an immediate and other wise unavoidable danger of death or grave bodily harm to innocent persons, or,
  - ii. The probability of injury to innocent persons will be decreased if the vehicle or pedestrian suspect is rammed rather than not rammed.
- a. Any vehicular pursuit or any other vehicular maneuver initiated and/or perpetuated with the intent of ramming a suspect vehicle or a pedestrian suspect will be terminated immediately if it cannot be accomplished and/or continued with a reasonable degree of safety to the Officer(s) involved and the public.
- d. Any high speed vehicle pursuit is considered extremely dangerous and is not authorized unless circumstances fall within General Order 317.

2. IMPACT WEAPONS

- a. BATONS
  - i. Is a "compliance tool" that can overcome non-deadly physical force of a suspect resisting arrest.
  - ii. Officer shall not use batons to subdue a suspect armed with a club, nor attempt to physically disarm a suspect.
  - i. Becomes lethal if used incorrectly, recklessly or correctly under drastic circumstances.
  - ii. Strikes (including flashlights and other improvised impact weapons) can easily cause death or serious bodily injury if

delivered to the head, throat, neck, spine, kidneys, joints, liver, sternum, diaphragm or genitalia.

- iii. Strikes delivered to these areas are considered deadly force and may be delivered by Officers only if deadly force is otherwise indicated and justified and cannot reach their firearm in time to abrogate the threat.
- vi. Officers may assume that they are in deadly danger of being struck when attacked by a suspect using a club or another impact weapon.
- vii. When a suspect is armed with a club, Officers may only fire in order to prevent the suspect from getting in the zone of danger. For example, during a scuffle a suspect has disarmed the Officer and is about to use the Officer's own baton against them.

b. **HANDCUFFS**

- i. Striking a suspect with a set of handcuffs can cause serious injury and may become an application of deadly force.
- ii. The use of handcuffs as an impact weapon is not authorized unless the situation is such that the handcuffs are the only instrumentality reasonably available with which the Officer can defend him/herself.

c. **FIREARM**

- i. Striking a suspect with a firearm can cause grievous injury and in extreme cases is a use of deadly force.
- ii. Firearms will not be used as impact weapons, except under circumstances so drastic that the Officer is convinced that the balance of risks is in favor of doing so.
- iii. It is also dangerous because the suspect may be able to take the gun away from the Officer or the gun may discharge unintentionally and wound the suspect or the Officer or may damage the weapon to make it inoperable.

4. **FLEEING FELONS**

- a. Officers may shoot a fleeing person who is suspected of committing a felony but are not required to.
- b. Doubt should be resolved in favor of not shooting.
- c. Five conditions must be met to justify the use of deadly force to apprehend a fleeing, forcible felon:
  - i. The fleeing suspect must be known (directly observed by or reliably known to the Officer) to have recently committed or attempted to commit a forcible felony;
  - ii. The Officer must have made every practicable effort to identify themselves as police Officers;
  - iii. The Officer must have exhausted every other reasonable and practicable means of preventing the suspect from escaping;
  - iv. Firing at the suspect can be accomplished with reasonable safety to innocents who may be in the direction of fire; and
  - v. The suspect's continued freedom creates an unequivocal and immediate threat to the safety of innocent people.

#### 4. DESTRUCTION OF ANIMALS

- a. Officers may use their firearms to humanely destroy gravely injured, diseased, unlicensed, or unregistered animals. Officers will use their firearms for such a purpose if it can be accomplished safely and without creating an undue disturbance.
- b. Officers may fire upon fleeing or running animals except when firing presents a threat to human safety.
- c. When an Officer or other person is attacked or is about to be attacked by an animal and serious bodily injury is likely or when an animal otherwise poses a threat, the Officer, using all appropriate prudence, may apply deadly force in order to stop the animal.

#### 5. KNIVES

- a. Use of knives as a weapon always constitutes deadly force. Officers will not use knives as weapons except under certain circumstances where deadly force is otherwise indicated and justified and the knife is the only instrumentality reasonably available.
- b. Officers may assume they are in deadly danger if menaced or attacked by a person brandishing a knife.
- c. Officers shall not use knives or batons to subdue or disarm a suspect armed with a knife. Suspects armed with knives will be confronted at a distance by Officers with guns, not batons, drawn. Officers will not permit suspects armed with knives to get close enough to inflict injury. Officers may only fire in order to prevent the suspect armed with a knife from getting within the Officer's zone of danger.

322.07

DEADLY FORCE CRITICAL EVENT PROCEDURE

1. OFFICERS INVOLVED

- a. Officers involved in a deadly-force incident, as soon as practicable, must notify Dispatch of the situation. And relay any pertinent information to responding officers.
- b. Officers must not immediately approach a wounded/injured or downed suspect. Officers must secure the scene for their safety and safety of the responding officers. Maintain a visual on the suspect(s) but reestablish a 360-degree security scan.
- c. As soon as practicable, secure the crime scene and permit no one to enter it, with the exception of responding medical personnel.
- d. Brief the first responding supervisor on the scene of the situation.

3. ON SCENE SUPERVISOR

Upon being advised of a deadly force incident, the shift supervisor must:

- a. Go immediately to the scene or arrange for another senior supervisor to do so or otherwise place themselves in the best position to direct the incident.
- b. Assume command of the scene.
- c. Immediately evaluate the situation, develop an overall plan of action and deploy Officers and other resources accordingly.
- d. Upon receiving the preliminary report from the involved Officer(s) and regardless of the hour, advise the Police Chief of the nature and status of the incident or make arrangements for him to be so advised.
- e. Arrange for all involved Officers to be removed from the scene as soon as practicable.
- f. Monitor and direct the incident using all appropriate tactics and procedures.
- g. As soon as practicable, arrange for a thorough search of the area for additional injured Officers and innocent bystanders whose injuries may not have been immediately detected.
- h. If possible, involved Officers should not participate in subsequent apprehensions, arrests or the handling of evidence.
- i. Involved Officers will not have their firearms taken away from them in public if it can possibly be avoided.
- j. Obtain the names, addresses and telephone numbers of all witnesses.
- k. Take all necessary steps to safeguard physical evidence.
- l. Make no statements to the news media and insure that no other Officer (involved or not) makes any statements to them. All members of the news media should be referred to the Chief of Police.
- m. Arrange for all involved Officers to have their blood and urine tested for the presence of alcohol and/or controlled substances as soon as possible, at a neutral hospital.
- n. Remain in command of the scene until officially relieved.

POST USE OF FORCE CRITICAL INCIDENT EVENT PROCEDURE

## 1. MANDATORY ADMINISTRATIVE LEAVE

All involved Officers will be immediately placed on administrative leave with full pay and benefits for an undetermined period. They will return to duty only after the Police Chief, upon examination of appropriate reports, determines that the Officer is mentally, physically and emotionally prepared to return to duty. If necessary, retraining will be provided to the Officers prior to returning to duty. A psychological evaluation will be required.

## 2. INVESTIGATION

An official investigation will be conducted by an outside agency, preferably the Minnesota Bureau of Criminal Apprehension. The Department will provide all pertinent information and evidence to ensure a thorough investigation. Officers are entitled to have legal counsel present any time they are asked questions about the incident. Involved Officers may use legal counsel provided by the MPPOA Legal Defense Fund or retain legal counsel of their own choosing and at their own expense.

## 3. PSYCHOLOGICAL COUNSELING

Involved Officer and their immediate family will be encouraged to take advantage of the professional psychological counseling offered through the Band's insurance but it is entirely at the discretion of the Officer. Health care professionals involved in this service will not be questioned in any investigation staff about discussions they may have had with involved Officers or members of their families.

## 4. RELEASING INFORMATION

Until otherwise directed by the Police Chief, involved Officers must not discuss the incident with anyone, except:

- a. Members of the investigation agency directly involved in the official investigation;
- b. Other members of official investigation agencies as the Police Chief may approve;
- c. The Officer's spouse;
- d. A bona-fide clergyman;
- e. Officer's legal counsel;
- f. Health care professionals providing psychological counsel the Officer;
- g. Except as approved by the Police Chief, the Officer should refer members of the news media to the Police Chief;
- h. Lawyers, private investigators, etc. who have been retained by a plaintiff in an action or impending action against the Band, or any division, employee or agent thereof;
- i. Other members of the Mille Lacs Band Police Department, not directly involved in the official investigation; and
- j. Officers from other police departments or agencies not directly involved in the official investigation.

322.09 USE OF FORCE REPORTS

1. WHEN REPORTS ARE REQUIRED

Officers shall complete a report when involved in any incident requiring the use of non-lethal force, for example, forcible restraint (other than that required by unresisted handcuffing), fist, elbow, or hand strikes, kicks, any use of the impact weapon that involves actual contact, use of electronic or chemical incapacitation devices and canine unit, to be completed by the end of their shift.

2. WHAT MUST BE INCLUDED IN REPORT

The report shall contain all discoverable facts, including:

- a. Names and addresses of witnesses;

- b. Injury to Suspect and Prisoners; Officers shall describe any necessary medical care made available to the injured party or parties. If any injured person refuses medical care, or if the Officer believes that the individual is incapable of making rational decisions in that regard, the Officer shall do whatever is reasonable and prudent to safeguard the individual's physical welfare, including arresting and restraining the individual, if necessary. The shift supervisor shall insure that photographs are taken of the suspect's injuries and alleged injuries.
- c. Use of Chemical or Aerosol Sprays;
- d. Injury to Officers; If an Officer is injured in the line of duty and when such injury resulted from the making, or the attempted making, of an arrest or other contact with a suspect, the Officer shall immediately notify his/her immediate supervisor. Even if the Officer feels that the injury is slight or insignificant, his/her immediate shall cause photographs to be taken of all injury sites and shall cause medical/rescue personnel to examine and treat the injury. A report shall be completed by the shift supervisor and submit directly to the Police Chief by the end of his/her work shift. Any officer who fails to report an injury within 24 hours may be disciplined and is not eligible for worker's compensation.
- e. Discharge of Firearms; Any discharge of police firearms, other than practice, whether intentional or accidental, on or off-duty, whether or not personal injury or property damage results, shall be immediately brought to the attention of the shift supervisor by the Officer responsible for the shooting. The shift supervisor shall immediately begin an investigation and shall issue a detailed report with all discoverable facts including names and addresses of witnesses. The report shall be submitted to the Police Chief by the end of his/her work shift.

3. Exceptions to Reporting: Lawful hunting with personal weapon.  
 Dispatching or injured wild animals.  
 Dispatching unlicensed and unregistered animals.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 323.0

EFFECTIVE DATE: MARCH 1, 1996

REVISED: OCTOBER 14, 2008

FIREARM POLICY AND TRAINING

## 1. GENERAL GUIDELINES

- a. User-level maintenance on firearms must regularly be done.
- b. The Department must maintain records on all firearms used by Officers in the line of duty including their make, model, caliber, owner and serial number.
- c. The Shift Sergeants will ensure that all duty firearms are regularly inspected for cleanliness and serviceability. Any firearm that is found to be unserviceable, out of factory specifications, modified in an unauthorized manner, not on the approved list or so dirty as to adversely effect its reliability will be immediately removed from service, and the officer will be disciplined.

## 3. DUTY HANDGUNS

- a. Officers will carry only department issued handguns approved by the Chief of Police. These weapons will be purchased from an approved manufacturer with allowable calibers of .357, .40, .45.
- b. The handgun must be in excellent working condition.
- c. Barrel length must be not less than 2", no more than 6".
- d. Be constructed of blue carbon steel, stainless steel or anodized aluminum alloy.
- e. Grips (stocks) of the Officer's choice, as long as they are high quality and do not interfere with loading, unloading, reloading or ambidextrous operation.
- f. Pass detailed inspection by the department training Officer.
- g. All side-arms must, at all times, be serviceable and within factory specifications. Except for grips and finishes, no significant modification or alteration is permitted on duty side-arms.
- h. Specifically forbidden are: trigger shoes, trigger stops, target triggers, alteration or replacement of springs, adjustment of strain screws and modification, removal or substitution of safety devices or other internal parts.

- i. Department-owned equipment including firearms and ammunition will not be sold to any Officers employed or not employed by the Department. The Department solely reserves the right to sell or trade department-owned equipment for meeting the needs of the department.
- j. Shotguns; Only Department-issued twelve gauge shotguns are allowed.

323.01 FIREARM QUALIFICATION

1. REQUIREMENTS

All sworn Officers, including supervisory Officers, the Tribal Conservation Officers and any Officer under the auspices of the Mille Lacs Band Police Department must undergo firearms training annually.

- a. Officers shall not carry any firearm without having qualified within the preceding year.
- b. Grace Period; Officers who fail to qualify during the scheduled qualification exercise will be afforded a grace period of thirty days during which they may attempt to qualify. They will be afforded two opportunities within the thirty-day period during which time their duties will not be affected.
- c. Failure to Qualify; Officers who fail to qualify at either of the two opportunities afforded during the grace period will be assigned to administrative duty with no reduction in pay or benefits and that does not require or permit the carrying of, or access to firearms. Officers will remain in non-sworn status for an indeterminate period of time, pending a decision by the Police Chief with regard to remedial training, reassignment, dismissal, etc.

2. QUALIFICATION COURSE

- a. The official qualification course will be counted as one training session and will be fired at least once per year.
- b. The curriculum for the other training sessions shall be composed and designed by the training staff and provided by the Police Chief. The course shot must have approval of the Chief of Police.

- d. Only commercially procured, re-manufactured, “practice” ammunition may be used for training and qualification purposes.

#### 4. PATROL RIFLES

- a. Officers will carry only rifles approved by the firearms instructor and the Chief of Police. These weapons will be purchased from an approved manufacturer in .223 caliber only.
- b. The rifle must be in excellent working condition.
- c. Officers may carry patrol rifles issued by the Department or privately-owned rifles that meet the criteria, training and qualification requirements listed in this policy.
- d. Grips (stocks) of the officer’s choice, as long as they are of high quality and do not interfere with loading, unloading, reloading or ambidextrous operation.
- e. Pass detailed inspection by the Department’s firearm instructor.
- f. All patrol rifles must, at all times, be serviceable and within factor specifications. Except for grips and finishes, no significant modification or alteration is permitted on patrol rifles.
- g. Specifically forbidden are: trigger shoes, trigger stops, target triggers, alteration or replacement of springs, adjustment of strain screws and modification, removal or substitution of safety devices or other internal parts.
- h. Department owned equipment including firearms and ammunition will not be sold to private individuals. Department firearms may be sold to a recognized dealer with approval from the Chief of Police.
- i. Only rifles based on the Colt M-16/AR-15 (.223) caliber are authorized.
- j. Patrol rifles will be stored in a secure place within the officer’s vehicles.
- k. Patrol rifles must have a fixed rear sight, whether or not additional sighting devices are used.

#### 323.02 OFF-DUTY & BACKUP GUNS

1. OFF-DUTY CARRYING OF FIREARMS

- a. Off-duty Officers may carry firearms but they must be concealed at all times. This practice is optional and not required.

Off-duty Officers shall not carry or display their guns when they are or have been drinking or use a gun for showing off, horseplay or as part of a prank. Dangerous, reckless or discourteous conduct will be cause for disciplinary action.

Off-duty Officers carrying firearms must also carry the badge and police identification. The badge and police identification card be kept together in a wallet/folder which can be held overhead and displayed by the Officer. It can also be displayed below the gun as the gun is grasped in the normal, two-hand hold. Displayed that way, if suspects see the gun, they see the badge simultaneously. This makes it difficult for the suspect to later claim that Officers did not identify themselves. The wallet-folder also keeps the badge discreetly out of sight until the Officer chooses to display it.

Off-duty officers are encouraged to obtain a concealed carry permit if they are going to carry a firearm outside the jurisdiction of the Mille Lacs Band of Ojibwe.

2. OFF-DUTY/BACKUP HANDGUNS

- a. GENERALLY

Officers have the option to carry a second handgun but are not required to.

- b. If a second handgun is carried, the handgun must:
  - i. Comply with the specifications promulgated for off-duty guns (see below).
  - ii. Be carried in such a manner that it is not seen by the public or suspects.
  - iii. Be carried in a secure manner so that it will not fall out inadvertently or be accessed by a suspect.

3. OFF-DUTY/BACKUP GUN CRITERIA

- a. GENERALLY

The criteria for duty side-arms applies to off-duty and backup side-arms. Off-duty side-arms require reliability, power, accuracy, control and suitability to typical police situations. Off-duty side-arms also necessitate ability to conceal, comfort and convenience.

b. Guidelines

- i. All semi-automatic handguns must be equipped with a functional safety mechanism.
- ii. Allowable calibers are: .32 cal, .380 cal., 9mm cal., .40 cal., .45 cal., .357 magnum.
- iii. Allowable manufacturers: all duty sidearm manufacturers, including, but not limited to, Glock, Heckler and Koch and Ruger.
- iv. Barrel length: not less than 1.5 inches.
- v. Shot capacity: no fewer than five shots.
- vi. Specifically prohibited: derringer-type handguns and sub-caliber handguns.

c. Qualification; Officers must qualify with off-duty and backup handguns when they qualify with duty side-arms.

d. Department Registration; The make, model and serial number of all off-duty and backup handguns must registered with the Department. Purchases of off-duty weapons must be approved prior to purchase by the Chief of Police and the Firearms Instructor and meet Department standards. Off-duty weapons cannot be purchased under the Tax Exempt Status.

e. Reloading Devices

- i. For double-action revolvers, both brands of speed-loaders approved for duty firearms apply to off-duty and back-up revolvers. In addition, Officers are permitted to carry spare ammunition in rubber speed-strips.
- ii. For autoloaders, only original equipment factory magazines are approved.

f. Inspection; The Chief of Police will ensure that all off-duty and backup firearms are regularly inspected for cleanliness and serviceability by supervisory personnel. Any firearm that is discovered to be unserviceable,

out of factory specifications, modified in an unauthorized manner, not on the approved list or so dirty as to adversely affect its reliability will be immediately removed from service.

323.03 SPECIAL WEAPONS & MUNITIONS

1. The Department will maintain an inventory of special weapons which may include high-powered rifles, submachine guns, automatic rifles, chemical riot-control munitions and launchers and any other item of special equipment deemed appropriate by the Chief of Police.
2. Certain Officers shall be selected and provided with special training to bring them to a high level of proficiency with some or all of these special weapons. These officers will qualify annually with these weapons to remain proficient in their ability.
3. Special weapons and munitions will be carried by "active status" ERT Officers only, with the exception of the .308 caliber rifle. The .308 caliber rifle may be utilized by a non-ERT officer, who has special training and is qualified in its use.

323.04 AMMUNITION POLICY

1. Only Department-issued factory ammunition is permitted in firearms carried under the auspices of the Mille Lacs Tribal Police Department (on duty or off). Reloads, hand loads and off-brand ammunition are specifically forbidden, except on the range. The requirement of police ammunition is that it is capable of producing a wound that will quickly and reliably stop a suspect.
2. Specifications:
  - a. The cartridge must be designed in such a way that the bullet/pellet-cluster has a high probability of staying within the body cavity of the suspect once it has impacted, instead of exiting the body and posing a potential hazard to anyone who may be downrange from the suspect.
  - b. The bullet/pellet-cluster must have a high probability of "stopping" the suspect decisively within a few moments of its impact in any part of the main body cavity.
  - c. The bullet must have a low probability of producing a harmful projectile as a result of ricocheting.
  - d. The ammunition must produce manageable recoil and muzzle blast so that the Officer can effectively control the firearm under rapid fire.

3. Approved Brand(s) and Types; The following ammunition must be carried as standard in firearms used by the Department.
  - a. Shotgun; 12 gauge, 00 Buck and Slug 2 3/4" to 3" Magnum.
  - b. Uniform duty sidearm; .40 caliber
  - c. Patrol Rifle; .223 caliber
  - d. Off-duty and secondary sidearm; To match approved calibers for this purpose
  
4. Purchase of Ammunition: The department will provide training and service ammunition for department-issued firearms only. Officers carrying privately owned rifles must provide their own training and service ammunition. This ammunition must be pre-approved by the firearms instructor.
  
5. Rotation of Ammunition; The Police Chief will insure that ammunition is purchased on a timely basis and rotated annually.

323.05        TRAINING

Officers must be able to safely handle their weapon. The Department requires that all licensed officers, be qualified to carry off-duty and service handguns. This order regulates firearms, regardless of ownership, approved for use in the performance of police duties by officers of this department. The department will provide qualification courses.

323.06        REQUIREMENTS

1.        STANDARDS OF QUALIFICATION

- a.        Officers must pass an annual official handgun qualification course.
- b.        Officers carrying a shotgun must pass an annual official shotgun qualification course.
- c.        Officers carrying a department or private patrol rifle must pass an annual official patrol rifle qualification course.

2.        MANDATORY FIREARM COURSES

- a.        Officers shall annually participate, under supervision, in the following:
  - i.        Handgun qualification course, to include a night qualification;
  - ii.       Shotgun qualification course; for those carrying a shotgun
  - iii       Patrol Rifle qualification course;
  - iv.       Training courses adapted by the firearms instructor(s) and approved by the Chief of Police.
- b.        Unsupervised training shall be an Officer's choice of any of the approved courses, except "night-fire" courses, under dim light conditions due to safety. The courses may be fired during daytime for practice.

3.        SAFETY CONDITIONS

- a.        Eye protection must be worn by the Officers and coaching Officer. Prescription lenses are approved to serve this purpose.
- b.        Hearing protection must be worn by the Officers and coaching Officer.
- c.        All eye and hearing protectors shall be Department approved.

- d. Only the Officers actually firing shall have a weapon out of its holster. A safety Officer controls all activity where handling a weapon is required. This means "dry fire" training also.
- e. Due to safety considerations and danger, night-fire (dim light) courses must be supervised.
- f. Officers using other Department ranges will abide by the rules set forth by that Department.

4. UNSUPERVISED TRAINING

- a. Firing will be held at approved ranges.
- b. All training will consist of a minimum of 2 Officers on the range.
- c. The second Officer shall act as the coach or safety Officer who monitors the firing Officer's actions.
- d. Course scores shall be turned into the Firearms Instructor for record keeping after each range session.
- e. The Firearms Instructor must approve ammunition used in training.
- f. Department issued ammunition shall be made available to each Officer at a rate of 1 box (50 rounds) per quarter year. Empties shall be returned with score sheets and targets.
- g. Safety equipment will be issued before and returned after each session.
- h. No POST credits will be approved because the time spent on the range is indeterminate. The Firearms Instructor will maintain training hours when practice is needed.
- i. Only approved and inspected firearms allowed.
- j. Handgun and shotgun ammunition carried while on duty shall be issued by the Department and approved by the firearms instructor. No other ammunition will be allowed.
- k. Patrol rifle ammunition will be issued by the department to officers carrying department issued rifles only. Officers carrying privately owned rifles must provide their own practice and service ammunition, which must be approved by the firearms instructor.

- a. Carrying Sidearm - When an Officer's sidearm is in the holster, it will always be fully loaded and ready for immediate use. The position of the manual safety and the position of the hammer will be as follows:
  - i. Double-action autoloader - Chamber loaded, hammer all the way forward, safety on or off, at the Officer's option.
- b. Brandishing of firearms - Officers may draw or otherwise display a firearm only in a situation where there is reasonable cause to anticipate potentially deadly danger. These situations include:
  - i. Person with a weapon calls;
  - ii. Approaching to a suspect vehicle following a pursuit;
  - iii. Approaching and searching of crime scenes;
  - iv. Making felony arrests; and
  - v. Any other situation in which Officers have reasonable cause to believe that potentially violent suspect or animal is in the area.
- c. Moving with a Firearm in Hand; When Officers move tactically with firearms in hand but not necessarily pointed in the direction of a suspect, the trigger finger position and manual safety position will be as follows:
  - i. Double-action autoloader - trigger-finger in register, manual safety off, hammer all the way forward.
  - ii. Shotgun - trigger-finger in register, manual safety off if shotgun is in loader's safe, manual safety on if the shotgun is armed.
  - iii. In all these situations, Officers must not allow the firearm to point in an unsafe direction
- d. Pointing Firearms at Persons; using all appropriate procedures and tactics, Officers may point firearms in the direction of suspect(s) and thus hold them at gun point only when there is good reason to believe that they are dangerous and would likely initiate a deadly attack upon the Officer or others or attempt to escape if not for the presence and posture of the Officer's firearm. On some occasions, innocent persons will have police firearms pointed at them. For this reason, it is imperative that Officers have their firearms wholly under control at all times.
- e. Holding suspects at gun point; When an Officer points a gun at a suspect, the trigger-finger position and the hammer position must be as follows:
  - i. Double-action auto loader - Gun in depressed-ready position, trigger-finger in register, hammer forward, manual safety off.

- ii. Shotgun and Patrol Rifle - Weapon in depressed-ready position, fully armed, manual safety on or off depending on the accessibility of the safety lever or button, trigger finger in register.
- f. Auto loading handguns, when appropriate, must be de-cocked using the de-cocking lever. Auto loading handguns must be promptly de-cocked prior to re-holstering when a gun is being held on a suspect, when Officers move with a gun in his/her hand or any time the trigger finger relinquishes contact with the trigger and returns to the register.
  - i. Officers may use only the de-cocking lever to de-cocked and are prohibited from de-cocking double-action autoloaders by means of touching or manipulating the hammer or the trigger.
- g. Shotgun/Patrol Rifle: If a shotgun or patrol rifle has been armed, it must be returned to the loader's safe condition as soon as the danger has passed and is safe to do so.
  - i. Officers carrying shotguns/patrol rifle shall not arm it unless or until they assume a fire position in anticipation of a high probability of having to fire.
  - ii. In patrol vehicles, shotguns or patrol rifles must remain in a locking device and in the loader's safe condition, so that it cannot be fired in place without the lock being opened.
- h. Warning/Signal Shots prohibited; officers are prohibited from firing warning / signal shots. Firing warning or signal shots can cause terror and panic in the public who witness or hear it. Firing usually requires Officers to momentarily take their eyes off a potentially homicidal suspect and places innocent bystanders in danger of being struck by ricocheting bullets/pellets. Warning/signal shots can cause other Officers to mistakenly believe that a suspect is deliberately firing at Officers resulting in a tragic, unwarranted shooting.
  - i. Wounding Shots Prohibited; Officers are prohibited from deliberately wounding a suspect by aiming for an ostensibly non-vital area of the suspect's body, such as an arm. This tactic is ineffective in stopping the suspect and require a degree of accuracy that is unattainable in most deadly force situations. Officers are only justified in shooting a suspect because the suspect is doing something so dreadful that preserving his life is outweighed by the necessity to stop him.
  - j. Firing from Moving Vehicles Prohibited; Except when the probability of injury to innocent persons is less than the probability of injury when firing outside of a moving vehicle.

Firing at Vehicles or Persons in Vehicles Prohibited; Except under those circumstances so drastic that the probability of injury to innocent persons is decreased if the vehicle is fired upon than if it is not. Shooting at a motor vehicle with a handgun or shotgun is unlikely to stop or disable it. Handgun and shotgun projectiles seldom penetrate a motor vehicle with sufficient force to cause casualties inside the vehicle. Shots directed at motor vehicles can and often do ricochet off the vehicle's exterior causing injury to innocent bystanders. Police have killed or injured innocent persons inside vehicles because they were not aware that the criminal driver had taken hostages. Killing or wounding a driver of a moving vehicle can send the vehicle hurtling out of control, either at the scene or a distance away, with predictable injurious consequences

## MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 324.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: SEXUAL HARASSMENT

### PURPOSE

To maintain a respectful and professional work environment free of sexual harassment and sexual discrimination, intimidation and coercion.

#### 324.01 POLICY

Sexual discrimination and sexual harassment are against the law. Sexual harassment will not be tolerated and disciplinary action will be taken.

#### 324.02 EXAMPLES OF SEXUAL HARASSMENT

1. Use of offensive or demeaning language which has a sexual connotation.
2. Objectionable physical closeness or contact.
3. Unwelcome suggestions about or invitations to social engagements or work-related social events.
4. Any suggestion, whether direct or indirect, that an employee's job security, job assignment, conditions of employment or opportunities for advancement are in any way dependent on the employee granting sexual favors to any other employee, supervisor or manager.
5. Any action relating to an employee's job status which is affected by whether the employee granted or refused to grant sexual favors to another employee or affected by how the employee responded to sexual advances, sexual comments or jokes.
6. The creation of an atmosphere of sexual harassment or intimidation regardless of intent.
7. The making of jokes or remarks of a sexual nature.
8. The distribution, posting or display of materials (such as cartoons, articles, pictures, etc.), which have sexual content and are not necessary for work.

REPORTING OF SEXUAL HARASSMENT

1. Any employee who feels that he or she is being subjected to sexual harassment in any form, or who believes he or she has witnessed sexual harassment, should contact the Chief of Police or the Officer of the Solicitor General.
2. If you believe you have been sexually harassed, you may contact the following:  
  
Administrative Policy Board  
Mille Lacs Band of Chippewa Indians  
Onamia, MN 56359  
(320) 532-4181  
  
Mille Lacs Band Human Resources  
320-532-4181
3. No retaliation of any kind will occur because you have reported an incident or suspected sexual harassment. We encourage you to help us keep the Mille Lacs Band Police Department free of harassment.

## MILLE LACS BAND POLICE OPERATION MANUAL

GENERAL ORDER: 325.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: DOMESTIC ABUSE

### PURPOSE

To establish guidelines and procedures for response to domestic abuse. Additionally, this policy intends to:

1. Establish ARREST not mediation as the appropriate response to domestic abuse;
2. Protect and support victims by coordinating with victim assistance efforts;
3. Provide the same Law Enforcement resources for domestic abuse cases that are available for other criminal cases;
4. Reaffirm Officers' authority and duty to make arrests with probable cause;
5. Promote Officer safety by ensuring that they are fully prepared to respond to domestic calls;
6. Complement and coordinate efforts with the development of domestic abuse prosecution plans, so that Law Enforcement, prosecution and advocacy will be more efficient and successful;
7. Promote Law Enforcement's accountability to the public in responding to domestic abuse; and
8. Document allegations of domestic abuse so there can be meaningful prosecution and delivery of victim services.

### 325.01 INTRODUCTION

Domestic violence call are potentially the most frequent and most dangerous. The proper response to these calls will increase victim safety, have positive impact on subsequent prosecutorial and court decisions and play an integral part in eliminating domestic abuse.

Officers must protect victims of domestic abuse by making lawful arrests and understanding the law in this area. Officers must aggressively enforce these laws without bias and prejudice based on race, marital status, sexual orientation, social class, age, disability, gender, religion, creed or national origin.

325.02            DEFINITIONS

1.        “Domestic Call” means a request for law enforcement assistance in general regard to: (1) physical harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (2) terroristic threats (Minn. Stat Sec. 609.713, subd. 1) or criminal sexual conduct in the first through fourth degree, committed against a family or household member, (Minn. Stat. Sec. 518B.01, subd. 2 (a)).
2.        “Domestic abuse” means physical harm, bodily injury or assault, infliction of fear of imminent physical harm bodily injury or assault or terroristic threats committed against a family or household member by a family or household member.
3.        “Domestic Abuse Program” means a public or private intervention project or advocacy program which provides support and assistance to the victims of domestic abuse.
4.        “Child” means person under the age of 18.
5.        “Family or Household Members” mean spouses, former spouses, parents and children, persons related by blood and persons who are presently residing together or who have resided together in the past and persons who have a child in common or where the women is pregnant regardless of whether they have been married or have lived together at any time or persons involved in a significant romantic or sexual relationship.

325.03            RESPONDING TO DOMESTIC CALLS

1.        The Officer should respond directly and without unreasonable delay to the scene.
2.        Upon arriving at the scene, Officers should identify themselves as Officers, explain their presence and request entry into the home. The Officers should ask to see the person who is the subject of the call. If the person who called is someone other than the subject of the call, the Officer should not reveal the caller's name. The Officers should check that all of the occupants are safe.
3.        Entry
  - a.        Refused - If refused entry, Officers must persist about seeing and speaking alone with the victim. If access to the victim is refused, Officers should request the dispatcher to contact the caller.
  - b.        Forced Entry - If access is still refused and the Officers have reason to believe that a person is in imminent danger, Officers are permitted to force entry.
  - c.        Search Warrant Entry - If Officers are refused entry and have no legal grounds for forced entry and they have reasonable grounds to believe a

crime has been committed, they should contact the supervisor and request permission to obtain a search warrant.

4. After securing the scene, responding Officers shall render the necessary first aid.

325.05 ARRESTS

1. EVIDENCE AND PROBABLE CAUSE

After securing the scene and rendering any first aid, Officers must begin a criminal investigation to determine if there is evidence and probable cause to believe that a crime has been committed. Officers must not base this decision on the victim's desire to make an arrest. The Officers should collect relevant physical evidence, take photographs of the scene or any injuries and take statements from the parties and witnesses. Evidence and statements include:

- a. Condition of clothing;
- b. Weapons that may have been used;
- c. Property damage;
- d. Excited utterances of the victim and the suspect;
- e. Demeanor of the victim and the suspect;
- f. Medical records including the victim's statements to paramedics, nurses and doctors;
- g. Tape recorded interviews of witnesses including the children who may have been present; and
- h. Evidence of domestic abuse-related convictions, Orders for Protection or contact orders, including dates and which jurisdiction, which may provide the basis for enhancement to a gross misdemeanor or felony charge.

2. In determining whether to arrest, Officers MAY NOT consider:

- a. Marital status, sexual orientation, race, or cultural, social, political or professional position;
- b. Ownership, tenancy rights of either party or the fact the incident occurred in a private place;
- c. Belief that the victim will not cooperate with criminal prosecution or that the arrest may not lead to a conviction;

- d. Verbal assurance that the abuse will stop;
  - e. Disposition of previous police calls involving same victim or suspect;
  - f. Denial by parties that abuse occurred when there is evidence that the abuse occurred;
  - g. Lack of a court order restraining or restricting the suspect;
  - h. Concern about reprisals against the victim;
  - i. Adverse financial consequences that might result from the arrest;
  - j. Chemical dependency or intoxication of the parties; and
  - k. Victim's lack of desire to make an arrest.
3. If an Officer can determine by the evidence if one of the parties was a primary aggressor, that person must be arrested. The Officer should consider:
- a. Comparative extent of any injuries inflicted;
  - a. Fear of physical injury because of past or present threats;
  - c. Actions taken in self-defense or to protect oneself;
  - d. The history of domestic abuse perpetrated by one party against the other; and
  - e. Existence or previous existence of Orders for Protection.

325.06 TYPES OF CHARGES AND ARRESTS

1. CITATIONS PROHIBITED

Citations cannot be issued instead of arresting a person who assaulted the person's spouse or other person with whom the person resides. (Minn. State. § 629.72)

2. ARREST FOR FIFTH DEGREE ASSAULT

An Officer may arrest a person anywhere without a warrant, including at that person's residence, if the Officer has probable cause to believe that the person within the preceding twelve hours has committed domestic abuse against a family or household member even though the assault did not take place in the presence of the Officer. An Officer who acts in good faith and exercises due care in

making an arrest pursuant to this statute is immune from civil liability that might result from the Officer's action.

### 3. FIFTH DEGREE ASSAULT CHARGES

- a. Typically a misdemeanor.
- b. Gross misdemeanor enhancement (Minn. Stat. Sec. 609.224 (2)(a)):
  - i. If the offense is against the same victim within five years of discharge from sentence for a previous conviction for assault, criminal sexual conduct in the first through fourth degree or terroristic threats in Minnesota or any similar law of another state.
  - ii. If the current victim is a family or household member and the crime occurs within five years of discharge from sentence for conviction of any of the above offenses against any family or household member.
  - iii. If there is a conviction for assault or terroristic threats against any person within two years.
- c. Felony enhancement (Minn. Stat. Sec. 609.224 (4)):
  - i. If a person commits assault in the fifth degree within five years of discharge from sentence for the first of two or more convictions of assault, criminal sexual conduct in the first through fourth degree or terroristic threats against the same victim.
  - ii. Applies to 5th Degree Assault against any victim occurring within two years of the first of two or more of these convictions.
- c. Burglary in the first degree
  - i. Even if the home is also the offender's, if the entry is made without consent of the victim and in violation of an Order For Protection barring the offender from the premises.

### 4. HARASSMENT/STALKING

- a. Gross Misdemeanor (Minn. Stat. Sec. 609.749)

- i. Intentional conduct that would cause a victim under the circumstances to feel frightened, threatened, oppressed, persecuted or intimidated and which does cause that reaction in the victim.
  - ii. Directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
  - iii. Stalks, follows or pursues another;
  - iv. Returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;
  - v. Repeatedly makes telephone calls or induces a victim to make telephone calls to the actor, whether or not conversation ensues;
  - v. Makes or causes the telephone of another repeatedly or continuously to ring;
  - vi. Repeatedly uses the mail or delivers or causes the delivery of letters, telegrams, packages or other objects; or
  - vii. knowing makes false allegations against peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties
- b. Felony
- i. Commits any of the above gross misdemeanors because of a victim's actual or perceived race, color, religion, sex, sexual orientation, disability or national origin.
  - ii. Commits any of the above gross misdemeanors and possesses a dangerous weapon at the time of the offense.
  - iii. Commits any of the above gross misdemeanors within ten years of discharge from sentence for a prior conviction for harassment, assault (any degree), and violation of an OFP or harassment order or terroristic threats.
  - iv. Engages in a pattern of harassing conduct with respect to a single victim or one or more members of a single household in a manner that would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and that does cause this reaction in the victim. A pattern of harassing conduct means two

or more acts (convictions not necessary) within a five-year period that violates the provisions of 609.749, subd. 5.

5. Probable Cause Felony Arrests for Other Crimes

Officers shall consider whether other felonies have been committed including but not limited to: burglary, felony assault, terroristic threats, kidnapping, false imprisonment and witness tampering.

6. Violation of Court Orders

Officers shall verify whether any of the following orders exist before or during an arrest. Methods of verification include personally seeing a copy of the order or reviewing an agency's file, which indicates the existence of an order. If the verification is made at the direction of the Officer, the Officer shall document the name of the person and the type of order verified. In a police report, the Officer shall document the actions taken to identify the specific court order (e.g. order for protection), the file number and the provision allegedly violated.

7. EX PARTE ORDERS FOR PROTECTION

a. Warrant less Arrest

- i. Officers shall arrest and take into custody without warrant, persons whom Officers have probable cause to believe have violated an order for protection granted pursuant to 8 MLBSA Sec. 414 and Minn. Stat. Sec. 518B.01 Subds. 6,7, or 9 even if the violation of the order did not take place in the presence of the Officer, if the Officer can verify the existence of the order.
- ii. Whether or not the excluded party was invited back to the residence.
- iii. There is no hour limitation for a warrant less arrest for a violation of an Order for Protection.
- iv. If there is evidence that an individual has violated another provision of an Order for Protection, other than the restraint or exclusion clauses, a police report should be submitted to the prosecutor indicating that the order was violated.

b. Misdemeanor

- i. Violation of Temporary Order For Protection (Only valid 14 days from issuance unless extended by the court.)

iv. Violation of Non-temporary Order for Protection (Are valid for a fixed period of time, not to exceed one year except when the court determines a longer period is appropriate.)

c. Gross misdemeanor

i. if the offense occurs within five years of discharge from sentence for conviction of violation of an OFP

ii. or for any conviction of assault, terroristic threats, violation of either a harassment order or harassment/stalking.

8. Harassment Restraining Order

a. Officers shall arrest and take into custody persons whom Officers have probable cause to believe have violated a harassment restraining order pursuant to Minn. Stat. Sec. 609.748 Subds. 4 or 5, if the existence of the order can be verified by the Officer.

i. Valid until final disposition of the case (sentencing or dismissal).

ii. At the time of sentencing, a new no contact order may be issued as a condition of probation and may be valid for the full probationary period indicated in the order.

iii. Any no contact order may be rescinded by the court at any time. The production by the victim of a copy of an apparently valid court order, absent any contrary evidence, provides prima facie basis for arrest whenever there is probable cause to believe a violation of the order has occurred.

9. Other Misdemeanors

At a domestic call, the Officer shall consider whether other crimes have been committed including but not limited to: trespassing, criminal damage to property, disorderly conduct, witness tampering or assault.

325.07 ASSISTANCE, STAYING AT THE SCENE, CRIME VICTIM RIGHTS AND SERVICES

1. Staying at the Scene; If no arrest is made, Officers should remain at the scene of the disturbance until they believe that the likelihood of further imminent abuse has been eliminated. If a domestic abuse intervention program is available, the Officer should make contact for immediate intervention.

2. When no arrest is made, the Officer must provide immediate assistance to the victim including obtaining necessary medical treatment and providing the victim with the notice of rights pursuant to Minn. Stat. Sec. 629.341 Subd. 3.
3. Assistance to Non-English Speaking Victims or Victim with Communication Disabilities; Officers shall use the resource list kept by the Department to contact a person to assist in those cases where the participants in the domestic call, including witnesses, are non-English speaking, are hearing impaired or have other communication disabilities. The Officer should avoid using friends, family and neighbors as interpreters for the investigation.
4. Notice of Crime Victim Rights; The Officer shall give the victim a copy of the Department's crime victim notification form.
5. Services; The Officer should contact the local domestic abuse program, if available, by phone as soon as possible on all arrest situations and provide the name and address of the victims and a brief factual reconstruction of events associated with the action. This section shall not apply if prohibited by the Minnesota Government Data Practices Act (Minn. Stat. Sec. 13.82 Subd. 10).

325.08 CHILDREN

1. Child Victims; If a child is at the scene of a domestic call or is the victim of domestic abuse, Officers should determine whether the child has been subjected to physical abuse, sexual abuse or neglect and comply with the requirements of 8 MLBSA Sec. 301 and Minn. Stat. Sec. 626.556, Reporting of Maltreatment of Minor. Officers shall attempt to verify whether there has been an Order of Protection. Minn. Stat. Sec. 260.133. If the child has been physically injured, the child should be transported to the nearest hospital for treatment.
2. Childcare; If the legal parent or guardian of a child cannot provide care (for example, when the victim is hospitalized), the Officer should consult with the legal guardian on determining the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent.
3. Immediate Danger; If the Officer reasonably believes that the child's immediate surroundings or conditions endanger the child's health and welfare, the Officer may take the child into immediate custody pursuant to 8 MLBSA Sec. 203 and/or Minn. Stat. Sec. 260.165 Subd. 1 (c) (2).

325.09 REPORTS AND FORMS

1. WRITTEN REPORT – WHEN REQUIRED

Whether or not an arrest is made, Officers shall make a report after responding to a domestic call. If the Officer did not arrest or seek an arrest warrant even though

arrest was authorized, a detailed explanation of the reasons for the decision not to arrest must be documented.

2. **REPORT REQUIREMENTS**

- i. detailed statements from the victim; suspect and witnesses;
- ii. description of injuries;
- iii. information about past abuse;
- iv. description of the scene;
- v. primary aggressor;
- vi. existence of language barriers;
- vii. presence of elderly victims or those with disabilities and
- viii. documentation of evidence.

3. Department of Corrections, Domestic Abuse Cases Law Enforcement Data Collection Form; The Department shall collect the data on the Officer data collection form supplied by the Commissioner of Corrections when the victim is a woman. Minn. Stat. Sec. 611A.36 subd. 2.

325.10 **FURTHER INVESTIGATION**

1. A domestic call shall be turned over to the appropriate investigator for follow-up or investigated by the Officer initially responding to the call. If there is an arrest, the Officer shall determine the perpetrator's criminal record and if there is evidence of a previous conviction, the Officer should advise prosecutors of any enhanced criminal sanction which may be available.
2. Notwithstanding the fact that the Officer has decided not to arrest one of the participants in the domestic call, the Officer shall thoroughly document all relevant information in the report and shall refer the report to the appropriate prosecutor for review and consideration of criminal charges.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 326.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: MISSING OR ENDANGERED CHILDREN

### PURPOSE:

To establish guidelines and multi-jurisdictional responsibilities for the consistent response to and investigation of all reports of missing and endangered children. Mandatory procedures are in **bold print**. This policy addresses only those investigations where the missing child has been determined to be both missing *and* endangered.

### 326.01 INTRODUCTION

There is a critical need for immediate and consistent response to reports of missing and endangered children. Decisions made during the preliminary stages have a profound affect on the outcome of the case. The Department has established the following responsibilities and guidelines for the investigation of missing and endangered children.

### 326.02 DEFINITIONS:

1. “Missing” means the status of a child after a Law Enforcement agency received a report of a missing child, conducted a preliminary investigation and determined that the child cannot be located. Minn. Stat. Sec. 299C.52, subd. 1, (c).
2. “Endangered” means a Law Enforcement official has received sufficient evidence that the child is with a person who presents a threat of immediate physical injury to the child or physical or sexual abuse of the child. Minn. Stat. Sec. 299C.52, subd.1, (e).
3. “Child” means any person under the age of 18 years or any person certified or known to be mentally incompetent. Minn. Stat. Sec. 299C.52, subd. 1, (a).
4. “Sufficient Evidence” means articulable facts and circumstances by which a reasonably prudent Officer could induce that a crime has been or is about to be committed.
5. “NCIC” means the National Crime Information Center.
6. “CJIS” means the Criminal Justice Information System.

### 326.03 PROCEDURES - GENERALLY

When the Department receives a report of a missing child, officers must obtain basic facts of the case, descriptions of the missing child and abductor (if known) and determine if there is

sufficient evidence to believe that the child is endangered. Officers will respond according to the following five types of general procedures. The facts surrounding each missing and endangered child report will dictate when the procedures are warranted and what the order and priority should be within each of the five categories. Each of the procedures must be carried out immediately as circumstances warrant and many of the steps will need to be done simultaneously.

326.04 INITIAL RESPONSE PROCEDURES:

1. Dispatch an Officer to the scene to conduct a preliminary investigation.
2. Obtain interpretive services if necessary.
3. Interview parent(s) / person who made the initial report.
4. Determine when, where and who last saw the child.
5. Interview the individuals who last had contact with the child.
6. Obtain a detailed description of the child/abductor/vehicles/etc.
7. **Load the NCIC Missing Person File (involuntary category) with complete description, and critical information regarding the child.**
8. **Load the NCIC system with the complete descriptive information regarding suspect(s).**
9. Request investigative and supervisory assistance.
10. Update additional responding personnel.
11. Broadcast known details on all police channels, to other patrol units, other local Law Enforcement agencies and surrounding Law Enforcement agencies and, if necessary, use the National Law Enforcement Telecommunications Systems (NLETS) and the Minnesota Crime Alert Network to alert state, regional and federal Law Enforcement agencies.
- 12.. Notify the family of crime victim services available and give the family the Crime Victim Services card.
13. Seal the crime scene. Do not allow individuals to leave the area until interviewed. Note anyone who may have left prior to the arrival of law enforcement.
14. Activate protocols for working with the media.

15. **Contact the Bureau of Criminal Apprehension regarding the incident. Minn. Stat. Sec. 299.53. Request assistance as necessary.**
16. Implement multi-jurisdictional coordination when primary agency has limited resources, the investigation crosses jurisdictional lines and jurisdictions have pre-established task forces or investigative teams.

326.05. INITIAL INVESTIGATION

1. Conduct a neighborhood/ vehicle canvass.
2. Arrange for use of helpful media coverage.
3. Maintain records of telephone communications / messages.
4. Ensure that everyone at the scene is identified and interviewed separately.
5. 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.
6. Notify Chief Law Enforcement Officer and/or supervisor for assistance in coordinating the investigation.

326.06. INVESTIGATION

1. Set up a command post/operation base away from the child's residence.
2. Know the responsibilities of the command post supervisor, media specialist, search coordinator, investigative coordinator, communications Officer, support unit coordinator and two liaison Officers (one at command post, one at victim's residence). The role of the liaison at the home will include facilitating support and advocacy for the family.
3. Establish the ability to "trap and trace" all incoming calls. Use assigned cellular telephone for agency use. Avoid using the victim's home telephone for agency use.
4. Compile a list of known sex offenders in the region.
5. In cases of infant abduction, investigate claims of home births in the area.
6. Obtain child protective agency records for reports of abuse on child from both Mille Lacs Tribal Family Services and County Social Services.
7. Review records for previous incidents related to the child and prior police activity in the area including prowlers, indecent exposure, attempted abductions, etc.

8. Obtain the child's medical and dental records.
9. Update the NCIC missing person file with any additional information regarding the child or suspect as necessary.
10. Interview delivery personnel including employees of gas, water, electric and cable companies; school bus drivers; post office; sanitation company; etc.
11. Contact the National Center for Missing and Exploited Children (NCMEC) for photo dissemination and other case assistance.
12. Determine what assistance is necessary and utilize local and state resources related to specialized investigative needs, including:
  - a. Crime Victim Advocates;
  - b. Minnesota Bureau of Criminal Apprehension;
  - c. Federal Bureau of Investigation;
  - d. County Attorney;
  - e. Customs Investigative Services;
  - f. Minnesota State Patrol;
  - g. Minnesota Crime Alert Network;
  - h. Investigative experts in the areas of sexual assault, child maltreatment, and or homicide;
  - i. Searches:
    - i. Ground Searches- manpower, vehicles and/or mounted patrols;
    - ii. Canine Assisted;
    - iii. Water and underwater Searches, and air Searches.
  - j. Investigative Resources:
    - i. Child Interviewing;
    - ii. Polygraph;

- iii. Profiling / Behavioral Analysis;
  - iv. MN Sex and Violent Crime Analysis Programs;
  - v. Crime Analysis/ Computer Assistance;
  - vi. Forensic Artistry / Crime Scene and Evidence Processing, and
  - vii. Memory Retrieval.
- k. Interpretive Services;
  - l. Department of Natural Resources;
  - m. Telephone Services (traps, traces, etc.); and
  - n. News Media (local and national).

326.07 PROLONGED INVESTIGATION

1. Develop a profile of the possible abductor.
2. Consider the use of polygraph for the parents and other key individuals.
3. Re-read all reports and transcripts of interviews, revisit the crime scene, review all photographs and videotapes, re-interview key individuals and re-examine all physical evidence collected.
4. Review all potential witness / suspect information obtained in the initial investigation and consider background checks on anyone identified in the investigation.
5. Develop time-line and other visual exhibits.
6. Critique results of the on-going investigation with appropriate investigative resources.
7. Arrange for periodic media coverage.
8. Use rewards and crime stoppers programs.
9. Update NCIC Missing Person File information as necessary.
10. Re-contact the National center for Missing and Exploited Children (NCMEC) for age progression assistance.

326.08

RECOVERY / CASE CLOSURE

1. Arrange for a comprehensive physical examination of the victim.
2. Conduct a careful interview of the child, document the results of the interview and involve all appropriate agencies.
3. Refer family for effective reunification assistance.
4. Notify dispatch to cancel alarms and remove case from NCIC and other information systems and remove posters and other publications from circulation.
5. Perform constructive post-case critique. Re-assess the procedures used and update the Department's policy and procedures as appropriate.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 327.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: CLAIMS AGAINST THE DEPARTMENT OR BAND GOVERNMENT

When property damage and / or personal injury to citizens occurs during the performance of duties, Officers will write a general report stating all information known about the case including the name of the citizen's insurance carrier.

Officers must report any accident damage to Band property. Additionally, Officers will fully investigate injuries to citizens suffered on Band property and transmit the reports to the Solicitor General's Office.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 328.0

EFFECTIVE DATE: SEPTEMBER 21, 2005

SUBJECT: TAKE HOME CAR POLICY

### PURPOSE

To establish guidelines for the use and care of Department issued take home patrol car. Patrol cars are a privilege afforded the officers by the Mille Lacs Band.

### 329.01 POLICY

It is the policy of the Mille Lacs Band Police Department to issue take home cars to Officers for the purpose of rapid response to emergency situations. Officers are expected to obey all traffic laws of the State of Minnesota, on or off-duty, while in their patrol car. Officers must reside within forty miles of District I, II, III, to be eligible for a take home car. Those officers residing outside of the forty mile radius must leave their cars at their duty station unless arrangements are made to park them elsewhere pending the Chief of Police's approval.

Officers will carry their department issued handguns at all times while operating their take home car.

Officers will have identification to include their badge of office, ID card, and article of clothing (jacket, windbreaker) that identifies them as an officer, if off-duty.

While off-duty, officers must wear a collared shirt while operating the take home car.

Officers are responsible for the maintenance and appearance of their assigned cars.

Any violation of State law or this policy, on or off-duty, while operating a take home vehicle will result in the loss of take home car privileges, to be determined by the Chief of Police.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 329.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: HATE/BIAS CRIMES

### PURPOSE

To identify crimes motivated by bias toward a person's race, religion, ethnic background or sexual orientation and to define appropriate steps for assisting victims and apprehending suspects.

#### 329.01 POLICY

Officers must safeguard the rights of all individuals irrespective of their race, religion, ethnic background or sexual orientation. Acts or threats of violence, property damage, harassment, intimidation or other crimes meant to harm these rights are unacceptable and will be given high priority. The Department must give immediate attention to the security of the victims and their families, identify perpetrators, make arrests and vigorously seek prosecutions.

#### 329.02 DEFINITIONS

1. "Hate Crime" means any unlawful action designed to frighten, harm, injure, intimidate or harass an individual, in whole or in part, because of a bias motivation against the actual or perceived race, religion, ethnic background or sexual orientation of the victim.
2. "Race" means a group of persons who possess common physical characteristics (e.g., color of skin, eyes and / or hair, facial features; etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.).
3. "Ethnic Group" means a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics, etc.).
4. "Religious Group" means any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a Supreme Being (e.g., Catholics, Jews, Protestants, atheists, etc.).
5. "Sexual Orientation" means a sexual attraction toward, and responsiveness to, members of one's own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals, etc.).

329.03            INITIAL RESPONSE PROCEDURES

When an Officer at the scene of a crime believes that it may have been motivated by racial, religious, ethnic or sexual orientation bias (RRES), the Officer shall:

1. Determine whether any perpetrators are present and, if so, take appropriate enforcement measures;
2. Restore order to the scene and take necessary actions to gain control of the situation;
3. Identify any injured parties and take steps to provide medical assistance;
4. Identify witnesses or others who have knowledge of the crime;
5. Protect the crime scene; and
6. Summon a field supervisor to the scene.

329.04            SUPERVISOR'S RESPONSIBILITIES

1. The supervisor shall confer with the initial responding Officer, take measures to ensure that all necessary preliminary actions have been taken and inform an immediate supervisor of the criminal act.
2. The supervisor shall request additional Officers, if necessary, to:
  - a. Provide immediate assistance to victims by:
    - i. expressing empathy and showing a sincere interest in their well-being;
    - ii. expressing the Department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators;
    - iii. allowing victims a period in which to ventilate their immediate concerns and feelings;
    - iv. assisting victims in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family spiritual advisors and community service agencies that provide shelter, food, clothing, child care or other related services; and
    - v. providing security and precautionary advice to victims and arranging for additional protection.

- b. Conduct a standard preliminary investigation to include preliminary interviews of the victim and any witnesses to the incident.
- c. Ensure that all relevant facts are documented on an incident and / or arrest report and make an initial determination as to whether the incident should be classified as an RRES offense.

329.05 INVESTIGATOR'S RESPONSIBILITIES

- 1. When responding to the scene of an alleged RRES incident investigators shall assume control of the investigation by:
  - a. securing the scene to protect, preserve and process physical evidence and removed it as soon as possible. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall), photograph the evidence, contact the owner of the property to remove such material as soon as possible and follow-up to ensure that this is accomplished in a timely manner;
  - b. conducting a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvassing the neighborhood for additional personal sources of information;
  - c. notifying other appropriate personnel in the chain of command, depending of the nature and seriousness of the offense, and its potential inflammatory and related impact on the community;
  - d. working closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution;
  - e. coordinating the investigation with agency, state and regional intelligence operation. These sources shall provide the investigative Officer with an analysis of any patterns, organized groups and suspects potentially involved in the offense;
  - f. coordinating the investigation with the identification and other units of the agency and with outside agencies where appropriate;
  - g. maintaining contact with the initial responding Officer and keeping him informed of the status of the criminal investigation;
  - h. making a final determination as to whether the incident should be classified as an RRES crime; and
  - i. completing any reports necessary to comply with statistical reporting requirements for hate crimes.

2. Investigators shall also take the lead role in providing ongoing assistance to the victim by:
  - a. periodically contacting them to determine whether the victim is receiving adequate and appropriate assistance; and
  - b. periodically informing to the victim of the status of the criminal investigation.

329.06 COMMUNITY RELATIONS / CRIME PREVENTION

Hate crimes are crimes against the targeted victim and members of the victim's racial, religious, ethnic or sexual orientation group as a whole. Working with members of these groups after a hate crime reduces fears, stems possible retaliation, prevents hate crimes and encourages other victims to report unreported crimes. To accomplish this, Officers shall:

1. meet with neighborhood groups, residents in target communities and other identified groups to allay fears, relay this Department's concern over and response to this and related incidents, reduce the potential for counter-violence and provide safety, security and crime prevention information;
2. provide direct and referral assistance to victims and their family;
3. conduct public meetings on RRES threats and violence in general, and as it relates to specific incidents;
4. establish liaison with formal organizations and leaders; and
5. expand, where appropriate, existing preventive programs such as anti-hate seminars for school children.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 330.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: HOSTAGE SITUATION

### PURPOSE

To provide guidelines for handling hostage situations to 1) assure the safety of the hostage and 2) capture perpetrators and recover property involved in the negotiations for the release of the hostage.

#### 330.01 GENERALLY

1. Criminals who take hostages to effect their escape are desperate and pose a threat to hostages and the public until captured.
2. Officers should use verbal and tactical tools at their disposal to arrest the suspect without harming the hostage.
3. Hostage safety can be best assured by keeping them in the presence of Officers and preventing their removal by the suspect.
4. Exceptional situations could arise where judgment may allow removal of a hostage such as where there is imminent and probable danger to human life.

#### 330.02 GUIDELINES

1. Establish and maintain operational control at the scene, whether it is stationary or mobile.
2. Establish a perimeter to keep unauthorized personnel out.
3. Do not enter into a face-to-face conversation in an attempt to stall for time. This could allow another opportunity to take another hostage. Establish telephone communications, if possible.
4. Attempt to obtain any tactical advantage by any means available.
5. Explore every source of available intelligence concerning the circumstances surrounding the event, location and identity of the perpetrators.
6. Assistance should be sought from outside sources for a trained negotiator and or other resources to aid in this situation.

7. Negotiate seriously for the release of the hostage and the surrender of the perpetrator(s). The supervisor at the scene will be responsible for decisions regarding demands of the perpetrators, until relieved of that duty by the Police Chief.
8. Use deadly force only for the protection of self or others from death or serious injury.

330.03      NEGOTIATIONS

1. Do not make suggestions to the suspect.
2. Keep him in a decision-making frame of mind.
3. Always get something in return for a granted demand.
4. Best thing to do may be nothing - stall for time.
5. Generally, the longer a hostage is held, the safer he may be because a captor / hostage protective bond may develop.
6. Nurture escape potential; let suspect think he may be able to escape although an escape will not be permitted.
7. Negotiator must be a different person than the on-scene commander. The negotiator can then stall for the time in demands by indicating that they have to check with the commander.
8. Some hostage-takers are suicide prone.
9. Demands for weapons or the exchange of Officers for the hostage will not be considered.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 331.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: NOVEMBER 15, 2005

SUBJECT: "ALCO-SENSOR III" PRELIMINARY BREATH TEST

PURPOSE

To establish guidelines for the calibration, use and maintenance of Alco-Sensor III units, preliminary breath test instruments.

331.01 STORAGE OF UNITS WHEN NOT IN USE

Units must be stored in their assigned carrying cases in the Department office.

331.02 CALIBRATION OF UNITS

1. The Chief shall direct an Officer who is a certified "Intoxilyzer 5000" operator to be responsible for calibrating units and maintaining calibration records for each unit by serial number. Calibration logs shall be affixed to each unit's carrying case and removed when full for placement in permanent filing.
2. Units should be calibrated at least once per month using the procedure in the instruction manual prepared by Intoximeters, Inc which must be kept with the units at their storage location.
3. Whenever possible, units should be calibrated by the designated responsible Officer. If the responsible Officer is unable to make the required calibrations within the designated time frame, that Officer shall direct another qualified Officer to complete and record the calibrations.

331.03 ADMINISTRATION OF ALCO-SENSOR III BREATH TESTS

Officer must administer breath tests in accordance with procedures in the instruction manual issued to Officers during training for the unit. Instructions must be kept in the carrying case of each unit and posted in the storage location. When not in use, units must be kept in their carrying cases in the squad car.

331.04 MAINTENANCE OF UNITS

If a unit fails, Officers shall remove the unit from service and report it to the responsible Officer. The manufacturer shall do all repairs or maintenance of the units. Maintenance records for each unit shall be kept by serial number with the calibration logs.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 332.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 20, 2005

SUBJECT: EXPLOSIVES

### PURPOSE

To provide guidelines for the safe identification of and disposal of blasting caps and common explosives.

#### 332.01 GENERALLY

Explosives are perhaps the most dangerous items Officers may encounter. Despite their size, they are extremely powerful. Explosives may have as a filler, Fulminate of Mercury, Lead Azide or Lead Styphnate. These compounds are very sensitive to heat and shock, therefore, careful handling is required. Explosives may be electric and non-electric.

#### 332.02 PROCEDURES

1. When such devices are found, Officers must secure the area to prevent injury to civilians.
2. Officers must notify supervisory personnel when any types of explosives are found.
3. Supervisory personnel will contact appropriate agencies trained in the handling of such devices and arrange to dispose of them properly.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 333.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: REPOSSESSION - MOTOR VEHICLES

PURPOSE

To establish procedures for the peaceful repossession of motor vehicles.

333.01 MOTOR VEHICLES AS SECURITY INSTRUMENTS – TRUST LAND

When a motor vehicle is the subject of a security instrument and purchaser is in default of payment, the lender or his agent may take possession of the vehicle without court action. When an Officer is called while a vehicle is being taken through legal process, the Officer must preserve the peace and allow the vehicle to be repossessed.

If the vehicle is parked on Tribal (trust) Land and the purchaser is a Mille Lacs Band member or other member of a federally recognized tribe, the re-possessor must have documentation of the legal process obtained from Tribal Court in order to take possession of the vehicle.

If the re-possessor or his agent does not have documentation, Officers shall request them to leave the reservation and advise them that they need to follow proper replevin procedure.

If they refuse, Officers may perceive this act as a trespass and may arrest such individuals.

333.02 MOTOR VEHICLE ON PUBLIC OR THIRD PARTY'S PROPERTY

When an Officer is called upon to preserve the peace during the repossession of a vehicle which is parked on public property or the property of a third party, the Officer must verify that the person attempting to repossess the vehicle has a copy of the note and a copy of the security instrument or title to the vehicle. Only then shall the Officer allow the vehicle to be repossessed.

333.03 MOTOR VEHICLE ON PRIVATE PROPERTY OF OWNER

If the vehicle is on private property of the owner, the Officer must not become involved in any property dispute between the parties. The fact an Officer is called when the vehicle is on private property indicates a potential breach of the peace. The re-possessor or his agent should be advised to obtain legal process through a replevin action.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 334.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: EMPLOYEE TELEPHONE AND ADDRESS POLICY

PURPOSE

To require all Department personnel to maintain a telephone at their residence and report any change of telephone number or address to the Chief .

334.01 REQUIREMENTS OF EMPLOYEES

1. All employees of the Department must maintain a telephone at their residence.
2. At the start of their employment, employees must give their telephone number and address to the Chief.
3. Each employee shall immediately inform the Chief of any change of address or telephone number.

334.02 RESTRICTIONS

1. Staff and Officers are strictly prohibited from giving out personal phone numbers of officers. They will take the callers name, information, and phone number and advise the party the officer will call them at a later time.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 335.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: EMERGENCY NOTIFICATION OF THE CHIEF

### PURPOSE

To establish which emergency circumstances require the Chief of Police to be notified. The Sergeant will notify the Lieutenant, who will then notify the Chief of Police of these circumstances and events surrounding the particular situations that arise. Officers will follow the appropriate chain of command before notifying the Chief of Police.

### INCIDENTS OF MANDATORY EMERGENCY NOTIFICATION

1. The death of an Officer.
2. Injury to an Officer that requires hospitalization.
3. The death of or serious injury to a person caused by or connected to an Officer.
4. Homicides or serious assaults which may result in the death of a person.
5. Drowning cases.
6. Serious personnel problems.
7. Disasters, i.e. serious windstorms, major flooding, airplane crashes, blizzards, etc.
8. Any act that discredits the Police Department.
9. Events that require Department mobilization including call back of off-duty Officers.
10. When, in the Officer's judgment, notification necessary for Officer welfare and safety.
11. Hostage / barricaded suspects.
12. Fatal motor vehicle accidents or potentially fatal motor vehicle accidents.
13. Use of or threatened use of deadly force against/by an Officer.
14. Robbery in progress.
15. Bomb threat.

16. Escape from custody.
17. Accidents causing damage to Tribal property.
18. High speed pursuits.

# MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 336.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 20, 2005

SUBJECT: CANINE UNIT

## PURPOSE:

To provide guidelines for the care and use in field operations of the Department's canine unit.

### 336.01 POLICY

Trained Law Enforcement drug K-9's are valuable for their superior sense of smell. Procedures are necessary for the proper utilization of the Canine Team.

### 336.02 DEFINITION

“Canine unit” means a canine handler and their assigned police canine.

### 336.03 PROCEDURES

#### 1. Canine Unit Utilization

- a. Canine units are available on a 24-hour, on-call basis to detect concealed narcotics.
- b. K-9 handlers must determine if a situation justifies canine use and the appropriate measures that should be taken. Where the on-scene officer disagrees with the handlers assessment the patrol sergeant shall be notified. Where time does not permit such notification, the directions of the K-9 officer shall be followed.
- c. Police canines shall not be handled or given commands by anyone other than the assigned handler. If the assigned handler becomes injured or otherwise unable to command the canine, another canine handler shall be contacted for assistance.
- e. Patrol Officers may request a canine unit's assistance from an on-scene supervisor through dispatch. Dispatchers shall forward information about the incident to the canine unit.

#### 2. Unit Qualifications and Training

- a. Canine handlers must have:
  - i. at least three years of uniform patrol experience with satisfactory work performance, disciplinary and medical leave records;
  - ii. a willingness to remain in the canine unit at least five years;
  - iii. a willingness (together with other family members) to care for and house the canine at the Officer's residence with a secure outdoor area for the canine that conforms with departmental requirements;
  - iv. a strong desire to work with canines and willingness to care for and train the animal; and
  - v. the ability to pass designated physical fitness and agility tests related to canine handling.
- b. The Chief shall be responsible for the selection of canine handlers in accordance with established departmental procedures.
- c. All Departmental canines must meet established departmental certification requirements. Untrained canines may not be used for canine duty.
- d. Canine handlers must successfully complete a canine training course.
- e. Canine handlers are required to demonstrate their abilities as prescribed in departmental regulations.

### 3. Use of Force and Injuries

#### a. Use of Force

Whenever a canine bites an individual, whether or not in the line-of-duty, the handler shall:

- i. examine the affected area to determine the seriousness of the bite or injury;
- ii. obtain medical treatment for the person. Medical personnel should examine the affected area irrespective of the perceived seriousness of the bite or injury;
- iii. take color photographs of the affected area if possible prior to and following medical treatment; and

- iv. complete a use of force report whenever it has been alleged that a canine has bitten or otherwise injured an individual. The report must detail the circumstances surrounding the incident, the identity of the individuals involved and any witnesses, the extent of the injuries if known and measures taken in response to the incident. The original report shall be filed in accordance with the Department's use of force policy.

## 2. Drug Detection

Use of police K-9s for drug detection is authorized in the following situations.

### Baggage

Random exploratory sniffing of luggage, packages or other inanimate objects may be conducted in public places such as airports, train stations, bus or marine terminals, as authorized by the shift supervisor.

- i. Exploratory sniffing shall be conducted only in those places open to the public and, whenever possible, with advance notice to and consent of the appropriate manager.
  - ii. Exploratory sniffing shall be conducted without interference or annoyance to the public or interruption of facility operations.
- c. Canine sniffs, conducted in public places, such as baggage staging areas, are considered searches and may be conducted only with reasonable suspicion or probable cause to believe that specific items contain illegal narcotics.
  - d. Officers may detain specific checked luggage or related items for purposes of a canine sniff if reasonable suspicion exists but may not detain the items so long as to interfere with the owner's scheduled travel.
  - e. When a drug detection canine alerts to luggage or related items, a warrant or consent to search must be obtained before it is opened unless exigent circumstances exist to conduct an on-site search.
  - f. Canine sniffing of a person is permitted in all circumstances only when there is reasonable suspicion to believe that the person is in possession of illegal narcotics.

- g. The use of drug detection canines in public schools is permitted only when:
  - i. the school's principal or designated authority requests or approves use of the canines;
  - ii. there is reasonable suspicion to believe that illegal narcotics are being distributed and / or consumed on the premises so that the interest of the school are being unacceptably compromised; and
  - iii. the search is limited to inanimate objects in public places and the exterior of student lockers unless reasonable suspicion exists to search lockers and related areas.
- h. Canine sniffs of the exterior of residences- either individual dwellings or the common areas of multiple unit dwellings- are not permitted without a search warrant.
- i. Drug-sniffing canines may sniff motor vehicles when:
  - i. reasonable suspicion exists to believe the operator or passengers are in possession of illegal narcotics; or
  - ii. during a valid vehicle stop, the canine is used to sniff the vehicle's exterior in an exploratory manner. Unless the canine alerts to the vehicle, the operator may not be detained longer than necessary to conclude the purpose associated with the initial stop.

5. K-9 Use and Care

- a. Canine handlers are personally responsible for the daily care and feeding of their canine including:
  - i. maintenance of kennel and yard area where the canine is housed;
  - ii. provision of food, water and general diet maintenance as prescribed by the departmentally approved veterinarian;
  - iii. grooming on a daily basis, or more often as required by weather, working conditions or other factors;
  - iv. daily exercise (canines must not run at large); and
  - v. general medical attention and maintenance of health care records.

- c. When the handler cannot perform these duties due to illness, injury or leave:
  - i. another handler may be assigned to temporarily care for the canine; and
  - ii. the canine may be housed in a departmentally approved kennel.
- d. Teasing, agitating or roughhousing with a canine is prohibited unless performed as part of a training exercise.
- e. Handlers shall not permit anyone to pet or hug their canine without their prior permission and immediate supervision. Should a civilian express a desire to do so, he should be informed that canines are serious working dogs and that they can be dangerous if improperly approached.
- f. A handler may apply to take possession of their canine where:
  - i. the canine is retired or relieved from duty due to injury; or
  - ii. the handler is transferred, promoted or retires and a decision is made not to retrain the canine for another handler.
- g. K-9 handlers are authorized (5) compensatory hours per week for the maintenance and training during off duty hours.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 337.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 20, 2005

SUBJECT: COURT APPEARANCES

### PURPOSE

To set forth regulations governing the appearance of Officers in federal, state or tribal court to provide testimony or other evidence.

#### 337.01 OFFICER'S DUTY

Except in exigent circumstances, Officers shall appear in court upon written notification by subpoena. (Officers shall not testify in a civil case unless legally subpoenaed to do so. Officers shall notify the Chief of any subpoenas.) Departmental court notification form, teletype notice of implied consent hearing or any other written notice and follow any instructions in the notification. Cancellation of a required court appearance may be in a written judicial notice or telephone communication.

Officers who are required to appear in Court may wear their duty uniform or a sport coat and tie, with slacks or a three piece suit. Jeans, T-Shirts etc are not acceptable court attire.

#### 337.02 PREPARATION FOR COURT

Officers are responsible to secure all necessary reports, notes or other evidence for a court appearance on regularly scheduled duty time prior to the date of appearance. The only exception is physical evidence secured in the property room which Officers need to arrange with the Department's property room Officer to retrieve for Court. Officers who receive subpoenas may, with the permission of the prosecuting attorney or other judicial office of jurisdiction, make arrangements to be available for testimony upon telephone notification. In such cases, it shall be the employee's obligation to be available for receipt of the call, not the Department's.

#### 337.03 COMPENSATION

Officers shall be compensated for:

1. Court appearances from the time scheduled to appear until the conclusion of hearing, cancellation of the hearing or the Officer is excused by the Court. Officers are guaranteed a minimum of (2) hours for court.

2. Officers are required to turn in a court overtime slip with their time sheets for every court appearance during the week. If an officer goes over the minimum two hours court time, the overtime slip with the adjusted hours must be signed by the prosecuting attorney. Officers who turn in an overtime slip with more than two hours and without a signature will only be compensated for two hours.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 338.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: MOTOR VEHICLE STOPS

### PURPOSE

To establish guidelines for stopping and approaching motorists in a manner that promotes the safety of the Officer and the motorist.

#### 338.01 POLICY

Stopping motorists for traffic violations or other purposes is a routine function of patrol Officers, but potentially dangerous. Motor vehicle stops shall be conducted professionally and courteously and with the intent to educate motorists about safe driving. Officers should take necessary steps to minimize the dangers involved in stops for the Officer, the motorist and the public.

#### 338.02 STOPPING PROCEDURES

1. Stopping and Approaching Traffic Violators; The following procedures must be followed whenever possible but Officers should adjust to varying conditions such as roadway construction, volume of traffic and the urgency of making vehicle stops.
  - a. Officers may stop only when they have reasonable suspicion to do so.
  - b. Once a decision has been made to stop a motorist, the Officer shall select a location that provides reasonable safety, avoiding curves, hills, heavily trafficked areas and poorly lit areas and roads without shoulders. Whenever possible, the Officer shall avoid the use of private drives, business locations and areas where spectators are likely to gather.
  - c. When a location is selected, the Officer shall notify the communications center of its nature, location, a description of the vehicle, vehicle tag number and the number of occupants. (10-38 code) At the Officer's discretion or dispatcher's request, additional information may be exchanged.
  - d. At the desired location, the Officer should signal the operator to stop at the far right of the roadway or at the safest shoulder by activating the overhead emergency lights and siren as necessary.

- i. On multilane roads, the Officer may drive toward the right shoulder by gradually changing lanes behind the violator until the right side of the roadway is reached.
  - ii. Should the violator stop abruptly in the wrong lane or location, the Officer should instruct the motorist to move by using the appropriate hand signals or by activating the vehicle's public address system.
- e. Once properly stopped, the Officer should position the police vehicle about one-half to one car length behind the violator's vehicle and at a slight angle, with the front approximately 2 feet to the traffic side of the violator's vehicle.
- f. At night, the spotlight should not be used to direct the violator but may be used to illuminate the vehicle's interior once stopped. Officers should use low beams if high beams would blind oncoming motorists.
- g. When exiting the patrol vehicle, the Officer should be particularly alert to suspicious movements or actions of the vehicle operator or passengers.
- h. Approaching the driver's side, the Officer should observe the passenger compartment and stop at a point to the rear of the trailing edge of the left front door to talk to the driver.
- i. Where traffic is close enough to create a potential problem, the Officer may choose to approach the violator's vehicle from the right-hand side and stop at the trailing edge of the right front door.
  - ii. When the violator's vehicle has occupants in the rear seat, the Officer should approach to a point near the leading edge of the left front door, being particularly observant of occupant movements and choosing a path that will not allow the occupants to thrust the door open against the Officer.
  - iii. In two-Officer police units, the passenger Officer shall be responsible for radio communications, note-taking and relaying messages to the communications center and act as an observer and cover for the driver Officer.
- i. Non-uniformed Officers operating unmarked patrol vehicles with concealed emergency lights and siren shall not normally make vehicle stops for traffic violations. Where failure to stop may result in death or significant property damage, the Officer shall contact the dispatcher to request a marked patrol unit to make the stop and may, depending upon

the urgency of the situation, activate emergency lights and siren to make a traffic stop.

- j. Non-uniformed Officers operating vehicles not equipped with emergency lights or siren shall not make a motor vehicle stop unless there is imminent danger of loss of life should they fail to act. In other less urgent cases that demand attention, Officers shall contact the dispatcher, request that a marked patrol vehicle perform the stop and assist in directing the marked unit to the subject vehicle's location.

## 2. Issuing Citations

- a. When issuing citations, conducting roadside sobriety tests or conversing with the violator, the Officer and other parties shall be positioned to the side of the road, clear of the motor vehicles. At no time shall the Officer or other stand in front of, between or behind the stopped vehicles.
- b. During stops, violators should remain in their vehicle while the Officer writes the citation or conducts other business. Violators should not be permitted to sit in the front seat of patrol vehicles while citations are being written or other police business is being conducted. Standard practice is to place a suspect in the rear seat of the patrol vehicle.
- c. When writing citations, the Officer should position paperwork and related materials so the Officer makes visual contact over the violator and other occupants.

## 3. Oncoming Motorists

- a. Drive toward the extreme right side of the roadway and, as the violator approaches, signal violators to stop by using hand signals and emergency lights as they approach.
- b. Do not leave patrol vehicle when stopping oncoming motorists.
- c. If the violator complies with the Officer's instructions, the Officer should turn the vehicle around and appropriately position it behind the violator's vehicle.
- d. If the violator fails to comply with the Officer's instructions, the Officer should turn the vehicle around and pursue, stop and approach the violator in the prescribed manner.

## 4. Following the Police Vehicle

- a. The Officer should drive to the right shoulder of the road and, as the violator approaches, signal him to stop.
- b. The Officer should not exit his vehicle in order to signal the subject motorist.
- c. Should the motorist fail to comply, the Officer should return to the roadway and stop and approach him in the prescribed manner.

5. High-Risk Stops

- a. When planning to stop a vehicle with potentially armed and dangerous suspects, the Officer shall notify the dispatcher, describe the nature or reason for the stop, provide information on the vehicle, tag number and number of occupants and request appropriate assistance to make the stop.
- b. An Officer should not conduct a high risk vehicle stop alone unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.
- c. After selecting an appropriate location and with adequate support units in position, the Officer should signal the suspect to stop.
- d. Officers should position police vehicles approximately 30 feet behind the suspect vehicle in positions that provide cover and illuminate the interior of the suspect's vehicle.
- e. When a two-Officer unit initiates the stop, the Officer with the best observation point should issue verbal commands to vehicle occupants through the vehicle's public address system, if available.
- f. Once the suspect vehicle has stopped, exit police vehicle quickly and assume positions of cover.
- g. The Officer in charge shall identify himself and then notify the occupants that they are considered to be armed and dangerous and that all instructions are to be followed without hesitation or suspicious movements.
- h. Order the operator of the suspect vehicle to: lower the window, remove the ignition keys with his left hand, drop them on the ground, open the door from the outside, step out of the vehicle, turn completely around, face away from the Officers, walk backward until commanded to stop, kneel, cross their feet and place hands behind their heads. Cuff and secure each person. Other occupants should be similarly commanded until all are in position to be handcuffed and searched.

- i. With appropriate cover, approach the suspect vehicle to inspect the passenger compartment and trunk.
- 6. Oversize and Overweight Vehicles
  - a. Select a location for the stop that provides enough room for the vehicle and sufficient stability to support the vehicle's weight. Allow the operator sufficient time and distance to make the stop.
  - b. Approach the cab from the rear, using the driver's outside mirror to observe the driver and activity in the cab.
  - c. Never climb onto the vehicle to make contact with the operator. Maintain a position to the rear of the driver's door and ask the driver to exit the vehicle if and when necessary.

# MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 339.0

EFFECTIVE DATE: MARCH 1, 1996      REVISED:    SEPTEMBER 20, 2005

SUBJECT:                            INFECTIOUS DISEASE POLICY

## PURPOSE

To limit exposure of Officers to blood and other potentially infectious materials.

### 339.01            RESPONSIBILITY

To the extent practical, Officers must use appropriate protective equipment as required in the sections below.

### 339.02            DEFINITIONS

1.        “Biohazard Bag” means a plastic bag capable of being sealed to ensure no leakage or contamination spread. The Bio-Hazard bag will be clearly marked as a biohazard bag and red in color.
2.        “Blood” means human blood, human blood components and human blood products.
3.        “Blood Borne Pathogens” means pathogenic microorganisms that are present in human blood and body fluids that can cause disease in humans. The pathogens include, but are not limited to, Hepatitis B Virus (HBV), Hepatitis C, Human Immunodeficiency Virus (HIV), Malaria, Syphilis and Tuberculosis.
4.        “Decontamination” means the use of physical or chemical means to remove, inactivate or destroy blood borne pathogens on surfaces or items to the point where they can no longer transmit infectious particles and the surface or item is rendered safe for handling, use or disposal.
5.        “Exposure Incident” means a specific eye, mouth or other mucous membrane or contact with blood or other potentially infectious materials that results from the performance of an employee's duties. An exposure incident includes a human bite.
6.        “Occupational Exposure” means reasonably anticipated skin, eye, mucous membrane or other contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.
7.        “Licensed Health Care Professional” means a state accredited hospital or clinic.

8. "Other Potentially Infectious Materials (OPIM)" means semen, vaginal secretions, cerebral spinal fluid, pregnancy related fluid, saliva and any body fluid that is visibly contaminated with blood and all body fluids and situations where it is difficult or impossible to differentiate between types of body fluids. They may also include any tissue or organ other than intact skin from a human, living or dead (i.e. amputated limb).
9. "Personal Protective Equipment (PPE) and Supplies" means Specialized clothing or equipment worn for protection against hazard.
10. "Regulated Waste" means liquid or semi-liquid or other potentially infectious materials, contaminated items that would include released blood or other potentially infectious material in a liquid or semi-liquid state if compressed, items that are caked with dry blood or other potentially infectious materials that are capable of releasing these materials during handling, contaminated sharp objects and pathological and microbiological wastes containing blood or other potentially infectious material.
11. "Universal Precautions" means an approach to infection control where all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV and other blood borne pathogens.

339.03        PROCEDURES

1.        Assaults

Officers encounter violent acts or accidents and potentially may be exposed to blood or other body fluids containing blood. Attacks involving biting and sharp objects are commonly related to arrests, routine interrogations, domestic disputes, lock up operations and correctional facility activities. Hand to hand combat may result in bleeding increasing chances of blood to blood exposure and the potential for blood borne disease transmission.

Whenever the possibility of exposure to blood or blood contaminated body fluid exists, appropriate protection should be worn if feasible under circumstances. Extreme caution must be used in dealing with suspects or prisoners. Gloves should be worn when blood is present or a suspect or inmate is combative or threatens staff. When clothing becomes contaminated by blood, an extra change of clothing should be available.

2.        Cardiopulmonary Resuscitation

Although there have been no documented cases of HIV transmission through the administration of cardiopulmonary resuscitation, the possibility of transmission of infectious disease exists. Officers should use the protective masks and air ways supplied by the Department.

3.        Searches and Crimes Scenes

- a.        Officers face potential risks of acquiring HBV or HIV through exposure by puncture wounds or needle sticks during searches of persons, vehicles

or cells and during evidence handling. Officers should take the following precautionary measures to reduce the risk of infection:

- i. Use caution in searching the clothing of suspects. Discretion, based on the circumstances at hand, should determine if a suspect or a prisoner should empty his or her own pockets or if the Officer should use his or her own skills in determining the contents of a suspect's clothing.
- ii. Maintain a safe distance between Officer and the suspect.
- iii. Wear protective gloves if exposure is likely to be encountered.
- iv. Wear protective gloves for all body cavity searches.
- v. If cotton gloves are to be worn when working with evidence of potential latent fingerprints at a crime scene, they may be worn over protective disposable gloves when exposure to blood may occur.
- vi. When possible, use flash lights to search hidden areas such as under car seats, etc. even in daylight.
- vii. Carefully empty contents of a purse by turning it upside down over a table or floor.
- viii. Use puncture proof, clearly marked containers to store sharp objects.
- ix. To avoid tearing gloves, use evidence tape as much as possible, instead of metal staples to seal evidence.
- x. In general, items should be air dried before sealing in plastic. Follow established rules of evidence collection.

b. Crime Scenes

When crime scenes involves large amounts of blood, Officers must wear protective gloves. Where there is blood on the floor or furniture, protective clothing such as coveralls or aprons should be worn. These extra outer clothes should be removed prior to leaving the crime scene and disposed of properly. Officers should also refrain from handling personal items such as combs or ink pens that could become contaminated. Airborne particles of dried blood can be generated when a stain is scraped. Protective masks and eyewear or face shields should be worn when this type of evidence is being collected.

4. Handling deceased persons and body removal

When handling deceased persons, amputated limbs or other body parts, Officers should use the same precautionary procedures for CPR or First Aid. Wear gloves and cover all cuts and abrasions in an attempt to create a barrier. Carefully wash all exposed areas after any contact with blood. These same precautions should be used when handling amputated limbs or hands or other body parts. These procedures should be followed after contact with the blood of anyone, regardless if they are or suspected to be infected with HIV or HBV.

5. Autopsies

When Officers attend autopsies, wear protective masks and eye wear, laboratory coats, gloves and waterproof aprons. All autopsy materials should be considered infectious for both HIV and HBV. In addition, follow the rules and regulations required by the particular laboratory conducting the autopsy.

6. Forensic laboratories

The Department does not have a forensic laboratory but laboratory work may be performed at the Department or the crime scene. Officers must take precautions from any splashes or exposure to airborne and blood borne pathogens. Officers should follow universal precautions and use personal protective equipment when they may be exposed to blood borne pathogens.

339.04 VACCINATIONS

The Department will provide Hepatitis A and B vaccinations and an annual tuberculosis screening or more often at employees' request. Employees must sign the declination form if they choose not to vaccinate. The employee may later opt to receive the vaccine.

339.05 PERSONAL PROTECTIVE EQUIPMENT (PPE)

1. Personal Protective Equipment (PPE) supplied by the department consists of:
  - a. Combination mask;
  - b. Red biohazard disposal bag;
  - c. Protective apron;
  - d. Protective gloves; and
  - e. Cleansing wipes with germ killing materials on them.

## 2. Disposal of contaminated PPE

- a. The Nay-Ah-Shing Clinic and the local Ambulance Service will dispose of any contaminated PPE. When removing contaminated PPE, avoid skin contact and place in a leak proof biohazard bag for storage and eventual proper disposal. Employees should take precautions to protect against breaks in the skin on hands, such as cuts and abrasions by applying bandaging and protective gloves. After an exposure incident employees should wash their hands immediately thereafter or as soon as feasible. If soap and water are not available, disinfect the area with an antiseptic towelette containing 79% isopropyl alcohol or EPA registered germicide. When antiseptic hand cleansers or towelettes are used, hands should still be washed with soap and running water as soon as possible.
- b. Equipment and work surfaces contaminated with blood or OPIM must be decontaminated as soon as possible. They can be decontaminated by washing with hot soapy water and disinfected using a solution of bleach and water. The recommended ratio is 1/4 cup of bleach to a gallon of water.
- c. Any contaminated material must be placed in a clearly marked biohazard bag and taken to Nay Ah Shing Clinic or turned over to the local Ambulance Service.

## 339.06 POST EXPOSURE EVALUATION AND FOLLOW UP

### 1. Reports

When employees have exposure, they must notify their supervisor IMMEDIATELY. Failure to do so may result in the Officer losing any worker compensation benefits. A "near miss" report form must be completed. The "near miss" form must be taken to the Risk Manager in the Human Resource Department within 24 hours.

### 2. Clinic

After reporting an exposure, the employee must report to the Nay Ah Shing Clinic. After hours, Officer must report to the nearest local hospital or clinic when exposure incidents occur as soon as possible. If a protocol has been established by the Clinic, Department employees will follow this protocol which may include specialized counseling. Medical evaluation and necessary related follow-up and counseling will be provided.

The health care professional will:

- a. Provide a written opinion to the employer and the employee within fifteen (15) days that states:
  - b. Whether HBV/HIV is indicated;
  - c. If the employee received HBV vaccination;
  - d. Make sure that the employee is informed of the results of the evaluation; and
  - e. Make sure that the employee has been told about any medical conditions resulting from exposure to blood which may require further evaluation or treatment.
3. Sergeant's Duties After Receiving a Report of exposure:
- a. Document the route of exposure, circumstances of exposure and the date and time of the exposure.
  - b. Identify the source and HBV/HIV status by obtaining employee's written consent for testing;
  - c. Establish if legally required consent cannot be obtained;
  - d. Send a copy of the policy procedure and a description of the employee's duties to Nay Ah Shing Clinic;
  - e. Provide a result of the source individual's testing to the employee if available.
  - f. Inform employee of the applicable State/Tribal laws and regulations concerning disclosure of source individual's identity and infectious status.
  - g. Assure that the follow up provides counseling, collection and testing of blood samples for HBV and HIV status. Ensure that the blood sample from the source is held for ninety (90) days if the employee refuses testing.
  - g. Make sure the first report of injury/accident-investigation report is complete.

339.07

MANDATORY TRAINING

- a. All officers will undergo mandatory blood borne pathogens/hazardous materials training annually.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 340.0  
EFFECTIVE DATE: FEBRUARY 6, 2006  
SUBJECT: NOPTIC POLICY

### PURPOSE

To establish uniform guidelines for the operation and use of patrol vehicle installed Thermal Imaging Camera equipment and to establish retention and classification of any evidence obtained from its use.

#### 340.1 POLICY:

NOPTIC enables officers to identify and monitor a perpetrator in complete darkness. The ability to observe while going undetected enables officers to perform their duties with stealth and accuracy and can be a valuable tool to patrol officers. Usage of such equipment includes but is not limited to conducting stealth surveillance, locating hidden perpetrators or lost individuals, identifying recently operated vehicles, detecting heat inside buildings, monitoring neighborhood streets, construction sites, and parking lots

#### 340.2 PROCEDURE

An officer that is assigned a vehicle mounted NOPTIC is responsible for the proper use and operation of the equipment. Officers should inspect and conduct a function check of the equipment at the beginning of each assigned shift. Officers shall notify their supervisor if any equipment is not functioning properly. Repairs should only be made with supervisor approval.

The NOPTIC system is designed to be automatically operational by turning on the ignition of the vehicle. The NOPTIC system has the capability of recording at the discretion of the operator.

An officer assigned a vehicle with the NOPTIC system shall, receive, read and maintain and Operations manual for the system.

The officer will comply with State laws relative to search and seizure or privacy laws as well as Minnesota, Mille Lacs Band and United States Constitutions. Search warrants are required in situations where the NOPTIC is to be used to gather evidence inside private property absent exigent circumstances.

When a NOPTIC recording is to be used as evidence, it shall be reviewed by an individual trained in the interpretation of thermal imaging if needed, and retained as evidence.

Whenever a NOPTIC recording exists, the recording constitutes “Evidence” and the legal rules of evidence apply. The recording will have an evidence tracking label and secured as evidence.

Recordings may be converted for training purposes upon supervisor approval and when there is no evidentiary need to retain the recording.

### 340.3 DUPLICATION

1. Any time a recording is to be duplicated for prosecution, it shall be done by the operator, or records custodian at the operator’s direction, prior to being placed into evidence. Further duplications will be done by the law enforcement agency, while maintaining a secure chain of custody. The original is to remain in the custody of the originating law enforcement agency except when need as evidence at a trial.
2. Copies of NOTPIC recordings that are provided to the prosecution or to Court will be at “No Charge.”
3. Requests for duplication of NOPTIC recordings from other public or private entities shall be provided in accordance with data practices policy. The requestor must pre-pay the duplicating costs. The fee for this service will be established by the fee schedule established for the law enforcement agency.
4. Copies of NOPTIC recordings shall not be made or distributed without the express permission of a supervisor except when providing a copy to the prosecution.

# MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 341.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 21, 2005

SUBJECT: INVESTIGATING SEXUAL ASSAULTS

## PURPOSE

To provide guidelines for responding to complaints of sexual assault, for dealing with victims, interfacing with local health and welfare agencies and conducting interviews with victims and witnesses.

### 341.01 POLICY

Sexual assault victims are traumatized and many, because of the extremely personal nature of the crime, are too embarrassed to report the crime. Investigative, medical and prosecution procedures adds to a victim's reluctance to report the crime or the victim's reluctance may be compounded by a psychological inability to assist in the investigation. It is this Department's policy to provide victims with compassion and consideration and with the necessary information and assistance to make their experience less traumatic. Investigating sexual assaults against juveniles should also incorporate procedures set forth in the policy on child abuse and neglect. If a juvenile is sexually assaulted, apply the procedures set forth in General Order 347.0

### 341.02 DEFINITION

Sexual Assault means rape and other forcible, non-consensual sex acts as defined by law, in relation to adult victims.

### 341.03 PROCEDURES

1. The Emergency Communications Center (ECC) initiates police response by gathering information about the victim and perpetrator by:
  - a. Ascertaining the medical condition, needs and location of the victim, time of the incident, description of the suspect and direction/mode of travel;
  - b. Advising the victim not to change clothing, shower or touch anything in the immediate area; and
  - c. Staying on the telephone with the victim and provide assistance and comfort until a patrol unit arrives on the scene.
2. Initial Response

a. Officers should be primarily concerned with the well being of the victim and begin investigative procedures that will facilitate the identification and arrest of suspects. When offering the victim assistance, the Officer shall:

- i. Render necessary first aid and request emergency medical assistance if required; and
- ii. Attempt to gain the victim's trust and confidence by showing understanding, patience and respect for personal dignity; using language appropriate to the age, intelligence and emotional condition of the victim; informing the victim that an Officer of the same sex will be provided if desired and available and helping the victim to locate family or friends for emotional support or to obtain outside assistance from victim advocates.

b. In initiating an investigation, the Officer should:

- i. Limit investigative questioning to identifying the victim and to describing and locating the suspect;
- ii. Relay pertinent information to ECC personnel;
- iii. Determine the victim's emotional and physical ability to answer questions concerning the assault and limit questioning accordingly;
- iv. Conduct questioning in private and only by one Officer;
- v. Generally, avoid asking detailed, intimate questions regarding the assault;
- vi. Protect the crime scene including bedding, clothing and related materials and areas, and ask the victim not to wash until a medical examination has been performed;
- vii. Request the victim's consent to undergo a medical examination, emphasizing its importance to investigative and apprehension efforts;
- viii. Accompany the victim to the hospital and relay pertinent information concerning the assault to the examining physician;
- ix. Remain at the hospital (but not the physical examination) until family members, support service personnel or criminal investigators arrive;

- x. Ensure that the medical examination includes collecting blood and saliva samples, pubic hair and head hair samples and combings, fingernail scrapings, vaginal smears, oral swabs and photographs where appropriate, and ensure that evidence is properly stored and identified; and
- xi. Arrange for the victim to provide a statement to investigative Officers whether or not a medical examination was conducted.
- xii. Request the victim to sign a Medical Release Form, to allow police access to the victim's medical records.
- xiii. Ensure that the signed Medical Release Form is turned in to the hospital's records department.

### 3. Follow-up Investigation

An investigative Officer will be assigned to conduct the follow-up investigation as soon as possible after the initial complaint. The Officers are responsible for the case until it is closed or removed from their responsibility. Investigative Officers shall:

- a. Compile the basic investigative information contained in the initial interview, criminal complaint and medical examination;
- b. Conduct an initial interview that will allow the victim to describe the incident without interruption;
- c. Conduct an in-depth interview as soon as the victim is emotionally and physically able. During the interview the Officer shall:
  - i. Establish a private comfortable setting that affords privacy and freedom from distractions;
  - ii. Attempt to obtain all necessary information at this time. Explain the need for information about the crime to including details of the sex act, the perpetrator's modus operandi, clothing, means of restraining the victim and the use or availability of weapons, any words used or instructions given to the victim, marks, scars, tattoos, deformities or other unusual physical features or body odors of the perpetrator and any witnesses, participants or accomplices that may be described or identified by the victim; and
  - iii. Determine whether the victim knew the perpetrator and the victim's state of mind during the attack; and

- iv. Determine the degree to which the victim has received support services from family, friends and victim advocacy groups and encourage/facilitate these interactions where necessary.
- d. Determine whether the victim has filed any sexual assault complaints in the past or has a criminal record;
- e. Review the victim's account of the event in order to clarify any discrepancies with earlier accounts and to elaborate on issues of significance to the prosecution;
- f. Encourage the victim to prosecute the case if she is reluctant to do so;
- g. Solicit the victim's continued support in the investigation, apprising the victim of future investigative and presecutorial activities that will or may require involvement and cooperation.
- h. Work with the prosecutor's office to develop the case, to familiarize the victim with the types of inquiries that may be faced during cross-examination and to ensure that requests for orders for protection are made where indicated; and
- i. Maintain continued contact with the victim to ensure that appropriate mental health and other support services are readily available.
- j. If the suspect is identified as a member of the victim's family, or it is believed that there is on-going sexual contact in the victim's home, the officer must contact and coordinate with County Family Services, to ensure the best outcome for the victim.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 342.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: INVESTIGATING CHILD ABUSE

### PURPOSE

To provide guidelines for recognizing child abuse and neglect and for coordinating the investigation with child protective service agencies and prosecuting attorney.

#### 342.01 POLICY

Traditionally, child abuse and neglect have been regarded as the responsibility of child protective services and social welfare agencies. A large percentage of repeat offenses which involve serious injury or death, however, involve known offenders. It is the position and policy of this Law Enforcement agency that effective response to child maltreatment requires cooperative and coordinated efforts between social welfare and Law Enforcement agencies. All reports of child abuse and neglect shall be thoroughly investigated and measures taken consistent with the law that will best protect the interests of the child. Officers should be aware of state and tribal statutes that define child abuse, neglect and abandonment.

#### 342.02 DEFINITIONS

1. "Child Abuse means" means any situation in which parents, guardians or other responsible adults have inflicted physical assaults upon a child, including sexual abuse; when the child has been exploited for sexual purposes such as through prostitution or pornography; has been subjected to reckless endangerment that has or would likely cause physical harm; or, has been subjected to emotional assault such as close, sustained confinement.
2. "Child Neglect" means any situation in which parents, guardians, or other responsible adults have failed to provide for the essential physical needs of the child including food, clothing and shelter and that caused or would likely cause serious physical injury, sickness or disability; failure to provide essential medical care necessary to treat or prevent serious physical injury, illness or emotional disability; or failure to provide needed emotional nurturing and stimulation that has or could likely cause emotional injury over time.
3. "Abandonment" means leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.

#### 342.03 PROCEDURES

1. Reporting / Initial Complaint Response

a. Mandated Reporters

Public and private officials such as physicians, dentists, school employees, clergy and others must report child abuse and neglect. Officers shall record and respond to all reports of child abuse, neglect and abandonment irrespective of the source or method of reporting.

b. Officers shall conduct a preliminary interview with the reporting individual (when known) to determine the basis for the report. Officers should include the following information:

- i. The physical condition of the child;
- ii. A description of the abusive or neglectful behavior;
- iii. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness or other factors that demonstrate or suggest their inability to care for the child;
- iv. Description of suspicious injuries or conditions;
- v. The nature of any statements made by the child concerning parental maltreatment; and
- vi. Any evidence of parental indifference or inattention to the child's physical or emotional needs.

c. When the source of the report cannot be identified and / or time is not of the essence, a report of the complaint shall be made to the State and Tribal child protective authority as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken with the child protection authority.

d. Officers shall take immediate action when:

- i. The complaint warrants arrest or criminal prosecution;
- ii. Child protective personnel are not available and time is of the essence;
- iii. The child is in danger and child protective personnel cannot enter the home;
- iv. The suspected perpetrator may flee;

- v. Police presence is required to maintain order or to protect the safety of child protection Officers; or
  - vi. When the child must be taken into protective custody against parental wishes.
- e. The preferred removal of a child from the home is by court order. In cases of abandonment, severe abuse or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an Officer shall, in compliance with State and Tribal law, remove the child from the home for purposes of protective custody. The assistance of child welfare workers should be sought if available in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.
  - f. In cases where protective custody is warranted and time permits, the State and Tribal child protection agency shall be notified and a court order for protective custody shall be sought prior to the child's removal.

### 3. Background Investigation

- a. Investigating complaints of child abuse generally requires contacting several sources of information depending on the nature of the complaint and the scope of the abuse. In all but emergency situations, Officers should conduct this background before interviewing the family and / or the child.
- b. Determine whether a court protective order is in force with regard to the child or other members of the family. Conduct criminal background check on the suspect.
- c. Contact medical personnel, including family practitioners, emergency room staff and medical examiners, for information that confirms or suggests abuse. Certain types of injuries are particularly characteristic of physical abuse and are most incriminating when they do not correlate with parental explanations of how they occurred. They include:
  - i. “Pattern” injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by tight gripping; straight, curved or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks;
  - ii. Injuries to specific body parts such as the genitals, buttocks or the rectum. Trauma to the torso, upper arms and thighs *in the absence*

*of other common injuries commonly suffered by children in play accidents such as skinned knees, elbows and forehead;*

- iii. Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood;
  - iv. Bone fractures of small children and related injuries that are inconsistent with the child's level of maturity and risk of injury, such as spinal fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and fractures of long bones and joints that are suggestive of violent pulling, twisting or jerking of the extremities;
  - v. A history, pattern, or extent of injury that does not correlate with the alleged cause of death or means of injury;
  - vi. Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians and prior diagnosis of "failure to thrive;" and
  - vii. At autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.
- d. Social workers may have had prior contact with the suspect's family. These agencies may provide information on family background, employment, economic and domestic stability and previous contacts with child protective service agencies.
  - e. Schoolteachers may also provide some insight into cases of suspected child abuse through records of the child's attendance, grades, demeanor, socialization, motivation and perceived emotional stability.
  - f. Behavioral factors that may suggest child abuse include:
    - i. Recurrent injuries or complaints of parental physical mistreatment;
    - ii. Marked changes in the child's behavior or level of achievement;
    - iii. Strong antagonism toward authority;
    - iv. Exaggerated reactions to being touched;

- v. Withdrawal from peers or assaultive or confrontational behavior;
  - vi. Delinquent acts, running away from home or truancy; and
  - vii. Refusal to dress for physical education or dressing inappropriately.
- g. The foregoing indicators may also be used when interviewing neighbors or any other individuals who may have personal knowledge of the family situation.

#### 4. Family Interview

- a. Information from the background investigation may provide sufficient reasonable suspicion to conduct an interview with the family and the child.
- b. If there is reason to believe that charges may be filed against the parents or others, interviews should be conducted at the law enforcement agency and the Officer must contact the prosecutor's office.
- c. A child protective social worker should participate with the investigator in the interview.
- d. The interview should be conducted in a non-accusatory, informal, fact-finding manner and questions should be presented in an open-ended format to allow parents or others complete latitude in responding.
- e. In determining whether to accept a parent's explanation, Officers should consider the following questions. (Findings consistent with those in parenthesis may indicate a greater likelihood of abuse.)
  - i. Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity and ability to walk or stand? (No)
  - ii. Was the parent's statement consistent with other evidence? (No)
  - iii. Do parents claim ignorance of critical details of the incident? (Yes)
  - iv. Does the home appear to be clean and well maintained? (No)
  - v. Does the family live in a socially isolated environment without the support of neighbors, friends or family? (Yes)

- vi. Do the parents appear to support one another in a positive home environment? (No)
  - vii. Does there appear to be frequent or ongoing crises in the family? (Yes)
  - viii. Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)
- f. Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. For discipline to be reasonable and acceptable, it should be:
- i. appropriate to the misbehavior involved but never involve serious bodily injury;
  - ii. consistent with the child's ability to understand its relevance to acts in question; and
  - iii. administered with prudence and caution rather than recklessly, brutally or without sufficient regard for the child's endurance.

#### 10. Interviewing Children

- a. Children should be interviewed separately from their parents.
- b. Repeated interviews with the child should be avoided whenever possible. Joint interviews with the child protective worker or prosecutor, for example, may help minimize the trauma of these sessions.
- c. Avoid questions that can be answered with a "yes" or "no" response. Use open-ended questions whenever possible.
- d. Anatomically correct dolls should only be used by trained investigators.
- e. Sit with the child rather than across a table. Conduct the interview in a casual and non-threatening manner.
- f. Do not lead, suggest answers to, probe or pressure the child for answers, express concern, shock or disbelief in response to answers.
- g. Reassure children that they are not to blame and not in trouble for what happened or for being asked questions.

#### 5. Physical Evidence

- a. Color photographs of injuries should be taken and preserved for evidentiary purposes by medical personnel or a same-sex Officer of this agency. All injuries should be described in writing and diagrammed.
  - b. X-rays should be taken, if appropriate, collected and preserved.
  - c. Photographs of the child's home conditions should be taken and preserved.
  - d. Clothing that contains evidence such as blood or semen stains and any objects used in the physical attack should be identified and preserved.
  - e. Any other items that relate to the abuse or neglect, such as guns, knives, drugs, poisons or related items in possession of the suspected perpetrator, should be identified and collected.
6. Training; This agency's training function shall be responsible for ensuring that Officers and investigators receive necessary training to effectively implement this policy.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 343.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: MAJOR CRIME SCENES

### PURPOSE

To provide guidelines for responding effectively to major crimes.

#### 343.01 POLICY

All Officers must understand and follow applicable procedures established herein to effectively protect, collect and preserve evidence of a crime and conduct initial investigative and other essential tasks at major crime scenes. The actions of patrol and investigative Officers at crime scenes often determine the course and success of a criminal investigation. Initial responding Officers play the lead role by protecting the crime scene, rendering emergency services and initiating the investigation.

#### 343.02 PROCEDURES

##### 1. Initial Response

Initial responding Officers shall initiate the preliminary investigation and perform tasks as designated below until otherwise directed by a superior Officer specifically assigned to criminal investigations.

- a. En route to crime scenes, Officers shall be cognizant of suspects/vehicles that may be in flight.
- b. Upon arrival, verify that a crime has been committed and relay essential information to communications. Conduct a search of the area to make the scene safe .
- c. Administer first aid and/or summon emergency medical assistance if required and take those steps necessary to protect victims or others.
- d. Arrest the perpetrator if at the scene. A decision to leave the crime scene to arrest or pursue the perpetrator should be made based on weighing the immediate needs of victims and others against the safety of the public if the perpetrator were allowed to escape.
- e. Provide communications center with such information as:

- i. Nature of the crime committed;
  - ii. Description of the perpetrator and mode/direction of flight;
  - iii. Description of any vehicle used by the offender and any accomplices;
  - iv. Use of firearms or other deadly weapons; and
  - v. Any support required at the crime scene.
- f. Identify any witnesses to the crime scene, secure their identities and request that they remain present at the crime scene until they can be interviewed.
- i. Where reasonably possible, obtain the identities of any other persons who were present upon arrival at the crime scene.
  - ii. Note the license tags of vehicles parked near the crime scene and be aware of suspicious persons at or near the crime scene.
- g. Provide ranking Officers and any other investigative personnel arriving on the scene with complete information on the offense and the measures taken this far by Officers and others.

## 2. Preservation of the Crime Scene

- a. Responding Officers shall enter crime scenes only for purposes of aiding victims or by-standers in need of immediate assistance, apprehending perpetrators or securing the area. Other entries shall be permitted only under direction of a supervisor. Officers making initial entries for the above purposes shall, where feasible, avoid touching, walking upon, moving objects or otherwise altering or contaminating the crime scene.
- b. Define the boundaries of the crime scene to include all areas that may be reasonably searched for evidence. As necessary, considering the nature and seriousness of the crime, Officers should:
- i. Request backup assistance to restrict access to the crime scene and control any onlookers;
  - ii. Erect barricade tape, rope or cordon off and lock otherwise secure the immediate crime scene and restrict access to defined crime perimeters; and

- iii. Record any alterations made at the crime scene due to emergency assistance to victims, the actions of persons reporting the crime, handling of any items of evidentiary value or other actions.
- c. Restrict all persons from the crime scene who are not directly involved in the investigation. In cases of homicides or other major crimes the Officer-in-charge (OIC) shall ensure that the identity of all persons entering the crime scene is recorded.
- d. Homicides and other major crime scenes should be approached only as needed in a single defined line in order to avoid destruction of footprints and other impressions and the contamination of scent trails that may be useful in canine searches. The "place last seen" of kidnapped or missing persons should also be protected in a similar manner.

### 3. Collection of Evidence

Initial responding Officers at major crime scenes shall not engage in collection of items of potential evidentiary value unless exigent circumstances exist or authorization of a supervisory Officer is received. Officers may engage in the following tasks as directed by the OIC.

- a. The chain of possession of all evidence shall be clearly and completely documented in accordance with agency policy beginning with initial collection, packaging and labeling at the crime scene.
- b. Officers shall search the crime scene in a manner or method prescribed by the OIC for any items that may establish how the crime was committed or who committed the crime. This may include but is not limited to:
  - i. Unusual objects or objects found in unexpected or unusual locations; and
  - ii. Weapons, tools, clothing, stains, blood spatters, fingerprints, footprints, tire or tool mark impressions, broken glass, fibers, soil or other items or substances.
- c. Officers shall comply with this agency's policy and procedures on "Evidence Control" for purposes of properly photographing, preserving, packaging and labeling criminal evidence.

### 4. Interviewing Witnesses

- a. The purpose and scope of these interviews is to gather as much basic information as possible about the crime at the earliest point possible in

order to identify the perpetrator and establish the basis for the follow-up investigation.

- b. Witnesses at the crime scene shall be identified and preliminary interviews conducted as soon as possible.
- c. The neighborhood surrounding the crime scene should be canvassed as soon as possible to identify additional witnesses or others who may have some knowledge of the crime.

## 5. Crime Scene Reports

Officers conducting the preliminary and follow-up investigations shall complete crime scene reports that, at a minimum, include:

- a. Date and time of arrival at the scene;
- b. Any relevant weather or situational conditions at the scene to include the status of the crime scene upon arrival (e.g., fire, crowds and initial observations);
- c. How the crime was discovered and reported and the relationship of reporting individuals to victims or others if appropriate;
- d. Physical evidence discovered and Officers responsible for collection (special note should be made of any valuables collected at the scene, such as currency or jewelry);
- e. Name, address and telephone number, or other appropriate identification of witnesses to the crime;
- f. Results of interviews with victims and witnesses to include in particular the identity or best possible description of suspects, method of operation, means of escape and any other pertinent identifying information;
- g. Diagrams, sketches, photographs, video tape or other similar information made at the scene or the identity of Officers or civilians who made such recordings; and
- h. Recommendations for further investigation such as the names of witnesses or others that may be able to provide additional information.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 344.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: PHOTO LINEUPS

### PURPOSE

To establish guidelines for eyewitness' identifications involving show-ups, photographic identifications and lineups.

#### 344.01 POLICY

Eyewitness identification is an investigative tool. Proper eyewitness identification will increase the reliability of identifications, minimize unjust accusations of innocent persons and establish evidence that is reliable and conforms with established legal procedure.

#### 344.02 DEFINITIONS

1. "Show-up" means the presentation of one suspect to an eyewitness within a short time following commission of a crime.
2. "Photo Array" means the showing of several photographs to an eyewitness for the purpose of obtaining an identification.
3. "Lineup" means the presentation of a number of individuals, including the suspect, simultaneously before an eyewitness.

#### 344.03 PROCEDURE

1. Photographic Identifications
  - a. Photographic identifications must use multiple photographs shown individually to a witness or simultaneously in a book or array.
  - b. Officers shall:
    - i. Use at least six photographs of individuals who are reasonably similar in age, height, weight and general appearance and of the same sex and race;
    - ii. When possible, use color or black and white photos, photos of the same size and basic composition. Mix mug shots should not be

mixed with other snapshots and no more than one photo of the same suspect can be used;

- iii. Cover any portions of mug shots or other photographs that provide identifying information about the suspect, and similarly cover those used in the array;
- iv. Show the photo array to one witness at a time;
- v. Not make suggestive statements that may influence the judgment or perception of the witness; and
- vi. Preserve the photo array together with full information about the identification process for future reference.

## 2. Lineups

- a. The primary investigating Officer shall be responsible for:
  - i. Scheduling the lineup that is convenient for all concerned parties, including the prosecuting attorney, defense attorney and witnesses;
  - ii. Fulfilling the legal requirements for the transfer of the suspect to the lineup location if incarcerated at a detention center, providing timely notice to the detention center about the transfer and making arrangements for picking up the prisoner; and
  - iii. Arranging for four to six other persons to act as "fill ins" at the lineup who are of the same race, sex and approximate height, weight, age and physical appearance and who are similarly clothed.
- b. The Officer in charge of conducting the lineup shall:
  - i. Ensure that the suspect has been informed of the right to counsel if formal charges have been made against him, that he has the opportunity to retain counsel or request that one be provided;
  - ii. Obtain a written waiver on the prescribed departmental form should the suspect waive his right to counsel;
  - iii. If the suspect has an attorney, allow attorney sufficient time to confer with the client prior to a post-charge lineup and observe the manner in which the lineup is conducted;

- iv. Advise the suspect that he can take any position in the lineup and may change positions prior to summoning a new witness;
- v. Ensure that all persons in the lineup are numbered consecutively and are referred to only by number;
- vi. Ensure that a complete written record and videotape recording of the lineup proceedings is made and retained;
- vii. Ensure that witnesses are not permitted to see nor are they shown any photographs of the suspect immediately prior to the lineup;
- viii. Ensure that not more than one witness views the lineup at a time and that they are not permitted to speak with one another during lineup proceedings; and
- ix. Scrupulously avoid using statements, clues, causal comments or providing unnecessary or irrelevant information that in any manner may influence the witnesses' decision making process or perception.

## MILLE LACS TRIBAL POLICE DEPARTMENT OPERATINGS MANUAL

**GENERAL ORDER:** 345.0

**EFFECTIVE DATE:** July 1, 2004      **REVISED DATE:** January 23, 2009

**SUBJECT:** In-Car Cameras

### **PURPOSE**

This policy establishes guidelines for the operation and use of audio/video recording equipment installed in police patrol vehicles. This policy also establishes a retention and duplication policy for the police department video recorded evidence.

### **POLICY**

In-vehicle recording equipment can be a valuable tool to patrol officers. Usage of such equipment includes assisting in the prosecution of traffic violations and related offenses, documenting crime scenes, providing objective evidence of police and subject action during police contact. Officers shall only operate In-vehicle video equipment in accordance with Department guidelines. In-vehicle recordings are the exclusive property of the Mille Lacs Tribal Police Department.

### **PROCEDURE**

#### I. General Use.

- A) An officer that is assigned a vehicle with video equipment installed is responsible for the proper use and operation of the equipment. Officers should inspect and functionally check the audio/video equipment at the beginning of his/her shift. Officers shall notify their supervisor in the event that any equipment is not functioning properly. Repairs must be authorized by a supervisor.
- B) The In-vehicle video equipment automatically activates with the rotating red lights, turning on the remote microphone or by depressing the "REC" button on the control panel. Officers shall activate the video system and record the events in the following situations:
- All traffic stops;
  - High risk and critical incidents;
  - Pursuits;
  - DUI/DWI investigations (including initial probable cause for the traffic stop, if possible);
  - While operating a patrol vehicle responding to calls when emergency lights are activated;

- Incidents in which officers safety is a concern;
  - Incidents in which contacts with a citizen may be expected to result in conflict;
  - When directed by a supervisor;
  - When Miranda rights are read to a suspect.
- C) Officers may deactivate the recorder in situations where the patrol vehicle is stationary for an extended time, such as traffic direction when working or assisting other emergency responders.
- D) Officers are to utilize their wireless microphone when dealing with the public and are encouraged to provide narration to assist in preparing reports.
- E) Officers are not under any legal obligation to advise the public that they are being recorded; however, if asked, the officer should say the recording equipment is in use.
- F) Officers are not to erase or record over previously recorded footage.

## II. CONTROL AND RETENTION

- A) Officers will have their supervisors download the information from their camera cards into the main server at the PD. Supervisors will return the blank cards back to the officers for reinsertion into the camera. All downloaded information will be retained for a period of 90 days. After 90 days all non-evidentiary recordings will be erased.
- B) After a recording is no longer needed as evidence, it may be used for training or other purposes.

## III. DUPLICATION

- A) Anytime a recording is to be duplicated for prosecution, it is to be done by the officer prior to being placed into evidence. Further duplications will be done by the Mille Lacs Tribal Police Department maintaining a secure chain of custody. The original is to remain in the custody of the Mille Lacs Tribal Police Department at all times until such time when the recording is needed for trial and then the recording will be used in court for trial.
- B) Anytime a member of the prosecution or judiciary requires a copy of the recording, it will be provided at no charge.
- C) Requests for duplication of recordings from other public entities or private citizens shall be provided in accordance with data practices policy. The requestor must pay the fee for duplicating the recording prior to the copy being made. The fee for this service is \$50.00.

D) In no event will any recoring be provided or duplicated and distributed by an officer without the express permission of a supervisor, (Prosecutor requests for tapes are exempt from this requirement).

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 346.0

EFFECTIVE DATE: MARCH 1, 1996

SUBJECT: STRIP AND BODY CAVITY SEARCHES

### PURPOSE

To provide guidelines for determining if and under what conditions the use of strip searches and body cavity searches are legally permissible and to establish guidelines for the appropriate conduct of such searches.

#### 346.01 POLICY

Strip searches and body cavity searches may be conducted to protect Officers, civilians and other persons in custody to detect and secure evidence of criminal activity and to safeguard the security, safety and related interests of this agency's or other agency's detention and holding facilities. These searches shall be conducted only with proper legal authority and justification, with due recognition and deference for the human dignity of those being searched and in accordance with the procedural guidelines.

#### 346.02 DEFINITIONS

1. "Strip Search" means any search of an individual requiring the removal or rearrangement of some or all clothing to permit the visual inspection of any or all skin surfaces including genital areas.
2. "Body Cavity Search" means any search involving visual inspection of skin surfaces, internal physical examination of body cavities and, in some instances, organs such as the stomach cavity.

#### 346.03 PROCEDURES

1. Strip Searches
  - a. Individuals arrested for traffic violations and other minor offenses of a nonviolent nature shall not be subject to strip searches unless the arresting Officer has articulable, reasonable suspicion to believe that the individual

is concealing contraband or weapons. Reasonable suspicion may be based upon, but is not limited to, one or more of the following criteria:

- i. The nature of the offense charged;
  - ii. The arrestee's appearance and demeanor;
  - iii. The circumstances surrounding the arrest;
  - iv. The arrestee's criminal record, particularly past crimes of violence and narcotics offenses;
  - v. The discovery of evidence of a major offense in plain view or in the course of a search incident to arrest; and
  - vi. Detection of suspicious objects beneath the suspect's clothing during a field search incident to arrest.
- b. Field strip searches of prisoners shall be conducted only in the rarest of circumstances under exigent circumstances where the life of Officers or others may be placed at risk and only with the explicit approval of a supervisory Officer.
- c. Where articulable, reasonable suspicion exists to conduct a strip search, the arresting Officer shall make a written request for such action to the detention supervisor or other designated authority that clearly defines the basis for suspicion or, preferably, by court order.
- d. When authorized by the supervisory authority, strip searches may be conducted only:
- i. By specially trained and designated personnel;
  - ii. In conformance with approved hygienic procedures and professional practices;
  - iii. In a room specifically authorized for this purpose;
  - iv. By the least number of personnel necessary and only by those of the same sex; and
  - v. Under conditions that provide privacy from all but those authorized to conduct the search.

- e. Following a strip search, the Officer performing the search shall submit a written report to the supervisory authority that includes, at a minimum, the following:
  - i. Date and place of the search;
  - ii. Identity of the Officer conducting the search;
  - iii. Identity of the individual searched;
  - iv. Those present during the search;
  - v. A detailed description of the nature and extent of the search; and
  - vi. Any weapons, evidence or contraband found during the search.
2. Body Cavity Searches; Should visual examination of a suspect during a strip search and / or other information lead an Officer to believe that the suspect is concealing a weapon, evidence or contraband within a body cavity, the following procedures shall be followed:
  - a. The Officer shall consult with his immediate supervisor to determine whether probable cause exists to seek a search warrant for a body cavity search. The decision to seek a search warrant shall recognize that a body cavity search is highly invasive of personal privacy and is reasonable only where the suspected offense is of a serious nature and / or poses a threat to the safety of Officers or others, and / or the security of the Department's detention operations;
  - b. If probable cause exists for a body cavity search, an affidavit for search warrant shall be prepared that clearly defines the nature of the alleged offense and the basis for the Officer's probable cause;
  - c. On the basis of a search warrant, a body cavity search shall be performed only by an authorized agency physician or by other medically trained personnel at the physician's direction;
  - d. For safety and security reasons, the search shall be conducted at the Department's detention facility or other authorized facility and in the room designated for this purpose;
  - e. Body cavity searches shall be performed with due recognition of privacy and hygienic concerns previously addressed in this policy; and
  - f. The authorized individual conducting the search shall file a report with the requesting Law Enforcement agency. The witnessing Law

Enforcement Officer shall cosign that report and comply with information requirements specified in this policy.

## MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 347.0

EFFECTIVE DATE: MARCH 1, 1996 REVISED: SEPTEMBER 20, 2005

SUBJECT: CONFIDENTIAL FUND

### PURPOSE

To establish documentation procedures for buying information, paying investigative expenses and purchasing contraband evidence including stolen property.

#### 347.01 POLICY

To conduct investigations of controlled substance violations and other crimes and to employ undercover Officers and investigative techniques to accomplish this mission in conjunction with area drug task forces, Mille Lacs Tribal Police Department and other local, state and federal law enforcement agencies.

#### 347.02 PROCEDURES

1. Officers must request a cash advance from the Confidential Buy Fund from the Chief of Police.
2. Confidential funds records
  - a. The Property Room officer will maintain a master ledger for the Buy Fund Account.
  - b. The Property Room officer will maintain a separate account for each investigating Officer who receives funds.
3. Each Officer will maintain a ledger of debits and credits for Buy Funds assigned to him.
4. No more than \$500 will be signed out to one officer at a time. The Officer may keep the funds for fourteen days to complete his investigation, and then return any unused funds to the Property Room.

#### 347.03 CASH DISBURSEMENTS AND DOCUMENTATION OF EXPENSES

1. Funds paid to confidential sources for purchases of information.

- a. Receipts will be obtained from all confidential sources unless it would be detrimental to the investigation, in which case another police officer shall monitor the transactions.
  - b. Funds paid for obtaining information or evidence from sources should be itemized.
  - c. Funds for purchase of evidence should be documented on a case report showing purchase of the evidence (contraband).
  - d. Confidential expenses shall be documented to the Chief Law Enforcement Officer on a Confidential Fund Expenditure Report supplying all of the following information:
    - i. The amount expended for purchases and or payments;
    - ii. The investigating Officer's name and agency;
    - iii. Informant's name; (CI # \_\_\_\_\_)
    - iv. Informant's signature, if payment;
    - v. The type and amount of contraband purchased;
    - vi. The date;
    - vii. The case number; and
    - viii. The type of expenditure.
  - e. The Chief shall review each Confidential Fund Expenditure Report and approve expenditures.
  - f. Single expenditures exceeding \$100.00 must be approved by the Chief Law Enforcement Officer and done in advance, whenever possible.
  - g. The Chief will maintain the original Confidential Fund Expenditure Report Forms in the account file of the Officer.
2. Initiating Officer should maintain a photocopy of each report in personnel file. A sample copy of Confidential Fund Expenditure Report is included in this policy section.

Department's confidential funds will be audited quarterly by the Commissioner of Finance (OMB) and will be made available for an independent audit if needed.

MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 348.0

EFFECTIVE DATE: APRIL 15, 1995

SUBJECT: CRIMINAL CONDUCT ON A SCHOOL BUS

PURPOSE

To present guidelines for responding to calls of criminal conduct on school buses and to promote cooperation between schools, parents, students, transportation providers and the Police. The results of this cooperation should help to provide a safer passage for students, drivers and chaperones.

348.01 RESPONSE

1. Officers are expected to respond in a timely manner to a report of criminal conduct or disturbance on school buses. Officers will handle this type of complaint as they would any other report or call for assistance. Complaints will be thoroughly investigated and will be referred to the appropriate agency for follow up investigation or prosecution when warranted.
2. Officers must use discretion when handling incidents on school buses by considering the circumstances and acting accordingly.
3. Officers should be aware that school districts and transportation providers have disciplinary policies which regulate student behavior on buses. When citizens' arrests are necessary, transportation providers should be made aware of what is required of them to complete this process.
4. When questioning students, obtain full name, DOB, parent's names, address, phone number, school attending and grade.
5. Officers will provide information to School Officials to the extent allowed by the Minnesota Data Practices Act.

## MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 349.0

EFFECTIVE DATE: AUGUST 15, 1999

SUBJECT: EVIDENCE LOCKER POLICY

### PURPOSE

To establish a uniform policy for the handling of all property and evidence acquired by any officer of the Mille Lacs Band Police Department that is to be placed in or taken from the evidence room.

#### 349.01 PROCEDURE

It is imperative that precise and safe handling of all evidence acquired by Mille Lacs Band Police Officers be within the Department's Property and Evidence Policy.

The control of the Evidence Room will be the responsibility of the designated officer. No one will enter the room without the actual presence of the evidence officer. All necessary forms or logs will be signed by the officer depositing or withdrawing property to ensure proper accounting and control of the "chain of evidence." (Exceptions will only include the use of outside lockers located in the garage for use after hours).

#### 349.02 CONDITIONS AND GUIDELINES

Conditions and guidelines for the acceptance of evidence are as follows:

Officers must properly fill out the log sheet located in the evidence room.

A copy of the case number and ICR must accompany the evidence.

All evidence will be properly packaged and identified. This means that if you have electronic equipment, a tag will be attached to the item giving the description (make, model, serial #, etc...) Firearms and ammunition will be submitted in separate packages. Cloth items will be dried of blood or moisture and put in paper bags with evidence tags. Boxes will be sealed with evidence tape and will display evidence tags as well. Items such as fishing tackle must have hooks removed and lines securely tied. Any items that contain leaking fluids will not be accepted. Remember that each item must be properly packaged and labeled to help minimize space.

All biological evidence that must be retained will need to be clearly labeled and packaged properly. Biological evidence must have a visible biohazard sticker on them. All biological evidence that needs to be stored in a refrigerator will be turned over to the Evidence Officer.

The release of all evidence will be done by the Evidence Officer. Proper logs will be completed. It will be the responsibility of the officer to contact the owner.

#### 349.03            DOCUMENTATION NEEDED

1. All seized, recovered, found, stolen or abandoned property or items of evidence processed by the Mille Lacs Band Police Department will be properly documented. This documentation will be in the form of Case File Numbers, Evidence Tags, Property and Evidence Report Forms.

2. A Property and Inventory Report form will be filled out listing each item of property or evidence held under that particular case file.

3. A copy of the property report will be placed in the Evidence Officer's box upon placing evidence or property in the locker.

4. An additional copy will be attached to the item individually. If the case involves numerous items, individual tags may be attached to the items or to cartons containing small items. These tags must have the case number, date, and officer's name, badge number, victim or suspect's name and place of recovery.

Property and Evidence items that are large or bulky may require special storage. If the property or evidence contains hazardous substances such as oil or gasoline, these items will require special storage as well. In no instance should outboard motors or chainsaws be stored in the main Evidence Room or in the lockers located in the garage.

At no time will officers of the Mille Lacs Band Police Department hold property for "Safe Keeping" at the request of any citizen.

At no time will any Officer place any personal property in the Evidence Room for storage.

No Mille Lacs Band Police Department equipment may be stored in the Evidence Room without the prior approval of the Chief of Police.

Property or Evidence, which is illegal contraband, shall be destroyed after the case is closed. The destruction shall be approved prior by the Chief of Police. Whenever destruction of evidence takes place, two (2) officers shall be present and one will sign as witness to the destruction.

At no time will property or evidence ever be converted to the personal use of any personnel of the Mille Lacs Band Police Department or any other citizen.

Any violation of this policy may result in disciplinary action.

# MILLE LACS BAND POLICE DEPARTMENT OPERATIONS MANUAL

GENERAL ORDER: 350.0

EFFECTIVE DATE: SEPTEMBER 15, 2005

SUBJECT:                PREDATORY OFFENDER COMMUNITY NOTIFICATION

PURPOSE:

It is the policy of the Mille Lacs Band Police Department to protect the public by disclosing information on predatory offenders residing on the Mille Lacs Indian Reservation. The extent of the information disclosed and to whom is at the discretion of the Mille Lacs Band Police Department unless otherwise noted. However, it is related to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members to enhance their individual and collective safety.

350.01                PROCEDURE

1. Community Notification- For questions regarding community notification or risk level assigned to the offender, contact the Predatory Offender Unit of the Department of Correction at 651-642-0279 or at [www.corr.state.mn.us](http://www.corr.state.mn.us). The DOC will answer questions about the process and responsibilities, and assist agencies in conducting public notification meetings when an offender subject to notification moves into a law enforcement jurisdiction.
2. Notification Process
  - a) Level 1- The purpose is to disclose information to raise awareness.
    - Mandatory- Victims who have requested disclosure
    - Discretionary- Witnesses or victims, other law enforcement agencies
  - b) Level 2- To disclose information to safeguard facilities and protect the individuals within those facilities
    - Mandatory- All persons and entities included in Level 1 disclosure
    - Discretionary- Groups and agencies that the offender is likely to encounter including staff members of both public and private schools, day care facilities and organizations that would provide services to the individuals likely to be victimized by the offender.
  - c) Level 3- To disclose information not only to safeguard facilities and protect the individuals they serve, but also to protect the community as a whole.

- Mandatory- All persons and entities included in Level 1 and Level 2 disclosures. A good faith effort must be made to notify within 14 days of receiving documents from DOC.
  - Discretionary- Other members of the community who the offender is likely to encounter, unless public safety would be compromised by the disclosure or a more limited disclosure is necessary to protect the identity of the victim. The standard for a Level 3 offender is to invite the community to a public meeting and disclose the necessary information.
3. Registration- For questions concerning registration, contact the Bureau of Criminal Apprehension Predatory Offender Unit at 651-603-6748 or at [www.dps.state.mn.us/bca](http://www.dps.state.mn.us/bca).
- a) When an offender arrives at the Police Department to register, determine if he/she is required to register and in what state the offense was committed.
  - b) If the offender is required to register, contact the BCA to clarify if the offender is registered and if a DNA sample has been submitted.
  - c) If the offender is already registered, complete a Change of Information form.
  - d) If the offender is not registered, complete a Predatory Offender Registration form.
  - e) If the offender is from another state, contact the state and request a copy of his/her original registration form, criminal complaint and sentencing documents.

4. Verification- The Mille Lacs Band Police Investigator will verify the addresses of offenders living on the reservation.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 351.0

EFFECTIVE DATE: September 19, 2005

SUBJECT: LIGHTING EXEMPTIONS FOR LAW ENFORCEMENT VEHICLES

PURPOSE: To provide effective crime prevention and public safety service the Mille Lacs Band Police Department may find it necessary to use covert tactics to preserve Evidence and facilitate the apprehension of suspects.

The policy of the Mille Lacs Band Police Department provides uniform guidance for all department personnel when operating a department vehicle without headlights, taillights or marine navigational lights.

351.01 DEFINITIONS:

**A. Vehicle:** Any motorized vehicle or watercraft owned, leased or otherwise the property of the Mille Lacs Band Police Department, used for law enforcement purposes.

**B. Lights:** Headlights, taillights and marine navigational lights as referenced in MN Statutes, sections 84.87, 84.928, 169.65 and 361.15.

351.02 APPLICATION/PROCEDURE

Mille Lacs Band Police Officers must not operate emergency vehicle without Lighting under the following conditions:

- On a state highway
- At speeds greater than what is considered reasonable and Prudent under existing weather, road and traffic conditions.
- Faster than the posted speed limit
- In situations where the officer is an active participant in the Pursuit of a motor vehicle in violation of MN Statutes Section 609.487
- Contrary to the elements of MN Statutes Section 169.541

Mille Lacs Band Police Officers may operate a vehicle without lighting if it is Necessary to perform covert operations, when none of the above conditions exist.

MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 352.0

EFFECTIVE DATE: SEPTEMBER 15, 2004      REVISED:      SEPTEMBER 21, 2005

SUBJECT:      EMERGENCY RESPONSE TEAM

PURPOSE:      The safety and preservation of human life will be the Mille Lacs Band Police Department Emergency Response Team's primary objective. The Emergency Response Team will be specifically trained and equipped to resolve critical incident situations and will serve as the emergency support unit for the Mille Lacs Band Police Department. Containment of suspects and negotiation procedures will be the Team's first responsibilities. Emergency Response Team personnel shall strive to promote a cooperative and harmonious working relationship with other law enforcement agencies through the mutual aid agreements.

352.01      Definitions

- a. Commander- The E.R.T. commander will be an officer/supervisor selected by the Chief of Police who is assigned to be in overall command of the Team when it is involved in an operation.
  
- b. Team Leader- The Team Leader is a designated member of the ERT who is in charge of the entry team. The Team Leader reports directly to the Team Commander.
  
- c. Negotiators- Are members who have received specialized training in hostage negotiations.
  
- d. Inner Perimeter-The inner perimeter is the immediate area, which surrounds a suspect, or scene that poses the greatest threat to the physical safety of officers and the general public.
  
- e. Outer Perimeter- The area relatively free from the danger posed by the suspect(s) or scene. This area would be established to keep accomplices, press, traffic and the general public a safe distance away from the inner perimeter and command post.

## Duties and Responsibilities of Department Personnel

- a. The Team will consist of members of the Mille Lacs Band Police Department. The Team will be under the direction and control of the Chief of Police, or the assigned Team Commander. The Team will train as a unit and be called upon to respond to the following emergency situations.

1. To protect the lives of hostages, team members, bystanders,, police officers, and if possible the suspect(s).
2. Safely rescue hostages upon tactical deployment
3. Apprehend suspects.
4. Isolate the incident.
5. Protect property and equipment.
6. Conduct a tactical assault, if necessary, which will resolve a special threat or crisis situation.
7. Deter, contain and minimize situations before they can escalate.
8. Conduct high-risk warrant services
9. Conduct high-risk search warrants
10. Conduct high-risk apprehensions.
11. Respond to all barricaded/hostage subjects.
12. All Clandestine Labs.

The Team may also be used for search and rescue or other duties.

The Team will follow the Mille Lacs Band Police Department Use of Force Policy.

- b. Department Head

1. Authorize funding for personnel, equipment and training.
2. Review and approve ERT policy and procedures
3. Responsible for the implementation of mutual aid/cooperative agreements for the use of ERT in other jurisdictions.
4. Has the lone discretion to disband the ERT if necessary.
5. Will respond to the crisis scene and assume overall command of the situation.
6. Will select Officers assigned to the team, based on their Physical Agility Testing and interviews.

c. ERT Commander

1. Will have direct command of all ERT members at the crisis scene. In the absence of the Commander, the Chief or his/her representative will have command responsibilities until the Team Commander's arrival.
2. Determine what tactical methods and deployment are to be used by the ERT.
3. Coordinate the use of the ERT with the on-call supervisor, negotiators, and other support groups (medical, fire, etc.).
4. Assist and assign training of the ERT by coordinating through department heads.
5. Maintenance of ERT operations records through normal reporting procedures.

d. ERT Team Leader

1. Develops tactical plan and directs entry team.
2. Coordinates the activities of the gas delivery and perimeter team with the Commander.
3. Coordinates activities of the scout team with the Commander.
4. Implements orders received by the Commander which affect ERT personnel under his/her authority.

e. ERT members

1. Follow, have knowledge of, and adhere to the ERT policies, rules and procedures.
2. Maintain physical fitness standards, which will allow the members to function in their respective capacity.
3. Respond immediately to call-out situations.
4. Attend ongoing training sessions.
5. Maintain a degree of proficiency in all areas.
6. Will be cross-trained for all functions. Marksman and negotiator will be the only specialized positions.

f. Training

1. On going training will be conducted on a regular basis
2. All members will give these training sessions a high priority
3. Members will attend all training sessions except for exigent circumstances or approved by the Team Commander.
4. Unapproved absences, tardiness, and early-outs may result in a board review. Punitive measures may include verbal, written, and up to dismissal from the team.
5. ERT commander will keep records of all training.
6. Lesson plans or notices for training sessions will be submitted to the Commander for dissemination to members.

352.03

PROCEDURES

a. Within the Mille Lacs Band Reservation, or areas where mutual aid pacts are in place.

1. ERT may be used in high-risk situations where time for planning exists. In these situations, prior approval by the department head or this representative is required.
2. During immediate crisis situations, the on-call supervisor has the authority to call out ERT if unable to contact the above. Call out is not automatic. The On-duty supervisor must evaluate the overall situation. When the on-duty supervisor determines that the resources available to him/her are adequate to handle the situation, there is no need to call for the assistance of the ERT. When it is determined the situation could deteriorate the Team should be called out. (Refer to 352.02).
3. All requests for ERT from an outside agency must be approved by the Chief of Police or his designee.

b. Chain of Command

1. Operations on the Mille Lacs Reservation:

The ERT Commander is in charge of the Team. Team members will respond to orders from the Team Commander during the course of the operation. When the operation is finished, (ie. Scene secured ) team members may gear down and be utilized as needed. They will be under the direction of the supervisor in charge of the call or investigation.

2. Operations outside the Mille Lacs Reservation

The ERT Commander is in charge of the Team. Members will respond

to orders from the Team Commander during the course of the operation. The Team Commander will work with the officer in charge and lend assistance in planning a course of action. The Officer in charge of the jurisdiction outside the Mille Lacs Reservation has the responsibility of authorizing any action to be taken by the Team. The Team Commander will direct any operation authorized by the officer in charge. The Team Commander has the responsibility of determining how the action will be accomplished when using the ERT.

c. Duties of ERT personnel upon initial response.

1. Secure the perimeter and assign assisting officers to specific locations and duties.
2. Avoid exposing assisting officers to hostile fire and crossfire's.
3. Assign extra personnel to a staging area until needed.
4. Evacuate civilians from dangerous area
5. Plan for traffic diversion, both vehicular and pedestrian.

d. Specific Assignments and Responsibilities of ERT and Assisting personnel

Entry Team- Will provide for the evacuation of civilians and un-needed personnel from the danger area. Establish direct-line communication to the incident scene. Will enter dangerous areas to accomplish the planned objective. Will take into custody all high-risk persons if the situation dictates. They may turn over suspects to on-duty personnel for the booking process.

Gas Delivery/Perimeter Team- Will maintain the inner perimeter and deliver chemical munitions upon the demand of the ERT Commander.

Marksmen- Will position themselves to best contain and observe subject(s), provide weapons cover for the inner perimeter personnel and deliver selected and controlled firepower when directed by the ERT Commander.

Scout Team- Will consist of the marksmen, and spotter for on-site intelligence work and ascertain safe routes to and from the objective. They will assist in diagramming the objective with the Team Commander and Team Leader.

Negotiators- Attempt to keep a line of communication open with the suspect(s) and negotiate a settlement. Will provide intelligence gained from the negotiations to the ERT Commander.

Non-Team personnel-Can be used as spotters for the marksman and provide cover for the gas delivery team, intelligence gathering and outside

perimeter security.

#### 352.04 PERSONNEL SELECTION

The intent to fill a vacancy on the ERT, or increase the number of personnel on the team will be announce department-wide and officers interested in membership on the team will submit applications to the ERT Commander

To be eligible officers must have completed their probationary period and have no history of disciplinary action (1) year prior to their application.

The selection process shall consist of the following;

- Oral Board
- Physical Fitness Exam
- Chiefs Review

#### 352.05 NOISE/LIGHT DIVERSIONARY DEVICES

In order to reduce the potential for injury and/or property damage the use of noise/light diversionary devices must be supervised and properly deployed.

Only personnel who have successfully completed departmental or basic SWAT training in the proper use and deployment of the noise/light diversionary devices will be authorized to deploy them during actual operations.

Generally, noise/light diversionary devices may be considered whenever the use of less lethal diversion would facilitate entry, enable arrest, and potentially reduce the risk of injury. Use of the noise/light diversionary device may include, but not limited to the following;

- Barricaded suspect an/or hostage situations
- High-risk warrant services
- Violent or mentally deranged person or those under the influence believed necessary to facilitate arrest.
- Situations deemed necessary to safely resolve the incident.

Prior to deploying the noise/light diversionary device personnel should consider available intelligence information and circumstances to include the presence of children or elderly persons. Circumstances may dictate that exterior deployment is preferable to deployment on the interior of a structure. Whenever possible devices shall be deployed to an area visible to the deploying officer.

The Team Commander shall review the use of each noise/light diversionary device as soon as practical following each incident or operation to ensure the devices were used according to policy and functioned properly.

## DEPLOYMENT OF CHEMICAL AGENTS

The use of chemical agents is a less-lethal response to situations where there are serious risks in nature. When properly utilized chemical agents have proven safe and effective.

Chemical agents can be deployed either inside a structure or outside depending on the circumstance encountered. In the case of snipers or barricaded subjects, chemical agents are deployed in an effort to force the subject(s) to leave a fortified position. Chemical agents are useful in moving or dispersing riotous crowds by way of encouraging people to leave a certain area or abandon some form of unlawful activity.

Chemical agents should be deployed in such a manner that a suspect or crowd is forced to exit or move to a location that has been pre-determined. Whenever practical, announcements should precede the introduction of chemical agents.

The Team Commander and Team Leader must maintain a flexible approach to the utilization of chemical agents.

The sequence of introduction of chemical agents and amounts are generally progressive depending upon the degree of force required.

Whenever possible the suspect(s) should be given the opportunity to surrender prior to the next level of chemical agent being used. Smoke will be introduced into a structure only as a last resort, due to the fact smoke can displace oxygen and may be considered lethal force.

Chemical agents will only be deployed at the direction of the Team Commander and Team Leader. The gasman will be directed as to the location, type, and quantity of chemical agent deployed.

Chemical agents deployed inside a structure will be predicated upon the following factors;

Severity of the incident

Nature of the threat posed by the suspect(s)

The percipient persons involved. The use of Chemical agents should be avoided in those circumstances where it is reasonable to believe that elderly, children, or other persons with medical problems are present.

The type and location involved. The size of the structure and its purpose must be considered as well as damage likely to be caused by the introduction of chemical agents.

Calculation formulas for the deployment of chemical agents into enclosed environments are furnished by the manufacturer and were created in a laboratory

environment. Therefore formulas must be recognized and utilized merely as guidelines in so far as the introduction into a structure.

The Team Commander and Team Leader shall review the use of chemical agent as soon as practical following each incident or operation to insure the devices were used according to policy and functioned properly.

#### 352.07 PHYSICAL FITNESS STANDARDS REQUIRED

All ERT members must pass a Physical Fitness Standard to be eligible for the Team.

Members shall pass a yearly Fitness Test to remain eligible for the Team. Those not passing the test will be removed at the direction of Chief of Police. Members may be reinstated after passing a remedial fitness test.

Members will be afforded (4) hours of on-duty time per week to work out to sustain the degree of fitness required for the ERT Team.

Standards and testing will be determined by the Chief of Police and ERT Commander. The testing will be job specific and performed in gear normally worn by ERT members.

### MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 353.0

EFFECTIVE DATE: SEPTEMBER 21, 2005

SUBJECT: IMPARTIAL POLICING

It is the policy of the Mille Lacs Band Police Department to reaffirm our commitment to impartial/unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner to all.

#### 353.01 POLICING IMPARTIALLY

Investigative detentions, pedestrian and vehicle stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution. Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for investigative detentions, pedestrian and vehicle stops, arrests, nonconsensual searches and property seizures.

Except as provided in paragraph (3) officers shall not consider race, ethnicity, national

origin, gender, sexual orientation and religion in establishing either reasonable suspicion or probable cause.

Officers may take into account the descriptors in paragraph (2) of a specific suspect(s) based on information that links specific, suspected, unlawful, or suspicious activity to a particular individual or group of individuals. This information may be used in the same manner officers use specific information regarding age, height, weight,, etc. about specific suspects.

### 353.02 PREVENTING PERCEPTIONS OF BIASED POLICING

In an effort to prevent the perception of biased law enforcement, officers shall utilize the following guidelines:

Be respectful and professional

Introduce or identify yourself to the citizen and state the reason for the contact as soon as practical, unless providing this information will compromise officer or public safety.

Ensure that the detention is no longer than necessary to take appropriate action for the known suspected offense.

Attempt to answer any relevant questions the citizen may have regarding the contact, including relevant referrals to other agencies when appropriate.

Provide name and badge number when requested, preferably in writing or on a business card.

Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

Supervisors shall ensure that all personnel are familiar and compliant with this policy.

## MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 354.0

EFFECTIVE DATE: MARCH 10, 2002 REVISED: SEPTEMBER 27, 2005

SUBJECT: FIELD TRAINING OFFICER PROGRAM

### PURPOSE

The quality of officers produced by the Mille Lacs Band Police Department can be directly related to the quality of it's Field Training Program. It will be the objective of the

Mille Lacs Band Police Department to maintain the highest quality Field Training Program possible. The success and future of the Mille Lacs Band Police Department is contingent upon selection and training of new officers, of which the Field Training Officer Program is an intricate part.

The primary goal of the Field Training Officer Program is to develop recruits who have successfully completed their academic portion of training, and lateral officers, into officers capable of performing as community oriented Mille Lacs Band Police Officers.

A. Objectives of the FTO program

1. Systematically guide the recruit officers to properly apply their academic knowledge of field situations.
2. Guide the recruit officers to analyze field situations in a logical manner.
3. Develop the recruit officers so that they may function as police officers, following standard operation procedures and applying common sense in fulfilling the goals and objectives of the Mille Lacs Band Police Department.
4. Inform the recruit officers of the duties and responsibilities of a Mille Lacs Band Police Officer and how they are expected to perform these duties.
5. Evaluate the progress and potential of recruit officers and assure development of their skills.
6. Identify recruit officers who meet the requirements of a Mille Lacs Band Police Officer and release them from their OJT as scheduled or earlier if the recruit is of exceptional quality.
7. Identify recruit officers who fail to meet the minimum requirements of a Mille Lacs Band Police Officer and either extend their training as needed, or terminate them as Mille Lacs Band Police Officers.
8. Identify and train exceptionally good officers to function as Field Training Officers as prescribed in these objectives.
9. Evaluate Field Training Officers on their ability to communicate, train, and evaluate recruit officers.

B. Field Training Officer Committee

1. Will consist of the Chief of Police, Administrative Lieutenant or Sergeant, and Patrol Sergeant.
2. Will monitor the FTO program.
3. Will be responsible for the constant evaluation of FTO's.
4. Will recommend retention or removal of FTO's from the program.
5. Will be responsible for the continuing evaluation of recruit officers to determine the need for extension, early release or termination.
6. All records kept by the FTO will be provided for use by the committee.

7. The Chief of Police has the final decision in all extensions and releases from training.

C. Responsibilities of the Patrol Sergeant

1. The Patrol Sergeant will perform their normal duties, along with the control and monitoring of all training and recruit officers.
2. Will be responsible for liaison with the Chief of Police for the purpose of dealing with recruit problems.
3. Will be responsible for monitoring the recruit officer while in training, through daily evaluation and weekly meetings.
4. Will be responsible for providing a means to improve a recruit's substandard performance. This can be accomplished by one of the following: Training by FTO, Training by Patrol Sergeant, Training by Administrative Lieutenant or Sergeant.
5. Will be responsible for monitoring the performance of FTO's and take the necessary steps to insure their continued competence.
6. Will be responsible for advising the Chief of Police of problems involving the recruit officers and take the appropriate measures to solve those problems.

D. Responsibilities of the Field Training Officer

5. Provide an on-going instruction utilizing personal and practical techniques, that are in-line with Department policies and procedures.
6. Will be responsible for evaluating a recruit officer on a daily basis. By using the Daily Observation Report will show and discuss the evaluation with the recruit daily, so the recruit can further develop and strengths and correct any weaknesses. These evaluations will be forwarded to the Administrative Lieutenant weekly.
7. Will be responsible for observing and documenting any training problems or deficiencies the recruit might have. The FTO will make every effort to assist in improving areas that are substandard for the recruit.
8. The FTO will be responsible for bring to the attention of the Patrol Sergeant any problems in relation to the recruit's performance.
9. The FTO will document all strengths and weaknesses concerning the recruit's performance, by means of evaluations and other pertinent facts, documents, or paperwork.
10. The FTO's personal and professional appearance and conduct should be beyond reproach. The FTO must recognize the need for possessing a higher sense of

professionalism. The FTO must understand the need for quality personnel and their affect on the image, effectiveness, and further of the Mille Lacs Band Police.

11. FTO's are discouraged from taking any leave of absence during the phases they are training recruits.
12. FTO's are authorized (3) hours of overtime per week while training a recruit.

E. Responsibilities of the Recruit Officer

1. Will be responsible for applying the skills and knowledge learned during their basic law enforcement schools to actual field situations.
2. Will follow the orders of their FTO's and supervisors.
3. Will make the FTO's aware of any problems, personal or professional, that will have an effect on their job performance.
4. Will accept all methods of training that are geared to improve their standard of performance. Will maintain good habits of conduct and appearance.
5. Will complete 480 hours of OJT, including mandatory training with the Investigator.

F. Operational Procedures for Training of Recruit Officers.

1. The recruit officer will be assigned to three certified Field Training Officers for a period of four weeks each, for a total of twelve weeks
2. The first four-week period is an introduction to police work. The FTO will do most of the work while the recruit learns what is expected of him. The recruit will learn to apply what he has learned in school to patrol.
3. The second four-week period the recruit is expected to be more active in sharing the duties and responsibilities. The recruit will receive guidance from the FTO.
4. The third four-week period is expected to be a final preparation for a single person car. The recruit is to assume the majority of the workload and by the end of the phase, demonstrate they are capable of performing as a police officer.
5. Training deficiencies may be noted by anyone in the recruit's chain of command. When training deficiencies are noted, an appropriate correction program will be instituted and the results documented. Minor training deficiencies may be handled by the FTO and documented in a Daily Observation Report. Major training deficiencies will be brought to the attention of the recruit's entire chain of command. The Patrol

Sergeant will have primary responsibility for insuring an appropriate correction program is developed and utilized and approved through the Chief of Police.

6. Release from training at the end of the 12 weeks will be approved by the Chief of Police.
7. Early release from a training officer may be granted by the Chief of Police. Only a recruit of very exceptional quality will be considered.
8. Extension of training may be ordered by the Chief of Police. When extended training is required, the Patrol Sergeant will issue a performance improvement plan to the recruit itemizing the deficiencies that need to be corrected and what steps will be taken to insure correction. The Patrol Sergeant will discuss this order with the FTO and recruit. If the recruit does not correct his deficiencies and maintain a minimum level of performance he will be offered resignation or termination at the end of his extension.
9. FTO's will be authorized to wear civilian clothes during the recruit's final two weeks of OJT.

#### MILLE LACS BAND POLICE OPERATIONS MANUAL

GENERAL ORDER: 355.0

EFFECTIVE DATE: OCTOBER 11, 2005

SUBJECT: DETOXIFICATION

#### PURPOSE

To set policy for the detoxification of subjects under the influence of alcohol and/or drugs. During the course of their duties, officers may come upon, or be dispatched to handle an intoxicated subject. Officers are afforded an amount of discretion in dealing with and placing intoxicated individuals.

355.01 Removal of individuals suspected of being under the influence

Officers may be asked to remove a subject suspected of being under the influence from a residence or place of business by the owner/responsible party. The officer may take into account the circumstances surrounding the reasons for removal;

Is the person(s) unwanted at the residence.

Has the person(s) committed a crime.

Is the person(s) being disorderly.

Is the residence the person(s) place of dwelling.

Officers may not remove a person from his place of dwelling for the sole reason of being intoxicated. If other charges exist officers may take the subject into custody for those crimes in which a warrant less arrest is justified.

355.02 Placement of individuals suspected of being under the influence.

Officers may take or arrange to have intoxicated subjects taken to the nearest detoxification facility. Officers will take a PBT reading if the subject is cooperative. If a subject is in need of medical assistance, (ie. High intoxication level or existing injuries or medical conditions) the officer or ambulance will take the subject to a medical facility for treatment.

Officers may place a subject at a relative/friend's house in lieu of placement in a detoxification facility, if the officer determines it is prudent to do so. The person receiving the subject must sign a release and care form indicating they are taking responsibility for the subject. If they refuse the subject will be placed in a detoxification facility. Subjects will not be allowed to receive and sign for an intoxicated subject, if they themselves are intoxicated. Officers will not release a subject to friends/relatives if any condition exists in the above paragraph.

Juveniles will be placed in a detoxification facility in accordance with this policy. Juveniles can only be released to a responsible adult family member, after receiving the signed care and release form.

Officers may release an adult subject without a written release form only in exigent circumstances. Juveniles must have a written release form from a responsible family member.

Officers will attach a copy of the release form to the ICR prior to turning it in to Records.

## **ACKNOWLEDGEMENT**

This manual contains the policies and procedures to be used by the Mille Lacs Band Law Enforcement Officers in the performance of their duties. I understand that the Police Chief may make additions or revisions of these policies and procedures occasionally and I will be informed of such additions or revisions at that time.

I have received a copy of the manual on \_\_\_\_\_ and have read it. I understand

these policies and procedures and agree to abide with them to the best of my ability. I further acknowledge that I understand these policies and I will follow procedures regarding my performance and discipline in my duty as a law enforcement officer.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor \_\_\_\_\_ Date \_\_\_\_\_