

**Stevensville Police Department
General Order**

Chapter 19

Patrol

**Date Effective
5/10/21**

By The Order of:

M. Sosa, Jr., Chief of Police

**Date Revised
5/10/21**

**Date Reissued
5/10/21**

**Pages
40**

This chapter will establish a clear definition of the functions of the patrol operations within the Stevensville Police Department. The Stevensville Police Department shall provide law enforcement functions within its geographically defined boundaries in the Town of Stevensville on a twenty-four-hour basis, if staffing levels permit. The Stevensville Police Department shall support patrol operations with organizational and administrative activities that encourage the most efficient and effective use of personnel and supporting resources.

19.1.1 FIELD OPERATIONS DIVISION FUNCTIONS

CALEA Standards 41.1.1

The Agency is responsible for the protection of life and property, prevention of criminal activity, apprehension of criminal offenders, preliminary investigation of calls for law enforcement service, and in most instances follow-up investigations by uniformed Officers in marked and unmarked vehicles. This responsibility will include such activities as:

- Response to calls for service
- Preventive patrol
- Investigation of crimes, offenses, and incidents
- Crime prevention activities
- Traffic direction and control
- Maintenance of public order
- Provision of emergency services
- Reporting information to appropriate organizational components
- Community Policing activities
- Criminal Warrants

The Agency will encourage and support the exchange of information within the Agency to coordinate work efforts. This exchange of information is accomplished by the following methods:

- Periodic supervisor meetings
- Crime Stat meetings
- End of Shift Reports

Emergency Response Availability

The Stevensville Police Department provides law enforcement services to its constituents 24 hours a day, every day of the week, if staffing levels permit. There are mutual aid agreements with other local law enforcement agencies to provide uninterrupted law enforcement service in the event of an emergency.

In an attempt to provide continuous 24-hour coverage, on-duty Officers will remain in service until relieved, or the end of their Supervisor approved shift. Off-duty Officers are subject to call out in the event additional personnel are required to respond to emergencies or to provide uninterrupted law enforcement service.

19.1.2 SHIFT ASSIGNMENTS

CALEA Standard 41.1.1

The Agency assigns patrol personnel to units in order to provide effective 24-hour coverage according to the following procedure:

- The Agency shall consider the seniority, special skills, knowledge, and abilities of Officers and personnel needs of the Agency in making assignments in order to provide effective coverage.
- On-duty staffing requirements for each unit shall be determined periodically by the Chief of Police based on calls for service, service area population demands, and criminal analysis statistics. Supervisors shall have the authorization for compensatory time when it is operationally necessary to maintain effective coverage. If it becomes necessary for compensatory time, the supervisor shall document the compensatory time on the daily time sheet.
- The Chief of Police retains the final authority in assigning Officers to patrol shifts.

Assignments

Patrol Supervisors shall assign Officers to patrol according to the following criteria:

- Number of available personnel
- Operational objectives and training priorities
- Officer experience and specialty skills

Span of Control

In order to provide adequate supervision, guidance, and coordination of Officers, the span of control for first line patrol supervisors will be determined by the Chief of Police.

19.1.3 SHIFT BRIEFING FREQUENCY AND PROCEDURES

CALEA Standard 41.1.2

Shift Briefings will be provided as pass-on information from shift to shift. The purpose of shift briefings/Pass-On information is to brief Officers on information regarding daily patrol activities, with particular attention being given to situations and events that occurred while the shift was off duty. Shift briefing shall be conducted in a business like and professional manner. Shift briefing should cover the following topics:

- The assignment of patrol units and vehicles
- The assignment of equipment for daily use
- Notification and updates on special investigations or crime patterns by other Agency Units
- Notification of new directives or changes in existing directives
- Uniform and equipment inspections
- Notification and updates on the status of wanted or missing persons and stolen vehicles, to include descriptions
- The exchange of information with other Agency Units
- Notification of special assignments, directed patrol checks, known or potentially hazardous conditions and situations, and other appropriate matters
- Notification of upcoming court dates, Grand Jury hearings, and other court-related information

19.2.1 ASSIGNMENT OF OFFICERS TO CALLS FOR SERVICE

CALEA Standard 41.2.1

Calls are assigned depending on an Officer's availability, duties, and special skills for dispatching calls for service. The dispatching of an Officer carries the authority of an order. To facilitate effective dispatching and minimize response time, Officers will remain in their assigned areas unless otherwise directed. A supervisor may countermand or modify the dispatching of an Officer. Officers through their mobile computers have the ability to assign themselves to a call through the CAD self-dispatching function.

An Officer who is not dispatched to a call for service, but responds to the call, shall inform the Communications Center of their response. Officers that have knowledge or pertinent information about a pending call for service should transmit the information to the Communications Center so the tele-communicator can dispatch additional Units if necessary. Officers responding to calls for service, or supervisors, may direct the Communications Center to dispatch additional Units as needed.

Situations that require the dispatching of a backup Unit(s) shall include:

- Officers or Officer(s) calling for help
- Crime in progress
- Domestic disturbance
- Calls involving weapons
- Fights
- Calls involving large crowds or loud parties
- Request of the initial responding Officer
- Other calls for service that, in the judgment of the supervisor or tele-communicator, indicate the need for additional Officers

19.2.2 RESPONSE TO CALLS FOR SERVICE

CALEA Standard: 41.2.1

All Stevensville Police Department employees operating Agency vehicles shall exercise due regard for the safety of others. No assignment shall be of such importance, and no law enforcement response shall be expedited with such emphasis, that the principles of safety become secondary.

Tele-communicators use a CAD Response file that automatically sets the priority for calls for service. However, tele-communicators have the authority to change the priority of a call for service based on information they have received. Response to calls shall be classified as routine or emergency:

Routine Response

A routine response is a normal operating condition in which Officers respond to calls for service by driving in a safe and courteous manner while adhering to all traffic laws.

Emergency Response

A response without delay condition in which Officers respond to calls in progress when a person's safety and well-being are directly jeopardized, a potentially life-threatening situation for emergency responses. Officers shall simultaneously use emergency lights and siren. Officers shall also adhere to the following requirements:

- Do not drive at a speed that is greater than is reasonable and prudent under the existing conditions (such as traffic/pedestrian volume, roadway conditions, time of day or lighting conditions, and weather conditions) at the time of the response. Montana Statute allows law enforcement vehicles on an emergency response to exceed the applicable speed limits; however, this exemption does not protect the Officer from any consequences of operating their vehicle with a reckless disregard for the safety of others. Officers shall, when operating their police vehicles, always operate the vehicle with due regard for the safety of others and balance the reason for the emergency response with the interest of public safety.

- Officers on an emergency response shall stop at intersections when they do not have the right of way, either due to a red light for their direction of travel or other duly erected traffic control devices. Officers shall proceed through the intersection only after seeing that the movement through the intersection can be made safely.

19.2.3 USE OF AUTHORIZED EMERGENCY EQUIPMENT

CALEA Standard: 41.2.1

Officers shall use emergency equipment only when required by the nature of their dispatched assignment, or when situations confronting them indicate the need for the use of emergency equipment. Montana Statute does not protect Officers operating vehicles and emergency equipment from the consequences of their reckless disregard of the safety of others. Emergency (red/blue/white) lights shall be used in the following circumstances:

- During pursuit driving
- When responding to emergency calls
- When stopping traffic violators
- When assisting motorists who are parked or stopped in hazardous locations
- When a patrol vehicle is stopped or parked on the roadway while the Officer attends to a hazardous condition or other circumstance, such as traffic direction
- When a patrol vehicle is stopped or parked in the roadway, hazardous warning lights shall be used to supplement the emergency lights

The siren is to be used simultaneously with the emergency lights when in a pursuit situation or when responding to an emergency situation. The siren may be used to signal drivers to stop or yield the right-of-way when other means of attracting the driver's attention have failed.

The spotlight/takedown light should be used as a protection for the Officer, especially when dealing with known or suspected felons. For example, during a traffic stop, the spotlight/takedown light should be used to illuminate the interior of the violator's vehicle, so all occupants are kept within view and at a distinct disadvantage when looking back toward the patrol vehicle and Officer. The spotlight/takedown light should not be used routinely to signal violators to stop due to the possibility of temporary blindness to the violator and other drivers from the glare created by its use.

The public address system should be used when it is necessary to minimize a suspected hazard to the Officer by directing the actions of a violator(s) from a safe distance. The public address system also is a valuable tool for directing persons during unusual conditions, such as natural or manmade disasters.

19.2.4 USE OF FORCE

CALEA Standard: 1.3.1, 1.3.2, 1.3.12

Officers will use only the amount of force necessary and reasonable under the circumstances to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. Officers shall be instructed on Stevensville Police Department's General Orders regarding use of force before being authorized to carry firearms and shall receive continuing education training on firearms and use of force at least annually. Stevensville Police Department's General Orders, Chapter 1, Section 1.3.1 Law Enforcement Role and Authority and Chapter 19, Section 19.2.11 Pursuit of Motor Vehicles, details Agency policy concerning use of force.

19.2.5 ON-SCENE SUPERVISOR NEEDS

CALEA Standard: 1.3.1, 1.3.2, 1.3.12

Serious incidents often occur that require the presence of a supervisor on the scene to effectively direct law enforcement response and determine investigative priorities. It will be the responsibility of the shift supervisor to effectively direct law enforcement response and determine investigative priorities. The supervisor will be accountable for ensuring investigations are conducted in an efficient, effective, and professional manner. The following calls for service, however, mandate a supervisor on-scene response:

- Homicide
- Death investigation
- Natural disasters
- Hostage situation
- Barricaded suspect
- Injured Officer
- Officer in distress and calling for help
- Bomb threats and/or found explosive devices
- Traffic collisions involving Agency-owned vehicles
- Any other incident as directed, dispatched, or requested

19.2.6 CONDUCTING PRELIMINARY INVESTIGATIONS

CALEA Standard: 42.2.1

Uniformed Patrol Officers shall conduct the preliminary investigations for most crimes and calls for service with the following exceptions:

- Murder/Suspicious Death investigations
- Sexual Assault
- Arson

In the exceptions listed above:

- The patrol Officer assigned to the incident shall complete an incident report and document all activities prior to the arrival of other law enforcement agencies assigned to conduct the investigation.
- This policy in no way relieves any Officer of their duty to act in circumstances in which immediate action may result in the apprehension or arrest of the offender.

In all cases where a report is required, Officers shall document all information obtained and activities regarding the incident and shall complete the report prior to the end of their tour of duty. A report may be submitted the following day with a supervisor's approval. If the Officer is not scheduled to work the next day, the report will be completed prior to the end of their tour of duty.

19.2.7 CONDUCTING FOLLOW-UP INVESTIGATIONS

CALEA Standard 42.1.4

All open preliminary investigations will be submitted to the Chief of Police for review and assignment or forwarding to another law enforcement agency. Uniformed patrol Officers are responsible for conducting follow-up investigations on traffic-related cases such as hit and run collisions. Follow-up investigations that are the responsibility of uniformed patrol personnel should be conducted in the following manner:

- Review and analyze previous reports prepared in the preliminary investigation
- Conduct additional interviews
- Review Agency records
- Collect physical evidence
- Check suspect's criminal history

When an Officer makes an arrest on a warrant that references a case number, the Officer shall prepare a supplemental report and submit a copy to the Chief of Police.

Stevensville Police Department's General Orders, Chapter 20, Criminal Investigation, details Agency policy concerning investigations procedures.

19.2.8 FIELD INTERVIEWS

CALEA Standard: 1.2.3

Officers should refer to Stevensville Police Department's General Orders, Chapter 20, Criminal Investigations, for guidelines on conducting field interviews.

19.2.9 FIRST RESPONDER NOTIFICATION REQUIREMENTS

Fire/Rescue/EMS

If not already on scene or dispatched, Fire/Rescue/EMS shall be notified and asked to respond to incidents involving fire, hazardous materials, or other such situations, and personal injury unless such injury is minor in nature and medical assistance is declined by the injured party.

Medical Examiner

The Medical Examiner shall be promptly notified in incidents of deaths determined to be suspicious or otherwise not of natural causes. The date and time of the notification shall be documented in the preliminary investigation report.

Street/Highway Agency Personnel and Public Utilities Personnel

Officers shall notify the Communications Center of any hazardous roadway conditions, or any hazardous conditions caused by a public utility. If necessary, the Officer shall ensure the public is protected from the hazard until the hazard has been alleviated.

News Media

Media notification shall be made by the Agency's Public Information Officer or other designated spokesperson in accordance with Chapter 27 of the Stevensville Police Department's General Orders. If the Public Information Officer is unavailable, an authorized media backup spokesperson will make notifications. Incident Supervisors may provide information to the media on the scene of incidents and may generate press releases.

Critical Incident Notification – Command Staff

Notification of designated or appropriate members of the Command Staff shall be made as determined by the Chief of Police. Call-out of notified Command Staff shall be at the discretion of the Chief of Police. Critical incident notification shall be accomplished as follows:

On Duty Supervisor

The on-duty supervisor will be responsible for notifying the Chief of Police.

INCIDENTS REQUIRING NOTIFICATION OF THE CHIEF OF POLICE ARE:

- Serious injury or death of any employee of the Stevensville Police Department
- Arrest or restraint of any employee of the Stevensville Police Department or an Elected Official
- Hostage situations and other high-risk situations
- Railroad train wrecks or derailments
- Serious fires, arsons, explosions, hazardous chemical spills, disasters, or the threat thereof
- Officer firearms discharge

- Other occurrences where the on-duty supervisor concludes that the Chief of Police should be informed

Notification of Next-of-kin

The Stevensville Police Department will undertake the responsibility of notification of next-of-kin when necessary. The notification shall be done in person by a sworn Officer. When notifications of next-of-kin are requested by other law enforcement agencies, documentation shall be included within the CAD entry which indicates the requesting agency, the date and time of the request and the party contacted.

Line of Duty Deaths/Officer Deaths/Funeral Attendance

Officers of the Stevensville Police Department are encouraged to attend the funeral of law enforcement officers that are killed in the line of duty from any law enforcement agency within the state of Montana. When unique circumstances occur, which are not covered by this policy, or the funeral involves an out of state line of duty death, the Chief of Police or designee shall determine the appropriate response from the Agency.

The Agency will provide one marked police vehicle for each group of Officers attending the funeral. The senior Officer will be responsible for the coordination of all Agency vehicles participating in the funeral procession, as well as the formation of uniformed Officers at the funeral home and cemetery. The uniform of the day when attending any funeral will be the long sleeve shirt, tie, and hat. Mourning bands shall be displayed on the badges of Officers attending a funeral involving other law enforcement officers. This includes the funeral of law enforcement officers who had retired.

Although the Agency is sensitive to the emotions of friends and co-workers of a deceased law enforcement officer, it is necessary to maintain appropriate staffing to provide service to the citizens. The Chief of Police will make the final decisions regarding the attendance of on-duty personnel.

All personnel, upon becoming aware of the line-of-duty death of a law enforcement officer from another agency, should notify the Chief of Police, along with any information regarding funeral arrangements. If this information is not known at the time of initial notification, it should be obtained as soon as possible. Following notification of the death, one Officer will be designated to coordinate plans for attendance by Agency Officers.

19.2.10 IDENTIFYING POLICE HAZARDS

CALEA Standard 61.4.2

A law enforcement hazard shall be defined as any situation, person, property, or place that may create or contribute to an incident requiring law enforcement intervention. Hazards that may be encountered by patrol Officers can be permanent or temporary and may vary hourly, daily, or seasonally. Some hazards may include, but are not limited to, the following:

- Inoperative traffic control signals
- Broken, defaced, or missing traffic control signs
- Open manholes
- Broken water mains
- Severe street damage
- Downed electrical wires
- Gas leaks
- People, places, or existing situations that have the potential for violence or harm to the Officer due to an established pattern or history.
- Inclement weather

When an Officer identifies a hazardous condition or situation, the Officer should transmit a report of the hazard to the Communications Center. The officer should safely correct the hazardous condition or situation if possible. An Officer shall not, however, exceed one's scope of authority, level of expertise, or training, in an attempt to correct a hazardous condition or situation. When needed, the Officer shall request the Communications Center to notify the appropriate personnel or agency of a hazardous condition or situation so that they may respond to correct it properly. The Officer may be required to maintain a secure perimeter around a hazard and warn people away or otherwise secure an area so that people are not endangered.

Officers should report long-term hazardous conditions or situations to the on-duty supervisor. Supervisors should disseminate information about known or potentially hazardous conditions or situations to Officers during shift briefing/pass on.

19.2.11 PURSUIT OF MOTOR VEHICLES

CALEA Standard: 41.2.2, 41.2.3

Montana Statute allows a law enforcement officer to exceed the speed limit in a law enforcement vehicle when operated with due regard for safety in the discharge of official duties. However, law enforcement officers shall be aware of the potential harm to the general public, and the emotional engagement that can develop during a motor vehicle pursuit and should, therefore, be directed in their actions by the guidelines for motor vehicle pursuits that have been established by this agency. A motor vehicle pursuit report shall be completed by the end of the tour of duty upon conclusion of the pursuit.

Definitions

Authorized Pursuit Vehicles

Only marked Agency vehicles with emergency lights and siren are authorized to initiate or participate in a pursuit without prior approval from a supervisor.

Following a Vehicle

Officers are following a suspect vehicle, but do not engage in apprehension efforts. Officers may be driving in close proximity to a suspect vehicle, but do not activate emergency lights and siren. If a suspect vehicle increases speed above the legal limit or begins disregarding traffic signs and signals, the Officer must either initiate a traffic stop or immediately discontinue following the vehicle unless it meets the criteria for a motor vehicle pursuit.

Reasonable Suspicion

For the purposes of this policy, an Officer must be able to articulate specific facts which, when taken in the totality of the circumstances, reasonably indicate that a suspect did commit or has attempted to commit a violent felony or felony-controlled substance violation as outlined in this policy.

Termination of Pursuit

A pursuit shall be considered to have been terminated when the suspect vehicle stops, or the primary and other participating units have completed all of the following:

- Officer turns off all emergency equipment.
- Officer turns their Agency vehicles in another direction of travel away from where the suspect's vehicle was last seen heading or pull to the side of the road.
- Officers notify communications that the pursuit has been terminated.

Vehicle Pursuit

A multi-stage process by which an Officer attempts to initiate a traffic stop and a driver resists the directive to stop and increases speed or takes evasive action while refusing to stop their vehicle. Once the driver of a suspect vehicle fails to obey an Officer's directive to stop with emergency lights and siren activated, the terms of this pursuit policy will apply.

Violent Felony

For the purpose of this policy, shall be when a suspect has committed or attempted to commit:

- Murder
- Assault With a Deadly Weapon With Intent to Kill or Cause Serious Injury
- Armed Robbery
- Sexual Assault
- Use of Explosives/Terrorist Act
- Kidnapping
- Carjacking
- Aggravated Assault on a Law Enforcement Officer

Decision to Pursue

After considering the restrictions contained in this policy, Officers may engage in a motor vehicle pursuit when they have a reasonable suspicion to believe that:

- A fleeing suspect has committed or has attempted to commit a violent felony, as defined above
- A fleeing suspect has committed a felony-controlled substance violation
- A fleeing suspect has been identified as a wanted felon for one of the above types of offenses
- A suspect vehicle has committed any violation and is not stopping after the activation of emergency equipment; however, the driver is traveling at or below the posted speed limit and has not disregarded traffic lights or road signs. The pursuing officer shall notify communications that the driver “is not fleeing but has not yet stopped”. Once the driver begins to exceed the speed limit or disregard traffic signals, the decision to continue the pursuit must be based on the above restrictions.

All other pursuits are on a case-by-case basis.

Officers shall not pursue when the danger to the Officer or the public outweighs the need to apprehend the violator.

Prior to and during a motor vehicle pursuit, Officers shall evaluate the circumstances of a pursuit to include:

- Visibility and Weather Conditions
- Traffic Conditions (Both vehicular and pedestrian)
- Road Conditions
- Speed and Posted Speed Limits
- Alternative Means of Apprehension
- Nature of the Offense
- Ability to Identify the Operator and/or Vehicle and Apprehend at a Later Date/Time
- Time of Day
- Type/Condition of County Vehicle

Officers, and supervisors at all levels have a responsibility to closely monitor the progress of each pursuit. The need for apprehension must be constantly weighed against the potential danger created by the pursuit.

Initiating Officer

An Officer initiating a motor vehicle pursuit will be the primary unit and shall activate blue lights and siren and inform the Communications Center of:

- The beginning of the motor vehicle pursuit and nature of the suspect violation
- The location and direction of travel of the pursuit
- The description of the suspect vehicle (CYMBAL: Color, Year, Make, Body Style, License)

- Other information that could aid in the identification or apprehension of the suspect, or aid in the determination to either continue or terminate the pursuit

Officers involved in the pursuit shall continue to provide current location and direction of travel information to the Communications Center as often as possible. Officers shall request additional Officers to assist with the arrest if it appears that the primary and secondary units will be unable to safely affect the arrest of the suspect(s) upon completion of the pursuit.

Secondary Unit

An Officer assigned to act as a backup Officer in motor vehicle pursuits will be the secondary unit and shall:

- Assist the primary unit during the motor vehicle pursuit
- Facilitate communications between the primary unit, the Communications Center, and the supervisor
- Assist the primary unit with the apprehension and security of the suspect when the motor vehicle pursuit is completed
- Assume the role of the primary unit in the event the primary unit is unable to continue the motor vehicle pursuit; and at which time, the new primary unit shall evaluate the pursuit and determine if the pursuit should be terminated or continued and shall request an additional secondary unit if necessary
- Maintain a safe distance behind the primary unit
- Call for the termination of the pursuit, even as the secondary vehicle, if they feel circumstances exist that would necessitate termination

No more than two Agency vehicles may be involved in a police pursuit, excluding a supervisor. A patrol supervisor may, however, authorize a third vehicle after considering the nature of the crime and the need for additional back-up.

Telecommunications

Radio communications for all motor vehicle pursuits shall be conducted through the Ravalli County Communications Center. The tele-communicator will notify other law enforcement agencies as appropriate and attempt to coordinate the positioning of nearby Officers. The tele-communicator will also broadcast on all operational frequencies an alert tone to be followed by:

- An announcement of the pursuit
- The identification of the primary unit
- The nature of the suspected violation
- The location and direction of travel of the motor vehicle pursuit

Immediately upon notification, it shall be the responsibility of the supervisor in charge to:

- Determine if the pursuit falls within the guidelines of Agency policy;
- Take appropriate actions to help ensure the safety of Officers involved in the pursuit;
- Take appropriate actions to help ensure the safety of the general public;
- Monitor the conduct of the pursuit to ensure that the Stevensville Police Department policy is followed;
- Ensure that no more than two Officers are authorized to be actively involved in the pursuit.
- Ensure that only authorized vehicles are actively involved in the pursuit.

Inter- and Intra- Jurisdiction Pursuits

- Extending Outside the Boundaries of the Town of Stevensville and the Extra Territorial Jurisdiction, or
- Beginning Outside by Another Law Enforcement and Extending into the Boundaries of the Town of Stevensville or the Extra Territorial Jurisdiction

The Primary Unit shall inform the Communications Center when crossing Town or county lines during a motor vehicle pursuit. It shall be the responsibility of the tele-communicator to notify the appropriate state, county, or city law enforcement agencies that are in a position to be affected by, or to assist in, the motor vehicle pursuit.

Stevensville Police Department Officers will not engage in pursuits initiated by other jurisdictions unless the pursuit would be justified under our pursuit policy *and* if approved by a supervisor. If the pursuit would not be justified under our policy, Officers shall be limited to blocking traffic at intersections and limiting traffic flow in the pursuit area. Stevensville Police Department Officers may assist the pursuing agency by strategically deploying a tire deflating device with approval of a supervisor. The Supervisor will be responsible for ensuring that the initiating agency is made aware of our expected participation.

- The Supervisor will attempt to determine why the person is being pursued and what assistance is requested by the pursuing agency.
- The Communications Center will announce the location, direction, and reason for the pursuit to Stevensville Police Department Officers.
- If the Supervisor determines that the pursuit does not fall within our policy guidelines, the Supervisor will advise the pursuing Agency that back-up will be provided only at the point where the pursuit has been discontinued or terminated.

Forcibly Stopping Vehicles

Using a motor vehicle to forcibly stop a suspect during a motor vehicle pursuit involves the use of deadly force. An Officer involved in pursuits will forcibly stop suspect vehicles only to protect themselves or a third person when the Officer reasonably believes it is necessary to prevent immediate, imminent death or serious bodily injury to themselves or others. An Officer will forcibly stop a vehicle under these circumstances only as a last resort. Officers are prohibited from engaging in vehicle roadblocks of any kind without specific authorization from a

Supervisor. (See Stevensville Police Department's General Orders, Chapter 29, Section 29.3.3 Use of Roadblocks & Roadside Checks)

A tire deflating device, such as the "Stinger" Spike System, is the only method authorized by the Agency for stopping a suspect during a pursuit without specific approval from a supervisor to use other means in drastic situations. A tire deflating device is not considered to be a use of deadly force. Only those Officers trained and authorized in the use of tire deflating devices are authorized to use such devices. When a deflating device is used, the following procedures shall apply:

- The Officer deploying the device will notify law enforcement vehicles involved in the pursuit that the deflating device is about to be deployed and the exact location of the device. Upon receipt of notification that deflating device is about to be deployed, Officers involved in the pursuit will allow a sufficient distance between themselves and the suspect vehicle, so as to avoid contact with the deflating device.
- The Officer deploying the device will advise law enforcement vehicles involved in the pursuit when the deflating device has been deployed.
- Such devices are intended to be used against vehicles with four or more tires, except during deadly force situations. At no time shall a deflating device be used against motorcycles, mopeds, or scooters, *unless the operator or passengers are using deadly force against the Officer or the public.*
- In the event a tire deflating device is used by a Stevensville Police Department Officer during a pursuit situation involving another law enforcement agency, or a non-pursuit situation, a *Forcible Stopping Report* shall be completed.
- A Supervisor shall complete a Forcible Stopping Administrative Review within three (3) working days after the incident involving forcible stopping has ended. The Supervisor shall forward the review to the Chief of Police.

Terminating Motor Vehicle Pursuits

The primary unit shall terminate the motor vehicle pursuit when the primary unit believes the danger to the public presented by the pursuit outweighs the danger of allowing the suspect to escape, or when directed by a Supervisor to terminate the pursuit. The Secondary Unit may also call for the termination of the pursuit if they believe that circumstances necessitate the termination for the safety of themselves or others.

It shall be the responsibility and authority of a Supervisor over the discretion of the Primary and Secondary Units to order the motor vehicle pursuit terminated whenever the Supervisor believes the risk to the public presented by the pursuit outweighs the danger of allowing the suspect to escape.

Critique of Motor Vehicle Pursuits

Within three (3) working days after a motor vehicle pursuit has ended, a Supervisor shall critique the motor vehicle pursuit incident relative to compliance with Stevensville Police

Department's General Orders, Chapter 19, Section 19.2.11 *Pursuit of Motor Vehicles*. The supervisor shall forward the critique to the Chief of Police. The critique shall, at a minimum, address the following:

- Reason for the pursuit
- Justification for continuing the pursuit
- Compliance with (or violations of) policy and procedures
- Officers involved as primary and secondary units

All reports of vehicle pursuits will be reviewed by supervisory personnel. At least annually, the Chief of Police shall analyze all motor vehicle pursuits with the intent of observing patterns or trends that indicate a need to address:

- Training needs
- Policy modifications
- The reporting process
- Disciplinary concerns.

19.2.12 MISSING PERSONS

CALEA Standards: 41.2.5

It is the policy of the Stevensville Police Department to investigate all reports of missing persons to the fullest extent possible. Montana Statute defines "Missing Person" as follows:

- MISSING PERSON – Any person who is reported missing to law enforcement when that person's location is unknown. This includes missing children who are under 21 years of age

Procedures

A missing person report will be completed for any person whose last known location was in the Town of Stevensville, or whose temporary or permanent residence is in the Town of Stevensville and the person's last location is unknown, or whose parents, spouse, guardian, or legal custodian's temporary or permanent residence is the Town of Stevensville and the person's last location is unknown. All missing person reports must be entered into the database of the national crime information center of the United States department of justice within 2 hours of receipt for persons under 21 years of age; or 8 hours of receipt for persons 21 years of age or older. When in doubt, officers will take a report. (Refer to 41.2.13 for procedures relating to Missing Children.)

Missing person reports will be investigated through application of the same basic procedures established for other incidents. Initial complaints of missing persons will normally be assigned

to patrol Officers, unless compelling circumstances indicate extensive investigation. Preliminary investigative efforts shall include, at a minimum:

- Notify all units within the Agency of the person's name, physical description, clothing description, health/general condition, point last seen, and possible vehicles involved, if any, or other specific information that might assist in locating the person. This information should be disseminated at the earliest possible moment.
- Obtain a photograph of the missing person.
- Inform the reporting person to call the Police Agency as soon as possible should the missing person return, or additional information becomes available.
- Contact persons developed from interviews who may possibly know the whereabouts of the individual.
- Visit possible locations or have other units visit specified areas identified by the reporting person.
- Promptly notify a Supervisor when a reported missing person an individual who is mentally and/or physically challenged; an elderly individual who is unable to care for themselves; a person who is believed to be despondent; when the time of day, temperature, and/or length of time before notification of law enforcement mandates immediate action be taken; and/or when the missing person is critically injured, ill, or at-risk in any known way.

As soon as possible, Officers will submit a copy of all missing person reports to the Communications Center. Communications personnel, in accordance with Montana Statute, will immediately:

- Enter data about the missing person into the national missing persons file in accordance with criteria set forth by the FBI/NCIC;
- Inform all on-duty Officers of the missing person information;
- Initiate a statewide broadcast to all appropriate law enforcement agencies to be on the lookout for the individual; and
- Transmit a copy of the report to the Missing Persons Clearinghouse.

The shift supervisor, unless relieved by higher authority, will be responsible for the search operation and the coordination of all personnel and agencies involved, and will determine when to terminate the operation.

All reports of missing persons will be referred to Criminal Investigators for follow-up investigation when all attempts to locate the individual, as previously outlined, have failed or other compelling circumstances exist. Additional information concerning follow-up investigations of missing persons is outlined in Stevensville Police Department General Orders, Chapter 20, and Section 20.1.3 Criminal Investigations.

19.2.13 MISSING CHILDREN

CALEA Standard 41.2.6

It is the policy of the Stevensville Police Department to investigate all reports of missing children to the fullest extent possible. **Montana General Statute defines a “Missing Child” as follows:**

(1) "Missing child" means any person who has been reported as missing to a law enforcement authority and:

- (a) who is under 21 years of age;
- (b) whose temporary or permanent residence is in Montana or is believed to be in Montana; and
- (c) whose location has not been determined.

Procedures

A missing juvenile report will be completed for any juvenile whose last known location was in the Town of Stevensville, *or* whose temporary or permanent residence is in the Town of Stevensville and when the juveniles last location is unknown, *or* whose parents, guardian, or legal custodian’s temporary or permanent residence is in the Town of Stevensville and the juvenile’s last location is unknown. When in doubt, officers will take a report.

Missing Juvenile investigations will normally be assigned to patrol Officers, unless compelling circumstances indicate that Criminal Investigators should handle the case. The preliminary investigation shall include, at a minimum:

- Notify all Units within the Agency of the missing juvenile’s name, physical description, clothing description, health/general condition, point and time last seen, and possible vehicles involved, if any, or other specific information that might assist in locating the juvenile. This information should be disseminated at the earliest possible moment.
- Obtain a photograph of the missing juvenile if possible.
- Inform the reporting person to call the Agency as soon as possible should the missing juvenile return, or if additional information becomes available.
- Contact all persons developed from interviews who may possibly know the whereabouts of the missing juvenile.
- Promptly notify their immediate supervisor of a missing juvenile. Provide the supervisor with all pertinent information on the child’s age, history of running away, circumstances of disappearance, suspicions of foul play, etc.
- As soon as possible, Officers will submit a copy of all missing juvenile reports to the Communications Center. Communications personnel, in accordance with Montana Statute, will immediately:
- Enter data about the missing juvenile into the National Missing Persons file in accordance with criteria set forth by the FBI/NCIC.
- Inform all on-duty Officers of the missing juvenile report and information.

- Initiate a statewide broadcast through DCI to all appropriate law enforcement agencies to be on the lookout for the individual
- Transmit a copy of the report to the National Missing Persons file

Supervisor/Investigations Notifications

The shift supervisor will notify the Chief of Police when a reported missing juvenile investigation does not appear to be a runaway. The Chief of Police will make an independent judgment as to further personnel needs, special equipment needs, search patterns, notification of outside emergency agencies for search and rescue, whether an Investigator should respond to the scene, and whether to contact surrounding area agencies, etc.

The shift supervisor, unless relieved by higher authority, will be responsible for the search operation and the coordination of all personnel and agencies involved, and will determine when to terminate operations.

All reports of missing juveniles will be referred to Criminal Investigators for follow-up when attempts to locate the juvenile have failed or when other compelling or suspicious circumstances exist.

Located Juveniles

If an Officer locates a juvenile who has been reported missing, the locating Officer shall:

- Attempt to locate/contact the reporting person or parent/guardian of the child.
- If the juvenile has been entered into NCIC/DCI, ensure the found juvenile is removed in accordance with regulations and procedures established by these respective systems.
- If there are circumstances, which lead the Officer or investigator to believe that releasing the juvenile to their parent, guardian, legal custodian, etc. would not be in their best interest, the Officer or investigator should contact Child and Family Services.

If an Officer locates a missing juvenile and, during their investigation, determines or suspects any of the following unusual circumstances, the Officer will comply with procedures for handling juveniles as directed in Chapter 22, Section 22.2.2 of the Stevensville Police Department's General Orders and will take the juvenile into protective custody and notify their immediate supervisor.

- The juvenile appears to be out of the zone of safety for his/her age and/or developmental stage.
- The juvenile is mentally incapacitated and not able to care for themselves.
- The juvenile is dependent on medication or other drugs and may be in physical danger.
- The juvenile appears to be the victim of foul play, violence, or abuse.
- The juvenile is in an environment "dangerous" to the youth based on the age and development of the juvenile.

Once a supervisor determines that a missing juvenile report meets the requirements for an AMBER Alert, the supervisor will follow the steps for notifying the Missing Persons Clearinghouse as outlined under the AMBER Alert System.

AMBER Alert System

The AMBER Alert System is a critical missing child response program that utilizes the resources of law enforcement and media to notify the public when children are abducted that meet certain critical criteria. Montana Statute gives the State of Montana authority to develop and maintain the AMBER Alert System. The requirements to activate an AMBER Alert are listed below. ALL of the following conditions must apply.

- The child must be 17 years of age or younger
- The child is believed to have been abducted *or* is believed to be in danger of injury or death
- The abduction is not known or suspected to be a parent of the child, unless the child's life is suspected to be in danger of injury or death.
- The child is not believed to be a runaway or voluntarily missing
- The abduction has been reported to and investigated by a law enforcement agency.

Only the Missing Persons Clearinghouse can validate the need for an AMBER Alert and *activate* the system. The Missing Persons Clearinghouse serves as the State's central repository for information regarding missing children and adults.

Requirements of Law Enforcement Agencies

If a missing child report meets the criteria established the law enforcement agency shall notify both the Missing Persons Clearinghouse and the National Missing Persons Clearinghouse. Prior to notifying the Missing Persons Clearinghouse, the investigating agency will:

- Determine the criteria are met
- Obtain approval from the Chief of Police or designee
- Enter the information into NCIC and format an Amber Alert through DCI
- Establish a 24-hour attended phone number
- Continue the ongoing investigation
- Use the AMBER Alert fact form kept in Communications to compile all relative information

Notify the Missing Persons Clearinghouse by:

- Calling 1 (406) 444-1526
- Transmit the completed AMBER fact form by fax
- Transmit a true photographic image of the victim and, if possible, the abductor by Internet, fax, or in person if time constraints are not prohibitive.

19.2.14 INCIDENTS OF DOMESTIC VIOLENCE

55.1.1, 55.1.3

Historically, law enforcement personnel have been unsuccessful in deterring acts of domestic violence and the criminal justice system has not adequately dealt with the problem. A significant problem with domestic violence is the reception and the escalation of the violent acts. Officers should recognize that domestic violence differs from other crimes because of the intimate relationship between the parties involved. Officers will respond to domestic violence as they would any crime by pursuing the remedies appropriate to the offense. However, calls of this nature may require extra assistance to ensure the victim's safety. It is the policy of the Stevensville Police Department to refer abusers and victims of domestic violence to professional agencies for counseling and to arrest persons found to be responsible for crimes in domestic situations.

This directive establishes procedures for responding to domestic violence related calls and outlines steps that Officers should take when dealing with violent acts within the legally defined family structure and within environments where persons are living together, although not legally related, or have lived together, whether or not legally related, as defined by Montana Statute.

Officer Response to Domestic Violence Calls – On Scene Investigation

Officers will respond to all incidents of domestic disturbances as quickly and safely as possible.

Upon arrival at the scene, the Officers will, if necessary, immediately separate the parties if they are involved in immediate or possible physical confrontation. The responding Officers will interview each party separately. The Officers will ensure the victim's safety and privacy by interviewing the victim in an area out of sight and hearing range of the assailant, witnesses, and bystanders. *The Officers should not reveal to the victim their intended enforcement action until all available information is collected.*

When questioning the victim, the Officer will:

- Use supportive interview techniques
- Ask the victim about previous domestic incidents, their frequency and severity.
- Determine if any special court orders are in effect. The officer will ask the victim whether there is such an order and if so, can the victim produce a copy.
- If the victim cannot produce a copy of a valid order but maintains an order is active, verify the existence and effective period of the order by contacting the Communication Center, or the Sheriff's Office.

- Determine if the order is from another jurisdiction and attempt to verify the order through that jurisdiction. If possible, the Officer should attempt to obtain a faxed copy of the order. The Officer should ask the victim to specify the appropriate agency to contact.
- The Officer can rely on the order presented by the victim along with a statement from the victim that the order is still in effect.

When Questioning the witnesses, the Officer will:

- Interview any witnesses as fully and as soon as circumstances allow.
- If the witnesses provide information about prior incidents, document such incidents to establish a pattern.
- Document names, addresses, and phone numbers of the witnesses for follow-up interviews or possible court testimony.
- Check with neighbors if no witnesses are at the scene.

When questioning children, the Officer will:

- Interview children in an age-appropriate manner, preferably alone.
- Determine if the child was present during the incident or victim was holding the child when the suspect inflicted an injury; possible child abuse charges may be appropriate.
- Document signs of trauma and any apparent healing of abuse wounds.
- Photograph children if appropriate.

Determination of Probable Cause

The responding Officer will arrest the assailant whenever an arrest is authorized, including a warrantless arrest for certain domestic misdemeanors which did not occur in the Officer's presence. Officers must thoroughly investigate all allegations and evaluate probable cause on the totality of the circumstances.

Primary Aggressor

The primary aggressor is the party who is most likely to initiate and continue the violence. Elements to consider when evaluating who is the aggressor:

- Evidence from the involved persons – injuries, statements, etc.
- Evidence from witnesses of the domestic abuse.
- Self defense wounds; the aggressor may have scratches on arms and hands or bite marks on the chest or arms; the victim may have bruises on forearms, bilateral injuries, scratches on his/her own neck, etc.
- Existence of a protective order.

Mutual/Dual Arrest

Mutual or dual arrest of both parties in a disturbance where domestic violence is present may trivialize the seriousness of the situation and potentially increase the danger to the victim.

Mutual arrest is not encouraged – a supervisor must be notified before a mutual arrest is made. Often injuries are inflicted upon a suspect by a victim while defending himself/herself from the suspect's aggression. Self-defense is not a crime; a person is entitled to use a reasonable amount of force to protect themselves from the assault. A person may not use more than necessary force, nor continue force once the threat has ceased.

- If visible bodily injury exists on both involved parties, before making an arrest the Officer will determine if one of the parties was acting in self-defense. If so, arrest only the other party.
- If neither party can be determined to have acted in self-defense, decide if one of the parties was the primary aggressor in the violent incident. If so, arrest only this party.
- If neither party can be determined to have acted in self-defense and the responding Officer cannot determine either as a primary aggressor, call a supervisor to determine if both parties or either should be arrested. A supervisor must be called before a mutual/dual arrest is affected.

Suspect Not on Scene

Reasonable efforts should be made to locate the suspect in the area or in frequented places. If the suspect is not taken into custody, but probable cause exists to believe a domestic crime was committed by the suspect, the Officer is required to do one of the following:

- Contact the Ravalli County Attorney's Office to attempt to secure an emergency Order of Protection
- Officer(s) will document the circumstances when probable cause does not exist to obtain a warrant in a Domestic Violence incident report.

These actions must be completed either during the initial response or before the end of the Officer's tour of duty. Reasonable efforts should be made to serve a warrant as soon as possible. The Officer should emphasize to the victim and the perpetrator that the arrest is initiated by the State's action, not the victim's. The arrest decision is the responsibility of the Officer; therefore, the Officer should not consider any of the following factors alone as a reason to discredit a victim or to eliminate finding probable cause:

- The victim's opposition to arrest
- Any victim claims of being unwilling to prosecute
- Any speculation that the victim may not follow through with the criminal justice process
- Arrest may not lead to conviction
- The relationship or marital status of the suspect and the victim
- The potential financial consequences of arrest
- The victim's history or prior complaints
- Verbal assurances that the violence will cease
- The victim's emotional state
- The location of the incident, i.e., public or private

- Whether or not the suspect lives on the premises with the victim
- The injuries are not visible

Arrests Prior to the Issuance of a Domestic Violence Protective Order

Officers are authorized by Montana Statute to make warrantless arrests for misdemeanor assaults that are committed outside the officer's presence provided the victim and perpetrator are in a personal relationship defined under Montana Statute or a valid protective order has been issued excluding the person from the residence or household occupied by a victim of domestic violence or directing the person to refrain from doing any or all acts specified in Montana Statute.

If the Officer concludes that a felony assault has occurred, the Officer shall make a felony arrest regardless of the relationship of the victim to the perpetrator.

Incident Reporting

Documenting our responses to domestic disputes and disseminating the Victim Rights Information Card can ensure that potential victims are provided with information on a victim's legal rights to include criminal complaints, civil complaints, and domestic violence protective orders and other local domestic violence programs. This written documentation can also prove invaluable in cases of prosecuting future incidents or educating patrol Officers of potential problems.

Officers who respond to reports of domestic violence or domestic disputes shall complete an incident report documenting the incident, regardless of the existence of evidence that a crime has occurred. Reports will be taken even in cases of third-party complainants or anonymous callers. When probable cause exists that a crime has occurred, it will be reported and investigated according to policy. Incidents where an assault is reported, however, no probable cause exists, should be titled "Assault" with an "unfounded" disposition.

Pertinent information that should be included in the report includes:

- Any threats made by any parties involved
- Any admission of past assaults or domestic violence disputes
- Any physical evidence that could have been the result of a domestic dispute, past or present (damaged furniture, holes in the wall, etc)
- Any statements made by neighbors, the caller, children, or other witnesses relating to the domestic dispute or past incidents
- Any statements made that involve drug use, depression, or mental health
- Any information on a recent significant event involving the parties such as anniversary, recent separation, extra-marital affair, etc.

In all cases of an Officer's response to a domestic dispute where probable cause exists and the suspect is still on the scene, an arrest will be made. In addition, in all cases of an Officer's

response to domestic disputes, involved parties shall be provided with a Victim's Right Information Card (Marcy's Card). Reports indicating that there is no evidence of an assault or other crime should be given an "unfounded" disposition.

Arrest With Violation of Domestic Violence Orders of Protection

A Domestic Violence Order of Protection is issued by the Court in cases where a victim has been assaulted and is likely to be assaulted again by a spouse. This order grants immediate relief to the victim by ordering the abuser out of the home.

Warrantless arrest is authorized and required by Montana Statute when the Officer has probable cause to believe that the suspect has violated a valid domestic violence order of protection, which contains provisions prohibiting harassment, threats, further abuse, and/or presence at the victim's residence.

The Officer must arrest the perpetrator regardless of the present relationship or circumstances between the victim and the perpetrator. Even if the perpetrator has moved back into the residence named on the order of protection, or the victim has invited the perpetrator to his/her residence, the officer must arrest once the active order is confirmed. Only a subsequent court order dismissing the order of protection can nullify the enforcement of that order.

When the suspect is processed seek a warrant for the violation of the protective order and any additional criminal charges.

Other Jurisdiction Orders

Orders of Protection from another jurisdiction within Montana, or from another state should be honored as any other valid protective order as dictated by the full faith and credit section of the Federal Violence Against Women Act of 1994 (VAWA 18 U.S.C. 2265). Officers should check with the issuing jurisdiction to verify the validity and authenticity of the order if the victim cannot produce a valid copy. If the suspect crosses state lines to violate an order, a federal charge is applicable in addition to the state offense.

Other Criminal Action

If another criminal action such as an assault, occurred with the domestic violence order of protection violation, the Officer shall follow the procedures required for any crime by pursuing the criminal remedies appropriate to the offense.

Federal Crimes

The Safe Homes for Women Section of the Violence Against Women Act (VAWA) creates federal crimes related to domestic violence in the following circumstances:

- If the suspect crosses the state lines with the intent to injure, harass, or intimidate an intimate partner and such action involves a crime of violence by which the victim is injured. (18 U.S.C.A. 2261 (a) (1))

- If the suspect causes a spouse or intimate partner to cross state lines by force, coercion, duress or fraud where such action also results in bodily injury to the victim. (18 U.S.C.A. 2261 (a) (2))
- If the suspect crosses state lines with the intent to violate a protection order and thereafter acts to violate the order either in the issuing state, or another state. (18 U.S.C.A. 2262 (a) (1))

When an Officer of the Stevensville Police Department becomes involved in the investigation, he/she shall be responsible for contacting the U.S. Attorney's Office in instances where a federal crime is committed (if contact has not been previously made). The F.B.I. may be called as a liaison for the U.S. Attorney's Office to expedite the warrant process.

Arrest under Special Conditions

Juveniles

When the accused is less than 18 years of age, the provisions of this protocol are fully applicable, except that an arrest should be made, and the juvenile processed pursuant to Montana Statute.

Mental Illness/Substance Abuse

An officer should not allow the possibility of mental illness or substance abuse to preclude a valid criminal arrest. For more information on dealing with subjects who are believed to have a mental disorder, see Stevensville Police Department General Orders, Chapter 19, and Section 19.2.15.

Public Officials

Domestic disturbances involving prominent citizens, public officials, or Officers may present particular difficulties for the responding Officer. In such circumstances, the responding Officer will request a supervisor to respond to the scene. The responding Officer should take whatever action is necessary to protect the victim and detain the assailant while waiting for the supervisor. When there is probable cause to believe that the accused has committed a crime, the procedure followed upon arrival of the supervisor should be the same as it would be in any domestic incident. The status of the accused shall not influence the decision to arrest when probable cause exists.

Agency Employee Involvement in Domestic Abuse

If employees of the Agency are involved in a domestic situation and sworn personnel are dispatched or called to the scene, the following procedure shall be applied:

- The first responding Officer shall notify a Supervisor or the Chief of Police. The Supervisor or the Chief of Police will respond.
- If a Supervisor responds, they make periodic status reports to the Chief of Police.

If any employee of the Stevensville Police Department has knowledge of an on-going domestic violence situation involving another employee, the employee shall notify his/her immediate supervisor, who shall notify the Chief of Police.

The provisions of this article are intended to further the credibility of the Agency and are not to be construed as creating a standard of response or investigation which automatically assumes guilt, penalizes, punishes, or exonerates Agency employees.

Evidence Collection and Documentation

Whenever probable cause exists and an arrest is made or pending, the Officer must collect relevant evidence and document the incident.

Excited Utterances

The Officer shall record any spontaneous declarations or excited utterances made by the victim or the assailant. These are statements relating to a specific event made by the victim while under the stress of excitement caused by the event. The Officer must record the demeanor of the victim or assailant at the time in order for such statements to be admissible as evidence. Any statement made by the suspect at any time, before or after arrest, before or after Miranda, may be used in court.

Photographs

The Officer will ensure that photos are taken of:

- Visible injuries on the victim; specifically, old scars and fading bruises to establish pattern, fresh injury, "hidden" injuries concealed by clothing
- Visible injuries of the assailant
- Crime scene to include disarrayed or damaged furniture, empty alcohol containers, blood, smashed or broken doors, windows and locks
- Weapons
- Follow-up photos should be taken 24-48 hours after the incident

Evidence

The Officer will collect and preserve all physical evidence necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate attack or a pattern of abuse, and any other evidence that records the scene. Officers may want to diagram the crime scene. Physical evidence shall include, but is not be limited to:

- Weapons used in the assault, even "non-traditional" weapons such as a telephone cord or broomstick
- Torn/bloody clothing
- Destroyed property such as a phone ripped from the wall
- Broken cell phone, letters from suspect, etc

Crime Report

The Officer will complete the Domestic Violence Incident Report, and the Victim Statement Supplement for all arrests covered in this protocol. The same reports must also be completed for felonious domestic incidents. A copy of the Domestic Violence Incident Report should be provided to assist judges at the bond hearing. Any other reports generated for such calls should be clearly marked "DOMESTIC VIOLENCE INCIDENT" as an aid in processing the accused and for the identification of such cases. The Officer will complete an Incident Report for any call in which domestic violence is present or alleged, regardless of whether or not there is an offense for which an arrest can be made.

After the Arrest

After the arrest, the Officer should advise the victim of what procedures would occur next, including:

- *ACCUSED'S RELEASE FROM CUSTODY* – The perpetrator could be released in a few hours.
- *PRE-TRIAL RELEASE CONDITIONS* – Conditions such as prohibiting the defendant from abusing or harassing the victim or excluding the defendant from the home or workplace may be set at the hearing.
- *REPORT INFORMATION* – The Officer will provide the victim with a copy of the Victim/Witness Notification Form and indicate the case number, the Officer's name, and unit number.

Victim Safety

To ensure victims of domestic violence are adequately protected from future danger, every domestic violence victim will be provided with written victim assistance information. Additionally, Officers will:

- Advise victims of legal rights to include criminal complaints, civil complaints, and Domestic Violence Protective Orders.
- Encourage the victim to contact the local domestic violence program for assistance.
- Arrange for or provide transportation to a shelter, a medical facility, the courthouse, or other safe place, if the victim so requests.

Related Calls for Service

Civil Stand-By

Officers are often requested to assist a person in moving belongings, or to escort a victim in domestic situations. If an Officer responds to such a domestic related call, the Officer will stand by until the caller has completed the task. "Belongings" will be limited to essential clothing, food, tools of the trade, or medical supplies. If the task cannot be completed within a reasonable amount of time, notify the victim that you will not be able to continue to stand by,

and to make arrangements for further assistance at a different time. The Officer will advise a supervisor of any problems.

If the suspect is present, Officers should not leave until the victim is able to leave as well (unless the victim advises differently, and no Order of Protection exists). If an Order of Protection exists between the parties, the Officer shall take all necessary precautions to assure the safety of the victim and to prevent any undue harassment. If an Order of Protection violation should occur, appropriate action outlined above must follow.

Warrant Service

Officers should make every effort to serve any domestic violence warrant in an exigent manner due to the potential for further violence between the perpetrator and the victim.

Professional Conduct

Whenever Officers interact with victims of domestic violence, Officers should conduct themselves in a professional manner and refrain from making any personal remarks or expressing any personal opinions on the circumstances between the victim and the perpetrator.

19.2.15 DEALING WITH THE MENTAL HEALTH CONSUMER

CALEA Standard: 41.2.7

Recognizing Mental Illness

Officers must be aware that mental disorders are health conditions that are characterized by alterations in thinking, mood, or behavior. Officers are trained as part of their basic law enforcement curriculum and during in-service training in recognizing possible verbal, behavioral, or environmental cues that could suggest the existence of a mental illness. Additionally, all agency personnel receive training through in-service training, roll call training or other types of training in recognizing possible verbal, behavioral or environmental cues that suggest the existence of a mental illness.

Commitments or Referrals

If an Officer believes that an individual may be suffering from a mental illness, the Officer should take appropriate action or make the necessary referrals, depending on the situation.

In situations where the individual is mentally ill, or shows behavior that may indicate a mental illness, EMS may be called to transport an individual. If there are no commitment papers and/or the person has not demonstrated intent to harm themselves then Officers are not authorized to physically force an individual to be transported by EMS, even if a doctor has ordered EMS to transport.

If the individual with a mental illness is the offender, the officer may determine that an involuntary commitment to a mental facility is necessary. In this case, the Officer will restrain the accused and follow emergency commitment procedures as required by the Montana

Statutes. The Officer should not allow the possibility of mental illness to preclude a valid criminal arrest.

If Officers respond to a call involving an individual with a mental disorder who is requesting assistance or resource information, the Officer shall refer the individual or family members to a mental health service provider as appropriate to the situation. If a voluntary or involuntary commitment is determined to be appropriate, the Officer will assist the individual or family in the process.

Guidelines for Dealing with Persons Suspected of Mental Illness

When Officers come in contact with a subject believed to be suffering from a mental disorder or mental health consumer, they shall respond to each situation using the guidelines taught in training. Officers should keep personal safety, as well as the safety of the public and the mental health consumer, in mind at all times. If use of force becomes necessary, Officers will attempt to use the least amount of force necessary in controlling the situation or effecting the arrest.

Involuntary Commitments

Once an Officer has transported a mental health consumer for an involuntary commitment, the Officer will remain with the consumer while the necessary paperwork/documentation is submitted.

Mental Illness Training

In addition to the mental illness training received by all entry-level sworn personnel during Basic Law Enforcement Training, all Agency personnel will receive initial entry-level training and in-service training at least every three years as part of the Agency's in-service training conducted through the Training Unit.

19.3.1 UNIFORM SPECIFICATIONS

CALEA Standard: 41.3.4

All employees of the Stevensville Police Department are responsible for conforming with the standards relating to the wearing of uniforms and equipment described herein and as required by Stevensville Police Department's General Orders, Chapter 13, Section 13.1.2 Disciplinary Procedures. No apparel or equipment shall be worn or carried except as authorized by the Chief of Police. Officers, when performing law enforcement-related work in off-duty hours, may wear their uniforms as approved by the Chief of Police.

Uniform Specifications for Agency Ceremonies, Funerals, and Special Functions

The approved patrol uniform, short or long sleeve depending on the time of year will be referred to as "the uniform of the day". This includes the police shirt, slacks, shoes/boots, socks, tie, if applicable, and gun belt with approved equipment. When sworn Officers attend special Agency ceremonies, funerals, or other significant functions in uniform, the following uniform specifications will be observed.

Funerals

All sworn Officers attending funerals or memorial services in uniform, regardless of the season, will wear the long sleeve shirt, tie, and hat.

Agency Ceremonies and Special Functions

Any sworn Officer attending a special Agency ceremony, special function, or event in uniform, and as a representative of the Stevensville Police Department, will do so in full “uniform of the day” attire, regardless of their assignment within the Agency, unless otherwise advised by the Chief of Police or designee. “Uniform of the day” includes police shirt, slacks, socks, shoes/boots, and leather gun belt.

Uniform Specifications for Patrol

Shirt and Tie

Long and short sleeve shirts for patrol shall be blue, with Stevensville Police Department insignia patches at the top of each sleeve. Ties will be blue clip-on style approved by the Agency. Uniformed Officers will only wear shirts and ties approved by the Agency.

Pants

Pants for patrol shall be blue. Uniformed Officers will only wear pants approved by the Agency.

Shoes and Socks

Uniformed Officers will only wear black shoes approved by the Agency or approved by the Chief of Police. Uniformed Officers must wear black socks.

Wearing of approved Uniforms and Equipment

The Chief of Police or a designee shall specify dates for wearing winter and summer uniforms.

Hat

- Officers shall wear approved hats for the following occasions:
- Funerals and funeral escorts
- Formal occasions
- When directed by the Chief of Police
- At the discretion of the supervisor

Winter Shirts

Long sleeve winter shirts may be worn with a clip-on tie or over a black mock neck shirt by uniform personnel. Collar insignia will be centered on the collar ½ from the collar point toward the neck seam and ½ inch from the bottom edge. Sergeants and Corporals shall wear chevrons centered below the Agency shoulder patch.

Summer Shirts

Uniform personnel shall wear summer shirts when authorized. A tie shall not be worn with the summer shirt. T-shirts worn under the summer uniform shirt shall be v-neck or black crew neck.

White crew neck T-shirts are not authorized. Collar insignia shall be centered ½ inch from the collar point toward the neck seam and ½ inch from the bottom edge. Sergeants and Corporals shall wear chevrons centered below the Agency shoulder patch.

Badge

The badge shall be worn in the badge holder of the outer most garment or body armor.

Name Tag

The name tag shall be worn on the right breast pocket.

Accessory Pins/Insignia

Approved pins and ribbons shall be worn centered directly above the nametag.

Whistles

Whistles shall/may be carried by all patrol personnel.

Jackets

The only emblems sewn on the jacket will be those approved by the Agency or authorized by the Chief of Police. Sergeants and above may wear rank insignia on the epaulets with the outside edge ¾ inch from the outside seam of the epaulet. Rank insignias and chevrons will not be worn at the same time.

Gear

Leather and nylon gear shall be worn as approved by the Agency or approved for wear by the Chief of Police.

Uniforms and Clothing Allowance

The Stevensville Police Department provides each Officer with uniforms and equipment to perform assigned duties. No additional uniform allowance is provided by the Stevensville Police Department

Employee ID cards shall be issued through the Town of Stevensville.

Termination of Employment

Upon an employee's termination or separation from the Agency, the badge and Identification card issued will be returned to the Chief of Police or designee.

19.3.2 PROTECTIVE VESTS (BODY ARMOR)

CALEA Standard: 41.3.5, 41.3.6

Officers who are permanently or temporarily assigned to a uniformed division at which they regularly interact with the public in a call for service capacity will be required to wear body

armor while wearing the official uniform. Officers working uniformed extra employment will also be required to wear body armor.

Exceptions

Officers may elect not to wear body armor under the following circumstances:

- Uniformed Officers who are assigned to administrative positions and do not normally have contact with suspects or prisoners.
- Exempt status has been given in writing from the Chief of Police to an Officer that requires a special assignment uniform.

Whenever the heat index reaches or exceeds 100° Fahrenheit anywhere in the county, Officers will be given the option of wearing or not wearing their body armor during that shift. Shifts are days, evenings, and nights.

When responding to an emergency call that demonstrates a potential for high risk, on-duty personnel should put on protective vests as soon as possible. Such situations include but are not limited to:

- Conducting a raid
- Hostage negotiations
- Active shooter or rapid deployment
- Barricaded gunmen
- Arrest of a known fugitive
- Arrest for unlawful flight
- Manhunts
- Search warrant execution
- Escalating situations

19.3.3 AGENCY VEHICLE MARKINGS AND EQUIPMENT

CALEA Standard: 41.3.1, 41.3.2

Marked Vehicles

Vehicles routinely assigned for general patrol are conspicuously marked. Stevensville Police Department patrol vehicle markings include:

- Emergency blue lights and emergency/hazard warning lights
- Stevensville Police Department emblem on both the driver's side and passenger's side
- The emergency telephone number on the rear fenders
- Distinct Stevensville Police Department color scheme

Each marked vehicle used in routine patrol service is equipped with the following equipment in operational order:

- Emergency blue lights and emergency/hazard warning lights
- Siren

- Mobile radio transceiver
- P.A. system
- Exterior spotlight

Each marked vehicle used in routine patrol service is equipped with the following supplies:

- First aid kit
- Fire extinguisher
- Blanket (2)
- Flares (minimum)
- Measuring device
- Blood borne pathogen kit
- Seat belt cutter

19.3.4 SEATBELTS

CALEA Standard: 41.3.3

Officers of the Stevensville Police Department and their passengers shall use the police vehicle's passenger safety restraining belts in all vehicles as required by Montana Statute, including the use of child safety restraints as applicable. When circumstances dictate, such as a violent, resisting suspect, the wearing of seat belts by persons in custody in the rear seat shall be left to the discretion of the Officer.

Any person for whom a licensed physician determines that the use of such a seatbelt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries a *written* statement of the physician identifying the exempted person and stating the grounds for the exemption, shall not be made to use the seat belt system. The statement must be in possession of the person or in the vehicle.

19.3.5 PERSONALLY ASSIGNED POLICE VEHICLES

CALEA Standard:

It shall be the policy of the Stevensville Police Department to maintain a high visibility of police vehicles and Officers as a deterrent to crime and to best utilize police units to respond to crimes in progress and other emergencies. In addition to the vehicles normally operated by on-duty personnel during a shift, Officers may be authorized to drive vehicles to and from their place of residence and to park such vehicles conspicuously at their place of residence as a crime prevention device for the neighborhood in which they reside. Provisions of this policy shall not be intended to authorize operation of police vehicles in a manner inconsistent with the Statutes of the State of Montana.

Vehicle Operation

Personnel operating agency vehicles are to be armed with authorized police issued or approved firearms and maintain radio communications with the Communications Center when in the agency unit. Assigned vehicles are not to be operated by any person other than the Officer to whom the vehicle is assigned or by an appropriate supervisor. A supervisor may temporarily reassign a personally assigned vehicle to another driver if it becomes necessary in order to maintain an effective level for patrol and operations.

When operating a marked agency vehicle during off-duty hours, Officers are required to stop to render assistance, apprehend violators of serious crimes and/or summon on-duty Officers in circumstances which logically require law enforcement attention. No off-duty Officer operating an agency vehicle is to ignore any call for assistance or fail to render reasonable law enforcement service that is reasonably within their traveling vicinity. When initiating or responding to a law enforcement situation while off-duty, personnel are to notify the Communications Center by proper radio procedure. Under normal circumstances, investigations requiring more than short-term on-the-scene action are to be handled by on-duty personnel.

Occasionally, agency vehicles will be used to deter criminal activity by parking them in conspicuous business or residential locations. Such crime prevention activity will be coordinated under the direction of the Chief of Police.

The use of mobile devices while operating any Agency vehicle is discouraged. The use of a hands-free device is recommended. Reading or sending text messages is prohibited unless the vehicle is legally parked.

Vehicle Maintenance

Ensuring routine preventive maintenance, including oil change, lubrication, minor adjustments, etc, is the responsibility of the employee to whom a vehicle is assigned. A supervisor shall ensure that monthly maintenance schedules for Agency vehicles are disseminated in a timely manner. When a vehicle is due for routine maintenance or is in need of other repair, the operator is to take the vehicle in for service. Officers should arrange to take their assigned vehicle to the garage before the end of their tour of duty. Vehicles shall be left and picked up after service has been completed.

In the event of damage to a vehicle or breakdown which renders the vehicle unfit for continued safe use, the Officer to whom the vehicle is assigned is to ensure that proper action is initiated to take the vehicle in for repair. Fuel for assigned Agency vehicles is available where the fuel card issued to each vehicle is approved. Officers are to fuel their assigned vehicles during their tour of duty. Officers are responsible for washing their assigned vehicles. This must be done during the Officer's tour of duty, unless directed otherwise by the employee's supervisor.

Vehicle Inspection

Weekly and formal inspections of Agency patrol vehicles as outlined in Vehicle Inspections, Chapter 26, Section 26.1.1 Stevensville Police Department's General Orders shall also include personally assigned Agency vehicles. The formal Annual Vehicle Inspection conducted during the third quarter of the calendar year by the Chief of Police or designee shall include personally assigned vehicles and reserve vehicles. A formal report is to be prepared by the Chief of Police. The report, prepared in cooperation with the Sergeant, shall contain information on the general condition, mileage, life expectancy and operating costs of each vehicle assigned to personnel. The report is to be prepared by the Chief of Police annually and not later than the first of December.

19.3.6 MOBILE DATA ACCESS CAPABILITIES

CALEA Standard: 41.3.7

System Access and Use

Stevensville Police Department computer use policies govern the use of all Stevensville Police Department computers, computer peripherals, and software, including mobile data access terminals. The introduction of unauthorized software programs or files is prohibited. The unauthorized manipulation or alteration of approved software is also prohibited. Employees having the need to install additional software or alter current software must request and justify the addition or change to be approved by a Supervisor or Chief of Police. Requests will be processed through the chain of Command to the Chief of Police for consideration. Approved requests will be forwarded to Human Resources.

The Montana Department of Justice maintains a computerized criminal history of individuals who have been arrested and/or for which there is a valid criminal fingerprint card. The Stevensville Police Department has access to local, state, and federal Criminal Justice Information Systems by means of the Montana Integrated Justice Information System (IJIS) Personnel accessing IJIS records must complete IJIS certification requirements, obtain a IJIS Operator Identifier and password, and must be under the management control of an agency assigned an Access Identifier (ORI). IJIS certification is valid for two years. Re-certification is necessary for continued IJIS access and/or terminal operations. Stevensville Police Department's General Orders, Chapter 34, Section 34.3.4 Records, provides additional information concerning IJIS access, use, security, and certification.

Stevensville Police Department personnel have access to IJIS through the use of lap top computers with mobile data terminal (MDT) capabilities. Access through MDTs' is restricted to IJIS authorized law enforcement/criminal justice agencies and personnel. The Mobile Data Terminals provide for the following:

- Immediate availability of information from IJIS/NCIC to include the status of driver's license, vehicle registrations and Wanted/Stolen information
- Dispatches for CAD

- Two-way communications with Dispatch
- Car to car communications
- Reduction of radio traffic

Personnel obtaining certification must be under the management control of an agency that has been assigned an ORI. Applicant fingerprints must be submitted on each person prior to certification, and upon return from the SBI, the fingerprints must be retained by the agency. Operator certification is valid for two years and re-certification must occur for the user to continue to operate the terminal.

All access to information is limited to that allowed by IJIS. An agency must have been assigned an ORI. All information obtained must be used for the official business of the Stevensville Police Department. Members shall not knowingly enter, or cause to be entered, false information or data into the system. Each assigned Officer shall check the MDT for serviceability. Any deficiency noted of the condition of the MDT should be documented on the Vehicle Inspection Report and the supervisor notified.

System Security

All DCI/MDT users must be authorized and must have a valid password and user identification. Access to TCIC is gained through the use of an individual password which is selected by the operator and recognized by TCIC security programs. TCIC monitors systems access, password security, administrative security inspections, information accessed, and usage of the MDT to ensure adherence to TCIC, NCIC and federal communications rules and regulations.

Personnel shall not use or permit the use of their passwords or user identification by other persons. Members shall keep their passwords confidential and, in the event a user's password becomes known to another person, the member shall immediately request a new password. Misuse of the TCIC system by any Agency employee shall result in disciplinary action.

19.5.2 CITIZEN OBSERVER (RIDE-ALONG) PROGRAM

In order to establish a better understanding and relationship between the law enforcement and the citizens, the Stevensville Police Department will allow citizens to ride with on-duty Officers within the guidelines established below.

General Requirements of Citizen Observer Program Participants

Citizens who want to participate in the Citizen Observer Program shall adhere to the following provisions:

- The Citizen Observer Program Application/Waiver Form must be completed and submitted to the Town of Stevensville Human Resources. The Town of Stevensville Human Resources shall review the application for completeness, such as, phone numbers, ride-along dates, etc. The Town of Stevensville Human Resources shall then

forward the application to the Chief of Police or designee prior to the citizen's participation in the Citizen Observer Program.

- The Chief of Police or designee will document the information in the Citizen Observer Log and will forward the application/waiver form to Communications Center for a local and NCIC criminal history check of the applicant.
- Citizen Observers must turn in their application at least five (5) days prior to the requested ride-along date.
- Citizen Observer Program applicants must be at least 18 years old to participate in a ride-along.
- Citizen Observers shall not be allowed to carry any weapons
- Citizen Observers shall not be permitted to ride-along wearing cut-off pants, T-Shirts, or sandals.
- Citizen Observers must be citizens of the Town of Stevensville unless specifically approved by the Town of Stevensville Human Resources and the Chief of Police.
- When the ride-along is terminated before the end of four hours, the reason will be documented in the "comments" section of the applicant form and sent to the Chief of Police.

Approval Procedure

The Chief of Police may approve the application by a signature and date. The Chief of Police may deny the application by a signature and date, with the reason for denial written in the "comments" section of the application.

The Chief of Police will log and forward the application, if approved, to the Sergeant to be retained until the applicant's scheduled ride-along. The Chief of Police will notify the applicant of approval or denial of the application. The Chief of Police will maintain all applications on file for a period not less than two years.

When the applicant arrives to ride on the approved date, the assigned Officer will complete the application by signing the application. The Officer assigned to conduct the ride-along should familiarize the citizen with the responsibilities and functions of being an Officer in a professional and positive manner. Upon completion of the citizen's ride-along, the Officer may write comments regarding the ride-along, including any problems encountered or observations, on the application form. The Officer shall forward the completed application form to the Chief of Police. The Chief of Police shall maintain the completed application on file for a period of not less than two years.

Guidelines Governing Citizens Observing Law Enforcement Activities

Officers conducting a citizen ride-along are strictly prohibited from engaging in a vehicle pursuit while the citizen is in the Agency vehicle. The Officer shall also refrain from placing the citizen in a high-risk situation as defined by policy.

The citizen is strictly prohibited from assisting the Officer in discharging his/her lawful duties. Such prohibited activities shall include, but not be limited to the following:

- Searching suspects
- Interrogating suspects
- Searching crime scenes
- Interviewing witnesses
- Restraining suspects
- Completing required law enforcement forms

However, an Officer may request the assistance of the citizen pursuant to Montana Statute. In such instances, the rights, privileges, and responsibilities pertaining to the citizen which are contained in Montana Statute will govern and control during the incident requiring citizen assistance. It is the responsibility of the Officer conducting the ride-along to inform the citizens of the prohibited activities.

When an Officer is accompanied by a Citizen Observer Program participant or media personnel, the program participant shall be permitted to enter a privately owned structure only after the responding Officer has requested and obtained permission from the occupants of the structure.

At all times, the responding Officer shall evaluate the circumstances of the call for service with regard to the safety of the program participant and shall use professional discretion in permitting that person to enter the structure. In general, non-law enforcement personnel should be discouraged from entering privately owned structures during a response to a call for service as it may place the individual at a greater risk.

Under no circumstances shall a citizen, including media personnel, be allowed to participate in the execution of a search warrant or arrest warrant. Citizen Observer Program participants are forbidden at all times from entering a privately owned structure in these instances.

19.5.3 ROUTINE EMERGENCIES

Responding to day-to-day “routine emergencies” requires Officers to make decisions appropriate to the specific call. However, the following procedures shall provide general guidelines for safely handling day-to-day law enforcement hazards.

In Progress Robbery/Burglary/ Calls

Officers should respond by Emergency Response as outlined in this policy. Only the assigned Officers and a supervisor shall respond directly to the scene of the robbery. While in route to the robbery location, the responding Officers should be alert for suspicious persons or vehicles leaving the area of the robbery. Other Officers should immediately respond to the areas around the robbery location in an attempt to locate the suspects leaving the area.

Responding Officers should avoid pulling up directly in front of the robbery location and should take care in not destroying any physical evidence in or around the robbery location. The responding Officer shall immediately attend to victims. The responding Officer shall follow the investigative guidelines as outlined in Stevensville Police Department's General Orders, Chapter 20, Investigations.

Robbery/Burglary Call Already Occurred

Officers should respond by Routine or Emergency Response, depending upon the urgency of the situation. Otherwise, the call shall be handled in the same manner as outlined above for a robbery/burglary in progress.

Stopping Suspicious Persons

Officers should attempt to stop and approach suspicious persons in an area that is well lit if possible, or at least a location that provides as much officer safety as possible. Officers shall advise communications of the location of the stop; and a complete description of the person(s). Officers shall document any suspicious person contacted. Whenever possible, the Officer should request and await assistance from a backup Officer.

Stopping Suspicious Vehicles

Suspicious vehicle stops should be handled as outlined in Stevensville Police Department's General Orders, Chapter 29, Traffic, "Misdemeanor Stops" or "Felony Vehicle Stops". The specific approach to the stop shall depend upon the nature of the situation and the need for officer safety.