Decorah Police Department

Policy & Procedures

Manual

April 2011

Forward

The Decorah Police Department Policy and Procedure Manual is hereby adopted in conformity with the authorization and responsibilities assigned to the Chief of Police by the Mayor of the City of Decorah in conformance with the provisions of the Code of Iowa and the Decorah Municipal Code.

The purpose of the Police Manual is to provide the employees of the department with a basis for the performance of their duties. It will promote an understanding of employee performance standards and expectations and clarify guidelines and limits of actions taken.

The Police Manual will be up-dated as changes are needed. Additions and deletions will be made to keep the Police Manual current with the needs of the Department and the City.

The Police Manual becomes effective upon its release and all previous regulations governing the operations of the department are cancelled. All employees of the police department will be provided with a copy of the manual and will be responsible for reading and understanding its contents.

Members will also be required to maintain their copy up-to-date as policies are amended, added or deleted.

The Chief of Police shall be the final authority in the interpretation of the Police Manual. Any unresolved conflict arising out of the interpretations of the Police Manual, with regulations issued by another authority shall be resolved in favor of the authority having the higher precedence by Iowa law.

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William Nixon, Chief

Introduction

The primary goals of the Decorah Police Department are to protect life, liberty, and property of persons residing in or visiting the City, to enforce all Federal, State, and City laws or ordinances, to prevent crime and disorder and to seek out and apprehend those who violate the law.

The police manual has been designed to provide an outline and guideline for employees to use in reaching our mutual goals. It is impossible to provide an answer in the police manual for each and every situation that will confront you as an employee. Many procedures are necessarily left to the discretion and common sense of the employee. The police manual provides a clear and concise order of authority and defines the responsibilities of each rank and position. It further defines the policies of the Department and the procedures to be employed in carrying out the Department's policies.

The police manual has been divided into eight sections as follows:

1. Philosophy Statement, Code of Ethics, Jurisdictional Issues
2. Civil Service Commission, Personnel Structure & Processes, Code of Conduct, Working Conditions
3. Communications Center Operations
4. Defensive Actions & Use of Force
5. Law Enforcement Operations
6. Traffic Operations & Emergency Vehicle Operation
7. Prisoner and Court Related Activities, Legal Process
8. Property & Evidence Handling

Rules and regulations are inflexible and pertain to the standards we must Maintain at all times. The policies and procedures are flexible guidelines which provide the means of accomplishing the goals of the Department.

Policy, for the purpose of the police manual shall mean, a governing principal, plan or course of action to be taken by the members and employees of the Decorah Police Department, within the guidelines and framework of the specific situation.

Procedure, for the purposes of the police manual means what actions or lack of actions a member of employee is expected to take in the handling of situations the members or employees may be confronted with in the course of their employment.

More simply stated, a policy is what you should do in a given situation, and a procedure is how you should do it.

Decorah Police Department
Policy Manual
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100: Philosophy Statement

Purpose

To establish a philosophy statement to be adopted and carried out by all Department personnel.

Discussion

Some of the important tasks facing the police profession in the near future are: Increased public demands for greater accountability, expansion of duties, and greater public input into their tax supported police service.

With these changes happening, there are two approaches we as a police agency can take. The first is to let the changes happen and attempt to adjust, which leads to constant crisis management. The second is to anticipate the change and make things happen that will keep us on the leading edge.

The second choice is the best option even though it creates the greatest risk. Even though tasks assigned may be specific, we believe individuals should have great latitude in decisions to carry out those tasks. For these decisions to be made consistently, it is important that there be a general philosophy to guide that process.

Policy

The following philosophy statement is adopted as the official philosophy statement of the Department. The original statement was developed by the Fallon, Nevada Police Department and has been modified to fit the needs of the Decorah Police Department.

Decorah Police Department Philosophy Statement

The philosophy of the men and women of the Decorah Police Department may be summarized as follows:

We believe the men and women of the Decorah Police Department are its most valuable asset and the essential ingredient to effectively and efficiently accomplish the police mission.

We believe in the equitable, fair and impartial application of laws and ordinances without regard to race, color, creed, national origin, sex, gender identification or station in life, and in treating all individuals with acceptance, compassion and the dignity we would expect if found in similar circumstances.

100: Philosophy Statement

We believe in the preservation of basic human rights and the maintenance of individual human dignity under the rule and spirit of law, which dictates that the ends do not always justify the means and that punishment, is not a function of the police.

We believe in providing quality, empathetic, responsive and professional service to the citizens and visitors of our community. Additionally, we believe the citizens of Decorah have endowed us with a public trust.

We will honor that trust by holding ourselves to the highest standards of professional police conduct.

We believe in the decentralization of authority downward within the organization of the Decorah Police Department commensurate with accountability and responsibility for actions taken or omitted.

We believe in proactive team management, open communication and employee input. Once decisions are made, we realize it is critical that everyone work together toward achieving department goals.

We believe a written operations manual is necessary to guide individual members of this department in the performance of their duties. However, rules cannot be written to cover all contingencies. Therefore, we believe all actions taken by department personnel must be legal, professional, reasonable, exemplary and consistent with the spirit and intent of this philosophy statement, the Constitution of the United States, the laws of the state of Iowa and the ordinances of the City of Decorah.

We believe that crime and related disorders are social ills that we, as police personnel, are incapable of conquering alone. We believe our responsibility is to provide service, leadership, guidance and protection to our citizens, who in a partnership with us, strive to make our city a safer and more pleasant place to live and visit.

110: Law Enforcement Officers' Code of Ethics and Values

Purpose

To establish a professional code of conduct and ethics to be adopted and carried out by all Department personnel as an official policy of the Department.

Discussion

The role of the police officer in the 21st century will be that of community organizer, advocate and protector. As the Department adopts these new roles, greater scrutiny is brought to bare on the way the Department and its officers conduct business. The public trusts police officers to conduct themselves in ways that reflect the democratic values of public service, fairness and restraint under the law.

The most effective strategy in ensuring that we, as an organization and individuals meet these expectations is to increase ethical awareness by supporting an atmosphere of open communication which explores the ethical alternatives in given situations. How an ethical issue is decided and justified may be more important than what the decision is.

Openness, discussion without fearing judgmental reactions, and a willingness to allow diverse viewpoints are the hallmarks of an organization that is meeting the challenges of ethics in a complex world. It is through dialogue and a free exchange of concerns with colleagues and other members of the team that more ethical conduct will become part of the way things are done. Ethics discussions help us clarify complexity, help us focus on the long-term consequences and ultimately help us find answers that are more defensible.

The beginning step in creating or maintaining a more ethical culture is to make sure that what we do is consistent with what we say. In doing this we are moving police ethics from theory to practice, from passive to assertive. this idea of "Assertive Ethics" consists of two components; IDENTIFY and ADDRESS unethical behaviors. It's a substantial leap to go from believing in ethical behavior and practicing it yourself to identifying and addressing unethical behavior going on around you. Just as we reap the rewards of one another's good work, we each pay a steep price for the unethical acts of others.

When confronted with an ethical issue it may help to follow an exercise called "ACT". Consider the (A) lternatives as related to the issue. Examine the (C) onsequences of each alternative, including the positive and negative aspects. And third, for each of the consequences (T) ell your story, meaning defend your actions as if you were in a public forum. ACT is a form of prior visualization about ethical matters. The idea of prior thought and training in the area of ethical decision making should be given equal value to the many other areas of training we pursue.

110: Law Enforcement Officers' Code of Ethics and Values

Policy

Members of the Decorah Police Department take pride in their role of dedicated service to others, assuring everyone's rights as guaranteed in the U.S. Constitution and through our nation's democratic principles of law. We strive to show compassionate respect for each individual, whatever their race, creed or lifestyle. We view our responsibilities as a covenant of public trust. We are committed to uphold our positions of trust by maintaining the highest ethical standards as we strive to fulfill the mandates of our mission, we are guided by these primary values:

Integrity

Our actions shall reflect the highest level of professional integrity. We recognize the badge of our office is a symbol to the public faith and trust. We promote honesty over loyalty and will take decisive action against those who violate this commitment to integrity. We are accountable for our actions, both on and off duty. Members of the Department's administration are accountable as role models to all others in the organization.

Teamwork

We are a dynamic team of individuals who possess a wide array of talents and strengths. In order for our team to grow and be successful, we will respect the leadership of the agency and follow directives to the best of our ability. If a decision is challenged, offer a viable solution. Practice humility and share in the glory of everyone's good work, not just one's own. Show a spirit of compromise. We recognize that growth and learning may be spawned by honest mistakes.

Respect

We are committed to not only respecting the laws we enforce, but also to earning the respect of individuals and the community. We must give all members of the community the respect that we, in turn, desire from them.

Professionalism

We value professionalism, having a clear sense of commitment, perspective and direction. We will encourage one another in our efforts to achieve adherence to the highest professional standards and quality service to the public. We are dedicated to the vision of service and take pride in our unceasing quest to strive for excellence in law enforcement.

111: Law Enforcement Role

Policy

It shall be the duty of the Decorah Police Department to prevent crime to detect and apprehend criminals and to enforce Federal, State and City laws and ordinances. To provide protection and security to visitors and residents of the City of Decorah.

112: Agency Jurisdiction

Policy

The Department's jurisdiction to prevent crime, to detect and apprehend criminals and to enforce Federal, State and City laws and ordinances shall be everything in the incorporated city limits of Decorah. When circumstances dictate, an officer's authority to investigate crimes and make arrests may extend to any jurisdiction within the State of Iowa. When conducting business outside of the City of Decorah, officers shall notify and/or coordinate with the agency having jurisdiction in that area.

113: Limits of Authority

Purpose

A police department is established to provide for preservation of the peace and enforcement of law within the corporate limits of the city. An officer shall have the authority to enforce these goals within the limits established by the United States, State of Iowa and the City of Decorah governments.

Definitions

A. Authority: the power granted to an individual by a governing body to enforce its laws or ordinances.

B. Personally Involved: where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer is the victim of a crime.

Policy

An officer is granted authority to enforce the provisions of law established by the United States, State of Iowa and the City of Decorah. The officer's authority extends only to those laws enacted by these governments.

Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, and confusion for those on-duty officer arriving at the scene trying to correctly assess the facts. In order to promote safety and the most efficient operations, it is the policy of this department to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

Procedures

113.01 Liability Protection

The officers of this department have liability protection for the on and off-duty performance of official duties. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with law, or the established policies or customs of this department.

113.02 Arrests

All arrests whether on or off-duty shall be made in accordance with Chapter 844: Felony and Misdemeanor Arrests.

113.03 Permitted Off-duty Arrests

When off-duty and with the legal jurisdiction of this department, a police officer may make an arrest only when:

A. The arresting officer is NOT PERSONALLY INVOLVED in the incident underlying the arrest; and

B. There is an IMMEDIATE NEED for the prevention of a crime or Apprehension of a suspect; and

C. The crime would be charged as a jailable offense requiring a full custodial arrest; and

D. The arresting officer is in possession of appropriate police Identification.

113.04 Off-Duty Responsibilities

A. While off-duty, it is the responsibility of the officer to immediately report any suspected or observed criminal activities to on-duty authorities.

B. Except as allowed by this policy, off-duty officers should not enforce summary offenses or minor violations such as harassment, disorderly conduct or other quality of life offenses. On-duty personnel shall be contacted to respond to the situation where an off-duty officer becomes aware of such violations.

C. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

113.05 Prohibited Off-Duty Arrests

Officers of this department may NOT make an arrest off-duty:

A. When an arresting officer is personally involved in the incident underlying the arrest; or

B. When engaged in off-duty employment of a non-police nature,

and the officer's actions are only in furtherance of the interests of the private employer.

C. When the arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that an officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty Officer should not enforce minor traffic regulations.

114: Mutual Assistance

Purpose

The purpose of this policy is to inform all personnel of the existence the contents of the regional mutual assistance agreement, referred to as the 28E Agreement, and this department's obligations under the agreement.

Policy

The goal of this department is to provide efficient, high quality law enforcement services to the community during both emergency and non-emergency situations. The purpose of a regional mutual assistance agreement is to enable each agency to more effectively handle emergency situations through the combining of law enforcement resources. In recognition of the fact that this department has a finite amount of resources with which to meet all such incidents, it shall be the policy of this department to participate in the mutual assistance agreement in order to strengthen our response to emergency situations.

Procedure

114.01 Scope of Agreement

A. The law enforcement agencies in the region have entered into a cooperative agreement whereby each may request temporary emergency assistance from any or all other member agencies.

B. The Mutual Assistance Agreement may be invoked by designated members of this or any other member agency during any emergency situation where there is an immediate threat to life or property, and the requesting agency has determined that it does not have sufficient resources to meet that threat in an adequate manner.

C. Under the terms of the agreement, this department is committed to the provision of personnel, equipment, and specialized units to a member to the extent that it would not endanger primary services to our own jurisdiction.

D. In order to maintain the efficient implementation of the agreement, the Chief of Police will have the following responsibilities:

1. Attendance at regular meetings with other member chief executive officers to formulate or revise emergency plans, share information, and assess the general emergency needs of the region;

2. Provision of data to member agencies concerning this Department's available staffing per shift, equipment and specialized units, and maintenance of similar information from the other member agencies;

3. Timely negotiation of additions to, or renewal of the agreement.

E. The costs of the salaries or wages, pensions, relief and worker's compensation for loaned personnel resulting from mutual assistance duty shall be the responsibility of the individual agencies providing those services.

114.02 <u>Requests for Assistance</u>

A. In non-emergency situations, requests for mutual assistance shall be forwarded to the Chief of Police in a timely fashion through the chain of command.

B. In the event that this department requires assistance in handling an emergency, the supervisor in charge at the scene of the emergency shall contact communications and request that the Chief of Police be advised of the situation. The supervisor shall provide communications with the following information to be relayed to the Chief of Police:

1. Nature of the emergency;

2. Measures taken to bring the situation under control, and why they have been insufficient; and

3. Estimated amount of equipment, personnel, or special units that will be necessary to bring the situation under control.

C. The chief executive officer of each member agency is the sole designated official permitted to request or authorize emergency assistance.

1. Requests may be made by telephone or in writing and are subject to confirmation.

2. The requesting agency is responsible for providing member agencies with the information necessary to determine the levels of assistance required.

3. Each member agency is only committed to providing assistance to the extent that it does not endanger primary operations, and may withdraw loaned personnel or equipment where circumstances require redeployment in their jurisdiction.

114.03 Emergency Scene Responsibilities

A. The designated supervisor of the requesting agency shall be in charge at the emergency site. All loaned personnel shall follow the designated supervisor's lawful orders. However, where the provided mutual assistance involves the loan of a specialized SWAT, hostage negotiation, Northeast Iowa Narcotics Task Force, bomb disposal unit, the commander of that unit shall be responsible for the operation of that unit, and will coordinate with the field commander of the requesting agency.

B. When taking law enforcement actions at the emergency site, including uses of force, officers from this department shall at all times adhere to department policies and procedures, and utilize only those weapons and tactics with which they have qualified.

C. Officers on loan from this department to an emergency site shall regularly apprise our communications personnel concerning the continued status of the emergency, line-of-duty injuries, or need for relief.

D. Officers may only take those law enforcement actions permitted under state law for emergency allocation outside the original appointing jurisdiction.

E. Department personnel providing mutual assistance shall only make arrests for offenses directly related to the emergency situation, and shall assist in the preliminary processing of arrestees as follows:

   1. Identification of arrestees;

   2. Control of property obtained from arrestees;

   3. Completion of arrest citations;

4. Transportation of arrestees; and

5. Court duty.

114.04 <u>Federal and State Law Enforcement Agency Assistance</u>

A. Member agencies may request emergency assistance from a federal law enforcement agency where a federal crime is involved, or when the emergency site is an area in which the federal and requesting agency share concurrent jurisdiction.

B. The state National Guard may be contacted for emergency assistance whenever a state of emergency is declared by the elected head of government and the respective law enforcement agency, with the assistance of the Emergency Management Coordinator.

115: Northeast Iowa Task Force

Purpose

The Purpose of the Northeast Iowa Task Force is to detect, investigate, and apprehend criminals through cooperative investigations in the five county region.

Policy

The department shall take an active role as a member and abide by the terms of the 28E Agreement establishing the Northeast Iowa Task Force and the task force's constitution and by-laws.

Procedure

115.01 Membership

Members of the Northeast Iowa Task Force consists of the following member agencies:

A. Decorah Police Department
B. Winneshiek County Sheriff's Department
C. Cresco Police Department
D. Howard County Sheriff's Department
E. Waukon Police Department
F. Allamakee County Sheriff's Department
G. New Hampton Police Department
H. Chickasaw County Sheriff's Department
I. Clayton County Sheriff's Department
J. Guttenberg Police Department
K. Nashua Police Department
L. Calmar Police Department
M. Mar-Mac Unified Police Department
N. Elkader Police Department
O. Postville Police Department
P. Strawberry Point Police Department
Q. Monona Police Department

115.02 Liaison Officer

The department will maintain two officers who will serve as liaison's to the Northeast Iowa Task Force. These officers will be responsible for gathering, recording, investigation and exchange of information with other criminal justice agencies and ensuring that the department complies with the Northeast Iowa Task Force's

constitution and by-laws.

115.03 Duration

The duration and existence of this agreement shall be perpetual unless terminated or dissolved by the members.

115.04 Objectives

A. Gathering of intelligence information on both known and suspected criminals and narcotics dealers.

B. Organization of that intelligence in a systematic manner to allow for retrieval, dissemination, updating and purging according to sound intelligence management practices.

C. Development of informant sources for intelligence and use of those informants according to accepted professional law enforcement standards.

D. The undercover purchase of controlled substances in such a manner to meet successful prosecution of those purchases.

E. Development of liaison with other narcotics units including but not limited to shared intelligence, joint investigations, shared training, shared equipment, and cooperation to the highest level available when requested.

F. Cooperation with prosecuting agencies to facilitate successful prosecution of defendants.

115.05 Financing

In the performance of its duties, the Northeast Iowa Task Force may cooperate with, contract with, and accept and expend funds from federal, state and local agencies, public, semi-public or private individuals or corporations and may carry out such cooperative undertakings and contracts which are necessary and make said expenditures which are necessary to carry out the purposes of this agreement. All expenditures, however, shall be subject to the approval of the governing bodies of member units of government.

Decorah Civil Service Commission
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201: Civil Service Commission

Purpose

The Civil Service Commission provides guidelines for the selection of the department's work force for police officers by original and promotional competitive examinations which fairly and practically measure the fitness of the applicant to perform the duties of the job. Upon satisfactory completion of the probationary period, it provides for continued employment in the job so long as the duties are performed properly. It affords a right of appeal from a suspension, demotion or discharge action of the appointing authority, the Chief of Police.

The core principal of civil service from its inception has been to assure that the public is well served by it municipal police department.

Policy

The Civil Service Commission of the City of Decorah is a special tribunal created under the authority of the Code of Iowa, Chapter 400, and the City ordinances of the City of Decorah. The purpose of the Commission is to provide a harmonious, efficient, and courteous public service which will protect the interests of the City of Decorah and its employees. No person, in any way, will be favored or discriminated against because of race, political or religious opinions and affiliations, national origin, sex, age, employee union or association membership, or office therein. It is the hope and will be the endeavor of this Commission to carry on the purpose of its empowering act, and consequently bring to the citizens, employees and the City government of Decorah the advantages of public service based on merits.

Procedure

201.01 Meetings

Meetings shall be held at the call of the chairman or any two members. Notice of the date, time, place and purpose of the meetings shall be given to each member at least twenty-four hours prior to the meeting. Two members of the Commission present at any meeting for which notice has been given shall constitute a quorum for the transaction of business; provided, however, that any new rule or any proposed amendment of these rules shall not be effective until the absent member has had an opportunity to cast their vote for or against such rule or amendment. As used in these rules or regulations, the term "meeting" does not include any gathering where there is no deliberation or action within the scope

of the Commission's policy-making duties. Ministerial functions are therefore not open to the public.

201.02 <u>Open Meetings</u>

Except as hereinafter provided, all meetings of the Commission shall be open to the public. Notice of the time, date and place of each meeting, and its tentative agenda shall b given by placing such notice on a public bulletin board in City Hall. Notice shall be given at least twenty-four hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical in which case as much notice as is reasonably possible shall be given and the good cause justifying the lack of full notice shall be stated in the minutes.

201.03 <u>Closed Meetings</u>

The Commission may hold a closed meeting by affirmative public vote of two-thirds of its members present only to the extent necessary for any of the following reasons:

A. To discuss strategy with counsel in matters that are presently in litigation or where litigation is eminent where its disclosure would be likely to prejudice or disadvantage the position of the Commission in that litigation.

B. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered and that individual requests a closed session.

C. For any other reasons authorized by Chapter 28A.5, Code of Iowa.

The vote for each member on the question of holding the closed meeting and the reason for the closed meeting shall be announced publicly at the open session and entered in the minutes, but the statement of such reason need not state the name of any individual or the details of the matter discussed in the closed meeting. However, the closed session shall be tape recorded and separate, detailed minutes of all discussion, persons present and action occurring shall be taken. These tapes and minutes shall be sealed and shall not be open to public inspection. They shall be kept for at least one year from the date of the meeting.

201.04 Oral Examinations

Oral interviews conducted by the Commission are an integral part of the examination process and ministerial in nature. Therefore, they are not open to the public.

201.05 Chairman

The Chairman of the Commission shall be appointed by an election by the members of the Commission.

201.06 Records

The Commission shall keep a record of all of its meetings and also a complete individual record of all Civil Service employees, which records shall be permanent and kept up to date. Civil Service records, including all papers pertaining to examinations shall be confidential. Civil Service records shall be made available, upon approval by the Civil Service Commission of a written request, by the Mayor or Chief of Police, specifying such records as are required in the performance of the duties imposed upon said Mayor or Chief of Police. Such records shall remain confidential upon and after the granting of such request, except where such confidentiality be waived by the Civil Service Commission, and the original of such records shall not leave the custody of the Civil Service Commission.

202: Civil Service Recruitment

202.01 Announcement of Examinations

Entrance examinations will be scheduled as the needs of the service may require. The Commission through it staff, shall give notice of all Civil Service Examinations. Such announcements shall be given as much general circulation as possible to all areas that might provide possible applicants. Such announcements shall contain:

A. The official notice inviting the filing of applications.

B. The titles and rates of pay of the positions to be filled.

C. Some typical duties to be performed.

D. The minimum qualifications required.

E. The method of obtaining application forms and final dates for filing the same.

F. Any additional information desirable at the discretion of the Commission.

202.02 Applications

All applications shall be filed on forms provided by the Commission or the Department and shall call for information covering the applicant's education, training, experience, and references. The Commission has the right to ask for certificates of health, fingerprints, and other pertinent information which may be desirable. The application shall be signed by the applicant. The Commission shall accept applications if completed in accordance with these rules, from any qualified person who has not been rejected by the Commission for cause.

203: Civil Service Qualifications

203.01 Qualifications

Except as otherwise provided, no person shall be appointed or employed as an officer with the Department, until such person has passed a civil service examination as provided for in this policy, and has been certified to the City Council as being eligible for such appointment. In no case shall any person be appointed or employed by the Department unless such person:

A. Is of good moral character.
B. Is able to read and write the English language.
C. Is not a liquor or drug addict.

203.02 Residence Requirements

The employee shall not be required to be a resident of Decorah, but they shall become a resident of Iowa at the time such appointment or employment begins, and shall remain a resident of the state during employment. The City of Decorah may set reasonable maximum distances outside of its corporate limits in which officers may live.

203.03 Additional Requirements

A. Applicant must be a citizen of the United States and a resident of Iowa or intend to become a resident of the State upon being employed.

B. Applicant must have reached his or her eighteenth birthday at the time of their appointment.

C. Applicant must have a valid driver's or chauffeur's license issued by the State of Iowa.

D. Applicant must be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted by local, state, and national fingerprint files, and has not been convicted of a felony or a crime involving moral turpitude.

E. Applicant has performed satisfactorily in a pre-employment written examination.

F. Applicant has successfully passed a physical fitness assessment test.

G. Applicant must not by reason of conscience or belief be opposed to the use of force, when necessary to fulfill their duties.

H. Applicant must be a high school graduate with a diploma, or must possess an equivalency certificate which meets the minimum score required by the state Department of Public Instruction.

I. Applicant must have an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20, and normal color vision. Normal color vision as determined by the American Optical Company, Psuedo-Isochromatic Plates test, requires correct identification of fourteen out of the eighteen plates.

J. Applicant has normal hearing in each ear. Hearing is considered normal when, tested by an audio-meter, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz, and 3000Hz averaged together.

K. Applicant must be examined by a licensed physician or surgeon and must meet the physical requirements necessary to fulfill the responsibilities of a law enforcement officer.

L. Applicant must complete a written psychological examination as established by the Iowa Law Enforcement Council and submit to a psychiatric interview.

M. Applicant must submit to an oral interview with designated representatives of the Civil Service Commission and Department.

204: Civil Service Examinations

204.01 Nature of Examinations

The Commission may prepare and administer examinations or may hire persons with expertise to do so if the Commission approves the examinations. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid the personnel of the Commission in assuring that a fair examination is conducted. Examinations may be assembled or unassembled, and may consist of written, oral, performance tests or evaluations of experience and training or any other testing method appropriate for the position classification involved. The examination may consist of one or more parts. The Commission shall determine the qualifying grade for each part of an examination as well as the combined grade for all parts of the examination based on sound testing principles. Failure to pass any part of parts of the examination may be deemed sufficient reason to disqualify the applicant for further consideration on the particular examinations involved. The City of Decorah has the exclusive rights to the results of the examinations and such results shall not be passed to other potential employers.

204.02 Written Examinations

The Commission shall utilize the written examination required by the Iowa Law Enforcement Academy and administered in accordance with their guidelines. The Commission shall also have the option of utilizing other written examinations not required by the Iowa Law Enforcement Academy.

204.03 Physical Fitness Assessment Test

The Commission shall, in accordance with the Iowa Law Enforcement Academy, administer a physical fitness assessment test.

204.04 Disqualification of Applicants

The Commission shall reject any application if the applicant does not possess the minimum qualifications. An applicant shall also be rejected after acceptance if it is later found that they do not possess the minimum qualifications. An applicant may also be rejected because of any of the following:

A. Does not pass the examination for the position, which can be a written examination, oral interview, performance test, or other selection procedure either singly or in combination.

B. Is physically unfit or of unsound health which would interfere with the proper performance of the duties required of the position. A physical examination may be required and is generally given at a time later than other examinations.

C. Is guilty of making false statements of fact or practicing fraud or deception in the application or the examination.

D. Does not meet one of other requirements stated in Chapter 131: Civil Service Qualifications or Chapter 400, Code of Iowa.

The Commission shall send notice to any applicant whose application has been rejected. If an application is rejected for lack of information, it shall be returned to the applicant, who may re-submit with the additional information and shall be accepted if received before the expiration date stated in the original announcement. Rejections of applicants due to physical fitness or unsound health will be based on standards established by the respective pension board or by the Personnel Department.

204.05 Conduct of Examinations

Examinations will be conducted in quiet, well-lighted, heated and ventilated rooms which officer applicants the best possible testing conditions. Any supplies which the applicant will be expected to furnish for the examinations will be listed on the announcement.

Applicants must report on the date and the time scheduled as examination makeups will not be permitted. However, where an applicant fails to appear for an oral examination due to an emergency situation or in the case of a promotional oral, due to scheduled vacation leave, makeups may be permitted. Requests for such makeups shall be in writing and directed to the Decorah Civil Service Commission.

204.06 Notification of Results

The Commission shall notify all applicants of their examination results. The names of successful applicants shall be placed on certified lists as set forth in Chapter 133: Civil Service Certification.

204.07 Review of Written Tests

It is general policy of the Commission to permit applicants to review their test booklets and their own answer sheets under supervision.

A review may not be permitted, however, when prohibited by the test publisher or when the examination is scheduled for immediate re-administration. Requests for test reviews must be received within two weeks following notification of examination results. Errors in grading brought to the attention of the Commission within this two week review shall be corrected, but such errors shall not invalidate any appointments previously made. In instances where the publisher test security provisions prohibit applicant review of the test booklet and/or scoring key, applicants may, where possible receive counseling on their test results and /or written certification as to the correctness of their score.

204.08 <u>Fraud on Examinations</u>

Any person who, at the examination or on any document signed or furnished by the applicant in connection with an examination or application thereof, makes any false representation, or who shall use any materials or memoranda, such examination, may be excluded from the examination and their name stricken from any eligible list on which it may appear.

205: Civil Service Certification

205.01 Eligible List

The Commission Shall, within ninety days after the beginning of each competitive examination for original appointment or for promotion, certify to the City Council a list of the names of the ten persons who qualify with the highest standing as a result of each examination, or such number as may have qualified, if less than ten, in the order of their standing. All newly created offices or other vacancies in position under Civil Service which shall occur before the beginning of the next examination for such positions as provided for in the case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all person who qualify for the tenth position.

A list shall be exhausted when all applicants whose names appear thereon have been appointed or when there is a vacancy and all names appear thereon either refuse appointment or fail to respond, within reasonable time limits, to written notification of the vacancy mailed to their last known address.

Entrance lists shall be cancelled, and no appointments from such lists shall be made, upon the beginning of a new examination or until at least one year has passed since the date of certification.

205.02 Certification Based Upon Sex of Applicant

The sex of an applicant will be disregarded during the certification process unless it is a bona fide occupational qualification.

205.03 Removal of Persons from Lists

A person appearing on a certified list shall be removed by the Commission whenever they have requested in writing that their name be removed or if the Commission finds the applicant fails to meet the minimum requirements needed to fill the position. A person may be removed from a certified list for cause at any time. Any person so affected shall be notified of the removal of their name by a notice mailed to their last known address.

205.04 Objection of Appointing Authority

If the Chief of Police has information regarding any person certified tending to show unfitness for the position to be filled on the part of

said person, they shall communicate the information in writing to the Commission. Such information may relate either to matters which were disqualifying at the time of examination or to anything disqualifying which may have arisen subsequent to the examination. In such cases the Commission shall enter its findings in its minutes. The Commission shall determine in each such case whether or not there is sufficient cause to remove the name of the person affected from the eligible list.

206: Civil Service Appointments

206.01 Types of Appointments

All vacancies in Civil Service classifications shall be filled by a person certified by the Commission from an appropriate employment list.

206.02 Military Preference

In all examinations and appointments under this chapter other than appointment of Chief of the Police Department, honorably discharged veterans from the military or naval forces of the United States as defined by Iowa Code 35.1 and who are citizens and residents of this State, shall have five additional points added to the final testing score and five additional points added to the score if the veteran has a service connected disability or is receiving compensation, disability benefits or pension under laws administered by the Veteran's Administration. An honorably discharged veteran who has been awarded the Purple Heart for disabilities incurred in action, shall be considered to have a service-connected disability. However, the points shall be given only upon passing the exam and shall not be the determining factor in passing.

207: General Provisions

207.01 Change of Address

Every officer, former officer awaiting action by the Commission, person whose name is on the eligible list, and every applicant is required to notify the Commission of any change of address, or change of name. In sending notices affecting such persons, the Commission assumes no responsibility beyond the address last recorded in the Commission office. Failure to respond to notices sent by the Commission to the last recorded address may result in denial of admission to examinations or removal from the eligible list.

207.02 Organization Membership

Membership in any organization will operate neither to injure nor benefit any employee in the Commission's actions relating to rights and interests under these policies or the Code of Iowa.

207.03 Seniority

A. For the purpose of determining the seniority rights of Civil Service employees, seniority shall be computed beginning with the date of appointment to, or employment in, any position for which they were certified or otherwise qualified, but shall not include any period of time exceeding sixty days in any one year during which they were absent from the service except for disability.

B. In the event that a Civil Service employee has more than one classification or grade, the length of their seniority rights shall date in the respective classifications or grades from and after the time they were appointed to or began their employment in each classification or grade. In the event that an employee has been promoted from one classification to another, their Civil Service seniority rights shall be continuous in any department classification that they formerly held.

C. A list of all Civil Service employees shall be prepared and posted in the City Hall by the Civil Service Commission on or before July 1 of each year, indicating the Civil Service standing of each employee as to their seniority per Iowa Code Chapter 400.12.

207.04 Political Activity

A. A person holding a Civil Service position shall not, while performing official duties or while using City equipment at the persons disposal by reason of the position, solicit in any manner contributions for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a Civil Service position.

B. A person holding a Civil Service position shall not, by the authority of the position, secure in any manner for any other person an appointment or advantage in appointment to a Civil Service position or increase in pay or other advantage of employment in any such position for the purpose of influencing the vote or political action of that person for any other reconsideration.

C. A person who in any manner supervises a person holding a Civil Service position shall not directly or indirectly solicit the person supervised to contribute money, anything of value, or service to a candidate's political committee.

D. A Civil Service employee who becomes a candidate for any elective public office shall, upon the request of the employee and commencing within thirty days prior to a primary, general, or special election and continuing until after this thirty day period, automatically be given a leave of absence without pay. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

E. This section shall not be construed to prohibit any employee or groups of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.

207.05 Violation of Rules

Violation of any rules contained herein may warrant disciplinary action or employment rejection, depending upon the status judged in violation, after appropriate hearing described herein.

207.06 Amendment and Revision of Rules

These rules may be amended upon the recommendation of the members of the Commission, provided that the proposed amendment, revision or addition, shall pass by two-thirds of the Commission.

207.07 Oath Administered by Mayor or Chief

Each Applicant, on becoming an officer of the Department, shall take an oath administered by the Mayor or Chief of Police to uphold the Constitution of the United States, and the laws of the State of Iowa and City of Decorah

207.08 Regular Appointment Following Probationary Period

All original appointments shall be tentative, subject to a probationary period of twelve (12) consecutive months of employment starting with the date of appointment.

207.09 Objective of Probationary Period

The probationary period is regarded by the Commission as an intrinsic part of the examination process to be utilized by the Chief of Police for close observation of the employee's work, for securing the most effective adjustment of the new employee in their position and for eliminating any probationary employee whose performance does not meet the required work standards.

207.10 Rejection of the Probationer

A. If at any time during the probation period, the probationer shall be found incompetent or not qualified for the performance of the duties of the position they are filling, they may be rejected by the Chief of Police without recourse to appeal.

B. A person removed or discharged during a probationary period shall, at the time of discharge, be given notice in writing stating the reason for dismissal. A copy of such notice shall be promptly filed with the Commission. Continuance in the position after the expiration of the probationary period shall constitute a permanent appointment.

208: Appeals and Hearings

208.01 Sworn Officer Can Appeal

The sworn officer can appeal a suspension, demotion, or termination to the Decorah Civil Service Commission within fourteen (14) calendar days.

208.02 Notice of Appeal

If the appeal is taken by the suspended officer, notice thereof, signed by the suspended officer and specifying the ruling appealed from, shall be filed with the clerk of commission; if by the Chief of Police such notice shall also be served upon the sworn officer being suspended.

208.03 Charges

Within fourteen (14) calendar days from the service of the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person suspended or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and the body to whom the appeal is to be taken shall immediately enter an order reinstating the person suspended.

208.04 Time and Place of Hearing

Within ten days after such specifications are filed, the Commission shall fix the time, which shall be not less than five nor more than twenty days thereafter, and place for hearing the appeal and shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed.

208.05 Oaths – Books and Papers

The presiding officer of the Commission shall have power to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. The Commission shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. The subpoenas shall be signed by the chairperson of the Commission.

208.06 Contempt

In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the official body hearing the appeal shall, in writing, report such refusal to the district court of Winneshiek County, and said court shall proceed with said person or witness as though said refusal had occurred in a proceeding legally pending before said court.

208.07 Public Trial

The trial of all appeals shall be public, and the parties may be represented by counsel.

208.08 Appeal Procedures

The Commission shall hear the evidence upon the charge and specifications as filed with it by the appointing authority. The proceedings shall be as informal as is compatible with the requirements of justice. The order of business shall be as follows:

A. The appellant or counsel shall produce such evidence as they may wish to offer in support of their appeal. The appointing authority shall then present evidence in support of the charge. The parties in interest may then offer rebuttal evidence. The Commission in its discretion may hear arguments.

B. The appointing authority and appellant may be represented by counsel. When the Commission requires legal counsel and in its opinion, use of the City Attorney would cause a conflict of interest, outside counsel shall be employed. The Commission shall after due consideration, render its judgment.

C. If the employee shall fail to appear or be represented by counsel at the time fixed for the hearing, the Commission shall hear such evidence as may be produced, or as it shall deem proper or necessary and make a finding according to the evidence. The Commission after due consideration, shall notify the appointing authority and employee of its judgment.

D. Upon conclusion of any investigation or hearing, the

Commission shall cause its findings and decisions to be prepared in writing and shall certify the same. Such findings shall be countersigned and filed as a permanent record in the file of the Commission. The Commission shall deliver the certified copy of such findings to the appointing authority and to the employee affected, and such judgments shall become effective forthwith.

E. Any member of the Commission may submit a supplemental or minority report which shall be filed as a permanent part of the record of the Commission.

F. The City, or any Civil Service employee shall have the right to appeal to the District Court from the final rule and decision of the Civil Service Commission. The appeal shall be taken within thirty days from the filing of the formal decision of the Commission. The District Court of Winneshiek County shall have jurisdiction over the appeal and the said appeal shall be a trial de novo as an equitable action in the District Court.

G. The appeal to the District Court shall be perfected by filing a notice of appeal with the Clerk of the District Court within the time herein prescribed and by serving notice thereof on the Clerk of the Civil Service Commission.

209: Organization Structure

Chain of Command

The Police Department shall consist of the number of sworn personnel and civilian employees as deemed necessary by the Chief of Police, with the approval of the Mayor and City Council. It shall be structured in such a manner as to properly serve the best interests of the City, and shall consist of the number of employees and their rank as defined by Ordinance.

The positions in descending order of authority are as follows:

1. Chief of Police
2. Assistant Chief of Police
3. Captain
4. Sergeant
5. Patrol Officer
6. 911/Support Services Supervisor
7. Civilian Employees
8. Reserve Police Officers

Organization

209 Chain of Command
210 Organization Structure
211 Organization Assignments

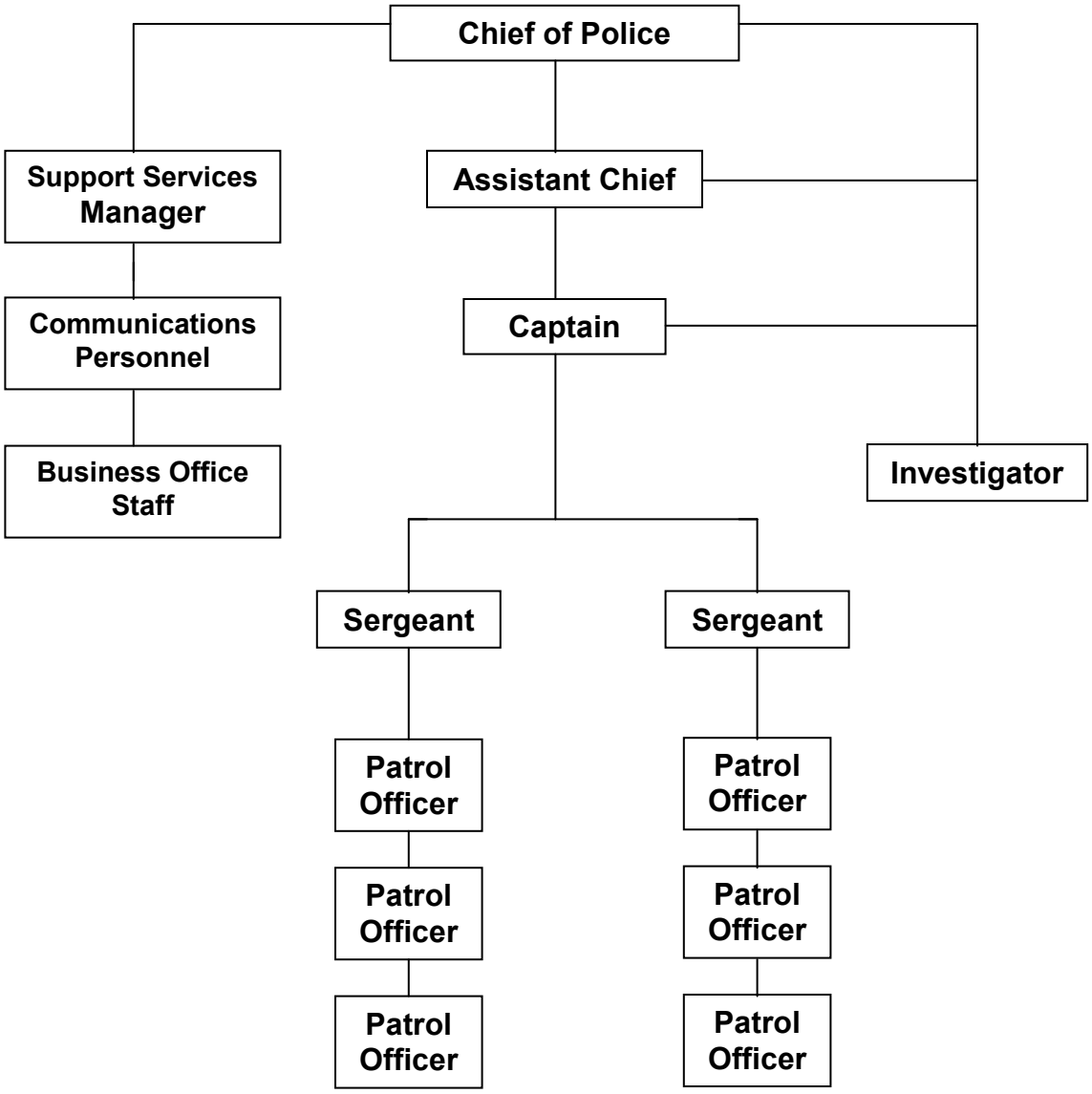
Personnel Classification & Assignment (Sworn Personnel)

212 Chief of Police
213 Assistant Chief of Police
214 Captain
215 Sergeant
216 Patrol Officer
217 Investigator

Personnel Classification & Assignment (Civilian Personnel)

218 Support Services/E911 Supervisor
219 Communications Personnel

Decorah, Iowa Police Department



Decorah Police Administrative Assignments

Department Administrator - Rank: Chief of Police

Municipal Administrative Liaison:
- Mayor
- City Manager
- City Clerk
- City Attorney
- Public Safety Committee
- City Engineer
- Council
- Park and Recreation Director
- Street Department
- Water Department

Budget:
- Planning
- Preparation
- Public Safety Committee review and presentation
- Finance committee adoption
- Council presentation

Training: (1)
- In-service programs
- Funding arrangements
- Academy and seminar scheduling

Personnel: (1)
- Employee files and records
- Background investigations
- Internal affairs investigations
- Civil Service commission liaison
- Civil Service testing arrangements
  (Basic Exams, Psychiatric & Physical Evaluations)

News Media:
- Press releases
- Liaison

Licenses:
- Gambling applications
- Itinerant Sales
- Investigations

Juveniles:
- Approve and refer case reports

Criminal Investigations Administration:
- Review cases and approve
- Assign follow-up
- Submit completed reports to Prosecutors
- Inter-agency coordination and liaison (2)

City , County and Defense Attorney Liaison:
- Court case scheduling
- Case review and disposition
- Code revisions and interpretations

School and College Liaison

Communications Center: (3)
- Director – Decorah/Winneshiek Communications Center
- Initial reports
- Radio systems
- Telephone systems
- Alarm systems
- Computer operations
- Disaster Services Liaison
- Dispatcher training and scheduling
- Civilian staff Personnel Director
- Supplies and purchasing

Office Operations: (3)
- Accounting
- Banking
- Auditing
- UCR computation
- Supplies and equipment
- Correspondence
- Approve ALL claims

Public Relations:
- Chamber of Commerce
- Churches
- Service organizations and groups
- Professional Law Enforcement Associations

Field Equipment and Material:
- Evaluation

Purchasing

Notes: (1) Coordinated with Assistant Chief
(2) Coordinated with Captain
(3) Coordinated with Support Services Manager

211: Organization Chart and Assignments

Administrative Rank: Assistant Chief

Priority: Shift Commander, days

Secondary:

Long range planning
Special events planning and personnel deployment
Accident report review and approval
Special enforcement detail liaison and coordinator
Grant preparation
Emergency plans and generator maintenance
Homeland security liaison
Coordinator of new officer hiring processes
Manage bullet proof vest replacement program
New vehicle ordering and setup
Evidence storage monitoring
Management of fixed asset records
Policy & Procedure manual review and update
Manage acquisition of new equipment and uniforms
Maintain calibration and records of PBT devices
Personnel records keeping
Employee performance appraisals
Police Officers Association account custodian
Radar calibration, records

Administrative Rank: Captain

Priority: Shift Commander, days

Secondary:

Training records custodian
Employee performance appraisals
Long range planning
Evidence room supervisor
Internal affairs investigations
Northeast Iowa Narcotics Task Force liaison
Public presentations
Personnel records keeping
Department website custodian
Computer forensics
Long range planning

211: Organization Chart and Assignments

Shift Field Supervision - Rank: Sergeants

Priority: Routine Field Supervision

Secondary:

Sergeant #1

- Oversee maintenance of vehicles
- Traffic accident follow-up
- Schedule preparation
  - Holiday and personal leave
  - Vacations
  - Miscellaneous time off requests
- Field Training Officer
- Line officer/Administration liaison

Sergeant #2

- Oversee maintenance of vehicles
- Traffic accident follow-up
- Field Training Officer
- Reserve program Coordinator
- Line officer/Administration liaison

Officer Special Assignments - Patrol

Investigations
D.A.R.E.
Weapons Officer
Special Response Team
Vehicle maintenance/records

E911 Support Services Manager - Civilian

Priority: Assistant Director, Decorah-Winneshiek Communications Center

Initial report methods
Telephone systems
Radio systems
Computer operations
Alarm systems
Dispatcher employment (1)
Dispatcher training
Supplies, inventory and purchasing

Civil Defense emergency plan liaison
Manage in-house computer systems, i.e. server, RMS

Secondary:

Office operation
Accounting
Auditing
Payroll claim preparation
Uniform Crime Reports
Banking preparation
Records

Persons	Administrative file
Criminal file	Business file
Data card file	Photo file
Bicycle license file	Tavern file

Delinquent ticket processing
Computer systems operations
Civilian staff personnel director duties

Notes: (1) Coordinated with Chief

212 CHIEF OF POLICE

212.01 Appointment

The Chief of Police shall be appointed by the Mayor and serve at the Mayor's pleasure. The Chief shall be directly responsible for the efficient performance of the Department and the accomplishments of Departmental goals. The Chief shall have the authority to delegate such powers as are provided by State Law and Municipal ordinances, subject to the general administrative direction of the Mayor.

212.02 Direct Activities

The Chief shall plan, organize, assign, coordinate and direct all activities of the Police Department. The Chief shall develop and enforce such rules, regulations, policies and procedures as are necessary for the efficient management of the Department. The Chief shall have the authority to issue orders, both general and special, written or verbal, as governed by State law and Municipal ordinance.

212.03 Annual Budget

The Chief shall prepare an annual budget for the operation of the Department and negotiate with the City Council for the appropriation of funds for its operation.

212.04 Training Programs

The Chief shall develop and institute training programs for all employees; provide regular in-service training programs in areas of law, first-aid, firearms, crime prevention and related police matters.

212.05 Investigate Charges and Complaints

The Chief shall investigate all charges or complaints made against members of the Department. The Chief shall reprimand, orally or in writing, suspend, demote or terminate officers of the Department or civilian employees who violate rules or policies of the Department, neglect their duties, disobey lawful orders, perform acts of misconduct, fail to properly perform their duties. The chief shall report in writing, to the Mayor, all instances of suspension, demotion, or termination in accordance with Civil Service Procedures as required by State law.

212.06 Other Duties

The Chief shall perform such other duties as defined by State law or City ordinance.

213 ASSISTANT CHIEF OF POLICE

213.01 Appointment

The position of Assistant Chief of Police shall be appointed by the Chief of Police, with the approval of the Mayor and City Council and in accordance with the Civil Service Rules and Regulations governing such appointments.

213.02 Second in Command

The Assistant Chief shall be second in command of the Police Department and shall be in command of the Department in the absence or inability of the Chief to function. The Mayor shall maintain the authority to appoint an Acting or Temporary Chief of Police at any time the Mayor deems such action is necessary.

213.03 Administration and Operation

The Assistant Chief shall be directly responsible to the Chief of Police and shall assist in the administration and operation of the Department. The Assistant Chief shall have the hours of duty as determined by the Chief and shall be subject to call at anytime to assist in Department operations.

213.04 Direct Investigations and Review

The Assistant Chief shall direct all major case investigations and review Departmental reports, citations, complaints, and records and provide for their proper dissemination. The Assistant Chief shall investigate and report in writing, all complaints or charges made against officers or civilian employees for violation of Department rules, regulations, policy or procedures. The Assistant Chief shall investigate all citizen complaints of misconduct by any officer or civilian employee.

213.05 Maintain Policy Manual

The Assistant Chief shall maintain the Rules, Regulations, Policies and Procedures Manual to insure that it is up to date and properly informs employees of their obligations.

213.06 Review Applications

The Assistant Chief shall review all applications of persons seeking employment with the Department and provide for background investigation of those persons to ensure they all have the minimum skills and character required to fulfill the position they seek to fill. The Assistant Chief shall ensure that no such person seeking employment with the Department is discriminated against because of race, religion, sex, age or marital status. The Assistant Chief shall actively assist the Chief in recruiting new, well qualified personnel.

213.07 Apprise the Chief of Police

The Assistant Chief shall inform the Chief of Police of all matters concerning the Department that come to attention and maintain good communications between the Chief and subordinate personnel.

213.08 Other Duties

The Assistant Chief shall perform such other duties as assigned by the Chief of Police.

213.09 Property-Evidence Officer

The Assistant Chief will be one of three people to have access to the property-evidence room, and will be responsible for releasing evidence to officers for court as needed.

214 CAPTAIN

214.01 Appointment

The position of Captain shall be appointed by the Chief of Police, with the approval of the Mayor and the City Council and in accordance with the Civil Service Rules and Regulations governing such appointments.

214.02 Supervision and Control

The Captain shall have the immediate supervision and control of all employees assigned to their shift. The Captain shall at all times, while on duty, dress in the regulation uniform unless otherwise directed.

214.03 Proficiency, Discipline and the Appearance of Personnel

The captain shall be responsible for the proficiency, discipline, conduct, and appearance of personnel assigned to their shift and shall report, in writing to the Chief of Police, any violation. The Captain shall maintain conduct and appearance as an example to subordinate personnel.

214.04 Preparation of Reports and Records

The Captain shall investigate or cause to be investigated all complaints and allegations of criminal activities. The Captain shall see that all requests for police assistance, criminal or non-criminal in nature are properly handled.

214.05 Relieve From Duty

The Captain may relieve from duty, any personnel under command, for misconduct, insubordination, failure to perform duties, and violations of Department rules and regulations.

214.06 Evidence-Property Officer

The Captain shall be one of three people to have access to the property-evidence room, and will be responsible for releasing evidence to officers for court, as needed.

214.07 Investigate On-the Job Injuries

The Captain shall report all on-the-job injuries to the Chief of Police.

214.08 Damage of Department Property or Equipment

The Captain shall report to the Chief of Police, in writing, any damage that occurs to Department Property or equipment.

214.09 Command at Major Incidents

The Captain shall be the officer in command on all major incidents unless otherwise directed by a higher authority.

214.10 Other Duties

The Captain shall perform other related tasks as directed.

215 SERGEANT

215.01 Appointment

The position of Sergeant shall be appointed by the Chief of Police, with the approval of the Mayor and the City Council and in accordance with the Civil Service Rules and Regulations governing such appointments.

215.02 Supervision and Control

Sergeants shall have immediate supervision and control of all subordinate personnel, subject to the orders of superior officers. Sergeants shall have such hours of duty as determined by the Chief of Police.

215.03 Conduct and Appearance

Sergeants shall at all times while on duty, unless otherwise ordered, dress in the regulation uniform. Sergeants shall maintain conduct and appearance as an example to subordinate personnel.

215.04 Efficient Disposition of Complaints

Sergeants shall be responsible for the efficient disposition of all complaints and the officers under their supervision. Sergeants shall insure that subordinates respond immediately to all assignments and handle same with expediency.

215.05 Assist and Instruct Subordinate Personnel

Sergeants shall be thoroughly acquainted with the responsibilities charged to subordinate personnel and assist and instruct them in the proper performance of their duties. Sergeants shall be responsible to the shift Captain or Assistant Chief for the

proficiency, discipline and conduct of all officers under their supervision.

215.06 Performance of Duties

Sergeants shall be accurate and exact in the performance of duties and shall keep the commanding officer fully informed of all serious and unusual situations calling for police services.

215.07 Accountability

Sergeants shall be accountable for the performance of officers under their supervision and shall report to the commanding officer any neglect of duty, incompetence or violation of Department rules or regulations.

215.08 Knowledgeable in Policies and Changes in the Law

Sergeants shall be thoroughly knowledgeable in the policies and procedures of the Department, keeping informed about current changes in the area of law its application to police service.

215.09 Neglect of Duty

Sergeants may be deemed in neglect of duty if those under their supervision and command are habitually indifferent to the performance of their duties.

215.10 Other Duties

Sergeants shall perform such other tasks as may be assigned.

216 PATROL OFFICER

216.01 Appointment

The position of Patrol Officer shall be appointed by the Chief of Police, with the approval of the Mayor and the City Council and in accordance with the Civil Service Rules and Regulations governing such appointments.

216.02 Hours of Duty

Officers shall have such hours of duty as prescribed by the Chief of Police. Officers shall be under the supervision of the commanding officer of the shift.

216.03 Duties

Officers shall report as scheduled, in regulation uniform prepared to complete assigned duties. Officers shall preserve the peace, protect life and property, prevent crimes and arrest any violators of Federal, State, or City laws and ordinances. Officers shall investigate all incidents, whether by assignment or personal discovery. Officers shall make such reports as are required, completing them in a clear, concise and thorough manner.

216.04 Defective, Damaged or Missing Equipment

Officers shall, at the beginning of duty, inspect and check any equipment issued to insure its proper working order. Officers shall verbally report to the commanding officer any defective, damaged or missing equipment.

216.05 Patrol Vehicle Operation and Patrol Operations

Officers shall, when assigned to patrol vehicle duty, operate the vehicle in a safe manner at all times. Officers shall observe conditions on patrol which may require police action, taking proper police actions when indicated. During hours of darkness officers shall pay particular attention to businesses and residences, checking windows and doors to discover and prevent crimes in progress.

216.06 Answering Calls and Notification

Officers shall promptly answer all calls for police service, handling them in an efficient manner. Officers shall maintain radio contact with the Department at all times. Officers shall inform the communication center as to the location, description and license number of any vehicle being stopped.

216.07 Consulting With Supervisor and Hazardous Conditions

Officers shall consult with the supervising officer whenever in doubt as to the proper procedure to use in questionable circumstances. Officers shall report to the on-duty supervisor and the

communications center all hazardous conditions that are violations of law or would put the City in a situation of liability.

216.08 Rendering Services and Discharge of Duties

Officers shall render service to any person in need of assistance, at anytime requested. Officers shall discharge their duties in a fair and impartial manner, using only such force as necessary to affect an arrest or defend themselves or other person. Officers shall not conceal themselves from public view except in times of a specific police purpose.

216.09 Enforcing Laws and Ordinances

Officers shall, during routine patrol service, remain alert for traffic violators, enforcing all laws and ordinances without favor.

216.10 Incarcerations

Officers shall see that all persons incarcerated in jail are treated fairly and humanely, never placing an injured or unconscious person in jail without first having the person examined by a physician and then only with the consent and permission of the physician.

216.11 Testifying in Court

Officers shall testify in court on the matters concerning assigned duties and actions taken in performance of those duties, in an unbiased manner, remaining calm and never allowing personal feelings about cases to affect their testimony. When required to testify, officers shall be dressed in uniform, unless otherwise directed by a supervisor or the prosecuting attorney.

216.12 Knowledgeable in Policies and Changes in the Law

Officers shall keep informed as to the proper procedures, rules and regulations of the Department, as well as the laws and ordinances they are charged with the enforcement of.

216.13 Other Duties

Officers shall perform such other duties as required.

217 INVESTIGATOR

217.01 Appointment

The position of Investigator shall be appointed by the Chief of Police, with the approval of the Mayor and City Council.

217.02 Under the Direction of the Chief of Police

The Investigator shall be under the supervision and direction of the Chief of Police, or Assistant Chief or Captain, as directed by the Chief of Police. The Investigator shall maintain a minimum issue of uniforms and equipment.

217.03 Major Crime Scenes and Follow-Up Investigations

The Investigator shall be responsible for the investigation of all major crimes. The Investigator may also conduct any follow-up investigation on offense and collision reports as directed by a supervisor or requested by officers. The Investigator shall be the officer in charge at all crime scenes upon their arrival at the scene. The Investigator shall be responsible for the collection of all evidence, and preservation of the evidence.

217.04 Obtaining Statements

The Investigator shall obtain statements from witnesses, victims, and perpetrators of crimes to assist in the preparation of cases for the prosecuting authority. The Investigator shall prepare case reports and progress reports on all cases assigned to them.

217.05 Police Methods of Investigation

The Investigator shall keep informed as to modern police methods of investigation by attending schools deemed feasible by the Chief of Police. The Investigator shall keep informed of the elements which constitute each felony crime.

217.06 Flexibility of Hours

The Investigator shall work some Friday and Saturday nights with flexibility as to the hours and shall work 80 hours total in one pay

period. The Investigator may adjust their own hours to meet the needs of their case load.

217.07 Subject to Same Rules and Regulations

The Investigator shall be subject to the same rules and regulations as all other personnel.

217.08 Other Duties

The Investigator shall perform such other duties as they are assigned.

220: Personnel Processes

Purpose

The purpose of Section 400 of this manual, is to provide guidelines and procedures for the selection and appointment of the department's work force.

Policy

The purpose of the personnel processes utilized by the department is to provide harmonious, efficient, and courteous public service which will protect the interests of the City of Decorah and its employees. In concert with such protection, the department will be an equal opportunity employer and shall not discriminate in any way against any person because of race, political or religious opinions and affiliations, national origin, sex, gender identification, age, employee union or association membership, or office therein.

Personnel Processes

220 Personnel Processes
221 Classification of Employee
Addendum – Decorah Civil Service Commission

Civilian Employee Selection

225 Civilian Employee Recruitment
226 Civilian Employee Qualifications
227 Civilian Employee Selection
228 Civilian Employee Appointment
229 Civilian Employee Probationary Period
230 Civilian Employee General Provisions

221: Classification of Employees

221.01 Classification

The department, with the approval of the Decorah City Council, shall classify personnel into two classifications, Civic Service Employees and Civilian Employees. Civil Service Employees shall include all sworn police officers, regardless of rank, except the Chief of Police, employed by the City of Decorah. Civilian Employees shall include communications personnel, secretaries, and no-police personnel. This plan groups the various job classes and promotes more efficient administration and establishes minimum employment standards for the original appointments and promotional appointments based upon the qualifications necessary for the jobs assessed.

221.02 New Position Classification

Whenever a new position classification is created, the Chief of Police shall notify the Decorah City Council. The City Council shall determine whether or not that position classification falls under the purview of Civil Service. If the position does fall within the Commission's jurisdiction, the appropriate examination status, entrance or promotional, will also be determined.

221.03 Changes in Position

The Chief of Police shall notify the Commission and City Council whenever the duties and responsibilities of the Civil Service position change so materially that reclassification is contemplated. The Commission and City Council shall review each case concerning any annulment of an employee's Civil Service rights. Reclassification shall not be used for the purpose of avoiding restrictions surrounding promotions and demotions.

221.04 Affect on Incumbent Officers

Whenever a new classification plan is adopted by the City Council based upon the study of all department classification, the incumbent shall gain status in the class in which the positions have been re-allocated, regardless of the title assigned and the minimum qualifications subsequently established in a class specification.

Should the title of the class change without significant change in the duties and responsibilities of the individual positions in the class or should specifications for a class be revised to reflect minor changes in the duties or responsibilities or other requirements normally

listed, the status of the incumbent shall not be changed. If the duties and responsibilities of a position within a class become so complex, difficult or augmented, however, that position is allocated to a higher new or existing classification, the incumbent employee shall not be reclassified unless or until their name appears on the certified list for the higher class.

221.05 Abolishing Positions

Whenever the public interest may require a reduction of the number of employees in any classification for the purpose of economy or efficiency, the City Council by resolution, and after notifying the Commission of such action if the position is Civil Service, may either abolish the position and remove the employee from their classification by suspending the necessary number. Employees so removed or suspended shall be those of the shortest duration in the classification affected.

In case of such removal or suspension, the Civil Service Commission shall issue to each officer so affected a certificate showing their comparative seniority in each classification from which they have been removed, and the fact that they have been honorably removed, and their name shall be carried for a period of not less than three years after such suspension or removal, a preferred list and all appointment or promotions made during this period to their former duties in such classifications shall be made in the order of greater seniority from such preferred list.

225: Civilian Employee Recruitment

225.01 Announcement of Openings

The Chief of Police shall give notice of all civilian employee openings. Such announcements shall be given as much general circulation as possible to all areas that might provide possible applicants. Such announcements shall contain:

A. The official notice inviting the filing of applications

B. The titles and rates of pay of the positions to be filled.

C. Some typical duties to be performed.

D. The minimum qualifications required.

E. The method of obtaining application forms and final dates for filing the same.

F. Any additional information desirable at the discretion of the Chief.

225.02 Applications

All Applications shall be filed on forms provided by the Department and shall call for information covering the applicant's education, training, experience, and references. The Chief has the right to ask for certificates of health, fingerprints, and other pertinent information which may be desirable. The application shall be signed by the applicant. The Chief shall accept applications if completed in accordance with these rules, from any qualified person who has not been rejected by the Chief for cause.

226: Civilian Employee Qualifications

226.01 Qualifications

Except as otherwise provided, no person shall be appointed or employed with the Department unless such person:

A. Is of good moral character.
B. Is able to read and write the English language.
C. Successfully completes a background investigation.

226.02 Residence Requirements

The employee shall not be required to be a resident of Decorah, but shall become a resident of Iowa at the time such appointment or employment begins and shall remain a resident of the state during employment. The City of Decorah may set reasonable maximum distances outside of its corporate limits in which employees may live.

226.03 Additional Requirements

A. Applicant must be a citizen of the United States and a resident of Iowa or intend to become a resident of the State upon being employed.\

B. Applicant must have reached his or her eighteenth birthday at the time of their appointment.

C. Applicant must be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files, and has not been convicted of a felony or a crime involving moral turpitude.

D. Applicant has performed satisfactorily in a pre-employment written examination.

E. Applicant must be a high school graduate with a diploma, or must possess an equivalency certificate which meets the minimum score required by the state Department of Public Instruction.

F. Applicant must have an uncorrected vision of not less than 20/100 in both eyes, corrected to 20/20.

G. Applicant has normal hearing in each ear. Hearing is

considered normal, when tested by an audio-meter, hearing sensitivity thresholds are within 25db measured at 1000Hz, 2000Hz and 3000Hz averaged together.

H. Applicant, appointed to a full-time position must be examined by a licensed physician or surgeon and must meet the physical requirements necessary to fulfill the responsibilities.

I. Applicant must submit to an oral interview with designated representatives of the Department.

227: Civilian Employee Selection

227.01 Disqualification of Applicants

A. The Chief shall reject any applicant if the applicant does not possess the minimum qualifications. An applicant shall also be rejected after acceptance if it is later found that they do not possess the minimum qualifications. An applicant may also be rejected because of any of the following:

1. Does not pass the examination for the position, which can be a written examination, oral interview, performance test, or other selection procedure either singly or in combination.

2. Is physically unfit or of unsound health which would interfere with the proper performance of the duties required of the position. A physical examination may be required and is generally given at a time later than other examinations.

3. Is guilty of making false statements of fact or practicing fraud or deception in the application or the examination.

B. The Chief shall send notice to any applicant whose application has been rejected. If an application is rejected for lack of information, it shall be returned to the applicant, who may re-submit with the additional information and shall be accepted if received before the expiration date stated in the original announcement.

227.02 Conduct of Examinations

A. Examinations will be conducted in quiet, well-lighted, heated and ventilated rooms which officer applicants the best possible testing conditions. Any supplies which the applicant will be expected to furnish for the examinations will be listed in the announcement.

B. Applicants must report on the date and the time scheduled as examination makeup will not be permitted. However, where an applicant fails to appear for an oral examination due to an emergency situation or scheduled vacation leave, makeups may be permitted. Requests for such makeups shall be in writing and directed to the Chief.

227.03 Notification of Results

The Chief shall notify all applicants of their examination results.

227.04 Review of Written Tests

It is the general policy of the Chief to permit applicants to review their test booklets and their own answer sheets under supervision. A review may not be permitted, however, when prohibited by the test publisher or when the examination is scheduled for immediate re-administration. Requests for test reviews must be received within two weeks following notification of examination results. Errors in grading brought to the attention of the Chief within this two week review shall be corrected, but such errors shall not invalidate any appointments previously made. In instances where the publisher test security provisions prohibit applicant review of the test booklet and/or scoring key, applicants may, where possible, receive counseling on their test results and/or written certification as to the correctness of their score.

227.05 Fraud on Examinations

Any person who, at the examination or on any document signed or furnished by the applicant in connection with an examination or application thereof, makes any false representation, or who shall use any materials or memoranda, whereby an advantage would be obtained over competitors at such examination, may be excluded from the examination and their name stricken from any eligible list on which in may appear.

228: Civilian Employee Appointments

228.01 Appointments

All vacancies in civilian employee classifications shall be filled by appointment by the Chief of Police from an appropriate employment list.

228.02 Military Preference

In all examinations and appointments under this chapter, other than promotions and appointments of the Chief of Police, veteran preference points will be applied to those applicants meeting the Iowa Code definition of “Veteran” under section 35.1

229: Civilian Employee Probationary Period

229.01 Regular Appointment Following Probationary Period

All original appointments shall be tentative, subject to a probationary period of six (6) consecutive months of employment starting with the date of appointment.

229.02 Objective of Probationary Period

The probationary period is regarded by the Department as an intrinsic part of the examination process to be utilized by the Chief of Police for close observation of the employee's work, for securing the most effective adjustment of the new employee in their position and for eliminating any probationary employee whose performance does not meet the required work standards.

229.03 Rejection of the Probationer

A. If at any time during the probation period, the probationer shall be found incompetent or not qualified for the performance of the duties of the position they are filling, they may be rejected by the Chief of Police without recourse to appeal.

B. A person removed or discharged during a probationary period shall, at the time of discharge, be given notice in writing stating the reason for dismissal. Continuance in the position after the expiration of the probationary period shall constitute a permanent appointment.

230: Civilian Employee General Provisions

230.01 Change of Address

Every employee, former employee awaiting action by the Department, person whose name is on the eligible list, and every applicant is required to notify the Department of any change of address, or change of name. In sending notices affecting such persons, the Department assumes no responsibility beyond the address last recorded in the Department. Failure to respond to notices sent by the Department to the last recorded address may result in denial of admission to examinations or removal from the eligible list.

230.02 Organization Membership

Membership in any organization will operate neither to injure nor benefit any employee in the Commission's actions relating to rights and interests under these policies or the Code of Iowa.

230.03 Political Activity

A. A employee holding a position shall not, while performing official duties or while using City equipment at the persons disposal by reason of the position, solicit in any manner contributions for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to Department position.

B. A person holding a position shall not, by the authority of the position, secure in any manner for any other person an appointment or advantage in appointment to a Department position or increase in pay or other advantage of employment in any such position for the purpose of influencing the vote or political action of that person or for any other reconsideration.

C. A person who in any manner supervises a person holding a Department position shall not directly or indirectly solicit the person supervised to contribute money, anything of value, or service to a candidate's political committee.

D. An employee who becomes a candidate for any elective public office shall, upon the request of the employee and commencing within thirty days prior to a primary, general, or

special election and continuing until after this thirty day period, automatically be given a leave of absence without pay. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

This section shall not be construed to prohibit any employee or groups of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.

230.04 Violation of Rules

Violation of any rules contained herein may warrant disciplinary action or employment rejection, depending upon the status judged in violation, after appropriate hearing described herein.

240: Disciplinary Code, Internal Affairs, Rules and Regulations

Disciplinary Code

241 Disciplinary Code
242 Verbal Reprimands
243 Written Reprimands
244 Suspensions
245 Demotions
246 Terminations

Internal Affairs

247 Internal Affairs Investigations and Complaint Review

Rules and Regulations

248 Conduct Unbecoming an Officer
249 Neglect of Duty
250 Insubordination

241: Disciplinary Code

Purpose

The disciplinary standards established in the Department's Policy & Procedure Manual are designed to ensure uniform and fair treatment of all Department members and employees by established standards.

Policy

The Chief of Police, with the approval of the Mayor, Shall prescribe any disciplinary action which is initiated against any employee or member of the Department. The Chief has discretion to affirm, modify or deny any subordinate's recommendation for disciplinary action.

In the absence or inability of the Chief of Police to act in a disciplinary matter, the Assistant Chief or Captain shall assume that responsibility.

Any suspension, demotion, or termination of the Civil Service members of the Department shall comply with the provisions set forth in Chapter 400, Code of Iowa.

242: Verbal Reprimands

242.01 Supervisor To Issue In Private

The supervisor issuing a subordinate member or employee a verbal reprimand shall do so in private, whenever possible.

242.02 Verbal Reprimand To Be Placed In Personnel File

Supervisors issuing verbal reprimands shall place a note of all verbal reprimands for future reference in the employee's personnel file.

242.03 Two Verbal Reprimands

Two (2) verbal reprimands for the same type of offense, within a reasonable length of time, shall be sufficient cause for the issuance of a written reprimand, but shall remain the discretion of the issuing authority.

243: Written Reprimands

243.01 Who May Issue a Written Reprimand

The Chief, Assistant Chief, Captain, Sergeant, or the 911/Support Services Supervisor may issue written reprimands.

243.02 Written Reprimands

Written reprimands are issued for infractions which cannot be adequately addressed by a verbal reprimand, but not sufficiently severe to require a person to be relieved of his or her duties.

243.03 Written Reprimands To Be Signed

Written reprimand and both copies shall be signed by the issuing supervisor and acknowledged by the employee being reprimanded.

243.04 A Copy To Be Placed In Personnel File

The original shall be given to the reprimanded person and one (1) copy shall be placed in the employee's personnel file.

243.05 Captain To Review All Written Reprimands

The Captain shall review all written reprimands and forward them to the Chief of Police for final disposition.

243.06 Chief of Police To Maintain Files

The Chief of Police shall maintain the Department's Disciplinary file for written reprimands, suspensions, and demotions.

244: Suspensions

244.01 Chief of Police Can Suspend

The Chief of Police, with the approval of the Mayor, may suspend from duty without pay, any member or employee of this Department for:

1. Conduct unbecoming an Officer or Employees
2. Neglect of duty
3. Insubordination
4. Violation of the Department's Policies & Procedures
5. Any misconduct while on duty, or off duty, which brings discredit to the Department.

244.02 Supervisor Can Relieve From Duty

The 911/Support Services Supervisor, Sergeant, Captain, Assistant Chief, or the Chief of Police may temporarily relieve from duty any member or employee under his or her command.

244.03 Chief of Police Can Modify, Affirm, or Deny

The Chief of Police at his or her discretion may modify, affirm or deny any recommendation for disciplinary action.

244.04 Employee, Chief of Police To Forward To The Mayor

If the Chief of Police affirms the disciplinary action or modifies it to include a suspension against an employee, he shall forward it to the Mayor for final disposition.

244.05 Sworn Officer, Chief of Police To Forward To Mayor

If the Chief of Police affirms the disciplinary action or modifies it to include a suspension against a sworn officer, he shall forward it to the Mayor for final disposition and proceed as in Chapter 412 Addendum: Decorah Civil Service – Chapter 141: Appeals and Hearings.

244.06 Sworn Officer Can Appeal

The sworn officer can appeal the suspension to the Decorah Civil Service Commission. See Chapter 412 Addendum: Decorah Civil Service – Chapter 141: Appeals and Hearings.

245: Demotions

245.01 Chief of Police Can Demote Any Member

The Chief of Police, with the approval of the Mayor, may demote any sworn officer of the Department, within the requirements of Chapter 412 Addendum; Decorah Civil Service and Chapter 400, Code of Iowa.

245.02 Mayor Can Demote Any Member

The Mayor may demote any sworn officer of the Department, within the requirements of Chapter 412 Addendum: Decorah Civil Service and Chapter 400, Code of Iowa.

245.03 Demotions Can Be Appealed

All demotions may be appealed within the requirements of Chapter 412 Addendum: Decorah Civil Service and Chapter 400, Code of Iowa.

246: Terminations

246.01 Chief of Police Can Terminate Any Employee

The Chief of Police, with the approval of the Mayor, may terminate any member or employee of the Department. Termination of members shall comply with the requirements of Chapter 412 Addendum: Decorah Civil Service and Chapter 400, of the Code of Iowa.

246.02 Mayor Can Terminate Any Employee

The Mayor may terminate any member or employee of the Department. Termination of members shall comply with the requirements of Chapter 412 Addendum: Decorah Civil Service and Chapter 400 of the Code of Iowa.

246.03 Termination Can Be Appealed

All terminations may be appealed in accordance with Chapter 412 Addendum: Decorah Civil Service and Chapter 400 of the Code of Iowa.

247: Internal Affairs Investigation and Complaint Review

Purpose

The purpose of this policy is to inform all officers and employees of departmental procedures for addressing complaints or misconduct.

Definitions

A. Internal Investigations Authority: The Chief of Police, or the Chief's designee, to wit: The Assistant Chief or Captain shall be ultimately responsible for conducting investigations into allegations of employee misconduct.

Policy

It is the policy of this Department to investigate all complaints of alleged officer or employee misconduct, and to equitably determine whether the allegations are valid or invalid and to take appropriate action.

Procedure

247.01 Basis for Disciplinary Action

Officers or employees shall not be subject to disciplinary action by the Department, unless their actions constitute one of the following:

A. A violation of state, local or federal law;

B. Conduct unbecoming an officer or employee;

C. Incompetency;

D. A violation of written or verbal departmental policies and procedures or orders.

E. Nonfeasance.

Supervisor's Role

247.02 Maintaining Officer or Employee Conformance

The primary responsibility for maintaining and reinforcing officer or employee conformance with the standards of conduct of this Department shall be with the officer or employee and the first line supervisors.

247.03 Observe General Conduct and Appearance

Supervisors shall familiarize themselves with the officers and employees in the Department, and closely observe their general conduct and appearance on a daily basis.

247.04 Look For Indications or Changes

Supervisors should remain alert for indications of behavioral problems or changes that may affect an officer's or employee's normal job performance. Such information should be documented by the supervisor.

247.05 Assess the Situation

Where a supervisor perceives that an officer or employee may be having or causing problems, the supervisor should assess the situation, and determine the most appropriate action.

247.06 Recommend Additional Training

A supervisor may recommend additional training to refresh and reinforce an officer's or employee's skills.

247.07 Supervisor May Provide Counseling

Counseling may be used by the supervisor as follows:

A. To determine the extent of any personal or job problems that may be affecting performance, and to officer assistance and guidance;

B. To discuss minor and infrequent rule violations, and to] discuss the substance and importance of the rules with the officer or employee.

247.08 Supervisor To Document

The supervisor shall document all instances of counseling or additional training used to modify an officer's or employee's behavior.

Citizen Complaints

247.09 Citizen Complaints To Be Documented and Investigated

All citizen complaints pertaining to departmental policies or procedures or that allege officer or employee misconduct shall be documented and investigated by the Department.

A. Complaints may be given in person, over the telephone, by e-mail, or in writing.

B. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, shall be accepted for investigation.

247.10 Citizen Complaints Referred

Citizen complaints may be accepted by any supervisor of the Department who is approached for such assistance. Such complaints shall be referred to the Shift Commander on duty at that time.

A. The supervisor shall document the complaint in writing and promptly forward the complaint to the Internal Investigation Authority or the Chief of Police.

B. The supervisor may attempt to resolve a complaint by an explanation of departmental policies and procedures, where applicable. Attempts to resolve complaints shall be noted on the complaint report.

247.11 Complaint Against an Assistant Chief or Captain

If the complaint is against an Assistant Chief or Captain, the complaint shall be referred immediately to the Chief of Police.

247.12 Supervisor To Advise Complainant

Upon receipt of a citizen's complaint, the supervisor shall advise them that the matter will be investigated, and that the complainant shall receive written notice of the final disposition of the case from the Chief of Police. The supervisor shall advise the complainant of departmental procedures for the processing and investigation of citizen complaints.

247.13 Investigation To Be Completed

Investigation of complaints shall be completed within seven (7) days.

Supervisor Investigation

247.14 Supervisor to begin Investigation

Upon becoming aware of, or receiving notification of potential misconduct by an officer or employee under their command, a supervisor shall begin an immediate investigation of such allegations.

247.15 Investigations to be Limited

The supervisor's investigation shall be limited to questioning the officer or employee, witnesses and complainants, and securing all relevant evidence.

247.16 Completion of the Investigation

Upon completion of the investigation, the supervisor shall forward to the Chief of Police:

A. A report of the alleged violation:

B. All documents and evidence relating to the investigation:

C. Recommendations for further investigation, or other disposition of the case.

Responsibilities of Internal Investigation Authority

247.17 Responsibility for Review and Investigation

The Internal Investigation Authority shall have primary supervisory responsibility for the review and investigation of all complaints against officers or employees, whether initiated by a citizen, or the Department. While investigating a complaint of misconduct, the Internal Investigating Authority is delegated the authority of the Chief for the purposes of directing the investigation.

247.18 Supervisor's Investigation Ordered Stopped

Upon receipt of a complaint, an initial determination whether to assume primary investigative responsibility for the case, or to refer it to the appropriate supervisor shall be made. A supervisor's investigation may be ordered stopped at any time, and full investigative authority assumed by the Internal Investigation Authority or the Chief of Police.

A. Allegation of minor rules violations may be investigated by the supervisor.

B. Allegations of misconduct that could result in discharge, suspension, or demotion, or criminal charges being sought will be investigated by the Internal Investigation Authority or the Chief of Police.

247.19 Responsibilities

The Internal Investigation Authority shall have the following responsibilities:

A. Maintenance of a complaint log;

B. Maintenance of a central file for complaints in a secured area, kept in conformity with the provisions of the Code of Iowa.

C. Conducting a regular audit of complaints to ascertain the need for changes in training or policy.

247.20 May Recommend Criminal Charges

The Internal Investigations Authority may recommend to the Chief of Police that a case be referred to the prosecutor for criminal charges.

Officer or Employee Duties and Rights During Investigation

247.21 Scope of Questioning During Interview

A. Prior to an internal interview concerning alleged criminal misconduct, the officer or employee under investigation shall be read the Miranda Rights. The provisions of Miranda will be adhered to throughout the interview.

B. Prior to an internal interview concerning allegations of administrative violations, the officer or employee under investigation shall be advised as follows:

1. The officer or employee can be required to answer all questions specifically, narrowly and directly related to the performance of their official duties;

2. Refusal to comply with an order to answer such questions is a violation of departmental rules which may subject the officer or employee to further discipline up to, and including dismissal; and

3. Any required self-incriminatory admission made during the interview may only be used in subsequent administrative proceedings, and shall not be used against the officer or employee in subsequent criminal proceedings.

247.22 Counsel at Interview

A. Officers or employees will be permitted to have an attorney, union representative, supervisor or other personal representative with them in the room during any interview concerning allegations of misconduct by the officer or employee.

B. The officer's or employee's representative is limited to acting as an observer of the interview, except that where the interview focuses on, or leads to, evidence of potential criminal activity by the officer, an officer's legal representative may advise and confer with the officer or employee during the interview.

247.23 Special Examinations

A. An officer or employee under investigation may request a breath, blood, urine, psychological, polygraph, or medical examination if it is believed that such an examination would be beneficial to their defense. Also, the Department may require such examination.

B. An on-duty supervisor is required to direct an officer or employee to submit to a breath, blood, or urine test when a level of inebriation or drug usage is suspected as the factor directly related to duty performance or operating a Department vehicle.

C. If an identification line-up is solely for administrative purposes, and criminal prosecution is not anticipated, an officer or employee can be required to participate in a line-up.

D. Property belonging to the Department is subject to inspection where the supervisor has a reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files, storage lockers, computers, external electronic storage devices, cellular phones and any other media not specified, which belongs to the Decorah Police Department or City of Decorah.

E. In the event that a polygraph is ordered by the Department for an officer or employee, the complainant must also agree to submit to a polygraph.

247.24 Rights During an Internal Investigation

A. Prior to any interview or special examination, the officer under investigation will receive confidential written notification of the complaint. This notification will include a copy of the original complaint or a summary adequately

listing the relevant facts, and the officer's or employee's rights and responsibilities during the investigation.

B. All interviews will be conducted while the officer is on duty, unless the seriousness of the investigation is such that an immediate interview is required.

C. The interview will be held at the officer's work area, or at a location agreeable to both parties.

D. During interviews conducted by the Internal Investigation Authority, there will be one member designated as the interviewer; only the interviewer will ask questions of the officer or employee.

E. Officers under investigation shall not be subjected to offensive language, nor threatened with dismissal or disciplinary action during an interview. No promise or reward shall be made by the internal investigators as an inducement to answer any questions.

F. The complete interview shall be recorded whenever conducted by the Internal Investigations Authority. Any interruptions will be noted, and any relevant discussions transpiring during breaks will be summarized on the tape recorder and verified for accuracy by the officer or employee.

G. Accused officers or employees, or their supervisor may contact the Internal Investigations Authority to ascertain the status of the investigation of a complaint filed against them.

H. The accused officers or employees will be given an opportunity to explain their actions to the Chief of Police prior to the imposition of any disciplinary action.

Chief's Action

247.25 <u>Submit Recommendations</u>

Upon receipt of a supervisor's recommendations on a disciplinary matter, or upon completion of an internal investigation, the Internal Investigation Authority shall submit recommendations to the Chief of Police as to whether a violation has been sustained according to the evidence.

247.23 Chief To Review

The Chief shall review the report and supporting documents and shall give final approval of the disposition of the case as follows:

A. Sustained: Evidence sufficient to prove allegations.

B. Not Sustained: Insufficient evidence to either prove or disprove allegations.

C. Exonerated: Incident occurred but was lawful or proper.

D. Unfounded: Allegation is false or not factual.

E. Policy Failure: Flaw in policy caused incident.

Discipline Without Charges and Specifications

247.26 Supervisor May Administer Verbal Reprimand

A supervisor may administer an oral reprimand of record for minor violations in accordance with Chapter 242: Verbal Reprimands.

247.27 Supervisor May Administer Written Reprimand

A Supervisor may administer a written reprimand of record for minor violations that would not merit demotion, suspension or termination in accordance with Chapter 243: Written Reprimands.

Discipline With Charges and Specifications

247.28 Discipline With Charges and Specifications

When recommended disciplinary action may result in suspension, dismissal, or demotion, the supervisor, Internal Investigations Authority, and the Chief of Police shall proceed as in Chapter 244: Suspensions, Chapter 245: Demotion, and Chapter 246: Terminations.

248: Conduct Unbecoming an Officer

248.01 Violation of Laws or Ordinances

Any member or employee on duty or off duty violating their oath of office or violating any laws or ordinances of the United States, State of Iowa, or Decorah Municipal Code, shall be deemed as committing Conduct Unbecoming An Officer/Employee.

248.02 Reporting Violations

Members or employees knowing of other members or employees violating laws or ordinances, shall report, through official channels, to the Chief of Police. If the report is of such a serious nature, official channels may be bypassed and the report made directly to the Chief of Police. Failure to report violations shall be Conduct Unbecoming An Officer/Employee.

248.03 Embarrassment or Discredit

Any officer or employee who violates any administrative order, rule or regulation which brings embarrassment or discredit, to the Department is guilty of Conduct Unbecoming An Officer/Employee.

248.04 Issue Orders In Violation

No command or supervisory officer shall issue any other, knowing the same to be in violation of any law, Departmental order, rule or regulation is guilty of Conduct Unbecoming An Officer/Employee.

248.05 Obedience To Lawful Order

All members shall promptly obey any lawful order given by a superior officer. Obedience to an unlawful order is never a defense for an unlawful action. Failure to obey a lawful order is Conduct Unbecoming An Officer/Employee.

248.06 Credentials

Employees shall not use another employee's badge or credentials nor permit any person to use their badge or credentials. Either act shall be Conduct Unbecoming An Officer/Employee.

248.07 Solicitation For Bondsman or Attorney

No member or civilian employee shall solicit business for a bondsman or attorney, either directly or indirectly. To do so is Conduct Unbecoming An Officer/Employee.

248.08 Solicitation of Special Privileges

Employees shall not use their badge, credentials, or uniform in any manner to solicit special privileges of any kind, such as discounts on services, purchases, admission to any place or any favors. Employees may use a badge or credentials to gain admission to any public function in the furtherance of official police business. Violation is Conduct Unbecoming An Officer/Employee.

248.09 Gratuities

No member or employee shall accept directly or indirectly any reward, gift, gratuity, loan, fee or other thing of value, arising out of his or her employment with the Police Department, except as provided by State Law. Violation is Conduct Unbecoming An Officer/Employee.

248.10 Destruction of Records

No member or employee shall remove or destroy any records documents, photographs, or recordings of the Department except by direct order from the Chief of Police. To do so is Conduct Unbecoming An Officer/Employee.

248.11 Speaking the Truth

Members and employees of the Department shall speak the truth always. In cases where the employees or members are forbidden to speak because of Department rules or regulations, they shall decline to speak after informing the inquiring party that to do so would be in violation of Department regulations. Violations shall be deemed Conduct Unbecoming An Officer/Employee.

248.12 Divulging Information

Members and employees of the Department shall not divulge to any unauthorized person, in or out of the Department, any information concerning the business of the Department. They shall not talk for publication, be interviewed, or make public speeches on police business unless authorized to do so by the Chief of Police. Violation is Conduct Unbecoming An Officer/Employee.

248.13 Alcoholic Beverages

A member or employee of the Department shall not consume any alcoholic beverages or other intoxicants while on duty or while off

duty and wearing any part of the uniform. No member or employee shall report for duty while under the influence of intoxicants or with the odor of an alcoholic beverage upon their breath. Violation is Conduct Unbecoming An Officer/Employee.

248.14 Breath Analysis

Any member or employee of the Department suspected of being under the influence of any intoxicant shall submit to a breath analysis, if requested to do so by a commanding officer. Failure to comply shall be Conduct Unbecoming An Officer/Employee.

248.15 Concealed Weapon

No member or employee of the Department is permitted to carry a concealed weapon while consuming alcoholic beverages in a public place. Violation is Conduct Unbecoming An Officer/Employee.

248.16 Firearm, Wearing Civilian Clothing

When wearing civilian clothing, members shall conceal their firearm from public view. Violation is Conduct Unbecoming An Officer/Employee.

248.17 Speak Slightingly

No member or employee of the Department shall speak slightingly of or discriminate against any person because of race, color, religion, ancestry, national origin, political affiliation, sexual orientation, age, creed, sex or disability. Violation is Conduct Unbecoming An Officer/Employee.

248.18 Constitutional Rights

No member or employee of the Department shall knowingly violate the Constitutional Rights of any person. Violation is Conduct Unbecoming An Officer/Employee.

248.19 Mistreat Any Person In Custody

No member or employee of the Department shall willingly mistreat any person in his or her custody or lock up any person who is hurt or unconscious without first having the person examined by a physician and found to fit for incarceration. Violation is Conduct Unbecoming An Officer/Employee.

248.20 Responsibility

All members or employees of the Department shall be responsible for all their actions, whether on duty or off duty. Violation is Conduct Unbecoming An Officer/Employee.

249: Neglect of Duty

249.01 Familiarization

It shall be the duty of every member and employee of the Decorah Police Department to familiarize themselves with the provisions and contents of the Department's Policy & Procedure Manual as they deal with the specific and general duties of each employee, regardless of rank, grade, or position. Failure of the any member or employee shall be deemed NEGLECT OF DUTY.

249.02 Censuring Subordinate Personnel

Supervisory personnel shall exercise their authority with fairness, kindness, impartiality, and justice. They shall be forbidden to injure, or discredit those under their authority by demeaning conduct or abusive language. Censuring subordinate personnel shall be done in private whenever possible. Violation shall be deemed NEGLECT OF DUTY.

249.03 Defensive Action Involving the Use of Force

Members may use defensive action in the event of forceful or violent resistance to them in the discharge of their duties as a police officer, but shall not use more force than necessary to effect arrest, overcome resistance or prevent escape. Use of excessive force shall be deemed NEGLECT OF DUTY.

249.04 Use of Force, Informing Commanding Officer

Whenever a member is required to strike or use physical force against another, he or she shall inform the commanding officer at the earliest possible opportunity and shall file a written report on the incident before ending the shift. Failure to do so shall be deemed NEGLECT OF DUTY.

249.05 Warning Shots

No officer shall fire any warning shots for any reason. To do so shall be deemed NEGLECT OF DUTY.

249.06 Wounded or Killed

In all cases where a person is wounded or killed by a police officer, that officer shall submit a written report to the Chief of Police immediately. The officer shall be available for statement and depositions if requested to do so by the County Attorney, City

Attorney or City Insurance Representative. Failure to do so shall be deemed NEGLECT OF DUTY.

249.07 Telephone

Members of the Department shall maintain a telephone, whether landline or cellular. Members and employees shall notify the Department of any change in address or telephone number. Members or employees shall not release a restricted telephone number of any employee, without first obtaining permission of that person. Violation shall be deemed NEGLECT OF DUTY.

249.08 Residence

Members may reside in a location within the State of Iowa of their choosing, provided they can respond to the police department within a reasonable amount of time in the event of a callback. A "reasonable amount of time" shall be determined by the Chief of Police. Violation shall be deemed NEGLECT OF DUTY.

249.09 Hours of Duty

Members will have such hours of duty as prescribed by the Chief of Police, however, all members shall remain subject to call during "off-duty" hours, subject to Department needs. Being technically "off-duty" shall not relieve the member from taking responsible police action in situations requiring immediate response. Violations shall deemed NEGLECT OF DUTY.

249.10 Police Radios

Members and employees shall operate radios in compliance with Federal Communications Commission regulations and Departmental procedures. Violations shall be deemed NEGLECT OF DUTY.

249.11 Concealment

Members and employees shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours. Violation shall be deemed NEGLECT OF DUTY.

249.12 Sleeping on Duty

Sleeping on duty is a serious dereliction of responsibilities and any member or employee found sleeping shall be subject to charges of NEGLECT OF DUTY.

249.13 Work Stoppage or Slowdown

No member or employee shall participate in any manner in a strike, work stoppage, slowdown, mass resignation, or mass absenteeism, to the detriment of the Department or City. Violation shall be deemed as NEGLECT OF DUTY.

249.14 Equipment

Members of the Department shall always keep their weapons and other equipment in good working order, cleaning regularly to ensure safe operation. Failure to do so shall be deemed NEGLECT OF DUTY.

249.15 Discharge of Duties

Members of the Department shall discharge their duties with coolness and firmness and in times of extreme peril shall act together and protect one another in restoring peace and order. Any member who shirks from danger or responsibilities will be deemed guilty of NEGLECT OF DUTY.

249.16 Devotion

Members and employees shall devote their full, on-duty time to police matters. Violations shall be deemed NEGLECT OF DUTY.

249.17 Department Property

Members and employees of the Department shall be responsible for the good care of any departmental property assigned to their use. They shall promptly report to their Commanding Officer any unserviceable, damaged or lost property. A written report shall be completed detailing the facts in such cases. Any repair or replacement costs may be assessed against the person if the loss or damage was due to a willful act or negligence by the member or employee. Violation shall be deemed NEGLECT OF DUTY.

249.18 Police Vehicles

Members shall operate police vehicles in a safe and prudent manner and within the guidelines established in the policy and procedures section of this manual. Violation shall be deemed NEGLECT OF DUTY.

249.19 Criminal Records and Reports

Members and employees of the Department are forbidden to reveal the contents of any criminal records or reports to anyone, other than in the process of an investigation or to a duly authorized law enforcement officer or under due process of law, except as directed by the Chief of Police. Violation shall be deemed NEGLECT OF DUTY.

249.20 Search and Seizure of Prisoners

Members shall, prior to transporting any arrested person, search the person and seize any weapons or evidence found. When the arrested person is a female and no female member is present at the arrest scene, the search shall be restricted to a pat-down of outer garments, purse and packages. Violation shall be deemed NEGLECT OF DUTY.

249.21 Interference

Members shall not interfere with the cases of other members except with such member's consent or at the direction of a supervisory officer. Violation shall be deemed NEGLECT OF DUTY.

249.22 Valid Iowa Driver's License

No member or employee shall operate any department vehicle of any type without a valid Iowa Driver's License, which is also valid for the type of vehicle to be driven. Failure to maintain a proper license shall be deemed NEGLECT OF DUTY.

249.23 Collisions Involving Department Vehicles

All collisions involving police vehicles shall be investigated by the Winneshiek County Sheriff's Department or the Iowa State Patrol. Officers shall not investigate an accident in which they are involved. Violation shall be deemed NEGLECT OF DUTY.

249.24 **Towing or Pushing With Department Vehicles**

No officer or employee shall use a Department vehicle to push another vehicle, or allow a police vehicle to be towed by anyone other than an authorized wrecker. No officer or employee shall operate a police vehicle with a flat tire or other mechanical defect, which would cause further damage to the vehicle. Violation shall be deemed NEGLECT OF DUTY.

249.25 **Department Telephones**

Department telephones shall not be used for the transaction of lengthy personal conversations or personal business. Violation shall be deemed NEGLECT OF DUTY.

249.26 **Trading Shifts**

Members and employees shall be allowed to trade shifts with another member or employee with the approval of the Chief of Police or scheduling supervisor, however, no member or employee may work two (2) consecutive shifts or work in excess of twelve (12) consecutive hours. Exceptions to this rule may be made in emergencies, at the direction of the Chief of Police. Violation shall be deemed as NEGLECT OF DUTY.

250: Insubordination

250.01 Conduct

In matters of general conduct which are not covered in any other section of the Rules, Regulations, members and employees shall be governed by the ordinary rules of good behavior observed by self-respecting, law-abiding citizens, and shall conduct themselves in such a manner as will not reflect unfavorably on the Department. Violation shall be deemed as insubordination.

250.02 Correspondence

An officer or employee shall not forward any correspondence of a Departmental nature, by e-mail, mail or any other means, under the name of another person unless specifically authorized by that person to do so. Violation shall be deemed as insubordination.

250.03 Conflicting Orders

Should an order conflict with any previous order from any supervisor, the member or employee shall promptly and respectfully call attention to such conflict for the benefit of said superior officer. If the superior officer does not change his or her order to eliminate the conflict, his order shall stand and he or she shall assume the responsibility for the decision. Violation shall be deemed as insubordination.

250.04 Critical or Derogatory Remarks

Officers or employees shall not speak critically or derogatorily to other members or employees of the Department or to persons outside of the Department regarding orders, instructions, or operations within the Department. They shall report, in writing, to the Chief of Police, an order which is in violation of Department rules and regulations, or illegal. Violation shall be deemed as insubordination.

250.05 Press Release

In general, press releases will be prepared by the investigating officer, and released in a timely and appropriate manner as provided for by State law. Press releases related to cases of a sensitive nature shall be reviewed by the Chief of Police prior to release to the media. Press releases involving children under the age of 14 years shall be approved by the Chief of Police prior their release. Violation shall be deemed insubordination.

250.06 **Identify, Upon Request**

Officers or employees on official business shall upon request, identify themselves by giving their name or badge number, or exhibit official identification card, unless such action is likely to jeopardize the completion of a police assignment. Violation shall be deemed Insubordination.

250.07 **Clothing and Accountable**

Officers are prohibited from wearing part uniform and part civilian clothing except as authorized by the Chief. All officers shall be held accountable for any action while in uniform or armed, on or off duty. Violation shall be deemed Insubordination.

250.08 **Uniform Regulations**

Every member while on duty shall be neat, clean and dressed in accordance with uniform regulations. Violation shall be deemed Insubordination.

250.09 **Representing**

Officer shall not wear their uniforms as a means of identification when they are not representing the Department. Violation shall be deemed Insubordination.

250.10 **Hair Styles**

Hair styles worn by members or employees shall be neat in appearance. Violation shall be deemed Insubordination.

250.11 **Privileges**

Officers and employees of the Department shall not use any business or personal cards or other form of communication which purports to grant the bearer any special privileges not enjoyed by all citizens. Violation shall be deemed Insubordination.

250.12 **Altering and Derogatory Notices**

Officers or employees of the Department shall not mark, alter, or deface any printed or written notices, relating to Police or other City business. Any derogatory notices relating to the Department or

personnel are prohibited. Violation shall be deemed Insubordination.

250.13 Cooperation With Other Agencies

Officers and employees shall cooperate with all law enforcement agencies, city administration, other city departments, and public organizations and shall give aid and information as such organization may be entitled to receive consistent with Departmental orders. Violation shall be deemed as Insubordination.

250.14 Testifying in Court

Members or employees testifying in court shall avoid any bias, prejudice, or anger, giving their answers in a clear and distinct manner. They shall speak truthfully and without a trace of evasion. Violation shall be deemed as Insubordination.

250.15 Uniforms, Required For Court

Members shall appear in court and before a Grand Jury in uniform or in a business suit, unless otherwise directed by the Chief of Police or prosecuting attorney. Violation shall be deemed as Insubordination.

251: Incoming Money and Petty Cash

Purpose

The purpose of this policy is to establish the proper procedures for handling funds coming into the department and petty cash.

Policy

All cash and documents representing money received by department personnel will be properly recorded and receipted. All petty cash vouchers will be properly recorded.

Procedure

251.01 Integrity and Efficiency

This department often receives cash in exchange for a service or to facilitate a legal function. For reasons of integrity and efficiency, it is imperative that a system be used to properly record and receipt the receiving of any money. Such a system will be available at all times of day and all employees shall be familiar with the process for issuing receipts for money received. For the benefit of the payee, the Department, and other city offices, it is important that all pertinent information is recorded.

251.02 Handling Funds by Personnel

A. Members of the Department are authorized to receive money coming into the Department. A receipt shall be issued for money received. Money received by the Department will be deposited weekly in the bank officially designated by the City of Decorah and verified by receipt. All receipts and corresponding receipt from the office of the City Clerk will be bound together and kept for future audit. A control ledger will be used to record transactions.

B. All money received and the accompanying receipt shall be kept in a locked drawer or container in the Communications Center until deposited. An audit of receipts will be conducted each week for the previous calendar week. When an audit indicates a discrepancy, the Support Services Supervisor shall immediately notify the Chief of Police.

251.03 Support Services Supervisor Responsibilities

It shall be the Support Services Supervisor's responsibility to maintain records of all money and petty cash received. Bond money shall be recorded on the report/incident card. The Chief of Police shall have the discretion to assign the responsibility for maintaining the cash records to another member of the supervisory staff.

251.04 Incoming Money

The following procedures will be used in the handling of incoming money:

A. Issue receipt.

B. Attach money to item number, parking ticket, etc.

C. Place cash in drawer.

251.05 Petty Cash

The following procedures will be used with petty cash vouchers:

A. Any time funds are expended from petty cash, the officer or employee shall complete a petty cash voucher.

B. Attach the receipt or sales slip to the petty cash voucher.

C. Place the completed voucher and receipt or sales slip in the petty cash drawer.

251.06 Receipts

The payee will receive the original copy and the Department will retain the copy.

261: Miscellaneous Compensation

Purpose

To provide guidelines for employees to receive established monetary compensation for overtime in civil court cases, paying mileage, and related expenses for those attending training sessions or other department required functions.

Policy

To ensure fair guidelines for employees to receive compensation for overtime in civil court cases, paying mileage and fees for attending Department functions.

Procedure

Travel

261.01 Department to Provide Vehicle for Training

Whenever the department requires and employee to attend a school, seminar, meeting or conference, the Department shall provide a city vehicle for transportation to and from school or seminar.

261.02 Department to Reimburse the Employee

If the Department cannot supply an employee with a vehicle, the employee shall use his or her personal vehicle and be reimbursed by the City in accordance with the established rate per mile.

261.03 Spouse or Friend May Accompany the Employee

A spouse or friend may accompany the employee to the area where the school or seminar is being conducted, provided they pay their own expenses. The spouse or friend shall not be permitted to drive the city vehicle.

261.04 Reimburse the Employee for Cost of Fuel

If a spouse or friend accompanies the employee to the school or seminar and the employee uses his personal vehicle so that the spouse or friend has transportation, the City shall reimburse the employee for the cost of fuel used in his personal vehicle. The employee must submit cash receipts upon return.

261: Miscellaneous Compensation

261.05 Commercial Airlines

If the school or seminar is at a distance where it would be more feasible to use commercial airlines, the Department shall provide airfare for a round-trip ticket to the seminar or school including cost for transportation to and from the airport, provided the school or seminar is located at the same motel where the employee is staying.

261.06 Employee May Elect to Drive

An employee may elect to use equivalent airfare cost to drive a personal vehicle to the school or seminar rather than flying, using accumulated time off.

261.07 Department to Provide Meals

The Department shall provide meals for the employee attending a school or seminar. The City may provide the necessary funds for meals in advance to the employee or the employee must provide cash receipts upon return. The Per diem will be at the City's established rate.

261.08 Lodging

The Department shall provide lodging for the employee attending a required school or seminar. If the training is held at the Iowa Law Enforcement Academy the department may make arrangements with the Academy for lodging,or the department may make reservations in advance at the nearest motel to the school or seminar. If payment is requested at the time of registration, the City shall provide the employee in advance with the necessary funds. The employee must provide cash receipts upon return.

261.09 Civil Court Case, Officer Testimony On-Duty

If an officer is subpoenaed to testify or give deposition in a civil court case and the officer is on-duty, the lawyer or lawyers subpoenaing the officer shall reimburse the City of Decorah the hourly salary of the officer for each hour spent, with a minimum of one hour.

261.10 Civil Court Case, Officer Testimony Off-Duty

If an officer is subpoenaed to testify or give deposition in a civil court case and the officer is off duty, the lawyer or lawyers

subpoenaing the officer shall reimburse the City of Decorah a fee equal to one and a half time the hourly salary of the officer for each hour, with a minimum of two hours.

262: Standard Uniform Requirements

Purpose

The uniform requirements for all sworn personnel are designed to insure uniformity and identifying appearance of personnel. By maintaining the uniform in a neat, clean and orderly fashion, an enhanced departmental image is projected.

Policy

All sworn officers shall maintain a minimum issue of uniform clothing and equipment. The decision of when to make a seasonal change in uniforms will be at the individual officers discretion.

Procedure

262.01 Uniforms and Equipment

The City of Decorah, pursuant to the Collective Bargaining Agreement will provide funds for the purchase and maintenance of uniforms and equipment. All sworn personnel are required to maintain a minimum number of uniforms and equipment as follows:

Handgun: The Decorah Police Department shall issue to its members a handgun meeting the specifications as set forth in Chapter 113. All members shall carry a firearm while on duty. Members while off duty can carry a handgun of their choice, however, all such off duty weapons shall meet the specifications as set forth in Chapter 113.

Headgear: One baseball cap and one dress cap if desired by the officer.

Shirts: Two (2) long sleeve shirts. Two (2) short sleeve shirts.

Neckties and Dickie: Neckties shall be cloth material, black, clip type. A black dickie, turtleneck shirt or white t-shirt may be worn in place of a tie. The dickie, turtleneck shirt or t-shirt will be provided at the officers expense.

Trousers: Two (2) pair of winter trousers. Two (2) pair of summer trousers.

Duty Gear and Accessories: The Department will issue to its members a complete set of duty gear and accessories as follows:

Inner belt	Whistle	Holster
Outer belt	Name plate	Handcuffs/case
Collar pins	Armored vest	Shirt badge
In-service plate	Portable radio	O.C. holder
O.C. Spray	Key ring	Coat badge
Flashlight holder	Radio holder	Cap badge

Jackets: One (1) black mulit-season winter coat with a removable liner.

262.02 Insignia Patches

Department "insignia patches" worn on both sleeves of all shirts and coats. Patches shall be centered one half (1/2) inch below the top seam of the sleeve.

262.03 Collar Brass

Officers shall wear collar brass of such style and design according to rank as designated by the Chief of Police.

262.04 Uniforms or Equipment Ruined or Stolen

The City of Decorah, pursuant to the Collective Bargaining Agreement, shall at their option repair or replace any uniform clothing or equipment damaged or stolen during the performance of duties, except in cases of officer negligence or willful damage to Department property.

262.05 Inventory Sheet

An inventory sheet of city owned property maintained by each officer shall be kept in the officer's personnel file.

262.06 Disposition Upon Termination

All property of the City of Decorah in possession of a member or employee shall be returned to the police department immediately upon the employee's termination.

264: Grooming and Hygiene

Purpose

The Decorah Police Department as a whole is judged by the individual contact made with the public by its members. Because of this it is important that each employee give careful attention to his or her own personal appearance.

Policy

Members and employees of the Decorah Police Department shall maintain a high standard of personal hygiene and overall appearance.

Procedures

264.01 Attire Fits and is Neat & Clean

A member or employee shall make sure that uniforms and or civilian attire fits properly, is neat, clean, pressed and in good repair at all times.

264.02 Hair Styles

The Decorah Police Department does not prescribe nor distinguish between the many hair styles. Many styles are acceptable, if maintained in a neat and orderly manner.

264.03 Exception

Exceptions to grooming policy concerning undercover work for the Department may be granted by the Chief of Police.

264.04 On-duty Attire When Not in Uniform

When conducting Department business out of uniform, officers shall dress in business or business casual attire. Blue jeans, sweatshirts etc. will not be permitted.

265: Off-Duty Employment

Purpose

The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of this department.

Definitions

A. Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer or charity work.

B. Extra-Duty Employment: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

C. Regular Off-Duty Employment: Any employment that will not require the use, or potential use of law enforcement powers by the off-duty employee.

Procedures

265.01 Regular Off-Duty Employment

Employees may engage in off-duty employment that meets the following criteria:

A. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

B. Employment that presents no potential conflict of interest between their duties as a police officer and their duties for the secondary employer, or that are not inconsistent with the image of a police officer and the City of Decorah

Examples of employment representing a conflict of interest are:

1. As a process server, reposessor, or bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.

2. Personnel investigations for the private sector or any employment which might require the police officer to have access to police information, files,

records or services as a condition of employment.

3. In police uniform in the performance of other tasks other than that of a police nature.

4. Which assists, in any manner, the case preparation for the defense of any criminal or civil action or proceeding where the City of Decorah is the plaintiff.

Examples of employment that would be inconsistent with the image of a police officer or the City of Decorah are, but not limited to:

1. Establishments that sell pornographic materials, merchandise or that otherwise provide entertainment or services of a sexual nature.

2. Any employment involving the sale, manufacture or transport of alcoholic beverages as the principal business.

3. Any gambling establishment not exempted by law.

265.02 <u>Extra-Duty Employment</u>

Police Officers may engage in extra-duty employment as follows:

A. Where a government, profit making or not-for-profit entity has a contract agreement with the police department for police officers in uniform who are able to exercise their police duties.

265.03 <u>Approval</u>

All extra-duty and/or regular off-duty employment must have the approval of the Chief of Police, the Decorah City Council, the Decorah Civil Service Commission, or the City Clerk, City Administrator.

265.04 <u>Conflict or Interfere</u>

Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.

265.05 <u>Call-Out in Case of Emergency</u>

A police officer engaged in any off-duty employment is subject to

call-out in case of emergency, and may be expected to leave his/her off-duty or extra-duty employment in such situations.

265.06 Permission Can be Revoked

Permission for a police employee to engage in outside employment may be revoke where it is determined pursuant to departmental procedure that such outside employment is not in the best interest of the department.

265.07 Use of Uniform Must Have Permission

An officer must have permission of the Chief of Police if a shield, firearm, uniform or authority is a condition of employment. All regular off-duty and/or extra-duty employment in this capacity must be coordinated through the department and payment will be made through the City in a accordance with the city contract.

265.08 Prohibited Employment While on Leave

No member of the department shall engage in other work while on sick leave, disability time off-duty or leave of absence.

265.09 No Approval Needed During Suspension

A member of the department may engage in off-duty employment without prior approval during a period of suspension from duty without pay.

265.10 Acting as an Attorney

No member of the Department shall appear as legal counsel for anyone, under any circumstances.

266: Smoking Prohibitions

Purpose

Documentation of the harmful affects of smoking is overwhelming. Research results indicating negative health effects of passive smoking is also great. Providing an environment that is as smoke free as possible, is a responsible decision. Persons that have never smoked and persons that have stopped smoking are non-smokers for good reasons. To this end this policy is written.

Definition

A. Smoking: means the carrying of or control over a lighted cigar, cigarette, pipe, or other lighted smoking equipment.

Policy

It is the policy of the Decorah Police Department and State law to provide a healthy environment for employees to work in. To achieve this goal, smoking within the Police Department building and Municipal Center is prohibited. Smoking is also prohibited in all Police Department vehicles.

Procedure

266.01 Prohibition

No employee or citizen shall engage in the act of smoking while in the Police Department, Municipal Center or Police Department vehicle.

267: Infectious and Communicable Diseases

Purpose

The purpose of this policy is to provide guidelines for law enforcement officers in preventing the contraction of infectious and communicable diseases.

Discussion

Police personnel and other public safety personnel routinely come into contact with members of the public. At some point it is likely that police officers will come into contact with a person who has an infectious disease such as Acquired Immune Deficiency Syndrome (AIDS), Hepatitis and other infectious diseases.

As a result, extreme caution should be exercised by police personnel, and the following procedures shall be utilized when dealing with blood, items stained with blood or other bodily fluids and persons of high-risk groups.

Definitions

A. Body Fluids: liquid secretions including blood, semen and vaginal or other secretions that might contain these fluids such as saliva, vomit, urine or feces.

B. Communicable Disease: those infectious illnesses that are transmitted through contact with the body fluids of an infected individual.

Policy

It is the responsibility of the department to ensure that its members are able to perform their duties in a safe and effective manner. The safe performance of daily operations has recently become threatened by life endangering communicable diseases. Therefore, it shall be the policy of this department to continuously provide employees with up-to-date safety procedures and communicable disease information that will assist in minimizing potential exposure, while increasing their understanding of the nature and potential risks of communicable diseases.

Procedures

267.01 Communicable Disease Prevention

A. In order to minimize potential exposure to communicable

diseases, officers should assume that all persons are potential carriers of communicable disease.

B. Disposable gloves shall be worn when handling any person, clothing or equipment with body fluids on them.

C. Masks, protective eyewear and coveralls shall be worn where body fluids may be splashed on the officer.

D. Plastic mouthpieces or other authorized barrier/resuscitation devices shall be used whenever an officer performs CPF or mouth-to-mouth resuscitation.

E. All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary car, and should be considered contaminated items. Sharp objects shall be placed in protective packaging when being collected for evidentiary or disposal purposes.

1. Officers shall use caution when searching where sharp instruments may be concealed, and shall take the necessary steps to minimize the risk of injury.

2. Needles should not be recapped, bent, broken, removed from a disposable syringe or otherwise manipulated by hand. All needles should be minimally handled.

3. Needles shall be placed in a puncture resistant container when being collected for evidentiary or disposal purposes.

F. Officers shall not smoke, eat, drink or apply makeup around body fluid spills.

G. Any evidence contaminated with body fluids will be dried, double bagged in paper bags and marked to identify potential or known communicable disease contamination and as a bio-hazard. (See Chapter 931: Processing Evidence at the Scene and Chapter 941: Evidence and Property.)

267.02 <u>Transport and Custody</u>

A. Where appropriate protective equipment is available, no officer shall refuse to arrest or otherwise physically handle any person who may have a communicable disease.

B. Officers shall not put their fingers in or near any person's mouth.

C. Individuals with body fluids on their person shall be transported in separate vehicles from other individuals. The individual may be required to wear a suitable protective covering if they are bleeding or otherwise emitting body fluids.

D. Officers have an obligations to notify relevant support personnel during a transfer of custody when the suspect has body fluids present on their person, or has stated that they have a communicable disease.

E. Officers shall document on the appropriate paperwork when a suspect taken into custody has body fluids on their person, or has stated that they have a communicable disease.

267.03 Disinfection

A. Any unprotected skin surfaces that come into contact with body fluids shall be immediately and thoroughly washed and disinfected with the currently recommended products.

B. Officers should remove clothing that has been contaminated with body fluids as soon as practical. Any contacted skin area should then be cleansed in the prescribed fashion. Contaminated clothing should be handled carefully and laundered in the normal fashion.

C. Disinfection procedures shall be initiated whenever body fluids are spilled, or an individual with body fluids on their person is transported in a department vehicle.

1. Disinfection may consist of cleaning by department staff using appropriate disinfecting products, or cleaning by an an outside service. A supervisor should be notified if possible, prior to seeking an outside service.

2. If the vehicle cannot be immediately cleaned, it shall be taken out of service and a Bio-Hazard notice placed on the car.

D. Non-disposable equipment and areas upon which body fluids have been spilled shall be disinfected as follows:

1. Any items that can reasonably be transported, shall be taken to the Winneshiek Medical Center Emergency Room for disinfection.

2. For other more permanent fixtures, disinfection procedures shall follow the recommendations of the hospital emergency room staff.

E. All disposable equipment, cleaning materials or evidence contaminated with body fluids shall be bagged and disposed of in compliance with state law provisions for disposal of biologically hazardous waste material.

267.04 <u>Supplies</u>

A. Officers are responsible for maintaining their own personal protective equipment. Officers shall have disposable gloves in their immediate possession at all times.

B. Officers using supplies stored in the police vehicles are responsible for their immediate replacement.

C. The department shall at all times maintain a supply of disposable gloves, face masks and protective suits.

267.05 <u>Line of Duty Exposures to Communicable Diseases</u>

A. Any officer who has been bitten by a person, or who has had physical contact with body fluids of another person while in the line of duty shall be considered to have been exposed to a communicable disease.

B. A supervisor shall be contacted and all appropriate on-duty injury and medical forms shall be completed by the employee and/or the supervisor.

C. Immediately after exposure, the officer shall go to the appropriate health care facility for clinical and serological testing for evidence of infection.

1. The department shall ensure continued testing of the officer for evidence of infection and provide employee assistance resources as determined necessary by the health care official.

D. Any person responsible for potentially exposing the officer to a communicable disease shall be encouraged to undergo testing to determine if the person has a communicable disease.

1. The person shall be provided a copy of the test results and

guaranteed its confidentiality.

2. Criminal charges may be sought against any person who intentionally acts to expose an officer to a communicable disease.

F. Officers who test positive for a communicable disease may continue working as long as they maintain acceptable performance and do not pose a safety and health threat to themselves, the public or members of the department.

1. The department shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the department's health care providers.

2. The department may require an employee to be examined by department health care providers to determine if he/she is able to perform his/her duties without hazard to themselves or others.

G. All personnel shall treat employees who have contracted a communicable disease fairly, courteously and with dignity.

268: Harassment in the Workplace

Purpose

The purpose of this policy is to maintain a healthy work environment and to provide procedures for reporting, investigation and resolution of complaints of harassment, sexual or otherwise.

Policy

It is the policy of this department that all employees have the right to work in an environment free of all forms of harassment. The department does not condone, and will not tolerate any harassment. Therefore, the department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

Procedure

268.01 Prohibited Activity

A. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.

B. Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by this department.

C. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment. .

268.02 Employer's Responsibilities

A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:

1. Monitoring the work environment on a daily basis for signs that harassment may be occurring;

2. Counseling all employees on the types of behavior prohibited and the department procedures for reporting and resolving complaints of harassment;

3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not involved employees are within the supervisor's line of supervision; and

4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.

B. Each supervisor has the responsibility to assist any employee of this department, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the Chief of Police.

C. Each employee of this department is responsible for assisting in the prevention of harassment through the following acts:

1. Refraining form participation in, or encouragement of, actions that could be perceived as harassment;

2. Reporting acts of harassment to a supervisor; and

3. Encouraging any employee who confides that they are being harassed, to report these acts to a supervisor.

268.03 Complaint Procedures

A. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide a complete basis for investigation.

B. Any employee who believes that they are being harassed shall report the incident(s) to their supervisor as soon as possible so that steps may be taken to protect the employee from further] harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor, or with the Chief of Poilce.

1. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incidents complained of, the person(s) performing or participating in the harassment, and the dates on which it occurred.

2. The department employee taking the complaint shall expeditiously deliver the complaint to the Chief of Police.

C. The Chief of Police shall be responsible for the investigation of any complaint alleging harassment.

1. The investigation shall include a determination whether other employees are being harassed by the person, and whether other agency members participated in, or encouraged the harassment.

2. The Chief shall inform the parties involved of the outcome of the investigation.

3. A file of harassment complaints shall be maintained in a secure location.

D. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.

E. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

269: Field Training for New Officers

Purpose

To establish guidelines for the training of new officers.

Policy

It is the policy of this department to provide a structured training program for newly hired officers. The field training program will be conducted by the assigned Field Training Officer(s) within the Department and will generally consist of twelve post academy weeks. The program will instruct newly hired officers in the correct police policies and procedures that will in turn give the officer a solid foundation on which to begin their police career, and the best opportunities for success.

Procedures

269.01 Field Training Officers

Field Training Officers will be responsible for the majority of the training of new officers. FTO's will be assigned by the Chief of Police. Other officers, employees and outside resources may also be called upon to assist with training.

269.02 Field Training Duration

The field training of new officers will last for a total of twelve post-academy weeks. The trainee will be assigned to one primary FTO. This FTO will train for a period of four weeks. The trainee will then switch to a second FTO for another four weeks. For the third set of four weeks the trainee will return to the first FTO. The FTO program should be completed within the first nine months of employment. In the event it is not completed, the program will in all cases be completed within twelve months of the employees hire.

If the newly hired officer is currently a certified police officer with more than five years of current police experience, the training period may be shortened. Abbreviation of the training period will be subject to review and approval by the Chief of Police.

269.03 Documentation of Training

1. Trainees will be required to complete the Decorah Police Department training guides. This includes the Department

policy checklist; street finder exercise; and any other forms assigned.

2. The FTO will fill out the Observation Form after each week with the trainee and turn it in to the Chief of Police.

3. The FTO's will also complete the Final Evaluation Report which consists of a final narrative report on the trainee's performance and recommendation as to the trainee's readiness to work alone.

4. All forms will be provided to the Chief of Police after completion and will be retained in the trainee's personnel file.

269.04 Unacceptable Ratings or Not Responding to Training

Any trainee that is not obtaining acceptable ratings shall be reported to the Chief of Police. an unacceptable rating would be a #1 – Unsatisfactory, or #2 – Needs Improvement on the Observation Report. The trainee will receive remedial training from the FTO and can also be referred to another officer/outside agency for further training.

Trainees who continue to obtain unacceptable ratings in spite of FTO training and outside training, may be classified as "Not Responding To Training (NRT)." These trainees may be subject to disciplinary action, which could include removal from the FTO program and possible termination.

Trainees who disregard Department policy or commit a criminal offense may be subject to disciplinary action according to Department policy.

269.05 Field Training Evaluation Phase

The evaluation phase will be conducted on the last week of Field Training. In this week the FTO will be in regular clothes (if possible) and will be evaluating the trainee on all aspects of police work. Both primary FTO's will prepare a final narrative report on the trainee's performance. In this final evaluation the FTO's will make their recommendations to the Chief.

The Chief of Police will make the final decision on whether the trainee passes or fails the program. The Chief may use the final evaluation provided by the Field Training Officers in the decision.

In the event the trainee fails to successfully complete the FTO program, the trainee will be removed from the program. The trainee will be placed on un-paid administrative leave and have ten days from receiving the notification in order to appeal the decision. The appeal must be in writing and be directed to the Chief of Police. The Chief of Police will then make the final decision. The Chief of Police may then decide to terminate or continue the trainee's employment with the Decorah Police Department.

270: Reserve Police Officers

270.01 Appointment

The position of Reserve Police Officer shall be appointed by the Chief of Police with the approval of the Mayor and City Council. Appointment is subject to meeting the minimum standards established by the Iowa Law Enforcement Academy. Reserves shall be under the supervision of the commanding officer of the shift to which the reserve is assigned.

270.02 Supplementary Capacity

Reserves shall act only in a supplementary capacity to the regular force, and shall not assume full-time duties of regular police officers without first complying with all requirements for regular police officers.

270.03 Function Under Direction of the Chief of Police

Reserves shall function under the immediate direction of the Chief of Police, or in his/her absence, the senior officer on duty. Reserves shall have all the powers and authority and shall be subject to all the duties of members of the regularly constituted department and shall be subject to the rules and regulations governing the Department.

270.04 Complete Training Standards

Reserves shall satisfactorily complete the established minimum training standards established by the Iowa Law Enforcement Academy, and shall complete that training within the required period.

270.05 Serve as a Police Officer

Reserves shall serve as a police officer at the orders and at the discretion of the Chief of Police. While in the actual performance of official duties, reserves shall be vested with the same rights, privileges, obligations, and duties as any other police officer.

270.06 Uniform Requirements

Reserves shall at all times wear a uniform prescribed by the Department unless directed by the Chief of Police or his/her designee to wear alternative apparel for use when engaged in assignments involving special investigation.

270.07 Subject to Provisions of the Municipal Code

Reserves shall be subject to the provisions of Chapter 2.18 of the City of Decorah Municipal Code.

270.08 Follow the Bylaws and Rules or Regulations

Reserves shall follow the Reserve Police Officers Association bylaws and rules or regulations.

271: Exercise Facilities

Purpose

The purpose of this policy is to encourage fitness and to promote safety, to enhance building security, and to preserve and control jointly-owned property and facilities.

Definitions

A. Facililty: The Law Enforcement Center Exercise Room and the Law Enforcement Training Building jointly owned by the City of Decorah and Winneshiek County, used to house exercise and training equipment.

B. Employee: Any employee of the City of Decorah or Winneshiek County Sheriff's Department.

C. Employer: The City of Decorah or the Winneshiek County Sheriff's Department.

Discussion

The employer recognizes the healthier and more fit a person is, the better the individual can perform their job and less likely his or she will suffer a disability. As a person ages, the risk of disability increases. Maintaining an optimum state of wellness helps to minimize the risk.

Policy

It is the policy to encourage all employees to maintain themselves in good physical condition by providing a place and equipment. It is also the policy that in encouraging all employees to maintain physical conditioning, the facilities and equipment are available for use by others as indicated below:

A. Employees, their spouses, and their dependent children are permitted to use the facilities. Children under 16 are not permitted. The employee must accompany all family members and a waiver must be on file before he or she will be permitted to use the facility.

271: Exercise Facilities

Procedure

271.01 Responsibility

All employees are responsible for compliance with this policy and for reporting observed violations or infractions. All employees are responsible to ensure that family members using the facilities are aware of, and comply with the guidelines set forth in this policy. Violations or infractions shall be reported immediately to the employee's department head.

271.02 Notification

For safety reasons, it is recommended that no employee work out alone. If the employee cannot find a workout partner, that employee shall notify the Communication Center of their intent to work out, the facility used, anticipated starting and finishing time. After completing the workout the employee shall notify the Decorah Communication Center.

271.03 Liability

Any injury or accident must be reported immediately to the employee's department head. the employer assumes no responsibility for injuries incurred in the facility. The employer strongly recommends that anyone undertaking a program of vigorous physical activity undergo a complete physical examination. Participants are reminded that their involvement is totally voluntary and entered into at their own risk.

271.04 Waiver

All employees, family members and guests must sign a Waiver of Liability and have it on file with the Decorah Communications Center before being permitted to use the facility.

271.05 Safety Rules

All persons are expected to use equipment in a responsible and safe manner and follow any posted rules. Employees will ensure that family members are instructed in both the proper and safe use of the equipment. Each facility will have the safety rules posted and clearly visible near the entrance to the facility.

271.06 Sign In Sheet

Each facility will have a sign in sheet located near the entrance to the facility. Each employee or family member utilizing the equipment must sign in and out.

271.07 No Smoking

All persons using the facilities are expected to follow the City of Decorah and Winneshiek County smoking restrictions. No smoking is allowed in any area of the facility.

271.08 Damaged or Inoperable Equipment

Persons using the facility shall report any damaged or inoperable equipment to the employee's department head. Any unauthorized person shall not attempt repairs or alterations to any equipment.

271.09 Restricted Areas

Permission to use the facility does not include permission to examine or tamper with any files, equipment, tools, bicycles, or other items in the area except physical fitness equipment and showers. Leave facility the same as when you entered. (windows closed, heat/air off, clean)

271.10 Priority

Law enforcement personnel utilizing the Training Building shall have priority in using the site for training (firearms training, SRT training etc.). Exercise and weight training users will have to defer their workouts until the site is available for their use.

271.11 Loss of Privileges

Any violation of safety rules or regulations shall result in the loss of privileges.

Waiver of Liability

All individuals using the exercise equipment assume full responsibility for any risk, implicit or direct, in connection with participation in any activities at the workout facility. All users of the facility assume the risk of physical activity with his or her own physical condition and acknowledge that he or she has received advice from his or her doctor that he or she is capable of physical activity. The City of Decorah and Winneshiek County shall not be responsible for any lost, damaged or stolen articles while they are at the facility.

_____
Signature

_____
Date

272: Unauthorized Persons In Offices

Purpose

The policy on unauthorized persons in the offices ensures that unauthorized persons do not have access to areas of the facility when they are not conducting official business.

Policy

The general public shall have access to the Municipal Center outer lobby only. The Mayor, elected city officials, and the City Manager have the right to immediate access to inspect the facility or operations at any time.

Procedure

272.01 Door To Be Kept Locked

The lobby door which separates the lobby from the interior of the Department shall be kept locked at all times.

272.02 Permission To Be Admitted

Persons having business to conduct in the interior of the offices shall be admitted to the interior of the Department with the permission of an employee or member.

272.03 Offices Not To Be Entered Unless Authorized

The offices of the Chief of Police, Assistant Chief, Captain, Sergeants, Investigator and 911/Support Services Supervisor shall not be entered by unauthorized persons without specific invitation by an employee or member authorized to make such invitation.

290: Body Armor

Purpose

The Department shall issue armored vests to each of its sworn personnel, to provide protection to the officer against weapons which may be used against them in the performance of their duties.

Policy

The Chief of Police shall approve the brand and design of the Department issued armored vests, upon recommendation by the person or group responsible for the regularly scheduled replacement of vests.

Procedure

290.01 Issuance of Body Armor

A. All officer shall be issued Department approved body armor.

B. Body armor that is worn or damaged shall be replaced by the Department as soon as possible. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

290.02 Use of Body Armor

A. All officers who are issued body armor shall wear the vest supplied by the Department while engaged in field activities. Officers primarily involved in administrative duties will not be required to wear body armor.

B. Officers shall wear only Department approved body armor.

C. Body armor shall be worn at all times while on the firearms range during a scheduled qualification or during any other use of firearms on the range.

D. When the Department determines that circumstances make it inappropriate to wear body armor, wear may not be required.

290.03 Inspections of Body Armor

A. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy.

290.04 Care and Maintenance of Body Armor

A. Each officer shall be responsible for the proper storage of body armor in accordance with the manufacturer's instructions and daily inspection for signs of damage and general cleanliness.

B. As dirt and perspiration may degrade ballistic panels, each officer shall be responsible for cleaning the body armor in accordance with the manufacturer's instructions.

C. Officers are responsible for reporting any damage or wear to the ballistic panels or cover to their supervisor.

311: Police Radio and Procedures

Purpose

The purpose of this policy is to ensure that all radio equipment and communications are in compliance with the guidelines established by the Federal Communications Commission, policy manual and the Department.

Policy

All radio equipment used by and issued to department personnel shall be operated in compliance with the rules and regulations of the Federal Communications Commission, Policy Manual and the department. Radio equipment will be used for relaying pertinent information between all patrol units, the base station and other law enforcement entities.

Procedure

311.01: Communications Center Radio Equipment

The Communications Center is equipped with a multiple channel radio console. The Communication Center is responsible for monitoring, receiving and transmitting all radio traffic for the Decorah Police Department and Winneshiek County. The frequencies are as follows:

1. PD/SO Main
2. Old SO Ops
3. Ops
4. Info
5. Mutual Aid
6. L.E.A
7. City Utilities
8. Fire
9. Ambulance
10. Point to Point
11. Winneshiek County Engineer
12. Iowa Channel (Receive Only)

311.02 Police Traffic Only

Non-communications related transmissions are prohibited. Included but not limited to: humor, obscenities, personal messages etc.

311.03 Clarity

Avoid shouting, mumbling, talking too fast or other communications which may require repeating the transmission. Music or any other public radio transmission will not be rebroadcast.

312: Handling Emergency Calls

Purpose

The purpose of this policy is to provide communications personnel with procedures to follow in responding to emergency calls.

Policy

It is the policy of this department to be well prepared in responding to any emergency situation where a citizen will potentially incur personal injury or is in a life-threatening situation, by establishing those procedures providing the most rapid response and the maximum protection to both the citizen and the responding officer.

Procedure

312.01 Screening and Establishing Priority

When a dispatcher receives a call for service, the dispatcher will ascertain the nature of the complaint, whether or not help is needed immediately and what service(s) are required. The dispatcher should always listen for background noises to help determine the exact nature of the situation. Any indicators of urgency or severity should be transmitted to the responders.

312.02 Routine Calls

Calls determined to be of a routine nature that do not require an urgent response, should be dispatched as soon as the appropriate responder is available. The following basic information should be collected for dispatch purposes as well as records keeping.

A. Exact location of incident
B. Nature of complaint
C. Caller's Name
D. Caller's Address
E. Call back number
F. Time of call

312.03 Emergency Calls

Emergency calls are given higher priority and should be dispatched immediately to the appropriate agencies following proper protocol. The

following basic information should be collected for dispatch purposes as well as records keeping prior to dispatch.

A. Exact location of incident
B. Nature of complaint
C. Are weapons involved
D. Is the crime or incident in progress
E. Call back number
F. Other pertinent information such as suspect or vehicle description and direction of travel

Routine information should be collected after dispatching help to the scene and essential information is provided.

G. Caller's Name
H. Caller's Address
I. Time of call

Calls requiring Emergency Medical Dispatch should be handled using the Emergency Medical Dispatch System adhering to the standard protocols outlined by Priority Dispatch and the Medical Director.

312.04 Officers Unavailable

A. When a serious incident is occurring and the dispatcher does not have an officer available the dispatcher should broadcast the location and nature of the incident to the officers. If no officer responds they are in route, contact the supervisor or most senior officers available.
B. Routine calls that do not require an immediate response should be held until such time as an officer has cleared from the previous call.

312.05 Shift Supervisor to be Notified

All emergency calls will be brought to the attention of the shift supervisor as soon as possible.

312.06 Telephone Demeanor

The dispatcher receiving an outside call is the first link with the affected citizen. A clearly understood, calm, decisive and courteous voice serves to reassure the caller help is at hand.

312.07 Calls to be promptly Answered

Each call will be promptly answered. Treat each incoming call as an emergency until you know otherwise. 911 calls will be answered using current Emergency Medical Dispatch Procedures outlined in the Emergency Medical Dispatch system.

312.08 Dispatchers to Take Charge of Conversation

The Dispatcher is to take charge of the conversation. Ask pertinent questions; do not repeat information unless to verify accuracy. A calm and competent voice will help assure the caller of prompt, efficient action. The telephone behavior of a dispatcher may save the life of a citizen or an officer or may protect someone from serious injury.

313: Telephone Use

Purpose

The telephone plays and important role in the operations of the Department and the use of it is vital to our daily operations. Misuse if the telephone is an unnecessary waste of manpower and resources

Policy

Department telephones are to be used only for the purpose of conducting police related business. Employees and members may use the phone for urgent, necessary personal calls.

Procedure

313.01 Detainees, Lawyers, Private Citizens

Long distance calls by detainees, lawyers, private citizens etc. must be either charged to their home phone, business phone, credit card or the charges reversed.

313.02 Answer Calls on a Recorded Telephone

The two telephones located at the communications console are continuously recorded. When possible call should be answered at these phones.

314: E911 Emergency System

Purpose

To provide fast and efficient emergency response for Decorah and Winneshiek County residents through the use of the E911 System.

Policy

The Decorah-Winneshiek Communications Center is the Public Service Answering Point (PSAP) for E911 for Decorah and Winneshiek County residents. E911 calls shall have priority over other operations and shall be answered promptly by communications personnel.

Procedure

314.01 E911 Equipment

Two Power 911 workstations, a Power 911 Database, a Power 911 ePrinter, a Life Line 100 and GeoLynxx Mapping software are located at the Communications Center.

314.02 E911 Answering Point

The Decorah-Winneshiek Communications Center is the Public Service Answering Point (PSAP) for E911 for Decorah and Winneshiek County residents. The E911 Support Services Supervisor is the point of contact for E911 related issues.

314.03 E911 Calls Promptly Answered

911 calls shall be answered promptly by Communications Personnel using the Emergency Medical Dispatch System protocols. Calls received by the Decorah PSAP for an outside agency will be transferred to the appropriate agency. Other calls will be handled by the Decorah PSAP and emergency units dispatched. No calls for help will be refused.

314.04 Emergency Medical Dispatch

An Emergency Medical Dispatch manual is located in the Communications Center. Calls requiring Emergency Medical Dispatch should be handled using the Emergency Medical Dispatch System adhering to the standard protocols outlined by Priority Dispatch and the Medical Director.

314.05 E911 Call Received, Caller Hung Up

When an E911 call is received and the calling party has already hung up or there is no one on the line, the dispatcher shall attempt to call the number back to ascertain if an emergency exists. In the event the dispatcher is unable to make contact with the party, the appropriate law enforcement agency will be sent to the residence to determine if there is a problem. In the event the hang up was from a wireless device a call back will be attempted. If the dispatcher is unable to make contact with the wireless user, dispatch will use discretion in analyzing the data received to determine whether or not a response to the area is warranted.

314.06 Problems with E911

Any problems with the E911 operations should be immediately brought to the attention of the Support Services Supervisor or the Chief of Police. Century Link (formerly Qwest) Communications is contracted for 911 maintenance and should be contacted for repair.

314.07 Incorrect Information

If incorrect information is displayed from a 911 call the dispatcher shall fill out a discrepancy sheet and return to the Support Services Supervisor for follow up.

315: Teletype System

Purpose

To provide rapid, efficient access to information between criminal justice agencies through the use of the IOWA system.

Policy

The Decorah Police Department will abide by the rules and policies established by the Iowa Department of Public Safety governing the Iowa teletype system.

Procedure

315.01 Criminal Justice Information Systems

Every criminal justice agency having a computer terminal on the IOWA System has access to both state and national records. In addition, every terminal may communicate with any agency in the United States that participates with the National Law Enforcement Telecommunications System (NLETS).

315.02 IOWA System

The Iowa System is an on-line, automated criminal justice information system providing timely and reliable wanted/stolen information and communications between criminal justice agencies. The system is an aid to law enforcement in collecting, storing, retrieving and disseminating information automatically. The IOWA System allows for transmittal of administrative messages from one terminal agency to another or to other criminal justice agencies nationwide.

315.03 National Crime Information Center (NCIC)

The NCIC is a nationwide computerized information system established as a service to all local, state and federal criminal justice agencies. The NCIC database contains information on wanted/missing persons, stolen/felony vehicles, stolen articles, stolen boats, stolen guns and stolen securities.

315.04 National Law Enforcement Telecommunications Systems (NLETS)

The National Law Enforcement Telecommunications System is the primary link to driver's license, vehicle registration, criminal history, road conditions and other information on an interstate basis. In addition, the

International Criminal Police Organization (INTERPOL) can be accessed through the NLETS computer. The Iowa Department of Public Safety has contracted with NLETS to provide telecommunications service to criminal justice agencies throughout Iowa. The rules, regulations and operating procedures are stated in the IOWA operating manual located in the communications center as well as online.

315.05 Operators Must Be Certified

All operators of the teletype system must be certified by the Iowa Department of Public Safety. Operators must be recertified every two years.

315.06 Operators to Provide Information

It is the communications personnel's responsibility to provide information received on the teletype to the officer. A vehicle registration, want/warrants and driver's license status check will be run on all traffic stops, if time permits.

315.07 Teletype Limited

All teletype communications must be limited to criminal justice business.

315.08 28E Agreement

Criminal history checks may only be run for those agencies who have signed the 28E Agreement with the Decorah Winneshiek County Communications Center. (See Chapter 122: Decorah Winneshiek County Communications Center). Criminal history checks must be logged in accordance with IOWA System rules.

315.09 Criminal Justice Agency To Receive

Only criminal justice agency employees may receive vehicle registration information obtained on the teletype system.

315.10 Drivers License Record

Staff, under the direction of the Sheriff, may provide a copy of the operating record of a person to that person or his/her authorized designee. A signed and notarized release or affidavit from the person is required if the record is being provided to someone other than the person identified in the record. The special format designed for this purpose shall be used. The current established fee shall be collected, logged and maintained for the Winneshiek County Sheriff's Office in the cash receipt drawer.

315.11 Problems With the Teletype System

Any problems with the teletype system should be reported to the Des Moines Computer Center.

316: Communications Center Support Equipment

Purpose

To describe the purpose and use of Communications Center support equipment.

Policy

To establish procedure and guidelines for the utilization of Communications Center support equipment. These procedures are intended only as guidelines. It is understood that circumstances may dictate variations.

Procedure

316.01 Federal Emergency Management Agency (FEMA) Telephone

The FEMA telephone is used for broadcasting emergency or weather related information of a National, State or Local interest to Warning Points. It provides a direct line to National Weather Service offices. Weather information originating from the National Weather Service is generally broadcast over the teletype system as well.

316.02 Traffic Control Signal Preempts

See Chapter 641: Traffic Direction and Control

316.03 Paging System

The paging system is integrated into the center's radio console and is used to page local fire, medical, Emergency Management and weather related information.

316.04 Weather Alert System

The weather Alert System is used to alert agencies and businesses equipped with Weather Alert receivers of severe weather. The system is activated by paging the Weather Alert on the radio console and broadcasting the appropriate information. See Chapter 316.09 for actual procedure.

316.05 Weather and Road Information Recording

The Weather and Road Information Recording is maintained by the Decorah Police Department and the Winneshiek County Sheriff's Office at

563-382-8084. It is a public service provided as a convenient means for the public to obtain area conditions during adverse weather.

316.06 Jail Monitor

A monitor is located in the Communications Center as an additional safety measure for jail staff and officers. The jail control room and booking area can be viewed continuously by dispatch to monitor for any potential emergencies which may require assistance.

316.07 Helping Services Phone Line

A 24 hour number, which has been placed on the Communications Center phone system, in order to assist Helping Services forward incoming calls for service to the on call volunteer.

A. A volunteer will contact the dispatcher and advise a number to forward the abuse line number to.
B. Communications staff will transfer the abuse line to the new number using current phone procedures.
C. Advise the person answering they are now on call for Helping Services.

316.08 Digital Call Logging Recorder

Provides the communications personnel with the ability to replay a telephone call or radio transmission immediately. The calls are recorded and archived onto disks for approximately one year. Calls may be retrieved and copied to an outside media for longer retention as needed by request.

316.09 Storm Sirens

Storm sirens in Decorah (includes Freeport), Calmar, Ossian, Fort Atkinson, Ridgeway, Spillville, Frankville and Castalia can be activated by the Communications Center as needed following current Severe Weather procedure as follows:

A. Severe Weather

1. SEVERE THUNDERSTORM WATCH:
    a. Page WEATHER SPOTTERS from the Weather Spotter Alert page group.
    b. Click TRANSMIT GROUPS
    c. Click and hold on PD FIRE HOSP to transmit PD FIRE and HOSP simultaneously.
    d. This pages all fire, 1st Responders, Weather Alert as well as transmitting to fire, 1st Responders, Weather Alert and PD/SO simultaneously.
2. SEVERE THUNDERSTORM WARNING:
    a. SET OFF SIRENS IF: The National Weather Service, Officers or Storm Spotters report Cloud Rotation, Severe Straight Line Winds or Large Diameter (1”) Hail. Set off Sirens in the appropriate town (i.e. if the storm is heading to OSSIAN no need to set Ridgeway siren, etc)
    b. Page WEATHER SPOTTERS from the Weather Spotter Alert page group.
    c. Click TRANSMIT GROUPS
    d. Click and hold on PD FIRE HOSP to transmit PD FIRE and HOSP simultaneously.
    e. As you get a chance, notify campgrounds (See list on separate page)
3. TORNADO WATCH: Repeat as you would for THUNDERSTORM WATCH
4. TORNADO WARNING: Procedure depends on where TORNADO is spotted and which direction it is going. Repeat as you would for THUNDERSTORM WARNING only Notify Officers 1st and then set off sirens.

B. SIRENS

Sirens are located in Decorah (includes Freeport siren) Calmar, Ossian, Spillville, Fort Atkinson, Castalia, Frankville and Ridgeway. We also have the ability to sound all sirens county wide.

1. Set off the ALERT button for the appropriate town or sound all at once, then select PAGE SAFETY button. Ask officers or storm spotters for confirmation the siren is going off, if not repeat the procedure or ask (for Decorah) Decorah FD to set off Decorah's sirens
2. If the sirens have not shut off after about 3 or 4 minutes, select the appropriate town siren CANCEL button.
3. To set off multiple towns' sirens: click the desired town's alert button once then page safety to set all selected sirens off at once. To sound all sirens in the county select County Wide Sirens to sound all sirens at once.

C. All Clear Siren

We do not have the ability to sound all clears for each town, nor does the weather service tell us when to sound an all clear. Advise people to tune into media outlets such as weather radios, local radio stations, local TV stations or the internet, as to the duration of the warning and to determine when it is safe to resume normal activities.

316.10 E911 Alarm

An alarm box and panel are located in the Communications Center on the radio console. The box indicates audibly as well as by an indicator light when trouble is identified on the 911 system. Any alarm should be reported to Qwest 911 repair immediately.

316.11 Radio Console

A radio console is located in the Communications Center and includes multiple radio frequencies, paging groups, jail trouble alarm, door controls and traffic light preempts.

316.12 TDD

The Telephone Device for the Deaf (TDD) is integrated into the Power 911 System. All silent emergency calls, as well as those with possible TDD tones, will be challenged using the Power 911 system TTD/TTY module per Power 911 training. Decorah LEC will conduct monthly tests on the TDD system in order to assure operations readiness and comply with federal regulations pertaining to TDD/TTY accessibility.

317: Dispatch Uniform Policy

Purpose

To establish the Department guidelines regarding the purchase and use of uniforms for dispatch staff.

Policy

Dispatchers shall adhere to the current uniform policy in order to maintain a uniform and professional appearance.

Procedure

317.01 The Uniform

Shall consist of a French Blue, long or short sleeved button up shirt and black pants. Orders would be placed through a vendor of choice only twice per year. Order what you need to replace worn, damage or badly faded items. If you do not need items at the time of order, please wait until the next order. This will allow the city a more accurate estimate of costs associated with the dispatch clothing budget.

317.02 Shirts

The city will purchase up to 4 shirts annually for each employee. Orders will be placed twice a year for shirts on approximately March 1st and September 1st. You may order up to two shirts at each order.

317.02 Pants

The city will purchase, or reimburse for, up to two pair of black pants that are intended to be worn on the job only. If you wish to purchase black pants that may worn for off duty personal dress, as well as work, you will need to do so at your own expense.

317.02 Jackets or Other Items

If you wish to purchase a jacket, vest or other item to keep warm on duty the order could be added to the biannual order, but would be at the employee's expense. We would ask that you select black or dark gray, for uniformity purposes.

320: Related Duties And Responsibilities

Purpose

The following sections of this Policy involve various related records function duties and responsibilities.

Policy

To establish procedure and guidelines for the utilization of Communications Center support equipment. These procedures are intended only as guidelines. It is understood that circumstances may dictate variations.

Procedure

320.01 Repository of Records

The department shall maintain a repository of records which will include but are not necessarily limited to:

A. Offense reports
B. On-view reports
C. Traffic accident reports

320.02 Master Name Index

The department's master name index is maintained using the current records management system. The master name index includes the name and date of birth of persons connected to multiple types of computer entries. A person's name will generally appear in the master name index when he or she is included in one or more of the following categories:

A. Arrests
B. Accidents
C. Citations
D. Incidents
E. Others as the department might direct

Other types of information such as complaintant, victim or suspect may be searched by other means through the current records management system by request.

320.03 Index of Stolen, Recovered, Lost and Found Property

The department maintains a stolen, recovered, lost and found property record by computer and item card. Inquires of such items may be performed by Communications Center personnel.

320.04 Warrant and Wanted Person Data

Information on active warrants held by the department is maintained in the current records management system. See Chapter 924: Warrant Control Procedure for further information.

320.05 Records of Traffic Citations

The department's copy of all traffic citations are filed and stored after each has been entered into the records management system.

320.06 Criteria for Recording Arrest Information

An individual arrested on misdemeanor or felony charges shall be processed in accordance with Chapter 743: Arrests and Chapter 743: Fingerprint and Photograph Requirements. Arrest information shall be recorded in the current records management system.

320.07 Uniform Crime Reporting

Participation in the national Uniform Crime Report (UCR) program helps promote the development of good record keeping and aids in the effort to establish a national database of crime statistics. The department's records management software is designed to follow reporting requirements of state and national recipients of local crime data.

The department offense report form captures required data needed to comply with UCR requirements. The data collected is then entered in the current records management software.

This agency submits this report to the Iowa Department of Criminal Investigation and the Federal Bureau of Investigation. The data entered from field reports and arrest records automatically is captured in the records management system.

320.08 Disposition of all Cases Presented

Although law enforcement agencies are generally well informed about arrest rates, they are often ill informed regarding the number of, and reason for, cases being declined for prosecution or dismissed by the prosecutor. By knowing the number of cases declined or dismissed and the underlying rationale for the prosecutorial action taken, law enforcement personnel can identify and correct problems.

The District Court and Winneshiek County Clerk of Court record all dispositions in their computer system and are available online through Iowa Courts Online. In addition a written report of the case disposition is forwarded to the department.

321: Warrant Control Procedures

Purpose

To establish uniform guidelines for the handling, entry and removal of warrants through the department, the Iowa criminal justice computer system (IOWA) and the national criminal justice computer system (NCIC).

Policy

All warrants issued by the Court and forwarded to the department will be documented by an item card, entered in the appropriate computer systems and canceled when served or recalled.

Procedure

321.01 Processing of a Warrant

The processing of a warrant will follow the procedure below:

A. Newly issued court warrants are received by the Communications Center.
B. Communications staff will assign and complete an item card on each warrant submitted.
C. Communications staff will complete a background check on the person named in the warrant and use any available information to complete the item card entry.
D. Communications staff shall review recommended pickup radius, if any questions arise as to the appropriate pickup radius the Chief of Police or Sheriff shall determine correct pickup range.
E. Communications staff shall then enter the warrant into the NICIC and IOWA Systems.
F. A hard copy of the computer entry shall be obtained by the person making the computer entry of the warrant.
G. The hard copy of the warrant entry and all other supporting documents shall be examined for accuracy by a second dispatcher or by the Support Services Supervisor.
H. Clerk-Dispatcher shall then enter the warrant in the in-house computer system. The warrant attached information and computer entry hard copy shall then be filed by the employee.
I. Clerk-Dispatcher, at the direction of the Chief of Police, shall address a letter to the person to whom the warrant was issued to, explaining that the department currently holds a warrant for their arrest and requesting that the individual take action on it immediately.

J. When a warrant is served or returned to the Court, Communications staff shall cancel the warrant from the state computer system, place the original warrant in the court folder and leave a copy of the cancelation with the Clerk-Dispatcher.
K. When another department receives a hit on a warrant entry from this department the on-duty shift supervisor shall cause response verification to the inquiring agency per IOWA system guidelines.
L. If the warrant was served by an officer, he/she shall record on the warrant the service charges, mileage involved in serving the warrant, sign it and present the warrant to Communications staff for cancelation.
M. Deviation from the above procedural steps must be authorized by supervisory personnel.

321.02 Shift Supervisor Responsibility

Control of the warrant file is the responsibility of the shift supervisor. Warrants will NOT be removed from the file except for the purposes of being read during the booking process, verifications or when necessary to complete another procedure.

321.03 Acting on Warrants from Other Jurisdictions

The following procedure will be initiated when acting on warrants from other jurisdictions:

A. When a “hit” is received through a computer system “wanted” check, the shift supervisor shall first cause a computer confirmation check. Should this action fail or leave some doubt as to the validity of the computer warrant the shift supervisor shall telephone the agency originating the warrant to determine if the warrant is still valid.
B. An arrest will not be made for another jurisdiction until this department possesses a teletype hard copy of the authority to make such an arrest.
C. All computer hard copies pertaining to a specific person or property shall be retained:
    1. Until it is determined the department has no direct vested interest, at which time the documents may be destroyed.
    2. Placed in the corresponding case file when there is a direct involvement by this department.

D. Every time this department has any official involvement on behalf of another jurisdiction an item card will be started and any “hits” attached. A case file may also be started at the discretion of the officer making the arrest.

322: Report Writing

Purpose

It is essential that information provided to the department is document for future reference and follow up. This information is of utmost importance to a host of people including law enforcement authorities, criminal justice agencies, the general public, businesses and media representatives.

Policy

Police reports and citations form the basis for prosecution and ultimately adjudication of law violators. These documents shall be as complete and accurate as possible. Thus, it is essential that officers be provided with specific guidelines for the preparations, processing and distribution of these documents.

Procedure

322.01 Instructions to be Provided

The necessary instruction for the preparation of department reports will be provided through the Field Training Officer Program for probationary officers and by supervisor for all other officers

322.02 Reports to be Filed and Maintained

All reports shall be filed and maintained per retention guidelines in the department.

322.03 Reports to be Filed by Officers

Written reports shall be filed by officers to report all crimes, their attempts, missing persons, stolen and recovered property and other information of concern to the department that comes to their attention.

322.04 Reports to be Accurate

Written reports must be a true, accurate, complete and objective narration of the officer's findings determined by a thorough investigation.

322.05 Reports to be Clearly Understood

Reports will be presented in a style and manner that is easily and clearly understood. Slang or profanity will not be placed in reports unless they are a direct quote and pertinent to the case.

322.06 Reports are the official Business of the Department

Completed reports are the official business and memory of the department. They shall be filed and maintained by the department under directions of the Chief of Police.

323: Records Retention

Purpose

The purpose of this section is to provide guidelines and procedures for the retention of the Department records.

Policy

The department will retain and purge computerized and printed records in accordance with its established records retention schedule and state law.

Procedure

323.01 Purging of Department Records

Department computerized data and printed records will be purged in accordance with state law and/or the department's records retention schedule. Purged records will be disposed of in a manner which will prevent the disclosure of information.

323.02 Records Retention Schedule

The department has established a Records Retention Schedule to ensure there is an orderly approach to the storage and purging of records. Computerized media will be retained at a minimum as long as paper copies. Computerized media will also be retained as long as storage space remains available past the paper retention period unless otherwise noted in the addendum. The Records Retention Schedule appears in the addendum portion of this chapter.

323.03 Chief of Police Responsible

The Chief of Police will be responsible for establishing the guidelines for determining the length of records retention. In addition, the Chief of Police will be responsible for determining which records will be included in the Records Retention Schedule.

ADDENDUM

Records Retention Schedule

Definitions

A. Paper: Is a written or typed report.
B. Computer: Records stored on hard disk on the department computer network.

C. Boxed: Paper records kept in storage boxes.
D. Media: Computer records stored on any type of removable storage.
E. Archived: Records stored permanently in the City Clerk vault.
F. Authority to Purge: Authority to purge records shall be as follows:
   (1) – Chief of Police
   (2) - Support Services Supervisor
   (3) - Administrative Captain

Record	Storage	Length of Retention	Authority to Purge
Vehicles Abandoned/Sale	Paper	7 years	(2)
Bookkeeping Ledgers	Paper Media	Permanently Permanently	(2)
Impound Vehicle Notifications	Paper	7 years	(2)
Item Cards	Paper	8 years	(2)
Criminal History Request/Releases	Paper	3 years	(2)
Calls for Service	Computer Media	Permanent Network Hard Drive, Back Up Hard Drive	(1)
Offense Report Listing	Paper	Current year plus 3	(2) (2)
Major Investigations	Paper Media	Discretion of Chief	(1)
Accident Reports	Paper	8 years	(2)
Citations	Paper Computer	3 years Permanent Network Hard Drive, Backup HD	(2)
Bicycle Registrations	Paper Computer	Since Initiation Permanent Network Hard Drive, Backup HD	(2)

Radio Logs	Paper	6 years per IOWA System Rules regarding requestor logs	(2)
Receipt Books	Paper	5 years	(2)
Tow Receipts	Paper	3 years	(2)
Master Name Index	Paper Card File Prior to 1990 Permanent Boxed Computer	1990-2010 CIS RMS, 2011-Current Sleuth RMS Permanent Network HD, Backup HD	(2)
Parking Tickets	Paper	3 years	(2)
Evidence and Found Property	Paper	Discretion on a case by case basis, approval of county attorney or disposition of case	(3)
Confidential Informant Information	Paper	Discretion	(3)
Intelligence Reports	Paper	Discretion	(3)
Employment Background Checks	Paper	Duration of Employment	(1)
Employment Testing Scores	Paper	Duration of Employment	(1)
Time Sheets	Paper	Current year plus 10 years	(2)
Performance Evaluation Reports	Paper	Duration of Employment	(1)
Offense Reports	Paper	Active Warrant, Arson, Child Abuse, Death Investigations, Domestic Abuse, Major Narcotics Cases, Robbery, Sexual Assault and other major cases are kept permanently. All other offense reports are destroyed after 8 years.	(1)

Media	Offense reports from approximately 2000 until current stored on department network hard drives and backup hard drives

324: Public Records

Purpose

To establish uniform guidelines on the public dissemination of departmental records.

Policy

It is the policy of this department to provide access to all public records in accordance with current local, state and federal law. Dissemination of these records shall be conducted under the supervision of the Chief of Police in accordance with Iowa Code Chapter 22. Any questions arising in this area shall be referred to the Chief of Police.

Procedure

324.01 Right to Examine Public Records

Every person shall have the right to examine all public records. The right to examine includes the right to examine without charge while the public record is in the physical possession of the custodian.

324.02 Right to Copy and Publish

Every person shall have the right to copy and publish all public records. The right to copy includes the right to photograph or make copies while records are in the possession of the lawful custodian.

324.03 Copies of Records

The department shall furnish any person, upon request and payment of legal fees therefore, a copy of a record.

324.04 Hours of Availability

Persons requesting to examine records or wishing copies can exercise these rights during the department's regular office hours. Monday through Friday, 8 am to 4pm, excluding legal holidays.

324.05 Fees

The Department shall have the right to collect current established fees for copying reports.

324.06 Confidential Records

The following public records shall be kept confidential, unless otherwise ordered by a court, or unless the Chief of Police authorizes the release of such information:

A. The department's investigative reports, except where disclosure is authorized elsewhere in this chapter. However, the date, time, specific location and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.
B. The department's criminal identification files of law enforcement agencies. However, records of current and prior arrests shall be public records.
C. Personal information in confidential personnel records of Department employees.
D. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.

    1. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.
    2. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

324.07 <u>Injunction to Restrain Examination</u>

The department can cause a reasonable delay in permitting the examination and copying of a department record if the purpose of the delay is any of the following:

A. To seek an injunction from the Court.
B. To determine whether the department is entitled to seek such an injunction or should seek such and injunction.
C. To determine whether the department record in question is a public record, or confidential record.

D. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.
E. Actions for injunctions under this section may be brought by the department, or by another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record.

324.08 Juvenile Records

Juvenile court records shall be confidential. They shall not be inspected and their contents shall not be disclosed except as provided in sections 232.147, 232.148 and 232.149 of the Iowa Code, unless the juvenile court waives its jurisdiction over the child so that the child may be prosecuted as an adult for a public offense.

324.09 Juvenile Records May Be Inspected

Such records may be inspected and their contents may be disclosed without a court order to the following:

A. Peace officers of this state and other jurisdictions when necessary for the discharge of their official duties.

B. The judge and professional staff, including juvenile court officers of a juvenile court or of a juvenile or family court in another jurisdiction having the child currently before it in any proceeding.

C. The child, the child's counsel, parent, guardian, custodian and guardian ad litem.

D. The designated representative of any agency, association, facility or institution which has custody of the child, or is responsible for the care, treatment or supervision of the child pursuant to a court order.

E. A court in which the child has been convicted of a public offense in connection with a presentence report or dispositional order.

324.10 Release of Records For Missing Juvenile

This section does not prohibit a criminal justice agency from disclosing or releasing, pursuant to Chapter 694, Code of Iowa, the identity of a missing child or information useful in the recovery of a missing child.

325: Uniform Crime Reports

Purpose

Uniform Crime Reporting (UCR) is a local and state law enforcement program. It provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country.

Policy

This department will comply with the requirements of Chapter 692, Code of Iowa, which mandates reporting of crime statistics to the Iowa Department of Public Safety.

Procedure

325.01 Two Classifications of Offenses

There are two classifications of offenses used in Uniform Crime Reporting, Group A and Group B.

A. Group A Offenses include the following:

1. Arson
2. Assault
3. Bribery
4. Burglary
5. Counterfeiting/Forgery
6. Destruction/Damage of Property (Vandalism)
7. Drug/Narcotic Offenses
8. Embezzlement
9. Extortion/Blackmail
10. Fraud (not bad checks)
11. Gambling
12. Homicide
13. Kidnapping/Abduction
14. Larceny/Theft
15. Motor Vehicle Thefts
16. Pornography
17. Prostitution
18. Robbery
19. Sex Offenses, Forcible
20. Sex Offenses, Non-forcible
21. Stolen Property (possession of, buying, selling etc)
22. Weapon Law Violations

B. Group D Offenses include the following:

1. Bad Checks
2. Curfew/Loitering/Vagrancy
3. Disorderly conduct (includes interference and disturbing the peace)
4. Driving Under the Influence
5. Drunkenness
6. Family Offenses (non-violent)
7. Liquor Law Violations
8. Peeping Tom
9. Runaway
10. Trespassing
11. All Other Offenses

325.02 Forms to be Completed

The reporting or arresting officer is responsible for completing the UCR form. Unless there are extenuating circumstances, UCR form should be completed within one week of the offense or arrest.

325.03 Incident Report Form

In most cases only the highlighted areas of the Incident Report need to be completed. The exception to this is a domestic assault, when names and addresses of victim and offender area required. If an arrest is made for a Group A Offense, the back of the Incident Report form is used for that information. If the offense is a domestic, a bias crime, or if a law enforcement officer was killed or assaulted (LEOKA) during the offense or subsequent arrest, then check the appropriate box in the section on the Incident Report form.

325.04 UCR Entry and Submission

UCR data entry is completed by the Clerk-Dispatcher using the current records management system. UCR data is obtained from the records management system by the Support Services Supervisor and submitted to the Iowa Department of Public Safety annually, prior to the date required.

326: Checking Out Records

Purpose

The availability and quick retrieval of information from the Communications Center is essential to operations, investigations and daily inquires conducted for a number of official reasons. However, all benefits commonly associated with a well maintained records system are virtually useless when the information being sought has been misplaced, misfiled or lost. The availability of pertinent police data for all personnel is better assured if the search of and the checking out of records from the Communications Center is closely regulated.

Policy

Central records information will be accessible to the department personnel at all times. Search for and removal of records shall be performed by authorized personnel only.

Procedure

326.01 Original Records to Remain in the Department

Original records shall not be removed from the department, except as directed by court order, supervisory personnel, City Attorney or Winneshiek County Attorney.

326.02 Removal of a Department Record

When removal of a record from the Communications Center is required a copy of all documents of the record shall be made and filed in place of the original record until the original record is returned. The person removing the record shall also leave an explanation attached to the copy as to who removed the record, when the record was taken, where the original record is and why it was removed.

327: Correspondence

Purpose

The purpose of the policy on correspondence is to establish a uniform method of dispatching departmental information to other agencies and ensures that the Chief of Police will be kept informed of all cases involving outside agencies.

Policy

Any correspondence of official business may be completed by any department member or employee over their signature.

Procedure

327.01 Correspondence

When necessary to correspond with an outside agency, the officer or employee shall prepare the correspondence on department letterhead or official email and include a copy in the case file.

328: Computer Network

Purpose

To ensure continuous and efficient operations of the in-house computer systems of the Decorah Police Department.

Policy

It is the policy of the Department to maintain current and complete records of all department activities. In an effort to accomplish this goal, data entries shall be made in a timely fashion.

Procedure

328.01 Familiarization

All employees shall be familiarized with the in-house computer system programs during training.

328.02 Activities to be Recorded

Department activities shall be recorded with proper entries

328.03 Offense Report Narratives

All Offense Report narratives shall be completed in the in-house computer system.

328.04 Data and Systems Backup

A. A network systems daily differential back up will be run Monday-Thursday. That information is stored on the server as well as on a removable hard drive connected to the server.
B. A network full system back up will be run on Friday. That information is stored on the server as well as on a removable hard drive connected to the server.
C. Current Records Management System, Sleuth RMS, is backed up daily to one of two external hard drives as well as maintained on the Sleuth Server Raid System.

328.05 Questions and Problems

Any questions or problems with the in-house computer system should be brought to the immediate attention of the Support Services Supervisor or the Chief of Police.

328.06 Not to Proceed Without Checking

In the event of a question or problem regarding any procedure or operation of the computer system do not proceed without checking.

Addendum A

Use Of Weapons & Use Of Defensive Action

The following definitions have been adopted for the following terms and phrases used in this general policy.

1. *"Arrest"* (804.5) An arrest is the taking of a person into custody in a manner authorized by law.

2. *"Deadly Force"* (704.2) The term "deadly force" means any of the following:

   A. Force used for the purpose of causing serious injury.

   B. Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.

   C. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious physical injury can be shown.

   D. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be.

3. *"Serious Injury"* (702.18) "Serious injury" means disabling mental illness, or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, or any injury to a child that requires surgical repair and necessitates the administration of general anesthesia.

4. *"Reasonable Force"* (704.1) "Reasonable force" is that force and no more which a reasonable person, in like circumstances would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or believe that such force is necessary to resist a like force or threat. Reasonable force, including deadly force, may be used even if an alternative entails a risk to one's life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment.

5. *"Dangerous Weapon"* (702.7) A "Dangerous weapon" is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, or knife having a blade of five inches or longer in length. (Note that there are many items which are designed primarily for some other purpose, but which can kill. These are dangerous weapons when used in such a manner as to show that one intends to kill or injure, including motor vehicles.)

6. *"Forcible Felony"* (702.11) A "forcible felony" is any felonious assault, murder, sexual abuse, kidnapping, robbery, arson in the first degree, burglary in the first degree, or child endangerment.

7. *"Use Of Force By Peace Officers Making An Arrest"* (804.8) A peace officer , while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the use of deadly force is only justified when a person cannot be captured any other way and either,

   A. The person has used or threatened to use deadly force in committing a felony or,

   B. The peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

   A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which the peace officer would be justified in using if the warrant were valid, unless the peace officer knows that the warrant is invalid.

8. *"Defense Of Self Or Another"* (704.3) A person is justified in the use of reasonable force when he or she reasonably believes that such force is necessary to defend himself or herself or another from any imminent use of unlawful force.

9. *"Reasonable Belief"* One may protect himself or herself or another from a threatened injury by using reasonable force against the person threatening him or her. It is not necessary for one pleading self defense to show that he or she actually was in danger. It is enough to show:

A. The person believes that the threat of injury exists.

B. A reasonable person, similarly situated, would believe that the threat existed.

C. The person believes that it was necessary to act as he or she did to avoid injury.

D. A reasonable person, similarly situated, would believe it necessary to act in a similar fashion to avoid injury.

10. *"Aiding Another In The Defense Of Property"* (704.5) A person is justified in the use of reasonable force to aid another in the lawful defense of his or her rights in property or in any public property.

11. *"When Defense Is Not Available"* (704.6) The defense of justification is not available to the following:

    A. One who is participating in a forcible felony, or riot, or a duel.

    B. One who initially provokes the use of force against himself or herself, with the intent to use such force as an excuse to inflict injury on the assailant.

    C. One who initially provokes the use of force against himself or herself by his or her unlawful acts, unless

        1. Such force is grossly disproportionate to the provocation and is so great that the person reasonably believes that he or she is in imminent danger of death or serious injury, or

        2. The person withdraws from physical contact with the other and indicates clearly to the other that the person desires to terminate the conflict but the other continues or resumes the use of force.

12. *"Resisting Forcible Felony"* (704.7) A person who knows that a forcible felony is being perpetrated is justified in using, against the perpetrator, reasonable force to prevent the completion of that felony.

13. *"Escape From Place Of Confinement"* (704.8) A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used

to prevent the escape of one who the correctional officer or peace officer knows or should know is confined on a charge or conviction of any class of misdemeanor.

14. *"Use Of Force In Preventing Escape"* (804.13) A peace officer or other person who has an arrested person in his or her custody is justified in the use of such force to prevent the escape of the arrested person from custody as he or she would be justified in using if her or she were arresting such person.

15. *"Certified Officers"* Certified officers while off-duty may carry a concealed weapon as set out by state law. However, no officer is permitted to carry a concealed weapon while consuming alcoholic beverages. When wearing civilian clothing the officer shall conceal the firearm from public view.

16. *"Reserve Officers"* Reserve officers with a professional permit will be permitted to carry a concealed weapon only when assigned duties by the Decorah Police Department.

17. An officer is NOT justified in using his or her firearm whenever there is a risk of injuring innocent bystanders unless their life or the life of others is threatened. To risk the life of innocent persons to prevent the escape of a felon cannot be justified.

18. Officers are NOT justified in using their firearms on mere suspicion that a crime has been committed or that the person being pursued committed the crime, no matter how serious.

19. A committee shall be formed to review all circumstances surrounding any incident in which a firearm was used by any member of this department, excluding those incidents in which it is necessary to shoot an animal which is dangerous to the community or has evaded capture.

400: Defensive Actions / Use of Force

Contained in this section are the following:

410 Authorized Weapons

411 Safety & Security of Weapons

412 Open Hand Methods of Control & Handcuffing

413 Less Lethal Resources / Impact Weapons

414 Firearms

415 Knives / Weapons of Last Resort

416 Prohibited Weapons / Prohibited Uses

417 Reporting Requirements

418 Training and Qualification

419 Injuries to Suspects or Officers

420 Use of Deadly Force on Fleeing Felons

421 Charges

422 Discussing Matters Under Investigation

423 Post Shooting Procedures

424 Officer Involved Shooting Investigation

425 Post Incident Procedures

426 Continued Contact With Suspects

427 Officers Assigned to Other Agencies

Addendum Definitions

400: Defensive Actions / Use of Force

Purpose

The purpose of this order is to establish policy and procedure regarding the reasonable, appropriate and acceptable use of defensive action resulting in the use of force, to provide for a high degree of officer safety, and to provide for the treatment of any injury or complaint of injury arising from the use of defensive action. Additionally, this order will establish policy and procedure regarding training and proficiency standards required for members to carry and/or use the issued/authorized weapons of this department, as well as establish the reporting and investigation procedures when defensive action resulting in the use of force is taken.

Definitions:

A. *"Oleo Resin Capsicum Spray"* (OC) is an issued/authorized self defense spray device to be utilized in accordance with applicable department policies. OC may also include other types of chemical munitions and/or delivery systems.

B. *"Firearm"* is an issued/authorized weapon to be utilized in accordance with applicable department policies.

C. *"Handcuffs"* are an issued/authorized temporary restraint device intended to restrict and control a subject's actions, to provide for officer safety and security, and to be utilized in accordance with applicable department policies.

D. *"Impact Weapon"* is an issued/authorized weapon to be utilized in accordance with applicable department policies.

E. *"Less Lethal Force"* is that force which is unlikely, when properly used, to result in serious physical injury or death. Less lethal force shall include the use of the following: chemical irritants (oleoresin Capsicum), ASP baton, less lethal munitions, other bodily or mechanical force such as the use of hand blows, other striking instruments or canine bites.

F. *"On-Duty"* defines the work status of an officer during the course of his/her usual tour of duty.

G. *"Off-Duty"* defines an officers work status while not in the course of his/her usual tour of duty.

H. *"Sidearm"* is that handgun which is carried by the officer as his/her primary or secondary firearm. A sidearm shall only be those firearms specifically authorized by the Chief of Police.

I. *"Shoulder-Mounted"* weapon is a shotgun or rifle, which the officer normally has at his/her disposal during the course of the tour of duty. A shoulder-mounted weapon shall be only those firearms issued by the Department and specifically authorized by the Chief of Police.

J. *"Reasonable Force"* is that defensive force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such defensive force is necessary to avoid injury or risk to one's life or safety or the safety of another, or it is reasonable to believe that such force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment. (704.1 Iowa Code)

K. *"Arrest"* Is the taking of a person into custody when and in the manner authorized by law, including the restraint of the person (by force or command), or with the person's submission to custody.

L. *"Carotid Restraint"* A restraint that reduces the blood flow to the brain by applying pressure to the carotid arteries.

M. *"Ability"* The suspect must have the power to kill or cause serious bodily injury.

O. *"Opportunity"* The suspect must be within range of killing or causing serious bodily injury with the deadly power at his or her command.

P. *"Jeopardy"* The suspect must be acting in such a manner that a reasonable person would believe the offender was about to exercise his or her power to kill or cause serious bodily injury, and could be restrained in no other way.

Q. *"Officer Involved Shooting Incident"* A line-of-duty incident where shooting causes death or serious bodily injury to an officer or other person.

R. "Deadly Force" means any of the following: (704.2 Iowa Code)

1. Force used for the purpose of causing serious injury.

2. Force, which the actor knows, or reasonably should know, will create a strong probability that serious injury will result.

3. The discharge of a firearm in the direction of some person with the knowledge of the person's presence there, even though no intent to inflict serious injury can be shown.

4. The discharge of a firearm at a vehicle in which a person is known to be.

S. "*Electronic Control Device"* a less lethal device designed to disrupt the body's central nervous system. (TASER)

Policy

Included herein is the general policy and procedural guidelines pertaining to the use of defensive action involving the use of force, carotid restraint, chemical agents, firearms, or the application of deadly force as it applies to making an arrest or as a justification. The following policy has been adopted as a general guideline and is not intended to limit the use of defensive actions or firearms in certain instances not covered specifically herein.

An officer is entitled to the use of "reasonable force" which the officer believes to be necessary to affect a lawful arrest. However, he or she must recognize the different levels of threat and amount of force needed to overcome the resistance.

The power to use deadly force against a violent suspect is perhaps the gravest responsibility of the sworn police officer. Deadly force is to be used only as a final answer to a deadly threat. A Decorah Police officer may fire his or her weapon at another human being only when the officer, a fellow officer or citizen is in immediate and otherwise unavoidable danger of death or serious bodily injury from the individual the officer is applying deadly force against.

Three criteria must be met to constitute "immediate and otherwise unavoidable danger of death or serious bodily injury." The suspect must display "ability, opportunity and jeopardy." If there is any reasonable doubt in the officer's mind that the suspect possesses lethal ability and opportunity and is placing innocent life in immediate and otherwise unavoidable jeopardy, the officer will re-evaluate the level of force needed.

Procedure

A. Use of Force by a Person

The Code of Iowa states that a person is justified in the use of reasonable force :

1. When the person reasonably believes that such force is necessary to defend oneself or another from any imminent use of unlawful force. (704.3)

2. To prevent or terminate criminal interference with a person's possession or other right to property. (704.4)

3. To aid another in the lawful defense of the other person's rights in property or in any public property. (704.5)

4. When he knows that a forcible felony is being perpetrated, a person is justified to use reasonable force against the perpetrator to prevent the completion of that felony. (704.7)

5. A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent escape of any person from any jail, penal institution, correctional facility or similar place of confinement, trial or judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows is confined on a charge or conviction of any class misdemeanor. (704.8)

B. Use of Force by a Peace Officer

The Code of Iowa states that a peace officer, while making a lawful arrest, is justified in the use of any force that the peace officer reasonably believes to be necessary to affect the arrest or to defend any person from bodily harm while making the arrest. However, the use of deadly force is only justified when a person cannot be captured in any other way and either:

1. The person has used, or threatened to use, deadly force in committing a felony, or

2. The peace officer reasonably believes the person would use deadly force against any person unless immediately

apprehended.

3. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force, which the peace officer would be justified in using if the warrant were valid, unless the peace officer knows that the warrant is invalid. (804.8)

C. Situation Based Use of Force Continuum

The continuum is intended to provide an overview of the force options available to officers. It is a fluid concept that attempts to embody the dynamics of a confrontation.

1. **Options** A number of factors are taken into consideration when an officer selects force options, and when evaluating whether the officer has used reasonable force. Examples of factors that affect an officer's force selection include, but are not limited to:

   - Officer/subject factors (age, size, relative strength, skill level injury/exhaustion, number of officers versus number of suspects)
   - Influence of drugs or alcohol
   - Proximity to weapons
   - Availability of other options
   - Seriousness of the offense
   - Other exigent circumstances

2. **Gaining Control** An officer need not attempt to gain control over an individual by use of the lowest level of force on the continuum when reason dictates and the officer can articulate that a higher level of force is reasonable. Skipping steps may be appropriate given the resistance encountered.

3. **Action of Subject(s)**

   1. Cooperative: Subject is cooperative and complies with verbal commands or directions.

   2. Non-responsive or Uncooperative: Subject is uncooperative when taken into custody, or fails to respond to verbal commands or other directions

   3. Passive Resistance or Aggression: Subject is passively or defensively resisting an officer's authority and direction. Includes verbal and physical cues of non-compliance.

4. Active Resistance or Aggression: Subject is attempting to interfere with the officer's actions by inflicting pain or physical injury to the officer without the use of a weapon or object.

5. Assault or Threat of Assault: Subject assumes a fighting stance, charges an officer or verbally or physically indicates intent to commit an assault.

6. Life Threatening Assault or Assault Likely to Cause Great Bodily Harm: Subject commits an attack using an object, a weapon or an empty hand assault, wherein the officer reasonably believes that the assault will result in serious physical injury and/or death.

4. **Officer Response Options**

1. Presence, Verbalization & Empty Hands: Includes display of authority as a peace officer and such non-verbal means of communication as body language, demeanor, and manner of approaching. Verbalization involves the directions and commands given to the subject

   Empty hands includes restraining a subject by placing hands on them with the intention of gaining control. Examples include the use of a firm grip, various escort positions or other techniques intended to physically control a subject. Also included in this level are pressure points and the application of various restraining devices such as handcuffs.

2. Compliance Techniques: Includes joint manipulations, take-down techniques and the use of intermediate weapons in control applications. Also included may be TASER and chemical agents such as Oleoresin Capsicum products.

3. Physical Contact, Impact Tools: Includes the use of an impact weapon (ASP), less lethal munitions and personal weapons such as hands, feet, elbows and knees to strike a subject.

4. Deadly Force: Includes the use of a firearm or any force that has a reasonable likelihood of causing death or serious physical harm. The Carotid Restraint is considered a deadly force level option, and as such shall only be used when such force is justified.

Officers should use only the minimum degree of force that is necessary given the circumstances, to achieve the police objective.

D. Use of Force Tactics, Techniques and Weapons

Officers shall utilize only those force tactics, techniques and weapons that are approved for use by the Department. Officers shall be proficient and where applicable, possess proper Department approved certification for any use of force technique or weapon before it is employed.

410.01 Authorized Sidearms & Other Weapons

ASP collapsible baton, OC spray, Glock .40 caliber semi-automatic pistol or department authorized alternative, department authorized shoulder mounted firearms.

410.02 Defensive Actions/Weapons Training

All sworn members of the department shall successfully complete:

A. Department firearms training. Elements of this training may include, but not be limited to low light firing, cold or inclement weather firing, decision making skills, multiple adversaries, weapon malfunctions, simulation or role playing scenarios, and be familiar with the department's Defensive Action policy as it relates to the use of deadly force.

B. Elements of this training may include, but not be limited to handcuffing, weapon retention, pressure point control techniques, joint locks, come-alongs, a department approved defensive tactics training program on a periodic basis. The resistance/control continuum, resistance/control reporting procedures and the Department's Defensive Action policy.

C. Training with authorized weapons prior to their issue or carry. This shall apply to restraint devices, aerosol weapons, impact weapons and any other weapons with which an officer is equipped or is authorized to carry.

411.01 Safety And Security of Weapons

Officers are responsible for the safe and secure handling and storage of weapons, whether in the workplace or elsewhere.

A. In the workplace

1. Weapons shall be safely handled at all times. General firearms safety guidelines should be followed whenever possible.

2. Weapons should not be left unattended unless secured.

3. Handling of weapons should be kept to a minimum. Situations where handling of weapons is permitted would include:

   a) Pre-shift check of shotgun in car.

   b) Maintenance by a department approved weapons instructor or armorer.

   c) During training classes, under the direction of a department approved trainer.

   d) Whenever necessary for a law enforcement related purpose.

   e) Cleaning in designated areas.

   f) Loading and unloading in designated areas.

B. In the home

1. Weapons should be safely handled. General firearms safety guidelines should be followed whenever possible.

2. Weapons left unattended in the home or elsewhere, should be secured, so as to keep them away from children or other unauthorized persons. Iowa Code Section 724.22(7) makes it a serious misdemeanor not to restrict access to loaded firearms to minors under the age of fourteen years.

412.01 Handcuffs and Restraints

The purpose of handcuffs, flex cuffs or Ripp restraints is to restrain the movements of a subject in a manner that provides a safe means of transportation for officers and others. Restraints also control further physical resistance from a subject. Only the department issued/authorized restraint devices may be used.

A. Subjects taken into custody shall be handcuffed behind their back to assure the safety of the officer and others. The exceptions to this rule are:

   1. When the subject has an injury that does not permit his/her arm to move behind the back.

   2. When the subject's age, physical condition, or physical limitations may also indicate a change in this procedure.

   3. Juvenile offenders, unless they are a hazard to themselves or others, or are an escape risk.

B. Whenever handcuffs are applied they should be double locked. The exception to this rule is when, due to the arrest environment or combativeness of the subject it would be unsafe to do so. Handcuffs will be double locked as soon as it can safely be done.

C. To assure proper safety for officers, all subjects shall be handcuffed prior to searching.

D. Except under exceptional circumstances, officers should not handcuff a subject to fixed objects such as posts, vehicles, buildings, etc.

E. Use of alternative restraint devices such as flexcuffs, leg ties or hobbles, should be limited to situations in which standard departmental restraint devices are unavailable or insufficient to safely secure suspects.

F. "Hog-tying" and other types of restraint that involve bending a person so as to connect his/her hands and feet are prohibited. Officers should avoid restraint and transport techniques that place individuals into positions that restrict breathing. Department administrators should be aware of cases involving positional asphyxia as a result of hog-tying and unusual restraints/positions.

413.01 Oleo Resin Capsicum Spray (OC)

The purpose of OC is to provide officers with a safe and effective control option. OC provides for the temporary incapacitation of subjects while providing a high degree of safety for both the officer and the subject.

A. OC shall be carried by all personnel trained in it's use, and may be employed in the following situations:

   1. To effect custody during a lawful arrest of a subject who physically resists or threatens to physically resist by assuming an aggressive posture, and who does not comply with verbal requests.

   2. To defend oneself, another officer or a citizen from attacks by a subject or animal.

   3. To disperse or control an unruly or dangerous group where arrest may not be an option.

B. The OC must be carried in a manner that provides for adequate security and retention of the OC when not in use.

C. In the event an officer is threatened with OC, the officer may use that degree of force necessary to defend against the assault, based upon the totality of the circumstances.

D. After-use procedures for in-custody persons:

   1. After a subject has been exposed to the OC, the officer should:

      a) Briefly pause before moving in to establish control, to insure the OC has produced the expected effect.

      b) Control and handcuff the subject as quickly as possible.

      c) Provide verbal directions and positive reinforcement to reassure the subject that the level of discomfort being experienced is only temporary.

   2. Persons coming into contact with OC should:

a) As soon as practical be treated with exposure to fresh air and/or allowed to wash with copious amounts of flowing water.

b) Be monitored closely. Persons exhibiting signs of unusual medical distress (i.e. difficulty breathing, prolonged disorientation etc.) shall be transported to a medical facility for evaluation. A specific officer should be assigned to monitor the subject.

3. Persons who do not substantially recover from the effects of the OC after 45 minutes shall be transported to a medical facility for evaluation.

413.02 Impact Weapons

The purpose of the impact weapon is to provide officers with an effective control option when confronted by potentially violent subjects. The ASP Expandable Baton is the only department authorized impact tool carried for that specific purpose. All personnel trained in its use shall carry the ASP unless their work assignment makes it impractical to do so.

A. Trained personnel may employ impact weapons in the following situations:

1. During lawful arrest of a subject who reacts or threatens to react aggressively or violently, and who does not comply with verbal requests.

2. To defend oneself, another officer or citizen from attack by a subject or animal.

B. Procedures for impact weapon use:

1. Only the issued/authorized impact weapon may be carried.

2. The weapon will be carried in the approved manner.

3. The head, neck, spine, sternum & groin are considered deadly force targets. Intentional striking of these areas should only be done when the use of deadly force is justified.

4. In situations where the use of an impact weapon is justified, an officer may use a flashlight as an impact weapon when:

a) The issued/authorized impact weapon is unavailable for use or not readily accessible, and

b) The flashlight is utilized in a manner that is consistent with the techniques as instructed in the department approved impact weapons training program, and

c) The flashlight is used in strict compliance with all applicable sections of this policy and the Department's Defensive Action policy.

C. Impact Weapon After Use Procedures

1. After a subject has been struck with an impact weapon, he/she shall immediately, or as soon as practical, be taken to the hospital emergency room for evaluation.

413.03 Less Lethal Weapons

The Decorah Police Department places the highest value on human life. Members of the department are authorized and trained in the use and deployment of less lethal munitions. Less lethal munitions (Impact Munitions) is a concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury than conventional police tactics/equipment.

A. Definitions

1. Iowa Code 704.2 defines less lethal munitions as: "projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the persons body."

2. Kinetic Energy Impact Projectiles – Flexible or non-flexible projectiles (e.g. "beanbags") which are intended to incapacitate a subject with minimal potential for causing death or serious physical injury, when compared to conventional rounds.

B. Procedures for use

1. All officers of the Decorah Police Department shall be qualified in, and authorized to use the less lethal impact munitions.

2 Officers shall inspect each of the rounds to ensure they are less lethal rounds, prior to loading them into the shotgun.

3. All officers and personnel on the scene shall be advised when less lethal rounds are going to be fired.

4. The less lethal munitions will not be deployed unless there are sufficient numbers of officers present to provide cover and to take control of the suspect.

   In all cases where less lethal munitions are deployed there shall be a cover officer with lethal munitions capability available.

5. Less lethal munitions should not be used at a distance of less than 15 feet (5 yards) from the target.

6. Officers shall only deploy less lethal munitions which are provided by the department and shall use the appropriate type of round to address the given situation.

C. Target Areas

1. Less lethal projectiles shall be delivered to suspect target areas based on the circumstances of the situation and the level of force authorized. The deployment of less lethal projectiles shall be in conformance with department training guidelines pertaining to recommended target areas.

2. Head, Neck, Chest & Groin – Intentional impacts to these areas should be avoided unless the use of deadly force is justified.

D. After-use procedures.

1. In all cases where a suspect has been struck with a less lethal impact munition, they shall be transported to the hospital emergency room for evaluation.

E. Reporting procedures.

1. All reporting requirements regarding the use of defensive action shall apply to the use of less lethal munitions.

F. Weapon/ammunition storage.

1. Each patrol car will be equipped with a less lethal impact munition gun and less lethal impact munitions. This gun will be identified by the orange stock. ONLY less lethal rounds will be used in this gun

G. Defensive Action Involving the Use of Force - Continuum

1. Less lethal munitions are considered a form of Impact Munitions and as such they may be used when a suspect is assaultive or a threat to themselves or anyone else. Less lethal munitions may also be used when the security of distance dictates that this response is appropriate.

413.04 <u>Electronic Control Devices – TASER</u>

A. An ECD is a less lethal weapon that controls and affects the body's central nervous system. An ECD uses either propelled wires on a remote target or by direct contact with a subject in "drive stun" mode.

B. Approved Equipment and Training

1. All officers shall be required to be certified to carry the TASER, and shall carry the TASER while on-duty.

2. All ECDs will be carried in the cross draw position.

3. Officers will receive annual training on the ECD device. Training topics will consist of but not be limited to:

a. Deployment/Use/Documentation

b. ECD retention / Transition drills

c. Scenario based training

d. Medical considerations

4. The only DPD approved propelled ECD shall be the TASER X2 manufactured by TASER international.

a. Officers shall make every attempt to follow TASER International's recommended targeting areas when using the device.

C. Maintenance and Care of Equipment

1. Officers will check their ECD before the start of each shift by conducting a one second spark test. This should be done in a safe location away from public view.

2. If at any time the ECD, battery, or air cartridge is defective or damaged that unit must be taken out of service immediately and not used again until it is repaired.

3. Officers must carry the ECD with the safety on.

D. ECD Use

1. ECDs are designed to aid in the control of violent or actively resisting subjects, or those threatening violence where alternative restraint tactics have or are reasonably likely to fail and/or are not appropriate in the interest of officer, subject or public safety.

2. Use of the ECD on juveniles, elderly persons and pregnant females shall be generally prohibited. Officers should always take into consideration the subject's age, physical characteristics, and emotional state prior to deployment.

3. An officer's decision to deploy the ECD and utilize repetitive cycles will be predicated on the following:

   a. The subject continues to exhibit active physical resistance, the subject refuses to follow commands to stop resisting, and other alternative control methods are not feasible.

   b. The attempt by the subject to defeat the ECD connection is sufficient justification for repetitive cycle deployments.

4. When tactically appropriate deploying officers will announce "TASER TASER" to alert others of the ECD use.

5. Prior to deployment of the ECD, officers must take into consideration environmental factors which may

contribute to serious injuries or death. These factors include but are not limited to subjects standing on or near the edge of an elevated area, stairwell or water. Officers deploying the ECD are responsible for evaluating each situation on an individual basis before deployment.

6. Officers will not deploy the ECD near flammables or fumes, which can be ignited by the ECD. This includes but is not limited to gasoline, propane, natural gas, chemical agents and some brands of OC spray/foam.

7. The ECD will not be used on a subject in physical control of a motor vehicle while the vehicle is in motion. Officers will not deploy the ECD from a moving vehicle.

8. Use of the ECD on a handcuffed prisoner shall be generally prohibited and only authorized at those times where it is necessary in order to prevent injury to an officer, the public or the subject. All other means of control shall be pursued prior to the use of the ECD.

9. An officer's decision to use either the propelled wires or drive stun mode is based on factors at the time of deployment and what would be most advantageous to gain compliance by the subject.

10. The ECD use shall be generally prohibited when a subject displays solely passive resistance/simple disobedience (i.e.peaceful protest, refusal to stand, non-aggressive verbal resistance etc.) There must be clearly articulable facts to support ECD use under these circumstances.

11. The ECD should not be used in a situation where deadly force is clearly justifiable, unless another officer is present and capable of providing deadly force to protect the officers or the public.

E. Reporting requirements

1. Officers will immediately contact the on-duty

supervisor and advise them of the deployment of the ECD, even if the discharge was accidental. The supervisor will respond to the scene and conduct a thorough review.

2. Officers shall complete the Officer Use of Defensive Action report and TASER Deployment Report in all cases involving ECD use.

3. Officers will take photographs of where the probes or drive stun made contact with the subject's body and any other injuries sustained during the incident. The photographs will be included with the case file.

4. The TASER coordinator shall as soon as practical after the deployment of the ECD, download the data record of the ECD and include that with the Supervisor Report on the Use of Force. The deploying officer's supervisor will be responsible for notifying the TASER coordinator.

F. Post Deployment Care

1. After the subject is secured, the officer shall have the Winneshiek County Ambulance respond to the scene to evaluate the subject. Paramedic staff will determine if the subject can be cleared for transport to the jail or should be transported to the hospital for further evaluation. Probes may be removed at the scene by officers or paramedics.

   A. Should the subject request to go to the hospital after paramedics have cleared them for incarceration, the subject will be informed that further evaluation is at their own expense.

2. All probe contacts and drive stun techniques will require immediate medical evaluation.

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3. When the subject is taken to the Winneshiek County Jail, the officer will advise the jail staff that the subject was exposed to an ECD deployment and provide medical clearance documentation.

4. Officers will maintain constant observation of the subject following ECD deployment and removal of

the probes, as defined in the Officer Defensive Action Report. Medical attention will be documented on the TASER Medical Release form, Officer Use of Defensive Action Report and TASER Deployment Report. Officers should be alert to the following conditions after ECD use:

a. High body temperature

b. Subject complains of chest pain, abdominal pain or back pain

c. Subject complains of shortness of breath or rapid heart beat

d. Subject is incoherent

e. Subject is unconscious

5. The expended probes will be treated as bio-hazard material. The probes will be inserted point first back into the air cartridge, sealed in a plastic bag and labeled as biohazard material. The cartridge will then be logged as evidence.

414.01 Firearms

The purpose of the firearm is to provide officers with an effective control option when faced with deadly force confrontations. Only those firearms and ammunition that are issued/authorized by the department shall be carried while on or off duty. All sworn personnel shall carry the authorized firearm while on duty. Alternative sidearms and secondary firearms may be carried upon approval by the Chief of Police and department weapons officer.

A. Officers shall fire a passing score with all issued/authorized firearms on the Iowa Law Enforcement Academy approved course of fire twice a year.

1. This requirement applies to all firearms, including the primary duty weapon, back up weapon, off duty weapon, shotgun, rifle or any other firearm authorized or approved for law enforcement purposes.

2. Firearms training and proficiency testing will be conducted by a certified instructor and documented.

B. Handguns and ammunition will be carried:

1. By uniformed personnel in the issued/approved holster and ammunition carriers.

2. Plainclothes and administrative personnel shall carry their handguns in an approved holster that provides safety and security.

C. Shoulder mounted weapons and ammunition will be carried in the vehicle in the approved manner.

414.02 Uniform Duty Sidearms

The police duty sidearm must be reliable, easily operated under stress, and easily maintained in peak mechanical condition. The following criteria must be met for the uniform duty weapon to be carried by officers.

414.03 Department Issued Weapons

The Department shall issue a Glock, Model 22C or 23C, .40 S&W caliber pistol. Custom grips are permitted provided they do not interfere with the loading, unloading, or ambidextrous operation of the weapon. The department Weapons Officer shall be the only officer permitted to disassemble a Department issued weapon. An officer is permitted to field strip pistols to assist in the cleaning of the weapon.

414.04 Optional Semi-automatic Pistol

An officer may choose to carry at his or her option a double action semi-automatic pistol of quality manufacture, including Colt, Smith & Wesson, Ruger or other brand approved by the Chief and Weapons Officer. Caliber 9mm Parabellum (Luger), .45 ACP or .40 caliber. Barrel length must be 3 to 6 inches. Blue, nickel, hard chrome, or stainless finish. Fixed or adjustable sights. Any modifications to the weapon will be for the purpose of increased reliability and efficiency of operation. Modifications will be performed by a professional gunsmith, with prior approval of the Department Weapons Officer.

414.05 Responsibility To Provide The Weapon & Duty Gear

If the officer chooses to carry a weapon other than the one issued by the Department, it shall be the officer's responsibility to provide the weapon and leather gear conforming to Department standards. The officer shall also provide (3) approved magazines for duty carry.

414.06 Weapons Officer To Maintain Records

The Department Weapons Officer shall maintain records of each weapon and to whom they are issued. The records will contain weapons used for duty, secondary use and off-duty. The records will include make, model and serial number of each weapon. All duty weapons will be subject to inspection and approval by the Weapons Officer.

414.17 Off Duty Weapons

Officers shall carry their badge and Police Department identification when carrying a firearm off-duty.

A. Caliber: All off-duty weapons shall be .32 caliber or larger. Weapon shall be of quality manufacture subject to the approval of the Chief of Police.

B. The officer must fire for qualification before the off-duty weapon is approved.

   1. Officers shall qualify with off-duty weapons twice a year.

C. Manner of carry: Off-duty weapons shall be carried in a secure holster with a safety strap or other retention device. The weapon will be discretely concealed at all times.

414.08 Secondary Weapons

In a violent line-of-duty encounter, the officer's primary weapon may malfunction, run empty, or be taken by a suspect. For these reasons, officers may choose to carry a secondary firearm. Department regulations regarding secondary weapons are as follows:

A. Caliber: All weapons shall be .32 caliber or larger. Weapon shall be of quality manufacture subject to the approval of the Chief of Police and Weapons Officer.

B. Ammunition: Ammunition shall be provided by the officer and of a department authorized specification. The ammunition shall be rotated annually.

C. Qualification: The weapon shall be qualified with twice a year.

D. Manner of Carry: The weapon shall be carried in a secured manner that is not visible to the public.

414.09 Ammunition

All ammunition carried in primary duty guns, secondary guns, and off-duty guns shall be of a department authorized specification. Ammunition shall be replaced annually.

414.10 Weapons Officer Responsibilities

The Department's Weapons Officer shall be responsible for training and qualifying members of the department and reserve officers in the use of firearms. The Weapons Officers shall also maintain records of training and qualification.

414.11 Department To Provide Ammunition

The Department will provide ammunition for primary duty weapons, for training and qualification twelve times per year. Twice for qualification and ten times for training.

414.12 Qualification Standards

The qualification standards for carrying firearms shall be 80% on the Semi-Automatic Duty Qualification Course set by the Iowa Law Enforcement Academy (ILEA) and the Glock Semi-Automatic Pistol Evaluation Course. The standards shall be 80% on the Revolver Qualification Course for secondary weapons of a revolver variety.

414.13 Qualification And Training

Officers shall be required to qualify twice a year with duty sidearms, secondary sidearms and off-duty sidearms. Officers will also be required to qualify with the Department issued shotgun two times per year. If the officer fails to qualify, the Weapons Officer shall

seize the concealed weapons permit and inform the officer that he or she may not carry a firearm until a qualification score can be obtained. Members shall have 30 days to obtain a qualification score. All officers will be required to qualify with the patrol rifle once per year on the FBI Rifle Qualification Course. SRT members shall be required to qualify with the issued rifle a minimum of one time per year on the FBI Rifle Qualification Course.

414.14 Reserve Officers

Reserve officers will be required to qualify twice a year to be permitted to carry firearms. If the reserve officer fails to qualify, the Weapons Officer shall seize the weapons permit and inform the officer that they may not carry a firearm until a qualification score can be obtained.

414.15 Reserve Officers Responsibility

If the reserve officer fails to qualify it will be their responsibility to provide their own ammunition for training and qualification.

414.16 Shotgun Training

The Department will provide training and familiarization with the Department issued shotgun twice a year.

414.17 Unregistered Weapons

Any weapon of any type that the officer anticipates carrying on or off duty should be registered with the Department. Carrying an unlisted or “untraceable” gun, will be grounds for disciplinary action.

414.18 Rifles

Under certain emergency situations the need for a high power rifle may exist. These conditions may include, but not be limited to armed barricaded suspects, armed suspects encountered at a distance too great to be successfully engaged by handgun or shotgun and suspects armed with weapons of a high caliber.

A. Authorized Personnel

1. Only officers authorized by the Chief of Police, who have maintained an annual qualification will be allowed to deploy a patrol rifle.

2. Officers will be required to demonstrate proficiency by posting a qualifying score on the FBI Rifle Qualification Course as well as any other prescribed department qualification course. Qualification will be conducted annually.

B. Ammunition

1. Only Department issued ammunition will be used in the patrol rifle.

C. Storage

1. The patrol rifle will be stored in the soft case and kept in the trunk of the patrol car, or in the locked weapons storage rack in the front of the car.

   The patrol rifle will be stored in the following condition:

   a) Hammer forward on an empty chamber
   b) Selector lever in SAFE position.
   c) Magazine loaded with 18 rounds of ammunition and inserted in the weapon.
   d) Eotech sight turned off. Spare batteries stored in the case.
   e) Two additional loaded magazines located in the case.

D. Deployment

1. The patrol rifle may be deployed at the discretion of the officer in any situation where drawing the handgun or deploying the shotgun in the anticipation of using deadly force would be appropriate. The officer should however, consider that as the distance from the threat increases, the capabilities of the patrol rifle become more desirable. In order to minimize concern by the public, officers should also consider the visual impact of deploying a tactical rifle in a populated environment.

2. Upon deployment the officer shall perform the following pre-operation functions.

   a) Power up the Eotech sight.
   b) Chamber a round.
   c) Place selector lever in SAFE position.
   d) Adjust stock if necessary.

3. During deployment the rifle selector lever will be kept in the SAFE position until ready to fire.

4. Upon returning the weapon to storage condition the officer will use the following procedure:

   a) Ensure selector is in the SAFE position.
   b) Power down the Eotech sight.
   c) Remove the magazine.
   d) Eject the chambered round.
   e) Visually & manually ensure the chamber is empty.
   f) Point the muzzle in a safe direction and pull the trigger allowing the hammer to fall on an empty chamber.
   g) Re-insert the magazine after topping off with ammunition.
   h) Return the rifle to the case.

E. Maintenance

1. The patrol rifles will be cleaned by the Department Weapons Officer on a routine schedule.

2. If a rifle fails to function, immediately remove it from service and forward a memo to the Weapons Officer describing the problem.

414.19 <u>Procedures for Firearms use</u>

The use of a firearm is categorized as deadly force as described in the Defensive Action policy. The use of a firearm must be in strict compliance with the deadly force sections of the Defensive Action policy and will only be permitted under the following circumstances:

A. The use of a firearm is authorized to destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.

   1) When euthanizing an animal, consideration must be given to the environment and the risk posed to the public due to over penetration, ricochet, etc.

B. While on the firing range during a recognized firearms training program.

C. In the application of deadly force when the officer, a fellow officer or citizen is in immediate and otherwise unavoidable

danger of death or serious bodily injury from the individual the officer is applying the deadly force against.

414.20 Prohibited Acts With Firearms

The following are prohibited acts with firearms, due to the limited effectiveness and the substantial risk the public would be exposed to:

A. Warning shots are not permitted under any circumstances.

1. Warning shots can cause other officers to believe that a suspect is firing, and create circumstances that might contribute to an unjustified shooting.

B. Firing from a moving vehicle is prohibited.

C. Firing at a moving vehicle is generally prohibited unless exceptional circumstances exist.

D. Using a firearm as an Impact Weapon is prohibited.

415.01 Knives

Knives are considered a necessary tool for law enforcement, and as such their use as a tool is authorized. The knife must comply with state laws regarding concealment and will be provided by the individual officer.

415.02 Last Resort/Weapons of Necessity

Weapons of last resort may include, but are not limited to anything covered in this policy, as well as the use of the patrol vehicle, personally purchased knives and any other instrumentalities which, measured upon the standards of “reasonableness” and “necessity” will be justified under the totality of the circumstances.

A. No officer will intentionally use the police car to ram another unless he or she is certain beyond a reasonable doubt that:

1. No innocent person will be harmed by that act and that the driver and all occupants of the rammed vehicle are acting in a manner that creates an immediate and otherwise unavoidable risk of death or serious bodily injury to innocent persons. The ramming of another vehicle will be considered deadly force.

416.01 Prohibited Weapons/Uses

A. At no time shall an officer unnecessarily brandish or use any weapon as an intimidation device.

B. Weapons shall not be exhibited or displayed except when necessary for legitimate law enforcement purposes.

C. The carry or use of any non-approved weapon shall be strictly prohibited. Prohibited weapons include, but are not limited to, “sap gloves,” “saps,” “black jacks,” “Billy clubs,” “brass knuckles,” or “martial arts weapons.”

D. No officer shall modify, alter or change in any manner the issued/authorized tools, weapons or implements approved for carry under this policy without the specific permission of the Chief of Police or his designee.

417.01 Reporting Requirements

A. General Provisions & Procedure

1. Officers shall file a written Incident Report in each and every situation where they are required to use defensive action.

2. Whenever officers have knowledge of, or are involved in any non-deadly use of defensive action above the level of standard handcuffing techniques for a non-resistor, they shall notify a Supervisor as soon as possible.

3. All reports of defensive action involving the use of force resulting in an injury to the suspect or officer, shall be completed prior to the end of the officer’s shift.

4. In all cases where defensive action involving the use of force is taken, beyond that of handcuffing a non-resistor, the Officer Defensive Action Report shall be completed and included with the case file.

B. Supervisors Investigation and Reporting Requirements

1. In all cases where an officer has used defensive action involving the use of force, which resulted in serious injury to the suspect or officer, a supervisor shall respond to the scene as soon as possible and conduct an investigation into

the circumstances surrounding the use of the defensive action. If a supervisor is not working at the time of the incident, one shall be called out.

2. In all cases where defensive action was used and no injuries or very minor injuries were sustained, a supervisor shall respond to the scene to conduct an investigation. If no supervisor is working at the time of the incident, the next on-duty supervisor shall conduct the investigation.

3. The investigating supervisor shall complete the Supervisor Inquiry of Officer Defensive Action report and include it in the case file. A copy of the report shall be forwarded to the Chief of Police.

4. In cases where a supervisor has used reportable force, another member of the supervisory staff shall conduct the investigation into the use of defensive action/force.

C. Reporting the use of Deadly Force

1. Whenever officers have knowledge of, or are involved in any use of deadly force they shall immediately notify their shift supervisor, the Chief of Police, Assistant Chief and Captain.

2. In addition to any initial and internal investigations of an officer involved deadly force usage which causes serious injury or death, the Decorah Police Department will request an independent investigation by an outside law enforcement agency, preferably the Iowa Division of Criminal Investigation. The Chief of Police, Assistant Chief, Captain or their designee will make this request.

D. Witness statements

1. In any situation where an officer or suspect has been injured, witnesses shall immediately be identified and as soon as practical signed statements shall be obtained.

418.01 <u>Training and Qualification</u>

A. This department is committed to the belief that increased training enhances professionalism and decreases the likelihood of injury to both the officer and subject. Because of this commitment, appropriate training in the proper use of

department issued/authorized weapons is considered mandatory as defined in the other areas of this manual.

B. Continued proficiency in defensive tactics techniques and the use of issued/authorized weapons is recognized as a required job skill, necessary to continued employment as a police officer.

C. Failure to successfully complete the required training at the required frequencies, or to demonstrate proficiency in the use of any issued/authorized weapon will result in one or both of the following administrative actions:

1. The revocation of authorization to carry or use the weapon in question.

2. Discipline, up to and including discharge. Prior to resorting to disciplinary action, the department will take whatever reasonable steps are necessary to provide the officer with the additional or remedial training so that the required level of proficiency can be achieved.

419.01 Injuries To Suspects Or Officers

It shall be the responsibility of any officer at a scene involving the use of force, to make medical treatment available for any person who has been injured. If in the judgment of the officer the injured subject is not capable of rationally making such a decision, the officer shall be responsible for making the decision. This may include the following:

A. First aid at the scene.

B. Request for paramedics at the scene.

C. Transportation of the subject to the emergency room.

In the event an officer sustains an injury during the course of his or her duties, medical evaluation and treatment will be sought as as soon as it is practical if the injuries warrant. The officer shall immediately notify a supervisor in all cases involving injury.

420.01 Use Of Deadly Force On A Fleeing Suspect

The use of deadly force to apprehend a fleeing felon will be justifiable ONLY when ALL of the following criteria have been met:

A. The suspect MUST be KNOWN to have committed a felony causing serious bodily injury or death against another person.

B. The officer MUST have made every reasonable effort to identify him or herself as a police officer.

C. Finally and most importantly, the circumstances must be such that a reasonable person would conclude that the suspect's continued freedom would create a clear and immediate or on-going risk of serious bodily injury or death to others.

421.01 Charges

Any individual causing injury to a police officer shall be immediately arrested and charged with the appropriate offense in accordance with Chapter 844 – Felony and Misdemeanor Arrests.

422.01 Discussing Matters Under Investigation

Any episode involving injury-producing use of force by or against department officers is a matter for official department investigation. Department regulations prohibit discussing matters under official investigation with anyone outside the department without the Chief's express permission. Violation of this section is grounds for disciplinary action. All inquiries by the media or any other source shall be referred to the Chief of Police.

423.01 Post Shooting Procedures

A. Communications Center notification

1. As soon as possible after a shooting incident the officer shall notify the Communications Center and request any necessary medical aid as well as the on-duty supervisor. The on-duty supervisor shall request that the Chief of Police, Asst. Chief, Captain and Investigator be notified.

B. Suspect handling procedures

1. Suspects shall immediately be handcuffed, whether injured or deceased, unless death is very apparent.

2. Officers shall secure weapons within the immediate proximity of the suspect and document where that weapon was located. If the weapon is a firearm, it shall not be unloaded.

3. Medical personnel shall not be permitted to approach a suspect until the area is made safe.

3. An officer shall accompany an injured or deceased suspect to the hospital and remain with the suspect at all times. The suspect shall not be interviewed regarding the incident.

C. Scene to be secured

1. The scene shall immediately be secured and evidence shall not be disturbed

D. Handling of officers at shooting scene

1. The on-duty supervisor shall assume primary responsibility in caring for the involved personnel.

2. The supervisor shall make appropriate arrangements for all necessary medical treatment.

3. During any period where the involved officer is required to remain on the scene, but has no immediate duties to fulfill, the officer should be taken to a quiet area away from the scene. A supportive friend or officer should remain with the officer, but should be advised not to discuss details of the incident.

4. The supervisor should arrange for the officers directly involved in the incident to leave the scene as soon as possible, and be taken to a quiet, secure setting.

5. Where possible, the supervisor shall briefly meet with the involved officers.

   a) No caffeine or other stimulants or depressants should be given to the officer unless administered by medical personnel.

   b) Only minimal, preliminary questions should be asked about the incident. The officers should be advised that a more detailed debriefing will be conducted at a later time.

   c) Any standard investigations that will occur concerning the incident should be discussed with the officers.

d) The officer should be advised that they may seek legal counsel.

e) The officer should be advised not to discuss the incident with anyone except a personal or department attorney, union representative, or Departmental Investigator, until the conclusion of the preliminary investigation.

6. The supervisor shall determine whether the circumstances of the incident require that the officer's duty weapon be taken for laboratory analysis. Where the duty weapon is taken, the supervisor shall:

   a) Take custody of the officer's weapon in a discrete manner. The weapon shall not be unloaded and shall be handled as evidence.

   b) Replace it with another weapon.

7. Involved officers should notify their families about the incident as soon as possible. Where an officer is unable to do so, a department official shall notify the family, and arrange for their transportation to the officers location.

8. At all times when at the scene of the incident, the supervisor should handle the officer and all involved personnel in a manner that acknowledges the stress caused by the incident.

424.01 Officer Involved Shooting Investigation

A Departmental preliminary investigation will be conducted by the Chief of Police, Asst. Chief, Captain and Department Investigator. Preliminary information will be gathered, which will be turned over to the Iowa Division of Criminal Investigation, who will be the lead investigating agency. The Decorah Police Department will conduct a parallel investigation, which will not interfere with the lead agency. The involved officer will be expected to cooperate fully in the investigations, and the officer involved shooting investigation team will in turn fulfill it's responsibility to safeguard the rights and the emotional well being of the involved officer. All involved have the primary responsibility to the community they serve, of clarifying all facts related to the given incident.

425.01 Post – Incident Procedures

A. Involved personnel shall be removed from line duties pending evaluation, but shall remain available for any necessary administrative investigations.

B. Officers involved in extremely violent encounters may experience “post-event trauma” symptoms. The Department will provide professional counseling and evaluation as soon as practical after the incident. Involved support personnel shall also be provided counseling after a shooting incident. After the counseling sessions, the specialist shall advise the Department:

   1. Whether it would be in the officer’s best interest to be placed on administrative leave and when to return to duty and at what level.

   2. Where the officers were relieved of their duty weapons after an incident, at what point they should be returned.

   3. What will be the best continued course of counseling.

C. The agency strongly encourages the families of the involved officers to take advantage of available counseling services.

D. Any Department investigation of the incident shall be conducted as soon and as quickly as practical.

E. The Department should brief other agency members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved officers their concern.

F. In order to protect against crank or abusive calls, officers should be advised to have phone calls answered by another person for several days if their names are released to the public.

G. Officers directly involved in the shooting incident shall be required to re-qualify as soon as practical.

426.01 <u>Continued Contact with Suspects</u>

Whenever possible, the officer involved in the defensive action against a suspect should have no further contact with the suspect after that action. This may minimize the likelihood of continued aggression by the suspect and the need for further defensive action. Any further tasks should be handled by other officers if circumstances permit.

427.01 Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies or multi-jurisdictional task forces will be guided by this policy.

500: Law Enforcement Operations

510 Patrol

511 Patrol
512 Responding To Alarms

520 Criminal Investigation

521 Criminal Investigation
522 Telephone Traces
523 Domestic Abuse
524 Missing Persons
525 Victim Registration, Rights, and Reparation

530 Organized Crime, Vice and Alcohol Offenses

531 Organized Crime, Vice and Alcohol Offenses
532 Alcoholic Beverages In Public
533 Public Intoxication
534 Confidential Informants
535 Confidential Funds

540 Juvenile Operations

541 Juvenile Procedure

550 Public Relations and Crime Prevention

551 Public Relations and Crime Prevention
552 Salvation Army
553 News Releases

560 Unusual Occurrences and Special Operations

561 Major Investigation Teams
562 Bomb Threats
563 Special Response Team

570 Intelligence

571 Intelligence Information

580 General

581 Office Maintenance and Care
582 Police Vehicle Maintenance and Care
583 Psychiatric Evaluations and Commitments

584 Substance Abuse Commitments
585 Report Writing
586 Ordering and Purchasing
587 Drug Recognition Expert

591 Canine Unit

511: Patrol

Purpose

To ensure that officers while on routine patrol remain alert for conditions and activity, which require the attention of the Police Department.

Policy

Officers shall routinely patrol, remaining alert for traffic violators, crimes-in-progress and any other circumstances, which require the attention of the Police Department. This may include enforcement of laws and ordinances and routine business checks among other things.

Procedure

511.01 Routine Patrol

In addition to answering calls for assistance, officers shall routinely patrol to help preserve the peace, protect life and property, prevent crimes and arrest any violators of Federal, State or City laws and ordinances.

511.02 Officers To Patrol At Peak Times

In additions to random patrol, officers shall patrol at peak traffic times.

511.03 Patrol Operations

Officers shall patrol looking for conditions and activity, which may require police action. During hours of darkness officers shall pay particular attention to businesses and residences, conducting security checks. Officers should also maintain knowledge of areas involving previous criminal activity and include those areas in their patrol.

511.04 Answering Calls

While on routine patrol, officers shall promptly answer all calls for service, and handle them in an efficient manner.

511.05 Enforcing Laws and Ordinances

Officers shall, during routine patrol service, remain alert for traffic violators, enforcing all laws and ordinances without favor.

512: Responding To Alarms

Purpose

To establish guidelines for police response to alarms.

Policy

The priority in responding to an alarm is the safety of bystanders and officers, the effective deployment of officers to observe and secure the area, and to apprehend any suspects. It will be necessary for the officers to familiarize themselves with the basic floor plan and location of doors and windows in the business establishments equipped with alarms.

Procedure

512.01 Types of Alarms

A. Private Security Alarm: The alarm consists of sensors and/or motion detectors located within a business or residence and when activated by an intruder triggers a direct telephone line to a private security company advising them of a possible intruder. The private security company then telephones the Communications Center and informs the Department of where the alarm was activated.

B. Outside Alarm: The alarm consists of sensors and/or motion detectors located within a business or residence and when activated by an intruder sets off a siren located on the interior or exterior of the business or residence and relies on neighbors hearing the siren and then contacting the Communications Center.

512.02 Communications Center Responsibilities

The Communications Center will be responsible for the following:

A. Receive and record all incoming information on the call.

B. Dispatch appropriate officers and immediately notify the shift supervisor of the action taken.

C. Perform relevant record and motor vehicle checks.

D. Control all radio communications.

E. Coordinate assistance under the direction of the shift supervisor.

F. Monitor the situation until it is stabilized or terminated.

512.03 <u>Officer Responsibilities</u>

A. It will be the officer's responsibility to become familiar with the different types of alarms, and the businesses utilizing them, location of doors and windows, and the floor plan of the various businesses.

B. Responding officers will acknowledge the Communications Center and give their present location and the position at the scene that they plan to take so other responding officers can plan accordingly.

C. Responding officers should be alert for vehicles and/or individuals leaving the scene. Officers will attempt, if possible, to identify the vehicles and/or individuals before checking the building for signs of entry.

D. The first officer at the scene will be the officer charge, unless relieved by a supervisory officer.

E. Officers will position themselves in such a manner as to be able to observe as much as possible utilizing available cover.

F. If the officer observes that all doors and windows are secure, the officer shall proceed to check the premises utilizing cover as much as possible.

G. If an officer observes or finds an open door or window, that officer will inform other officers and the Communications Center. A building search will then be conducted by the officers utilizing as much cover as possible. If entry was forced, the search shall always be conducted by at least two officers. If a K-9 is available, it may be used to assist in clearing the building. When officers plan on entering the premises they should notify other officers and the Communications Center. If no suspect(s) were found or if the premises is secure the officers shall immediately notify the Communications Center and other officers.

H. Once the premises are secure the officers will inform the Communications Center to notify the owner or key holder.

521: Criminal Investigation

Purpose

The purpose of this policy is to establish the duties and procedures to be followed during investigations.

Policy

It shall be the duty of the officers of the Department to prevent crime, to detect and apprehend criminals and to enforce federal and state laws, and city ordinances. Officers shall assist other agencies and departments to ensure that these goals are attained. Investigations shall be conducted using the most current scientific procedures available.

Procedure

521.01 Limits of General Powers

Officers shall exercise their general powers within the city limits of Decorah.

521.02 Assistance Outside the City of Decorah

Officers shall assist outside the city limits with the approval of the on-duty supervisor and at the request of another agency.

521.03 Iowa D.C.I. Requested to Assist

The Iowa Division of Criminal Investigation shall only be contacted to assist in a case by the Chief of Police, his or her designee or the Winneshiek County Attorney.

522: Telephone Traces

Purpose

To establish a uniform method of assisting citizens in obtaining telephone traces, especially those concerning threats against a person.

Policy

The members and employees shall assist citizens who have filed a complaint stating they have received objectionable telephone calls such as threatening, harassing, annoying or obscene calls.

Procedures

522.01 Formal Complaint

A formal criminal complaint shall be required before members of the Department pursue non-emergency telephone tracing options such as follow-up with the telephone service provider or County Attorney Subpoenas.

522.02 Emergency Telephone Tracing

In cases such as calls placed to the communications center from unidentified subjects who may be threatening suicide, members of the department may contact the telephone service provider in order to identify the caller and/or the location of the call. The telephone service provider may require submission of a formal written request after the information has been provided..

522.03 Information Not To Be Disclosed

Any confidential account information obtained from a telephone service provider shall not be disclosed to anyone outside the Department.

522.04 Charges

In cases where a criminal investigation into telephone harassment, threats or annoying behavior is being conducted, and the suspect is subsequently identified, the investigating officer shall assist the complainant in filing charges if that is determined to be the appropriate course of action.

523: Domestic Abuse

Purpose

The purpose of this policy is to establish guidelines for police intervention in acts of domestic abuse.

Policy

The primary objectives in responding to domestic abuse calls are to de-escalate violent situations, provide assistance to the abused party, to reduce officer injury, to reduce repeat calls, to enforce the law against violators and to facilitate prosecution where applicable. Therefore, it is the policy of this department to refer abusers and victims of domestic abuse to professional agencies for counseling, to arrest persons found to be responsible for crimes in domestic situations, and assist citizens involved in a domestic abuse in compliance with Chapter 236 of the Code of Iowa.

Definitions

A. Domestic Abuse means committing assault under any of the circumstances as defined in section 236.2 of the Iowa Code.

B. Domestic Abuse Assault means committing an assault as defined in section 708.1 of the Iowa Code, which is domestic abuse as defined in section 236.2 of the Iowa Code.

C. Family or Household Members means relationships as defined in section 236.2 of the Iowa Code.

Procedure

Communication Center Responsibilities

523.01 First Person To Receive Call

Because the dispatcher is likely to be the first person to receive the call, he or she is the key person in determining the type of response. The dispatcher should maintain telephone contact with the reporting party until officers arrive on the scene. This will permit the dispatcher to receive current information while officers are enroute and keep them updated on the status. This will also provide a degree of support for the victim, if the victim is the reporting party.

Responding Officers Responsibilities

523.02 Response To The Call

Priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach. Two officers will be dispatched to domestic disputes. Officers should attempt to determine if there are any valid No Contact Orders in place prior to arrival.

523.03 Refused Entry

When officers are refused entry to a residence, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, request the dispatcher to call the complainant and direct that person to meet officers at the door. If entry is still refused, contact a supervisor. The supervisor or senior officer on the scene will decide whether to remain or leave.

523.04 Forced Entry

There may be times when enough probable cause exists to indicate that a crime is occurring or has occurred, that represents a risk to someone's safety. In these cases, if entry is refused or there is no reply from the premises, forced entry may be necessary to protect a life or make an arrest.

among the circumstances that can provide probable cause to force entry are the following:

- Cries for help
- Weapons displayed
- Obvious signs of a struggle and victim is present

Officers shall evaluate the following elements when considering a forced, warrantless entry:

A. The degree of urgency involved and the time required to get a warrant

B. The possibility of danger to other, including police officers left to guard the scene

C. Whether the suspected offense involved violence

D. Whether officers reasonably believe that persons may be harmed.

523.05 Duties of Investigating Officer

The investigating officer or assisting officers shall be responsible for the following:

A. Establish control of the scene

B. Interview the parties involved

C. Identify and interview witnesses

D. Enforce valid No Contact Orders

E. Make appropriate arrests where such arrests are mandatory

F. Complete all required documentation

G. Provide victims with required Domestic Abuse referral paperwork

523.06 Prevention of Further Domestic Abuse

If an officer has reason to believe that domestic abuse has occurred, the officer shall use all reasonable means to prevent further abuse including but not limited to:

A. If requested, remaining on the scene as long as there is a danger to an abused person's physical safety without the presence of an officer, including but not limited to staying in the residence, or if unable to remain on scene, assisting the person in leaving the residence.

B. Assisting an abused person in obtaining medical treatment necessitated by an assault, including providing transportation to the emergency room of the nearest hospital. If the victim appears injured, yet refuses medical assistance, carefully document and photograph any injuries, and document the refusal of medical treatment.

C. Providing the abused person with a Domestic Violence resource packet.

D. Determine if the abused person desires follow-up from

the Domestic Abuse Resource Center and completion of the registration form if they do.

523.07 <u>Arrest Decisions</u>

An officer may, with or without a warrant, take any or all of the following courses of action if the officer has reasonable grounds to believe that there was recent physical domestic abuse inflicted on a person:

A. The officers may, with or without a warrant. arrest a person under section 708.2A, subsection 2a, Code of Iowa, a simple misdemeanor, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed which did not result in any injury to the alleged victim.

B. Except as otherwise provided in section 236.12, subsection 3A, Code of Iowa, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2b, Code of Iowa, a serious misdemeanor, if, upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed without the intent to inflict a serious injury upon another, and the assault causes bodily injury or disabling mental illness.

C. Except as otherwise provided in section 236.12, subsection 3A, Code of Iowa, a peace officer shall, with or without a warrant, arrest a person under section 708.2A, subsection 2c, Code of Iowa, an aggravated misdemeanor, if upon investigation, including a reasonable inquiry of the alleged victim and other witnesses, if any, the officer has probable cause to believe that a domestic abuse assault has been committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault. This section does not apply if section 708.6 or 708.8, Code of Iowa applies.

D. As described in section 236.12, subsection 2, paragraph “b”, “c”, or “d”, Code of Iowa, the peace officer shall arrest the person whom the peace officer believes to be the primary physical aggressor. The duty of the officer to arrest extends only to those persons involved who are believed to

have committed an assault. Persons acting with justification as defined in section 704.3, Code of Iowa, are not subject to mandatory arrest. In identifying the primary physical aggressor, a peace officer shall consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted upon the persons involved, and any history of domestic abuse between the person involved. A peace officer's identification of the primary physical aggressor shall not be based on the consent of the victim to any subsequent prosecution or on the relationship of the persons involved in the incident, and shall not be based solely upon the absence of visible indications of injury or impairment.

523.08 Charges

When an individual is arrested for a domestic abuse assault and/or violation of a no contact order, the investigating officer shall complete the appropriate paperwork in order to process the charges.

524: Missing Persons

Purpose

The purpose of this chapter is to establish procedures to be followed when a complaint of a missing person is received by the Department, in compliance with State law, Chapter 694.

Definitions

A. Missing Person: Is defined as a person who is missing and meets one of the following characteristics:

1. Is physically or mentally disabled

2. Was, or is in the company of another person under circumstances indicating that the missing person's safety may be in danger.

3. Is missing under circumstances indicating that the disappearance was not voluntary.

4. Is an unemancipated minor.

   a. An "unemancipated minor" means a minor who has not married and who resides with a parent or other legal guardian.

Policy

It is the policy of the Department to ensure that complaints received on missing persons are processed efficiently, effectively and in accordance with State law.

Procedures

524.01 Department Receives a Complaint or Notification

When any member of the Department receives a complaint or notification of a missing person, the member shall immediately notify the Communications Center which shall:

A. Broadcast the report immediately to all department personnel on duty and to surrounding agencies.

B. Immediately enter the information into the IOWA/NCIC

systems, if the report involves an unemancipated minor or emancipated minor or adult for whom proper documentation has been obtained.

C. Send an “all points” Iowa (APIA) message via the IOWA system.

524.02 Person Files a Complaint

When a person files a complaint of a missing person with the Department, the investigating officer shall complete the Missing Person Report form, provided the report has not been previously made to another agency.

The information required shall be completed on the Missing Person Report form.

All information on the first three lines of the attached form are mandatory for entry in the IOWA/NCIC systems, with the exception of Place of Birth (POB) and hair description. However, all other information requested on the form, which is available, shall be obtained to increase the possibility of obtaining a match on the system or another agency receives a positive response to the inquiry.

524.03 Department to Forward a Copy of Report

Upon completion of the report, the Department shall forward a copy of the report to:

A. All law enforcement agencies considered to be potentially involved.

B. All law enforcement agencies which the complainant requests the report to be sent to, if the request is reasonable in light of the information contained in the report.

C. Any law enforcement agency requesting a copy of the missing person report.

525: Victim Registration, Rights and Reparation

Purpose

The purpose of this policy is to establish guidelines and procedure in notifying victims of a crime of their rights in the State of Iowa.

Definitions

A. Victim: Means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under eighteen years of age at the time of the offense.

B. Violent Crime: Means a forcible felony, as defined in section 702.11 Code of Iowa, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

C. Registered: Means having provided the county attorney with the victim's written request for registration and current mailing address and telephone number.

D. Notification: Means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from also providing appropriate information to a registered victim by telephone.

Policy

Officers shall notify victims of a crime of their rights in the State of Iowa pursuant to Chapter 910A, Code of Iowa, and the possibility of assistance through crime reparation programs pursuant to Chapter 912, Code of Iowa.

Procedure

525.01 Officers To Inform Victims

Officers shall inform victims of a crime of their rights in the State of Iowa pursuant to Chapter 910A. These rights include:

A. Notification of court proceedings

B. Postponement and cancellation of hearing in which the victim's attendance is required.

C. The possibility of assistance through crime reparation programs pursuant to Chapter 912, Code of Iowa.

D. The right to restitution.

E. The right to make an impact statement for defendant's sentencing.

F. Notice of the offender's release from custody or escape from custody.

G. The date the offender is released from probation or parole consideration.

525.02 <u>Registration</u>

Officers shall provide each victim of a crime a Victim Request For Registration form provided by the Winneshiek County Attorney. (See form at the end of this chapter.) The County Attorney shall be the sole registrar of victims under Chapter 910A, Code of Iowa. A Victim may register by filing a written Victim Request For Registration form wit the County Attorney. The County Attorney shall notify the victim in writing and advise them of their registration and rights under this chapter. The County Attorney shall provide the appropriate offices, agencies and departments with a registered victim list for notification purposes.

531: Organized Crime, Vice and Alcohol Offenses

Purpose

The purpose of this policy is to detect and apprehend criminals involved in organized crime, vice and alcohol offenses.

Policy

It shall be the duty of the officers of the Department to prevent crime, to detect and apprehend criminals involved in organized crime, vice and alcohol offenses by enforcing federal and state law, and city ordinances. Officers shall assist other agencies and departments including the Iowa Law Enforcement Intelligence Network (LEIN) and Mid-States Organized Crime Information Center (MOCIC) to ensure that these goals are attained. Investigations shall be conducted through cooperative efforts with other agencies using the most current scientific procedures available.

532: Alcoholic Beverages in Public

Purpose

To establish procedures on arrests for possession of open alcoholic beverages, wine, and/or beer in a public place by individuals of legal drinking age and those under the legal drinking age.

Definitions

A. Possession of Open Container: It is unlawful for any person to have any alcoholic liquor, wine or beer in his/her possession in an open container upon any public street or thoroughfares or in any public place, except premises covered by a liquor control license, or in an automobile or other vehicle on public streets or thoroughfares. (Decorah Municipal Code 9.30.040).

B. Persons Under Legal Age: No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe him or her to be under legal age, and no person or persons under legal age shall individually or jointly have alcoholic liquor, wine or beer in his/her or their possession or control; except in the case of liquor, wine or beer given or dispensed to a person under legal age within a private home for beverage or medicinal purposes or as administered to him or her by either a physician or dentist for medicinal purposes and except to the extent that persons under the legal age may handle alcoholic beverages and beer during the regular course of his or her employment by a liquor control license, wine or beer permittee under state laws. (Decorah Municipal Code 5.08.270).

C. Persons aged Nineteen and Twenty: A person shall not sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe that the person is aged nineteen or twenty. A person aged nineteen or twenty shall not purchase or possess alcoholic liquor, wine or beer. However, a person aged nineteen or twenty may possess alcoholic liquor, wine or beer given to the person within a private home with the knowledge and consent of the person's parent or guardian, and a person aged nineteen or twenty may handle alcoholic liquor, wine and beer during the course of the person's employment by a liquor control license, or wine or beer permittee. A person other than a licensee or permittee who violates this secton commits a scheduled violation of Section 805.8, Subsection 10, Code of Iowa. A licensee or permittee who violates this section is guilty of a simple misdemeanor. The penalty provided under this section against a licensee or permittee who violates this section is the only penalty which shall be imposed against a licensee or permittee who violates this sections. (Decorah Municipal Code 9.28.080).

D. Legal Age: Means twenty-one years of age or more. (Code of Iowa Section 123.3 Paragraph 33)

E. Persons Under Age: No person shall sell, give, or otherwise supply alcoholic liquor or beer to any person under legal age or permit any person under legal age to consume any alcoholic beverage, wine or beer. (Decorah Municipal Code 5.08.200E).

F. Minors Prohibited From Certain Premises: It shall be unlawful for the holder of a license or permit issued pursuant to the Iowa Alcoholic Beverage Control Act and for every person employed with respect to said premises to permit or fail to take reasonable measures to prevent the entry onto such premises of all persons who have not yet attained the age of nineteen (19) years. However, the provisions of Subsection 1 of this section shall not apply when:

1. The underage person is accompanied by said person's parent, legal guardian or spouse;

2. Where more than fifty percent (50%) of the business conducted on the premises of the licensee or permittee is from revenues other than the sale of liquor and alcoholic beverages.

3. Violation of this shall constitute a misdemeanor.

G. Keg: A sealed and pressurized container of beer requiring a tapper to facilitate its usage.

Policy

Members of the Department shall arrest or issue police citations to individuals found in violation of State or Municipal beer and liquor laws.

Procedures

532.01 Open Container

When an officer observes an individual of legal age having an open container in his/her possession, the officer will proceed as follows:

A. The officer will seize the open container and photograph it, placing the case number in the photograph. The officer shall dispose of the container at the scene or at the police department.

B. The officer will issue a citation for Possession of an Open Container.

532.02 Individuals Under the Legal Age

When an officer observes an individual under the legal age having in his/her possession an alcoholic beverage or beer, the officer will proceed as follows:

A. The officer will seize the alcoholic beverage or beer and photograph it. The case number shall be included in the photograph. The alcoholic beverage shall be disposed of at the scene or at the police department. Alcoholic beverages may be logged as evidence only when it circumstances dictate it would be prudent to preserve the original evidence.

B. If the individual is under age 18, the officer will inform the juvenile that they will be referred to Juvenile Court Services as set forth in Chapter 641. The officer may take the necessary information for the referral at the scene and release the juvenile and later contact the juvenile's parents. If the officer brings the juvenile to the Department, the officer shall then contact the parents and make arrangements to release the juvenile in accordance with Chapter 641.

C. If the individual is age 18, the officer will issue a citation for Persons Under Legal Age.

D. In addition to issuing a citation for Persons Under Legal Age (age 18 to and including age 20), the officer has the discretion to charge the individual with Possession of an Open Container if it applies.

532.03 Persons of Legal Age With a Keg

When the officer receives a complaint or discovers a group of individuals above the legal age in a public place consuming from a keg, the officer will proceed as follows:

A. The officer will establish ownership of the keg and charge the owner with Possession of Open Container and proceed as in Section 632.01.

B. If no one claims ownership of the keg, the officer will seize the keg as lost property and proceed in accordance with Chapters 931 and 941.

C. If the owner later arrives at this Department to claim ownership of the lost property, the officer will charge the owner with Possession of Open Container and proceed as in 632.01

532.04 Persons Under the Legal Age With a Keg

When the officer receives a complaint or discovers a group of individuals and discovers some are not of legal age in a public place consuming from a keg, the officer will proceed as follows:

A. The officer will proceed as in Section 632.03 in addition the officer will identify at least one person under legal age in Possession of Open Container, and proceed as in 632.02.

B. The officer will inform the owner of the keg that he/she is under arrest for Persons Under Age.

C. The officer will then follow procedures in processing the owner in accordance with Chapter 743: Felony and Misdemeanor Arrests.

532.05 Minors Prohibited From Certain Premises

When an officer observes a minor in a premise that holds a license or permit issued pursuant to the Iowa Alcoholic Beverages Control Act and the underage person is not accompanied by their parent, legal guardian or spouse, and the premises conducts less than fifty percent of its business from revenues other than the sale of liquor and alcoholic beverages, the officer will proceed as follows:

A. The officer should determine if the minor has false identification on them or has used it in the past to gain access to the premises.

B. The officer shall identify the owner, manager or employee working at the present time and inform them of the officer's observations.

C. The officer will issue a citation to the owner, manager or employee for Minors Prohibited From Certain Premises in accordance with Chapter 743: Felony and Misdemeanor Arrests.

533: Public Intoxication

Purpose

To define and establish the procedures for arresting intoxicated persons or persons simulating intoxication.

Policy

It is the policy of the Department to ensure that intoxicated persons or persons simulating intoxication are processed in compliance with the Code of Iowa.

Procedure

533.01 Officer Discovers an Intoxicated Person

If an officer discovers an intoxicated person or a person simulating intoxication, the officer may at his/her discretion arrest the individual for Public Intoxication. If the individual is not arrested, the officer shall ensure that person is turned over to a responsible party.

533.02 Notice of Right to a Chemical Test

In the case of an arrest, the officer shall complete the Notice of Right to a Chemical Test for Public Intoxication and inform the arrested individual of this right in accordance with section 123.46, Code of Iowa.

533.03 Officer to Provide Chemical Test

If the individual statest hey wish to have a chemical test, the officer will transport the individual to the Winneshiek County Jail, where the officer will administer a breath test on a device approved by the Commissioner of Public Safety.

533.04 Officer to Issue Citation

If the individual has refused a chemical test or if the individual has had his/her chemical test administered, the officer shall issue a citation for Public Intoxication in accordance with Chapter 844: Felony and Misdemeanor Arrest. The subject will then be released to the custody of the Winneshiek County Jail.

534: Confidential Informants

Purpose

The purpose of this policy is to provide regulations for the control and use of confidential informants (CI).

Definitions

A. Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

Policy

In many instances, a successful investigation cannot be conducted without the use of CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the officer utilizing the informant. Therefore, it shall be the policy of this Department to take necessary precautions by developing sound informant control procedures.

Procedure

534.01 Establishment of an Informant File System

A. The Department Investigator or a member of the Northeast Iowa Narcotics Task Force shall be responsible for developing and maintaining master informant files and an indexing system.

B. A file shall be maintained on each CI used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:

1. Informant's name.
2. Name of officer initiating use of the informant.
3. Informant's photograph, prints and criminal history.
4. Information provided by the CI and its subsequent reliability.
5. Signed Cooperating Individual Background form and Cooperating Individual Agreement.
6. Update on active or inactive status of the informant.

C. The confidential informant files shall include

an indexing system. An informant history summary, coded with the informant control number shall be prepared to correspond to each informant file and include the following:

1. Date of birth.
2. Aliases.
3. Complete physical description including tattoos.
4. Current home address and phone numbers.
5. Residential addresses over the past five years.
6. Current employer, position, address, phone number.
7. Marital status, number of children.
8. Vehicles owned and license plate numbers.

D. Informant files shall be maintained in a secured area within the criminal investigations section.

E. The informant file shall be utilized in order to:

1. Provide a source of background information.
2. Provide a complete history of information received from the informant.
3. Enable review and evaluation by the appropriate supervisor of information provided by the informant.
4. Minimize incidents that could be used to question the integrity of investigations or the reliability of the CI.

F. Access to the informant files shall be restricted to the Chief of Police, Assistant Chief or Captain.

G. Sworn personnel may only review an individual's informant file upon the approval of the Chief of Police. The requesting officer shall submit a written request explaining the need for review. A copy of this request, with the officer's name shall be maintained in the CIs file.

534.02 <u>Use of Informants</u>

A. Before using an individual as a CI, an officer must receive initial approval from a supervisor authorized to make the approval.

B. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

C. After the officer receives initial approval to use an individual

as a CI, an informant file shall be opened.

534.03 General Guidelines for Handling CIs

A. All CIs are required to sign and abide by the provisions of the Departmental informant agreement. The officer utilizing The CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:

1. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures and may not carry a weapon.

2. Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations.

3. Informants are not to take, and the Department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.

B. No member of this department shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with a CI. Members of this department shall not solicit, accept gratuities or engage in any private business transaction with a CI.

C. Whenever possible, an officer shall always be accompanied by another officer when meeting with a CI.

D. Juveniles shall only be utilized as CIs in accordance with Department regulations and state laws pertaining to juveniles.

1. Juvenile forms shall be completed, signed and explained to the parent or legal guardian of the juvenile.

535: Confidential Funds

Purpose

To establish guidelines for the use of confidential funds issued to the Department through the Northeast Iowa Narcotics Task Force for use in investigations and the recovery of properties and contraband.

Policy

Confidential funds shall be maintained, recorded and disbursed by all members in a manner to insure the justification of, and accounting for all funds processed by this Department.

Procedure

535.01 Procurement and Recording of Funds

All confidential funds issued to a supervisor will be processed through one lead Task Force member with the approval of the Chief of Police.

A. The coordinating supervisor shall maintain a master ledger detailing all transactions involving confidential funds, including:

1. Date and place of transaction.
2. Monies received.
3. Name of the person receiving disbursement.
4. Reason for disbursement.
5. Amount of disbursement.
6. Balance on hand.

B. The lead Task Force officer will disburse funds as needed. The request for disbursement must be made on the appropriate form.

535.02 Disbursement of Funds to Officers

The lead Task Force member will be responsible for the control and disbursement of funds to their personnel as needed, and shall maintain a ledger containing the following information:

A. Case number of transaction for cross reference with disbursement form.

B. Date and place of transaction activity.

C. Name of officer (s) receiving funds.

D. Amount of transaction.

E. Reason for transaction.

F. Disbursing officer/supervisor name.

G. Witness signature.

535.03 <u>Return of Unused Funds</u>

A. When funds are disbursed by officers to informants, the disbursement form must be completed and will include a case number for the expenditure. The form shall be maintained in the following manner:

1. The officer making the disbursement shall maintain one copy.

2. The original receipt shall be forwarded to the lead Task Force member.

B. All transactions involving an informant receiving funds will be witnessed by one or more officer(s).

1. The informant will be thoroughly searched (skin searched) preceding the buy. If the informant's vehicle or residence is utilized in the investigation, a thorough search will also be conducted of those areas to which the informant had access.

2. The informant will be given funds, which have been recorded by serial number, for the purchase of any contraband. The informant shall not purchase any contraband with his or her personal funds. To avoid error, all personal funds should be taken from the informant prior to contact with the suspect. The personal funds shall be returned to the informant immediately after the purchase.

3. When possible, constant surveillance will be conducted of the informant after the search and until the informant meets with observing officers.

4. The informant shall then be thoroughly searched again. All evidence and narcotic funds will be retrieved from the informant. When possible, the entire process (steps A through E) should be accomplished by the same officer, with the same witness.

5. The informant shall be thoroughly debriefed and a written statement, signed by the informant, shall be obtained. If a written report is not practical at that time, a statement shall include a complete description of the suspect, a detailed account of all circumstances and conversations involved in the transaction, and any other facts that may be of importance.

C. Confidential funds will be paid an informant only after the lead Task Force officer has reviewed the amount to be paid the informant and the results of the informant's work.

D. All informants must sign their correct name to the receipt when receiving confidential funds.

E. The receipts must be completed in full, listing the reasons the informant is being paid, by whom and a brief summary of the investigation.

F. The lead Task Force officer shall be responsible for ensuring proper completion and review of all confidential fund transactions by personnel.

G. No disbursements will be made in excess of $250 for each incident where an informant is paid, or $500 in each incident wherein drugs or other property are purchased without prior approval of the supervisory officer.

535.04 <u>Transfer of Confidential Funds</u>

Transfers of confidential funds from one unit to another are permitted only under the following conditions:

A. When funds are needed on an emergency basis and the normal channels for receipt of such funds are not available.

B. Upon agreement of supervisors of both units.

C. Request for disbursement forms must be completed as outlined in this policy.

535.05 Security of Confidential Funds Records

Completed confidential fund disbursement forms shall be treated as security sensitive information and shall not be disclosed to unauthorized personnel.

535.06 Accounting for Funds

A. Each officer will return the funds on hand to the lead Task Force officer at the end of each operation.

B. The confidential funds maintained by the lead Task Force member will be kept under lock and key at all times and in a safe, if at all possible.

C. The lead Task Force member's ledger and funds will be subject to inspection by the Chief of Police at the Chief's request.

535.07 Utilization of Confidential Funds

A. Monies received from confidential funds may be used only in the following manner:

1. Payment for information from informants for probable cause arrest.

2. Purchase of contraband, stolen properties, gambling investigations or liquor law violations.

3. Expenses developing from an investigation where receipt of money from normal channels is not possible.

535.08 Auditing of Confidential Funds

The Chief of Police shall periodically conduct an audit of confidential funds. This audit will serve two purposes:

A. To ensure that all confidential funds have been accounted for with accurate and clear documentation.

B. To evaluate the overall effectiveness of the confidential

funds program.

541: Juvenile Procedure

Purpose

The purpose of creating a policy and procedure for the handling of juvenile offenders is to ensure compliance with the requirements of section 232 of the Iowa Code.

Definitions

A. Juvenile: A person who has not yet reached his/her eighteenth (18) birthday.

B. Child: A child is defined as a person who has not reached his/her fourteenth (14) birthday.

C. Delinquent Act: The violation of any State law or local ordinance which would constitute a public offense if committed by an adult except any offense which is exempted by law. The violation of Federal law or law of another state which violation constitutes a criminal offense if the case involving that act has been referred to the juvenile court.

D. Juvenile Parole Officer: Means a person representing an agency which retains jurisdiction over the case of a child adjudicated to have committed a delinquent act, placed in a secure facility and subsequently released, who supervises the activities of the child until the case is dismissed.

E. Juvenile Court Officer: Means a person appointed as a Juvenile Court Officer under Section 602.7202, Code of Iowa, and a chief juvenile court officer appointed under Section 602.1217, Code of Iowa.

F. Court: Means the Juvenile court established under Section 602.7101, Code of Iowa.

G. Referee: Means the judge of a juvenile court.

Policy

It is the policy of the Decorah Police Department to handle juvenile offenders in the manner prescribed by the Code of Iowa and to cooperate with all other agencies in the community having responsibilities in the enforcement of Juvenile Justice Programs.

Procedures

541.01 Officer to Make Determination

When a complaint is received which involves a juvenile or known runaway, the officer shall make the determination as to how the matter is handled.

541.02 Juvenile May Be Taken Into Custody

Juvenile may be taken into custody for the following reasons:

A. By order of the Court

B. For a delinquent act pursuant to the laws relating to arrest.

C. By a peace officer, juvenile probation officer or juvenile parole officer when the officer has reasonable ground to believe the Juvenile has committed a material violation of a dispositional order.

D. Referring to C above, should be handled by a written order from the Juvenile Court, or a verbal order directly from a judge.

541.03 Notification

When a juvenile is taken into custody as provided under Section 642.02 above, the person taking the juvenile into custody shall notify the juvenile's parents, guardians or custodian as soon as possible and shall not place bodily restraints such as handcuffs on the juvenile unless the juvenile physically resists or threatens physical violence when being taken into custody. Unless the juvenile is placed in shelter care or detention in accordance with the provisions of Section 232.21 or 232.22, Code of Iowa, the juvenile shall be released to the parents, guardian custodian or responsible adult relative or other adult approved by the Court upon the promise to produce the child in court at such time as the Court may direct.

541.04 Questioning of Juveniles

A. A juvenile shall be read their Miranda Rights immediately upon arrest.

B. If a child is to be questioned the officer shall have a parent, guardian, or legal custodian present at all times unless the parent agrees to permit an officer to interview the youth privately.

C. Statements shall be taken in all cases of serious or aggravated misdemeanors or felonies if the juvenile will give one.

D. If a truth verification examination is requested by an officer, it shall require the consent of the juvenile as well as a parent or legal guardian.

541.05 Northeast Iowa Juvenile Court Services Contacted

A member of the Northeast Iowa Juvenile Court Services office shall be contacted to take custody of any child who cannot be released as provided in Section 642.06.

541.06 Removal Without Court Order

A. A peace officer may remove a juvenile from his or her home without a court order, without the consent of the parents, guardian or legal custodian provided that:

1. The juvenile is in such a circumstance or condition that his or her continued presence in the residence or in the care or custody of the parent, guardian, or legal custodian presents an imminent danger to the juvenile's life or health and

2. There is not enough time to apply for a court order.

B. An officer does not have to remove the juvenile from his or her home, solely upon a request from a social worker.

C. Officers called upon to assist a social worker investigating a suspected child abuse or neglect case shall make the determination as to whether or not a juvenile should be removed without a court order.

D. If after conducting an investigation into the circumstances prevailing and determining that the child should be removed due to imminent danger of life or safety, removal should be accomplished by:

1. A report shall be left in all cases of removal of a child without a court order.

2. If the juvenile is in need of medical care or treatment he or she shall be taken to the Winneshiek Medical Center.

3. Officers, as “mandatory reporters” by virtue of the Iowa Code shall notify and cooperate fully with the Department of Human Services in all child abuse cases.

E. Upon removal the officer shall make every effort to inform the parent, guardian or legal custodian, as to the whereabouts of the juvenile. However, in the event that the notification would jeopardize the child or employees of the facility, the location of the whereabouts of the juvenile may be withheld from them upon approval of the Court.

F. An officer shall leave all necessary reports of the emergency removal and circumstances surrounding the removal.

541.07 <u>Reports</u>

A. An officer shall make a report of all instances where a juvenile is taken into custody.

B. All necessary juvenile forms must be completed, including the Juvenile/Parental Rights Waiver form. (See attached form at the end of this chapter).

541.08 <u>Fingerprints and Photographs</u>

Fingerprints and photographs of juveniles shall not be taken except under the guidelines set forth in Section 232.148, Code of Iowa.

541.09 <u>Law Enforcement Records of Juveniles</u>

A. The taking into custody of a juvenile shall not be considered an arrest.

B. Records and files concerning a juvenile, other than fingerprint and photograph records shall not be open to inspection and their contents shall not be disclosed except as provided by law unless the Juvenile Court waives its jurisdiction over the juvenile so that the juvenile may be prosecuted as an adult for a public offense.

541.10 Traffic Violations Involving Juveniles

A. Any juvenile detained on simple misdemeanor traffic charges who resides in the state or resides in a state that is a member of Non-Residents Drivers License Violators Compact may be released on his/her signed promise to appear.

B. If the juvenile refuses to sign the promise to appear, the parent, legal guardian, or legal custodian shall be contacted to pick up the juvenile at the police department and instructed to have the juvenile appear at a designated time.

C. If the juvenile refuses to sign the promise to appear and the parent or legal guardian refuse to pick up the child, the Iowa Juvenile Court Services should be contacted.

D. Juveniles arrested on charges of O.W.I. shall be brought to this Department and the parent or legal guardian notified in the same manner as any other juvenile custody situation. The officer shall then complete the O.W.I procedures in the presence of the parent or guardian.

541.11 Juveniles Reported as Missing or Runaway

If a parent or legal guardian reports that their child is missing or is a runaway, the assigned officer shall proceed as in Chapter 624: Missing Persons.

551: Crime Prevention

Reserved

552: Salvation Army

Purpose

To establish guidelines for cooperation between the Salvation Army and the Department.

Policy

In an effort to serve and help residents of Decorah, visitors or stranded individuals and families having emergency needs, the Department will cooperate with the Salvation Army, regional and local units to provide temporary and emergency assistance.

Procedures

552.01 Welfare Secretary

The Chief of Police shall be designated the "Welfare Secretary" of the Decorah Salvation Army Unit.

552.02 Shift Commanders to Approve

The Shift Commanders or Sergeants will be responsible to approve requests for aid.

552.03 Communications Center to Compile Information

Communications Center personnel will be responsible for running record checks on the people requesting aid.

552.04 Purchase Order and Service Record

A Salvation Army form and check (see form at the end of this chapter) will be completed by the office personnel in accordance with the determination of the Shift Commander. The original check will be given to the applicant.

552.05 Guidelines

Funding limits and guidelines:

A. Applicants must display a "real" need.

B. Applicants for assistance must be without personal funds or assets.

C. Meal requests will be limited to no more than ($3.50) per person, but not less than ($2.50) per person.

D. Overnight lodging requests will first be referred to the nearest Salvation Army Corp. (North – Rochester, MN; South – Waterloo or Cedar Rapids, IA; East – LaCrosse, WI) If the referral is unfeasible, the overnight lodging request will be at the least expensive motel rate available in Decorah. No more than one night will be funded.
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553: News Releases

Purpose

To establish the procedures for the release of information to representatives of the news media concerning incidents of interest to the media and general public.

Policy

Any occurrence involving a police action or incident may be of interest to the general public. Representatives of the news media are by law entitled to report on these incidents. In accordance with Chapter 927: Public Records, representatives of the news media shall be permitted to see the following police documents:

1. Police Activity Logs
2. Accident Reports (Censored copies)

Preparation of news releases shall be the responsibility of the primary officer assigned to the case.

Procedures

553.01 Incidents Requiring a News Release

When an offense report is assigned to a case, the assigned officer shall complete a news release before the end of his/her shift. An exception is if the news release would hinder the investigation, then upon completion of the investigation a news release shall be completed.

553.02 Major Cases to be Cleared By Chief of Police

Incidents or occurrences of a major nature, such as disasters or major crimes shall be cleared by the Chief of Police prior to being released to the news media.

553.03 Officers Responsible For Their Releases

Officers releasing information to the media shall be held responsible for the contents of their releases.

561: Major Investigations Teams

Purpose

The objective of the Major Investigation Team (M.I.T.) is to provide expeditious investigation and solution to serious crimes or incidents such as murder, sexual assaults, serious assaults, robberies, burglaries, or motor vehicle accidents resulting in death, serious injury, or extensive property damage or loss. This shall be accomplished by saturating the investigation with skilled investigators.

Policy

The Department shall assign officers to teams to conduct or assist in an investigation. The Department will provide all officers with extensive training in the various fields of investigation.

Procedure

561.01 Supervisory Officer to Notify the Chief

Once it has been determined that a serious crime or incident has occurred ad the M.I.T. should be deployed, the supervisory officer on duty shall notify the Chief of Police and advise him/her of the incident and current status.

561.02 If a Supervisory Officer is Not On Duty

If a supervisory officer is not on duty, the officer on duty shall contact the Chief of Police and advise him/her of the incident and current status.

561.03 Chief of Police is Unavailable

If the Chief of Police is absent or unavailable, then the Assistant Chief or Captain will be contacted and informed of the incident and current status.

561.04 Supervisory Officer to Contact

The supervisory officer shall determine who and how many additional personnel will be needed for the investigation and make assignments.

561.05 Officer's Responsibility

Once contacted it shall be the responsibility of the officer to be at the scene of the investigation or incident with all of their assigned equipment within 20 minutes.

561.06 Responding Officer to Secure the Scene

If the scene of the investigation or incident contains items that should be preserved as evidence the officer first responding to the scene shall secure it until the arrival of the Evidence Preservation Team.

561.07 Coordination Team

It will be the responsibility of the supervisory officer to coordinate the investigation between the teams and assist the teams when and where needed.

561.08 Evidence Preservation Team

It will be the responsibility of the assigned officers to secure and preserve the scene until it can be photographed, measured and diagramed, and evidence removed for safe keeping in accordance with Chapters 931 and 941.

561.09 Victim Team

It will be the responsibility of the assigned officers to identify the victims and secure statements and photograph injuries of the victim.

561.10 Investigation Team

It will be the responsibility of the assigned officers to identify witnesses to the offense or incident and obtain statements. The officers will also attempt to identify the suspect of the crime.

561.11 Patrol Team

It will be the responsibility of the assigned officers to handle routine patrol and assist the M.I.T while it is activated.

562: Bomb Threats

Purpose

To ensure the Department's proper actions in the instances when schools, businesses, industry etc., receive reports of bomb threats.

Definition

A. Bomb Threat: Is any report of the placement of a bomb or incendiary device within the City of Decorah.

Policy

It is the policy of the Department to consider all reported bomb threats as "real" until established as being false. The Department response will be under emergency conditions, using the following procedures. All personnel shall first consider the safety of structure occupants, bystanders, and the personnel themselves.

Procedure

562.01 Notification of the Shift Commander

Dispatchers or members receiving reports of a bomb threat shall immediately notify the Shift Commander of the report.

562.01 Shift Commander to Respond

The Shift Commander shall respond to the location of the threat and request any necessary assistance from available units and fire department personnel.

562.03 Decision to Evacuate

The Shift Commander shall, upon arrival at the scene, advise the person in charge of the building that the decision of whether to evacuate the building is their decision.

562.04 Department's Policy is to Evacuate

The Shift Commander shall, if requested, advise the person in charge of the building, that the Department's policy is to evacuate until the building has been searched.

562.05 Officers to Assist

Officers shall assist the premises officials or occupants in the search of the building.

562.06 If a Suspected Bomb is Found

If a suspected bomb is found the Shift Commander shall immediately assume command of the premises and;

A. Order an immediate evacuation of the premises.

B. Advise the Chief of Police and the Fire Chief.

C. Assist in the evacuation.

D. Secure the safe perimeter of the area.

562.07 Shift Commander to Interview

The Shift Commander shall interview or cause to be interviewed, the person receiving the bomb threat to obtain as much information regarding placement and time factors as possible.

562.08 Not to Touch Any Suspected Bomb

Officers assisting in the search shall inform the building personnel not to touch any suspected bomb and shall not do so themselves.

562.09 Specialists to be Called

At the direction of the Chief of Police, or in his/her absence the Assistant Chief or the Captain, the following specialists shall be called to assist:

A. State Fire Marshal Office, Des Moines, 515-281-5821.

B. U.S. Army Demolition personnel, Rock Island Arsenal 815-782-6001.

C. U.S. Army Demolition personnel, Camp McCoy, WI 608-388-2222

563: Decorah / Winneshiek County Special Response Team

Purpose

The purpose of the Special Response Team (SRT) is to provide a disciplined response to critical and/or hazardous incidents by a team of officers trained in the use of specialized equipment and tactics.

Policy

The Special Response Team may be utilized in any and/or all identified high risk or potentially high risk incidents. These incidents include, but are not limited to the following:

- Execution of high risk search or arrest warrants.
- Barricaded subjects.
- Hostage situations.
- Homicidal/suicidal subjects.
- Dignitary protection.
- Active shooting situation.
- Any other situations identified by supervisory staff.

Procedure

563.01 Selection

The Special Response Team is a joint team comprised of certified officers from the Decorah Police Department and the Winneshiek County Sheriff's Department.

Interested officers who have completed their probationary period must apply for an open position on the team. Active team members shall discuss and have input into the selection of the new team member. Final appointment to the team will be made by the Chief of Police and Winneshiek County Sheriff.

563.02 Team Leadership

Both the Decorah Police Department and Winneshiek County Sheriff's Department respectively shall have a Team Leader represented on the SRT. Appointment of the Decorah Police Team Leader shall be made by the Chief of Police.

In the event of an SRT call-out in the jurisdictional boundaries of the City of Decorah, the Decorah Police Department SRT Team Leader will be the on-scene commander of the tactical operations.

563.03 Training

New members of the SRT will be sent to a basic SWAT school for initial training. This training will be completed as soon as practical.

Members of the SRT will train at a minimum, one day per month. Team members will be compensated for an additional four hours per month for SRT training.

563.04 Training Log

The Decorah Police SRT Team Leader shall maintain a training log to include the following information:

A. Date of training.
B. Content of training.
C. Team members in attendance
D. Test scores if applicable, e.g. weapons qualification scores.
E. Injuries sustained

563.05 SRT Call-Outs

Any certified police officer or deputy may make a request for the Special Response Team. Requests shall be approved by a supervisor.

The Chief of Police and Sheriff shall also be contacted for approval of deployment of the SRT. In the event the Chief and/or Sheriff cannot be contacted, the Assistant Chief and/or Chief Deputy shall be contacted. In all cases where the SRT is deployed outside the Decorah city limits, the Chief of Police shall be notified.

563.06 Operational Command

In situations involving the execution of search or arrest warrants, the team leader shall be responsible for developing and executing the tactical plan, and shall have the discretion to adapt the plan as the situation dictates.

In situations such as a barricaded suspect or hostage situation, the team leader shall be responsible for developing a tactical plan and shall consult with the Chief of Police or his/her designee prior to the execution of the plan. Any plan involving entry/assault on a suspect holding hostages or a barricaded suspect, shall require

approval by the Chief of Police or his/her designee.

563.07 Mutual Aid

Requests for mutual aid by other law enforcement agencies must be approved by the Chief of Police, Winneshiek County Sheriff or their respective designee.

563.08 Dismissal From the Team

Because of the specialized nature of the SRT, regular attendance at training is critical to the effective operation of the team, as is the level of preparation and performance in the training. On-going poor attendance and/or performance or dangerous and reckless behavior in training can lead to dismissal from the Special Response Team. The failure to respond to SRT call-outs may also be grounds for dismissal from the team. Dismissal from the SRT will be at the discretion of the Chief of Police.

571: Intelligence Information

Purpose

To establish uniform guidelines on the dissemination and redissemination of information within the department and other criminal justice agencies.

Definitions

A. Department of Public Safety: Iowa Department of Public Safety.

B. Bureau: Iowa Department of Public Safety, Division of Criminal Investigation, Bureau of Identification.

C. Public Records: Include all records and documents of or belonging to this State or any county, city school corporation, political subdivision, or tax supported district in this State, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

D. Criminal History Record Information (CHRI): Is an all inclusive term meant to include "Criminal History Data," "Intelligence Data," and "Criminal Investigative Data."

E. Criminal History Data: Any or all of the following information maintained by the Department of Public Safety or Division of Criminal Investigation, Bureau of Identification in a manual or automated data storage system and individually identified:

1. Arrest Data: Information pertaining to an arrest for a public offense and includes the charge, date, time and place. Arrest Data includes arrest warrants for all public offenses out-standing and not served and includes filing of charges, by preliminary information when filed by a peace officer or law enforcement officer or indictment, the date and place of alleged commission and county of jurisdiction.

2. Conviction Data: Information that a person was convicted of or entered a plea of guilty to a public offense and includes the data and location of commission and place and court of conviction.

3. Disposition Data: Information pertaining to a recorded court proceeding subsequent and incidental to a public offense arrest and includes dismissal of the charge, suspension or deferral of sentence.

4. Correctional Data: Information pertaining to the status, location and activities of persons under the supervision of the county sheriff, the

Division of Corrections of the Department of Social Services, Board of Parole or any other state or local agency performing the same or similar function, but does not include investigative, sociological, psychological, economic or other subjective information maintained by the Division of Corrections of the Department of Social Services or Board of Parole.

F. Intelligence Data: Information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity.

G. Criminal Investigative Data: Information collected in the course of an investigation where there are reasonable grounds to suspect that specific criminal acts have been committed by a person.

H. Criminal Justice Agency: Any agency or department of any level of government which performs as its principal function the apprehension prosecution, adjudication, incarceration, or rehabilitation of criminal offenders.

I. Surveillance Data: Information on individuals pertaining to participation in organizations, groups, meetings, or assemblies where there are no reasonable grounds to suspect involvement or participation in criminal activity by any person.

J. Law Enforcement Intelligence Network (L.E.I.N.): Is the Iowa Law Enforcement Intelligence Network.

K. Central Coordinating Agency (CCA): Serves as the central clearing house of LEIN information and provides the necessary administrative support to its members. The Iowa Division of Criminal Investigation is the Central Coordinating Agency.

L. Mid-States Organized Crime Information Center (MOCIC): Is a network of Federal, State and local law enforcement agencies in the upper mid-states that provides information, intelligence and resource support to help combat criminals, organized crime and narcotics trafficking that transverses jurisdiction or state boundaries.

Policy

The purpose is to integrate state and federal law and regulations governing security and privacy of individuals in the gathering of intelligence information.

571: Intelligence Information

571.01 Dissemination of Criminal History Data

The Department of Public Safety and Bureau may provide copies or communicate information from Criminal History Data only to Criminal Justice Agencies, or such other public agencies as are authorized by the confidential records council.

Authorized agencies and Criminal Justice Agencies shall request and may receive Criminal History Data only when:

1. The data is for official purposes in connection with prescribed duties, and

2. The request for data is based upon name, fingerprints or other individual identifying characteristics.

571.02 Redissemination of Information

A peace officer, Criminal Justice Agency, or State or Federal Regulatory Agency shall no redisseminate Criminal History Data, outside this agency, received from the Department of Public Safety or Bureau, unless all of the following apply:

A. The data is for official purposes in connection with prescribed duties of a Criminal Justice Agency.

B. The agency maintains a list of the persons receiving the data and the date and purpose of its dissemination.

C. The request for data is based upon name, fingerprints, or other individual identification characteristics.

The above restrictions apply only on data received from the Department of Public Safety or Bureau and redisseminated outside the agency. The provisions concerning the dissemination and redissemination of Criminal History Data do not apply to the issuing of data to the FBI. The fact that an arrest warrant has been or will be issued and other relevant information concerning a current investigation may also be disseminated and/or redisseminated without restriction.

Federal regulations and Iowa law also dictate that the central repository, (DCI, Bureau of Identification files) be queried prior to a redisemmination unless time does not allow. This restriction ensures that the agency receives the most complete and current information available.

571.03 Dissemination of Intelligence Data

Intelligence data shall not be placed within a computer data storage system.

Intelligence data in the files of the Department of Public Safety may be disseminated only to a peace officer, Criminal Justice Agency or State or Federal Regulatory Agency, and only if the Department of Public Safety is satisfied that the need to know and the intended use are reasonable.

571.04 Redissemination of Intelligence Data

An agency may only redisseminate Intelligence Data outside the agency received from the Department of Public Safety or any other source, when it is determined by the agency that the data is to be used for "official purposes in connection with prescribed duties of a Criminal Justice Agency" and "the agency maintains a list of persons receiving the data and the date and purpose of the dissemination.

571.05 Surveillance Data

No surveillance data shall be placed in files or manual or automated data storage systems by the Department of Public Safety or Bureau or by any peace officer or Criminal Justice Agency. Violation of the provisions of this section shall be a public offense punishable under Section 692.7 of the Code of Iowa.

No surveillance data shall be redisseminated.

571.06 Criminal Investigative Data

Criminal Investigative Data does not have any restrictions on its dissemination or redissemination.

571.07 Iowa Law Enforcement Intelligence Network (LEIN)

A. The LEIN is an organization of law enforcement agencies that was formed to monitor the activities of criminal characters through confidential investigations, surveillances and the maintenance of a proper liason with officials and other sources of information, locally as well as nationally.

B. The Department's Captain and Investigator shall be the

liasons' assigned to the LEIN. He or she shall be responsible for gathering, recording, investigating and exchange of information with other Criminal Justice Agencies and ensuring that the Department complies with LEIN's constitution and by-laws.

C. The Department shall assist LEIN in gathering, recording, investigation, and exchange of information concerning local or any known individuals and/or organizations whose backgrounds, activities, or associates identify them with or are characteristic of, any criminal activities and provide such information to the CCA.

571.08 <u>Mid-States Organized Crime Information Center (MOCIC)</u>

A. The purpose of MOCIC is to provide information, intelligence and resource support to mid-states Federal, State and local law enforcement agencies to combat criminals, organized crime and narcotics trafficking that transverses jurisdiction or state boundaries.

B. The Department's Captain and Investigator shall be the liasons' assigned to the MOCIC. He or she shall be responsible for gathering, recording, investigation, and exchange of information with other Criminal Justice Agencies and ensuring that the Department complies with MOCIC's constitution and by-laws.

C. The Department shall assist MOCIC in gathering, recording, investigation, and exchange of information concerning local or any known individuals and/or organizations whose backgrounds, activities, or associates identify them with or are characteristics of, any criminal activities and provide such information to the CCA.

571.09 <u>Disciplinary Action</u>

Any member or employee of the Department who disseminates or redisseminates any information outside the Department without the approval of the Chief of Police shall be subject to disciplinary action.

581: Office Maintenance and Care

Purpose

To promote efficient operation of the Department and create a better public image.

Policy

The offices of the Department are an extension of the employee. The employee cannot perform their duties efficiently if the employee does not have the needed equipment or the office is not clean. It is the policy of this department that all employees will be responsible for stocking, maintaining supplies and cleaning of the offices to promote efficient operation and a better public image.

Procedure

581.01 Cleaning and Maintaining Office Equipment

Employees will be responsible for keeping the office equipment and tools clean, and shall return all equipment and tools to their proper storage prior to the employee ending their shift.

581.02 Employees Responsible for Picking Up Trash From Offices

Employees will be responsible for clearing paper, trash and unnecessary items in the offices prior to ending their shift.

581.03 Maintaining and Stocking Supplies

The maintaining and stocking of office supplies will be the responsibility of all employees. If an item or supply is depleted, the employee shall notify the supervisor in charge of that supply.

582: Police Vehicle Maintenance

Purpose

To promote efficient operation and maintenance of department vehicles.

Policy

The police patrol vehicle is an extension of the department and serves the officer as his/her office. The officer cannot perform his/her duties efficiently if the officer does not have the needed equipment or the vehicle is not clean. It is the policy of this department that officers will be responsible for stocking and cleaning patrol vehicles on a regular basis.

Procedure

582.01 Officers Responsible for Picking Up Trash From Vehicles

Officers will be responsible for clearing paper, trash and unnecessary items in vehicles prior to ending their shift.

582.02 Patrol Vehicle Care

All officers shall be responsible for maintaining the cars they routinely use, as the need arises. Maintenance will include washing, cleaning inside and outside of windows, vacuuming and wiping down the interior.

The Department will maintain a supply of cleaning products, and cars may be washed at the Police Department or at the Brite Spot 1 car wash.

All officers will be responsible for checking and re-stocking any vehicle supplies as needed.

582.03 Shotgun/Rifle Maintenance

The Department's weapons officer will be responsible for shotgun and rifle maintenance. All officers are encouraged to check the shotgun and rifle to make sure a round has not been inadvertently left in the chamber.

582.04 Fueling the Patrol Vehicle

The officer shall be responsible for filling the fuel tank of the car used for the shift, prior to the end of the shift. Courtesy for the on-coming officer would dictate that the gas tank be left full, unless circumstances make it impossible to fuel the car.

582.05 Police Vehicle Trunk Equipment

The following items should be carried in the police vehicle trunk:

A. Blanket
B. Fire extinguisher
C. Rifle
D. Less lethal gun
E. Roll-o-tape
F. Infectious and communicable disease kit

583: Psychiatric Evaluations and Commitments

Purpose

The purpose of this policy is to provide the procedures to be followed for the emergency detention of persons believed to be seriously mentally ill and a danger to themselves or others.

Definitions

A. Mental Illness: Means every type of mental disease or mental disorder, except that it does not refer to mental retardation, or to insanity, diminished responsibility, or mental incompetency.

B. Seriously Mentally Impaired or Serious Mental Impairment: Describes the condition of a person who is afflicted with mental illness and because of that illness lacks sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment, and who;

   1. Is likely to physically injure the person's self or others if allowed to remain at liberty without treatment; or

   2. Is likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the afflicted person if the afflicted person is allowed to remain at liberty without treatment.

C. Respondent: Means any person against whom an application has been filed under Section 229.6 of the Code of Iowa, but who has not been finally ordered committed for full-time custody, care and treatment in a hospital.

Policy

It shall be the policy of the Department to follow the procedures detailed in Chapter 229, Sections 11 and 22, Code of Iowa, for the emergency detention of person believed to be suffering from serious mental impairment. Any officer having reasonable grounds to believe that a person is mentally ill and because of that illness is likely to injure him or herself or others if not immediately detained, may take that person into custody without a warrant.

583: Psychiatric Evaluations and Commitments

Procedures

583.01 Law Enforcement Involuntary Commitment

When officers encounter a person who is a demonstrated or threatened risk to him or herself or others, the person may be detained for evaluation.

1. The person shall be transported to the Winneshiek Medical Center, where they will be evaluated by the emergency room physician.

2. The officer shall brief the evaluating physician on the circumstances for the detention.

3. The emergency room staff will complete the commitment paperwork and contact the on-call Magistrate or Judge.

4. The officer shall remain at the emergency room as long as hospital staff feels it is necessary for security purposes.

5. Transportation and escort to a psychiatric facility will provided by ambulance and/or the Winneshiek County Sheriff's Department.

583.02 Involuntary Commitment by Family or Friends

1. During business hours of the Winneshiek County Clerk of Court's office, family and or friends may complete an application and supporting affidavit for review by a Magistrate or Judge.

2. Upon an Order for Commitment being issued by a Judge, the Winneshiek County Sheriff's Department will serve the order on the party to be committed.

583.03 Voluntary Commitment

1. If an officer believes a person to be in need of immediate mental health assistance and the circumstances do not meet the standard for an involuntary commitment, the officer may inquire if the person would be willing to pursue a voluntary commitment.

2. Should the person want to voluntarily commit him or herself, the

officer may transport the person to the Winneshiek Medical Center for evaluation. The officer shall clearly state to the hospital staff that the commitment is voluntary in nature.

584: Substance Abuse Commitments

Purpose

The purpose of this policy is to provide the procedures to be followed for the commitments of persons believed to be substance abusers and suffering from chemical dependency, and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.

Definitions

A. Chemical Dependency: Means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

B. Chemical Substance: Means alcohol, wine, spirits, and beer as defined in Chapter 123, Code of Iowa, and controlled substances as defined in Section 204.401, Code of Iowa.

C. Respondent: Means a person against whom an application is filed under Section 125.75, Code of Iowa.

D. Substance Abuse: Means the use of chemical substances by persons suffering from chemical dependency, persons who are incapacitated by a chemical substance, substance abusers, or chronic substance abusers.

E. Substance Abuser: Means a person who habitually lacks self-control as to the use of chemical substances or uses chemical substances to the extent that the person's health is substantially impaired or endangered or that the person's social or economic function is substantially disrupted.

F. Chief Medical Officer: Means the medical director in charge or a public or private hospital, or the director's physician/designee.

G. Administrator: Means the administrator of that division of the department of human services having jurisdiction of the state substance abuse institutes, or that administrator's designee.

H. Referee: Means the administrator's designee.

584: Substance Abuse Commitments

Policy

It shall be the policy of the Department to follow the procedures detailed in Chapter 125, Code of Iowa, for the commitments of persons believed to be substance abusers and suffering from chemical dependency, and directed into rehabilitation services which will help them resume a socially acceptable and productive role in society.

Procedures

584.01 Two Types of Substance Abuse Commitments

Essentially tow types of substance abuse commitments will involve the Department. These two procedures depend upon whether the Winneshiek County Clerk of Court's office is open or closed. The first procedure outlined is to be followed if a situation arises during a time when the Winneshiek County Clerk of Court's Office is open. The second procedure is to be followed in the event the Winneshiek County Clerk of Court's office is closed or an emergency exists due to an individual being detained for substance abuse and it appears that no individuals are available to sign an application and supporting affidavit for commitment purposes.

584.02 During Clerks Office Hours

A. Should a family member or friend desire to commit an individual, the applicant shall be directed to the Clerk of Court to complete an application and supporting affidavit.

B. Upon completion of the application and supporting affidavit, the Clerk of Court will forward the application and supporting affidavit to the referee.

C. The referee will determine whether:

1. Immediate custody is necessary pursuant to Section 125.81, Code of Iowa.

2. It is necessary to hold a hearing on the application.

D. If an order for immediate custody issues pursuant to Section 125.81, Code of Iowa, the Clerk of Court will forward to the Winneshiek County Sheriff copies of the application, supporting affidavit, court order for immediate custody,

notice and order for transport, to be served upon respondent.

E. If an order is issued for hearing, the sheriff will serve copies of the notice, application and supporting affidavit and order on the respondent. At this point in the procedure, law enforcement should no longer be involved unless called as a witness at hearing, or for the purpose of transporting a respondent in the event commitment is ordered following hearing.

584.03 Clerk's Office Closed or In An Emergency

Procedure other than during Winneshiek Clerk of Court's office hours or in the event of an emergency:

A. A person believed to be a substance abuser and likely to injure the person's self or others if not immediately detained may be taken by a peace officer or a private person to the hospital.

B. The peace officer or private person shall describe the circumstances of the matter to the physician on call at the Winneshiek Medical Center.

C. The doctor finds reason to believe:

1. Person is a substance abuser; and

2. Because of impairment is likely to injure the person's self or others.

D. Assuming the doctor makes the above finding, the doctor will contact the on-call magistrate. Should the doctor determine the person does not require commitment, the person shall be released.

E. The doctor completes the physician's report.

F. Magistrate issues order detaining the person and orders to transport to a substance abuse treatment center, if appropriate. Sheriff's Department shall be responsible for transportation unless other arrangements are made.

585: Report Writing

Purpose

It is essential that information provided to the department is documented for future reference and follow-up. This information is of utmost importance to law enforcement authorities, criminal justice agencies, the general public, businesses, lawyers and media representatives.

Policy

Police reports and citations form the basis for prosecution and ultimate adjudication of law violators. These documents shall be as complete and accurate as possible. Thus, it is essential that officers be provided with specific guidelines for the preparation, processing and distribution of these documents.

Procedure

585.01 Instruction To Be Provided

The necessary instruction for the preparation of department reports will be provided through the Field Training Officer Program for officers in training and by other supervisors as needed.

585.02 Reports To Be Filed and Maintained

All reports shall be filed and maintained permanently in the Department.

585.03 Reports To Be Filed By Officers

Written reports shall be filed by officers to report all crimes, their attempts, missing persons, stolen and recovered property and other information of concern to the Department.

585.04 Reports To Be Accurate

Written reports must be a true, accurate, complete and objective narration of the officer's findings determined by a thorough investigation.

585.05 Reports are the Official Business of the Department

Completed reports are the official business and property of the Department. They shall be filed and maintained by the Department under the direction of the Chief of Police.

586: Drug Recognition Expert Evaluations

Purpose

The purpose of this policy is to outline the guidelines and procedures for the Drug Evaluation and Classification Program (DEC) and for the Drug Recognition Expert evaluations.

Policy

Members of the Department who are DRE certified shall follow all written policies and procedures when conducting evaluations for this Department or any other agency requesting an evaluation.

Definitions

The following definitions apply for the purpose expressed in this policy:

Drug Recognition Expert (DRE): The Drug Evaluation and Classification (DEC Program also referred to as the Recognition Expert Program) Program is a transportation safety program focusing on the detection and apprehension of drug-impaired drivers. The program is managed by the International Association of Chiefs of Police with support from the National Highway Traffic Safety Administration of the U.S. Department of Transportation. The DEC Program trains police officers and other public safety officials as Drug Recognition Experts or Drug Recognition Evaluators (DRE's) through a three-phase training curriculum.

Procedures

586.01 Certification and Training

A. Only officers certified as a Drug Recognition Expert will conduct DRE examinations. Certified DRE officers shall be responsible for attending required training and maintaining their certification.

586.02 Location of Examinations

A. DRE's should conduct their evaluations in a controlled environment, such as the Decorah Police Department or Winneshiek County Jail. The drug evaluation is normally not done at the scene of the stop and is generally a post detention procedure.

586.02 Requests For Evaluations by Outside Agencies

A. DRE examinations will only be conducted for the Winneshiek County Sheriff's Department, Calmar Police Department and the Iowa State Patrol.

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B. All DRE examinations conducted for outside agencies shall be conducted at the Decorah Police Department or the Winneshiek County Jail.

586.03 Evaluation Process

A. The DRE officer shall follow all examination procedures as currently endorsed by the Drug Evaluation and Classification Program

B. It is also important to remember that a few medical conditions can also present the same characteristics as individuals who are suspected of being under the influence of alcohol, a controlled substance or other drug, or a combination of alcohol and another drug. Some of these medical conditions include but are not limited to head trauma, Stroke and Diabetes. If an officer determines that a medical condition may be a factor they should seek medical attention for the subject immediately.

586.04 Reporting

A. All reports related to a DRE evaluation shall be completed during on-duty shift time.

B. DRE evaluation reports for outside agencies shall be forwarded to the appropriate agency.

586.05 Evaluation Reimbursement by Outside Agencies

A. Any court costs incurred by the DRE officer shall be reimbursed at that officer's over-time rate of pay plus benefits.

586.06 Responsibilities to Decorah Police Department

A. In all cases priority will be given to Decorah Police Department responsibilities. If activity levels or other conditions dictate, the request for evaluation by an outside agency will be declined. If during the

administration of an evaluation for an outside agency, the circumstances dictate, the DRE officer will discontinue the evaluation.

587: Ordering And Purchasing

Purpose

To define and establish procedures for ordering any purchase of uniforms, equipment, etc.

Policy

Each officer or employee of the Decorah Police Department shall in all instances when wishing to purchase or place an order for any item, follow the prescribed procedure.

Procedure

587.01 Purchase Requests

Authorization for all purchases shall be obtained from the Chief or Assistant Chief prior to the purchase being made. Employee should try and provide comparative prices and vendor's information when possible.

587.02 Returns of Merchandise

All returns of merchandise will be undertaken by the employee making the purchase. A note indicating a return shall be given to the Chief, in order to maintain accurate account records and reconcile statements.

587.03 Purchase Orders

A purchase order will be required on all purchases over $300.00. A purchase order form can be obtained from the Chief or Asst. Chief. A copy of the completed purchase order shall be given to the Chief.

587.04 Established Accounts

Purchase order forms do not apply to established local accounts.

591: Canine Unit

Purpose

The purpose of this policy is to delineate responsibilities and to establish policies and procedures in the utilization of a Canine Unit.

Policy

When it is fiscally practical, the Decorah Police Department will support a canine unit, consisting of a trained handler and canine, to assist in the prevention and detection of crime and the tracking of persons sought by the police.

The canine handler shall be responsible for making the decision to utilize the canine and will be accountable for such in accordance with the provisions of the Code of Iowa.

Procedures

591.01 Duties and Responsibilities

A. The Chief of Police shall have direct supervision of the Canine Unit. The Chief or his/her designee shall be responsible for the organization, training, state of readiness, and the tactical deployment of the resources of the canine unit.

B. The Canine Unit shall be available for emergency duty at all times. Canine Unit personnel shall perform their regular assigned duties except when their services are required for special details or training purposes. Their assignment to the Canine Unit shall in no manner relieve them from conforming to and complying with other orders of this Department

C. The canine handler can refuse a search at their discretion, for the safety of the canine and its handler.

D. When the Canine Unit is requested for a search, the canine handler shall be in charge until the search is completed.

591.02 Nature of Cases Where The Use of Canine Unit is Authorized

A. Tracking

A canine can track a human scent, provided conditions are suitable. This tracking ability may be utilized in instances

such as lost children, missing persons, confused persons, or suspects of a crime. The sooner the dog arrives at the scene, the better the chances of a successful track. Aids to tracking include the following:

1. Know exactly where the subject was last seen.

2. Keep all persons, including yourself, away from the immediate location.

3. Obtain as accurate a description of the suspect as possible.

4. Attempt to determine the direction the subject was last seen heading.

5. Appraise the canine handler with as much information as possible when he/she arrives at the scene.

When searching a building or similar facility and when tracking, a canine is aided by their natural senses of smell and hearing. Therefore, when the services of a canine team are contemplated, every effort should be made by officers at the scene to avoid contaminating the area with human scent by the presence of an unnecessary number of people.

B. Narcotic searches of buildings, vehicles, etc.

Guidelines for searching buildings or homes

1. Pre-canine search – any narcotics that are obviously in plain sight, seize and remove the narcotics. Do not place the narcotics in another location in the building prior to removing them from the building. Photograph evidence, and maintain a chain of custody on the evidence. Notify the canine handler where the narcotics were found and what type of narcotics were found.

2. Assign one helper with a flashlight to go with the canine and its handler to log the location and time when the narcotics are found.

3. Remove defendants and all persons other than

officers from the building. (Defendants do not need to see how the search is done and who the canine handler is.)

4. Remove dogs, cats, or other animals and the food for those animals. Also remove any other food that might distract the canine. (Drug traffickers poison narcotics detection dogs)

5. Do not search for additional narcotics and do not disturb the areas to be searched. This moves the scent around and will be harder for the canine to locate the exact position of the narcotics.

6. Shut off all fans, air conditioning, furnaces and furnace fans. Also close all windows.

7. All officers should stay out of the building and out of the way of the canine, handler and helper. If officers are to remain in the building, try to limit the number and do not distract the canine or handler by making a lot of movement and noise.

8. The canine handler and helper are in command of the search until it is completed.

9. The canine handler can refuse to search for the safety of the canine or at their discretion.

Guidelines for searching a vehicle

1. If you find narcotics in a vehicle, seize them and remove them from the vehicle. Do not place the narcotics on the vehicle or in the vehicle after removing them from the original location where they were found. Notify the canine handler where the narcotics were found and what type of narcotics were found.

2. If you decide to use a canine, do not pre-search the vehicle for further narcotics.

3. Do not let the subjects stay in the area of the search.

4. Keep all windows rolled up an shut off the engine of the vehicle. Do not allow the air conditioning fans to run. If the vehicle must be moved, assure that the fans are shut off.

5. Remove all food, cats, dogs, or any other animals from the vehicle. Also remove any animal food from the vehicle.

6. The canine handler and helper are in command of the search until it is completed.

7. The canine handler can refuse to search for the safety of the canine or at their discretion.

591.03 <u>Use within The City of Decorah</u>

A. Requests for use of the Canine Unit may be made by any officer of this Department.

B. Requests shall be made to the Communications Dispatcher who will contact the Canine Unit.

C. Upon arrival of the Canine Unit at the scene, the situation will be explained fully to the canine handler by the officer making the request.

D. The canine handler shall be responsible for determining whether the circumstances justify the use of the canine and for determining the tactical considerations.

591.04 <u>Use Outside The City of Decorah</u>

All requests for use of the Canine Unit in areas outside the City of Decorah shall be approved by the on-duty supervisor. All requests will be given immediate and careful consideration and when, in the opinion of the supervisor, the service can be provided from the resources available and the need appears to justify the use of the Canine Unit, the request shall be approved and the following actions taken:

A. Advise the Canine Unit of the request, including any special requirement.

B. Advise the requesting agency of the decision concerning its

request and the approximate time the Canine Unit will arrive at the designated area to furnish the requested assistance.

C. The on-duty supervisor will be advised of the dispatch of the Canine Unit. A follow-up written report shall be submitted to the Chief, providing complete information relative to the request, the need for such assistance, the action taken on the request and the results of the assistance provided.

591.05 General Rules

A. All dogs are to be kept as quiet as possible, both on and off duty.

B. All dogs are to be groomed each day, whether on or off-duty.

C. Dogs are to be fed once daily, unless otherwise instructed by the veterinarian or the handler.

D. Officers are reminded that the dogs are the property of the City of Decorah and will be treated as such.

E. No dog shall be used for stud purposes.

F. No dog will be entered in any show, trial, or exhibition without the express permission of the Chief of Police.

G. Carelessness or showing off with the dogs at any time or place is strictly prohibited.

H. The feeding of dogs by the public is to be politely discouraged, except for canine demonstration purposes.

I. Abuse of dogs in any way is a violation of law and will not be tolerated. All injuries or sicknesses of assigned canines, are to be promptly reported to the Chief of Police who shall see that the proper care is given and reports are made.

J. All dog bites, regardless of where they occur, or how minor, will be reported to the canine handler immediately. The canine handler will be responsible for submitting to the Chief of Police all required reports with recommendations, without undue delay.

K. Discretion is to be used to prevent canines from urinating or

defecating on or near public or private buildings and thoroughfares, on or off-duty.

L. Dogs will not be allowed to drink from any public drinking fountains, pools, or stagnant puddles, nor allowed to wade or swim in any pool, fountain or lake.

M. All officers assigned to the Canine Unit shall be held responsible for the control of their assigned dogs, both on and off-duty.

600: Traffic Operations

610 Traffic Administration

611 Traffic Administration

620 Traffic Law Enforcement

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611: Traffic Administration

Purpose

The purpose of this policy is to regulate traffic upon and the use of the streets of the City of Decorah, and to provide for the enforcement of these regulations through the Department.

Policy

It shall be the policy of this Department to regulate traffic upon and the use of the streets of the City of Decorah and to provide for the enforcement of these regulations through the Department as authorized by the Decorah Municipal Code and the Code of Iowa.

621: O.W.I. Countermeasures and Related Tests

Purpose

To establish uniformity in the processing of intoxicated drivers and reduce accidents, injuries and deaths caused by impaired drivers.

Policy

In an effort to curb impaired driving the officers of the Decorah Police Department will actively seek out, apprehend and process intoxicated drivers. Members specific goals will be the successful prosecution and conviction of those arrested and charged with O.W.I.

Procedure

Included herein are the general procedural guidelines pertaining to the arrest and processing of suspected intoxicated drivers.

621.01 Witnessed Offense

The following procedure is a guideline to be used when an officer observes an individual operating a vehicle and has reasonable cause to believe that person is under the influence of alcohol, a drug or a combination of alcohol and a drug.

A. Observation: After stopping a vehicle, observe and note the signs of use of an alcoholic beverage a drug or controlled substances and indicators of impairment of the driver. e.g. but are not limited to the following:

1. Odor of an alcoholic beverage about their person.
2. Trouble locating and removing driver's license.
3. Odor of burn marijuana or chemical about their person.
4. Slurred thick speech.
5. Poor gait or coordination.

B. Standardized Field Sobriety Tests: If possible have the suspect walk to a safe, reasonably level area free of obstacles and debris to perform the three standardized field

sobriety tests; or because of weather conditions, surface conditions or other circumstances beyond the officer's control, they can transport the suspect without an arrest to the Winneshiek County Jail where SFST's and other evidentiary testing can be administered. The SFST's are to be administered by following the NHTSA guidelines.

1. Horizontal Gaze Nystagmus test.

2. Nine Step Walk and Turn test.

3. One Leg Stand test.

When all three Standardized Field Sobriety tests are taken into consideration together, they are 93% accurate in determining a suspect's blood alcohol content to be in excess of .08%.

C. Additional Field Sobriety Tests: Additional tests may be administered to a suspect to help determine if that individual is impaired. They include but are not limited to the following:

1. Finger to nose test.

2. Rhomberg balance test.

3. Lack of convergence test.

4. Pupils' reaction to light.

5. Estimation of pupil size.

6. Vertical gaze nystagmus test.

D. Preliminary Breath Test: If this test is used it should be the final test administered. If the suspect provides a preliminary breath test and it is in excess of .08%, the officer may place the person under arrest for O.W.I. If the suspect provides a preliminary breath test and it is less than .08%, the officer may still place the suspect under arrest if they believe they are impaired and or the investigating officer believes the individual is under the combined influence of alcohol and a drug or under the influence of a drug or controlled substance. If the suspect refuses to provide a preliminary breath test and the officer believes the suspect is impaired they may place the suspect under arrest for refusal.

E. Inform Suspect of Arrest: The officer will inform the suspect they are under arrest for O.W.I. and will be transported to the Winneshiek County Jail, where they will be processed for O.W.I.

F. Miranda Warning: Prior to transporting, the officer may at his or her discretion advise the suspect of their Miranda Rights. If the suspect requests to contact any party, make arrangements upon arriving at the jail. Note the name of the person contacted, the phone number and the time of the call. Do not limit the number of phone calls the suspect makes.

G. Vehicle Disposition: Either impound the vehicle; release the vehicle to a responsible third party with the owner's consent; or park and lock the vehicle near the scene of the stop.

H. Upon arriving at the jail, the officer will inform the suspect of the appropriate Implied Consent advisory.

I. The officer will complete the request and notice form and request the appropriate biological sample; either breath, urine or blood.

J. If a breath specimen is requested and the suspect agrees to provide this sample, the officer will prepare the breath testing instrument.

K. The officer will have the suspect provide a specimen of their breath. If the suspect provides a breath specimen that indicates a B.A.C. of .08% or more or the suspect refuses to provide the test the officer will complete the period of revocation and inform the suspect of the Notice of Revocation. The officer will complete the appropriate IDOT paperwork in reference to the issuance of the temporary driver's license.

L. If the suspect provides a breath, blood or urine test inform them of their notice of right to an independent chemical test and let them make arrangements to have the test administered at the Winneshiek Medical Center.

M. If the suspect provides a breath specimen that indicates a B.A.C. of .08% more and the officer has reason to believe the suspect is impaired on a combination of alcohol and a controlled substance the officer may request a Drug

Recognition Expert to conduct a drug influence evaluation of the suspect and the arresting officer may request a urine specimen for chemical testing for drugs or controlled substances.

N. If the suspect provides a breath specimen that indicates a B.A.C. of .08% or less and the officer has reason to believe the suspect is impaired on a combination of alcohol and a controlled substance or drug, the officer may request a DRE to conduct a drug influence evaluation of the suspect and the arresting officer may request a urine specimen for chemical testing for drugs or controlled substances.

O. If the suspect provides a breath specimen that registers a B.A.C. of .00% and the officer has reason to believe the suspect is impaired on a controlled substance or drug, the officer may request a DRE to conduct a drug influence evaluation of the suspect and the arresting officer may request a urine specimen for chemical testing for drugs or controlled substances.

P. If the suspect is under the age of twenty one and a breath specimen was obtained that registers a B.A.C. in excess of .02% but less than .08% and the officer believes there are no controlled substances or drugs in the suspect's system, a Zero Tolerance violation has occurred and the officer will complete the appropriate IDOT notice of revocation.

Q. After processing of either the O.W.I. or Zero Tolerance violation the officer will complete the appropriate reports.

R. Juveniles arrested and processed for O.W.I. or Zero Tolerance shall be processed in accordance with guidelines set forth in Chapter 541: Juvenile Operations.

621.02 Offense Not Witnessed by Officer

This may involve a collision or other circumstances and witnesses evidence should be located to prove who was driving.

A. Probable Cause: At a collision or incident not witnessed by an officer, witnesses should be located and interviewed to prove the suspect was driving, operating or in physical control of the vehicle, or the suspect must admit to the officer they were driving the vehicle, or other evidence should be collected proving the suspect was operating the vehicle.

The investigating officer must establish the use of alcohol, a controlled substance or drugs by the suspect who was operating the vehicle.

B. If the suspect was not injured, proceed as if it were a witnessed offense.

C. If the suspect is transported to the Winneshiek Medical Center and is dead, unconscious, or otherwise in a condition rendering them incapable of consent or refusal to the withdrawal of a specimen for chemical testing, the investigating officer will complete the Certification of Licensed Physician form and request the licensed physician to withdraw a specimen of blood or urine for chemical testing.

If the suspect was transported to the Winneshiek Medical Center and is conscious and capable of consent or refusal:

D. The investigating officer will inform the suspect they are under arrest for O.W.I. The officer will advise the suspect of their Miranda Rights, if the suspect requests to make telephone calls and speak with an attorney prior to proceeding, the officer shall allow the suspect to do so in accordance with their rights.

E. The investigating officer will inform the suspect of the Implied Consent advisory and will complete the request and notice form.

F. The investigating officer will request a specimen of either blood or urine from the suspect for chemical testing. If the suspect submits to the request of the withdrawal of a biological specimen for chemical testing, complete the appropriate attached paperwork for either the blood or urine specimen collected. If the suspect provides a urine specimen for testing for alcohol, a second void is the preferred sample collected. The sample that is collected will be properly packaged, sealed and secured until mailed to State DCI laboratory for testing via certified mail.

G. If the suspect submits to the request of a blood or urine specimen, inform the suspect of their Notice of Right to an Independent Chemical Test. If the suspect requests an independent test let them make the necessary arrangements.

H. If the suspect refuses to submit to any type of chemical testing, the investigating officer will invoke Implied Consent and complete the OWI reports. The investigating officer will issue all appropriate paperwork as required.

I. If the suspect can be released from the Winneshiek Medical Center and incarcerated in the Winneshiek County Jail, have the attending physician complete the Physician's Incarceration Recommendation, stating the suspect can be incarcerated. Transport the suspect to the Winneshiek County Jail.

J. If the suspect cannot be released from the hospital, but is conscious and capable of receiving a citation, the investigating officer may issue the accompanying paperwork for the offense or make arrangements to have the citation and accompanying paperwork issued on a different date.

K. If the suspect is unconscious or incapable of receiving the citation and accompanying paperwork, the investigating officer will make arrangements to have the citation and paperwork issued on a different date.

621.03 Collision Resulting in a Fatality or Life Threatening Injury

When a collision occurs that results in the death or life threatening injury or unconsciousness of the suspect:

A. The suspect shall be transported to a medical facility.

B. The investigating officer shall complete the Certification of Licensed Physician form and request the attending physician withdraw a specimen of blood for chemical testing.

When a collision occurs that results in the death or life threatening injury of any person and the suspect is conscious and capable of responding to the investigating officer, and they are transported to a medical facility:

A. On probable cause that a felony has occurred, i.e. criminal negligence, place the suspect under arrest for the appropriate charge and inform them of their Miranda Rights.

B. Read the Implied Consent advisory to the suspect. The

investigating officer will request a specimen of either blood or urine from the suspect for chemical testing. If the suspect submits to the request of the withdrawal of a biological specimen for chemical testing, complete the appropriate paperwork for either the blood or urine specimen collected. If the suspect provides a urine specimen for chemical testing for alcohol, a second void is the preferred sample collected. The sample that is collected will be properly packaged, sealed and secured until mailed to the State DCI laboratory for testing via certified mail.

C. If the suspect refuses to provide the biological sample requested, the investigating officer will obtain and complete an application for a search warrant compelling the suspect to provide the biological sample requested for chemical testing.

D. After obtaining the search warrant the investigating officer shall serve it on the suspect. If the suspect is at the Winneshiek County Jail they shall be transported to the Winneshiek Medical Center so a medical doctor can obtain the body specimen ordered by the Court. If the suspect refuses to comply with the search warrant make a notation and make the return of warrant service to the Court.

E. If the suspect can be released from the medical facility, transport them to the Winneshiek County Jail for incarceration and file the appropriate charges.

622: Abandoned and Junked Vehicles

Purpose

The purpose of this policy on junked and abandoned vehicles is to protect the health, safety, and welfare of the citizens of Decorah and the safety of property of this city by providing guidelines for removal of abandoned and junk motor vehicles and machinery except in places authorized, and for the prevention of the storage of junked motor vehicles on private property except where authorized.

Definitions

A. Abandoned Vehicle: means any of the following:

1. A motor vehicle that has been left unattended on public property (streets and public grounds) for more than forty-eight hours and lacks current registration plates or two or more wheels or other structural parts which render the vehicle totally inoperable; or

2. A motor vehicle that has remained illegally on public property for more than fifteen days; or

3. A motor vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or

4. A motor vehicle that has been legally impounded by order of the Chief of Police and has not been reclaimed for a period of thirty days.

B. Junked or Obsolete Motor Vehicles: means any motor vehicle stored within the corporate limits of the city, not licensed for the current year as required by law, and which because of any of the following characteristics constitutes a threat to the public health and safety:

1. Any vehicle with a broken or cracked windshield, window, head light or taillight, or any other cracked or broken glass.

2. Any vehicle with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, trunk top, trunk handle, radio aerial, tail pipe or decorative piece;

3. Any vehicle which has become the habitat of rats, mice or snakes, or any other vermin or insects;

4. Any vehicle which contains gasoline or other flammable fuel;

5. Any other vehicle which, because of its defective or obsolete condition, in any other way constitute a threat to the public health and safety.

C. Storage: means the leaving of a motor vehicle upon private property for more than one month.

Policy

It shall be the policy of the Department to enforce Chapter 8.20 of the Decorah Municipal Code and establish guidelines for removal of abandoned motor vehicles, the elimination of the open storage of abandoned and junk motor vehicles and machinery except in places authorized, and for the prevention of the storage of junked motor vehicles on private property except where authorized.

Procedure

622.01 Receives a Complaint or Discovers

If the Department receives a complaint or discovers an abandoned or junk vehicle, the Department shall determine the ownership of the vehicle and property where the vehicle is stored. The Department shall also determine if the vehicle falls under the definition of abandoned or junk vehicle.

622.02 Officer to Issue Parking Ticket

If the vehicle is abandoned or junk, and parked on a city street, city parking lot, a posted private parking lot, or private driveway the investigating officer shall issue the vehicle a parking ticket in accordance with the Decorah Municipal Code.

622.03 Department to Notify Owner

The Department shall attempt to notify the owner of the violation, and have the owner make arrangements for the vehicle's immediate removal.

622.04 Department to Impound Vehicle

If the owner cannot be contacted, the Department shall impound the vehicle in accordance with Chapter 942: Vehicle Impoundment and Inventory.

622.05 <u>Department to Follow Municipal Code</u>

If the vehicle is impounded the Department shall follow the procedures set forth in Chapter 8.20 of the Decorah Municipal Code.

623: Radar and Speed Measuring Devices

Purpose

To establish guidelines for operation of the Department's speed enforcement program.

Policy

The Department will utilize radar in high or potentially high collision locations when speed is a factor; in areas where speed limit violations are prevalent; in response to citizen complaints concerning speeding motorists; and to conduct traffic volume and speed percentile studies.

All officers utilizing radar and/or other electromechanical speed measuring devices must successfully complete the basic operator training program and receive certification prior to utilizing Department speed measuring devices.

Procedure

623.01 Radar Use

The primary purpose of radar and other speed measuring devices is to provide a rapid, accurate means of determining the speed of vehicles while the patrol vehicle is in motion or stationary.

The effective use of radar and other speed measuring devices, and their acceptance is dependent upon the operator's understanding of the specific limitations of radar devices, adequate training and initial certification combined with periodic recertification to demonstrate the operator's efficiency.

623.02 Radar Certification and Maintenance

The Assistant Chief will establish procedures to ensure that radar units are certified annually. The Assistant Chief will also establish procedures that ensure radar units receive proper care and upkeep; ensure program maintenance; testing and calibration; and that operation record systems suitable for introduction as evidence in court, are developed and maintained.

623.03 Installation

A radar unit will be installed and connected to the appropriate power supply in each of the Department's patrol vehicles.

623.04 Officer to Check Unit for Accuracy

The officer must establish that the unit was tested for accuracy prior to use and after use by an approved method established by the radar manufacturer. A calibration test will be made at the start of each officer's shift, and subsequently after each violator is cited, to ensure the unit is functioning properly. The following tests will be performed:

A. Internal Circuit Test: Testing usually begins with an internal circuit test. This test checks the circuits inside the counting unit by means of either crystal or internal electronic tuning forks. In all cases, the internal test is passed only if the proper number appears exactly (see radar unit's manual for specifications) as required. If any other number appears, do not use the instrument.

B. Light Segment Test: Radar units have a feature that allows allows the officer to make sure all the individual light segments on the radar speed displays are working. A burned out light segment could cause the officer to make a mistaken speed reading. If a burned out segment is discovered, the radar unit shall be taken out of service and repaired.

C. External Tuning Fork Test: The radar tuning fork is specially calibrated for use with a radar unit. (see radar unit's manual for specifications). The external tuning fork test checks the ability of both antenna and counting unit to process and display a simulated target speed properly. If the officer performs the test, a speed measurement will appear on the instrument's display window. The speed measurement cannot differ from the fork's certified value by more than 1 m.p.h. If the speed measurement should differ by more than 1 m.p.h., this test should be repeated. If the deviation persists, the radar unit shall be taken out of service and repaired.

D. Patrol Speed Verification Test: The radar test for accuracy (internal circuit test, light segment test, and external tuning fork test) apply to all radar units, moving and stationary. The final test, verification of the radar patrol speed readout against the patrol vehicle's speed. The officer accelerates to a steady speed and compares the radar's patrol speed readout with the patrol vehicle's calibrated speedometer. The speeds must correspond closely; if there is any

noticeable deviation, the radar unit shall be taken out of service and repaired.

623.05 <u>Log Book</u>

Each radar unit assigned to a patrol vehicle will have a log book and tuning forks stored in the glove box. The officer will make the following entries in the log book:

A. The date, time of tests, tests of calibration (stating speeds of tuning forks used), and the officer's initials performing and entering the test results.

B. The date, time of traffic stop, location of violation, violator's speed that the officer wrote him/her for, the speed zone, the vehicle license plate, and the officer's initials

C. After each violator is issued a citation, the officer shall repeat Section A.

623.06 <u>Elements of Offense</u>

Successful enforcement of speed regulations involves more than simply detecting and apprehending violators. The elements of the speeding offense are driver identification, location, speed and conditions.

A. Driver Identification: There are two aspects to driver identification. The officer must be able to quickly identify the driver of the vehicle at the time of the initial stop and then later identify the same driver in court.

B. Location: Establishing where the defendant's vehicle was being driven when the infraction occurred is usually not difficult. the officer's testimony that the violation was observed to have taken place on a certain street or highway is sufficient.

C. Conditions: The officer must gather information if the defendant wishes to contest the case in court. Such conditions may include but are not limited to:

1. Weather – rain, snow, sleet;

2. Roadway Characteristics – traffic volume, road surface conditions;

3. The vehicle – brakes, tires or such vision obstructors as a dirty windshield.

623.07 <u>Supportive Evidence, Tracking History</u>

Several elements are involved in the valid identification of a target vehicle. Together these elements comprise what is referred to as a complete "tracking history" and are listed as follows:

A. Visual Estimation of Target Speed: Testimony must substantiate that the vehicle in question was observed to be speeding. An officer's ability to estimate speeds is established separately from the radar evidence. The officer should be able to testify that a target vehicle was traveling faster than the speed limit even if no radar or similar device was used.

B. Audio Tracking: The audio feature on radars allows the operator to hear the incoming Doppler signal. a stable target signal will result in a single pure, clear audio tone. The higher the pitch of the signal, the faster the speed of the target producing the signal. With experience, an officer can correlate this pitch with actual speeds.

C. Target Speed Display: The target speed displayed by the radar must correspond reasonably with the visual and audio estimations. Each of the three must reinforce the other. If any of them is incompatible, the reading must be disregarded.

With stationary radar, these three elements would be enough to constitute a valid tracking history. One additional element is required for moving radar.

D. Patrol Speed Verification (moving radar only): Current moving radars possess not only a target vehicle speed display window, but also a patrol-car speed display window. The patrol speed indicated on the radar must correspond with the reading on the patrol vehicle's speedometer, which must be certified as well. This verification ensures the radar computation of the target speed is based on a valid patrol car speed.

623.08 Limitations

It is sometimes alleged that police traffic radars often display “false” target readings. In fact, certain factors can affect radar devices. Many of these factors can be avoided, provided the officer operates the radar unit properly. Some are unavoidable, the result of natural causes. All of them should be recognizable to the trained, experienced operator. The following limitations and factors may affect radar operation:

A. Interference
B. Multi-path beam cancellation effect
C. Scanning effect
D. Panning effect
E. Turn-on power surge effect
F. Mirror switching effect
G. Patrol speed shadow effect
H. Batching effect
I. Jamming and detection

623.09 Charges

Violators being cited by the officer shall be charged under the applicable Decorah Municipal Code or the Code of Iowa in accordance with Chapter 844: Felony and Misdemeanor Arrest.

623.10 Case Preparation and Presentation

When preparing a case for presentation it may be helpful for the officer to keep the following in mind:

A. The officer must establish the time, place, and location of the radar unit; the location of the offending vehicle when the violation took place; that the defendant was driving the vehicle; and that state law and city ordinances regarding the posting of speed limits had been complied with.

B. The officer must state his/her qualifications and training.

C. The officer must establish that the radar unit was operating normally.

D. The officer must establish that the radar unit was tested for accuracy, both before and after its use, using a certified tuning fork.

E. The officer must accurately identify the vehicle.

F. The officer must have seen that the vehicle appeared to be speeding and estimated how fast.

G. The officer must have obtained a radar reading that agreed with the visual estimate of the target vehicle's speed.

H. The officer is to establish that the audio pitch emitted correlated with both the visual estimate and the radar reading.

I. If moving radar is used, the officer must testify that the patrol vehicle's speed was verified at the time the speed measurement was obtained.

623.11 <u>Court</u>

The following elements must be established in court:

A. The officer must establish the time, place, and location of the vehicle that was checked, the identity of the operator, the speed of the vehicle, and the visual and radar speed check.

B. How the unit is operated.

C. That the proper calibration procedure was used at the beginning of the operator's shift and the unit was functioning properly.

D. The records maintained to indicate the accuracy and the calibration.

F. That the officer is a qualified radar operator, the date qualified and the requirements for qualification and certification.

624: Mobil Video/Audio Recording Equipment

Purpose

The purpose of this order is to establish the procedures and guidelines for the operation of the in-car audio-video recording equipment in Decorah Police Department vehicles, as well as establish retention, storage, disposition and duplication policies.

Policy

It is the policy of the Decorah Police Department that all officers operating a vehicle equipped with an in-car camera system will utilize that equipment on every traffic stop, as well as all emergency responses or pursuits that involve the use of the emergency lights and or siren. It is recommended that in the case of citizen contacts within audio or video range of the police car, the system be utilized when audio or video documentation would be of future benefit.

Procedure

624.01 Officers Responsibilities

A. If any component of the equipment fails to operate correctly the officer shall notify their supervisor immediately.

B. Officers shall activate the audio and video equipment on every traffic stop. This includes activation of the wireless microphone. The wireless microphone may be temporarily deactivated during enforcement action in order to discuss unrelated issues with other officers. During traffic stops the system may be activated prior to engaging the overhead lights. This may allow the officer to record radio traffic and document the probable cause for the stop.

C. Officers shall not discontinue recording until the traffic stop/incident is completed. If recording is stopped or interrupted in the middle of a segment, the officer shall provide a brief verbal explanation prior to record being turned off. In situations involving prolonged overhead light use such as traffic direction, collision scene protection or funeral escorts, officers may turn the recorder off.

D. Officers are not required to inform the public that the recording equipment is in use, but shall disclose its use upon inquiry.

E. Officers shall not change any of the Department default settings on the recording equipment. (access to these settings will be restricted by password and shall be available to supervisors)

F. Officers are discouraged from conducting Field Sobriety Testing and citizen contacts in front of the patrol car. This location places officers and citizens in jeopardy should the patrol car be struck from behind.

   Officers are encouraged to conduct contacts out of the roadway when possible. The windshield mounted camera can be rotated in order to capture the contact if necessary.

G. Officers shall activate the audio-video recording equipment at any other time they believe the documentation would have a future benefit.

H. Officers shall activate the rear-facing camera when a prisoner is located in the back seat, who may be combative or self-destructive.

I. When the system indicates the hard drive is close to its maximum capacity, the officer shall notify a supervisor so the hard drive can be uploaded and cleared.

J. Officers are encouraged to inform their supervisor of any recorded sequence that may be of value for training purposes.

K. If an officer believes a recorded event should be retained beyond 2 years, they should notify their supervisor.

L. On an O.W.I. stop, administration of the PBT shall be conducted off camera. (it is not necessary to stop the camera, however, every attempt should be made to step out of the camera shot during this test.)

M. On the Case Referral form indicate if Video was used during the incident.

N. Officers shall be responsible for entering the appropriate event information for each recorded event on the system. This information will indicate the type of incident and if it should be retained.

624.02 Supervisors Responsibilities

A. Supervisors will be responsible for uploading the hard drive to the archive computer. If a supervisor is aware there will be no supervisor available on the following shift, they shall check the unit to see if the hard drive should be up- loaded prior to leaving.

B. The custodian of the archives will be responsible for monitoring the retention periods and purging video from the storage system as needed, while following the established retention protocol.

624.03 Retention Protocol and Duplication of Video

A. All video will be stored on the computer in the Multi-purpose room and/or backed up to external hard drives. These archives will be accessible only to supervisors.

B. Video will be retained as follows:

1. All video will be retained for a period of 2 years.

2. In certain cases where retention for longer periods would be required, the investigating officer shall notify the supervisor responsible for the archives.

C. When a copy of a video segment is required for court, the officer shall notify the custodian of the date and time of the offense. The custodian will create a copy of the requested portion of the video and the original will be retained.

D. Video duplication will be provided to any attorney requesting such a copy, as per the agreement with the Winneshiek County Attorney's Office. A reasonable fee may be charged for this service. No other copies will be made without a court subpoena, unless the request comes from the County Attorney, City Attorney, US Attorney's Office or the Chief of Police.

E. All recordings generated by the in-car video system are the exclusive property of the Decorah Police Department and may not be copied, duplicated or otherwise obtained for the personal use or collection of any police officer without specific approval by the Chief of Police.

F. Supervisors may randomly review video to ensure established procedures are being followed, and to assess officer performance.

631: Collision Investigations and Charges

Purpose

To achieve more uniform and consistent traffic collision investigations by all members of the Decorah Police Department.

Policy

It is the policy of the Police Department to investigate all collisions coming to the attention of the Department and in accordance with established professional standards.

Procedure

631.01 Collisions

All traffic collisions observed by, or reported to a member shall be investigated. The investigating officer's report shall be completed upon forms supplied by the Department and signed by the reporting officer.

All reports shall be completed by the end of the officer's shift. If the report is not completed, it shall be completed to the farthest extent possible. A note shall be attached to incomplete reports indicating what is pending and action to be taken next. The reporting officer shall fully complete any pending report upon coming on duty the next scheduled shift.

Exception #1

A serious personal injury or fatal collision investigation and report will be completed before the end of the officer's shift. Completion of the report may be extended to the next scheduled shift, with a supervisor's approval.

Exception #2

Collisions under investigation in which total damage is less than $1500.00 shall not be completed on a collision report form. The names, addresses, dates of birth, drivers' license numbers, vehicle description and circumstances shall be noted on the assigned activity card.

All collisions under investigation involving a serious injury, (requiring hospitalization), or extensive damage, or unusual

circumstances or evidentiary requirements shall be photographed and measurements taken using established police practices.

631.02 Collision Charges

Whenever, during the course of investigation, the reporting officer establishes a violation has been committed by one or more drivers involved in a traffic collision, the officer may issue an applicable citation, regardless of the extent of damages. The decision to issue the citation(s) shall be made by the investigating officer and/or the supervisory personnel based upon the facts of the investigation, witnesses, evidence and all other probable cause.

Exception #3

It is understood that only reckless driving and O.W.I. charges can be filed against the driver who operates a motor vehicle off the highway (on private property). No other traffic related charges can be filed in connection with the investigation of collisions on private property. However, a collision which begins, (to any degree), on the highway and ends on private property shall be considered as having occurred upon the highway and citations may be issued accordingly.

Exception #4

An applicable traffic citation may be issued to the driver of a vehicle involved in a collision on the highway regardless of the roadway surface conditions or the weather unless, at the officers' discretion, the obvious majority of traffic traveling on the same roadway encounters similar difficulty.

NOTE: The aforementioned directives in #1 and #2 shall include all collisions investigated by the Department. (At scene, not at scene, hit & run, etc.)

631.03 Members' Involvement In Collision

Whenever a member, driving a city vehicle, becomes involved in a collision, the member shall immediately notify the on-duty supervisor. Any collision involving a member shall be investigated by the Winneshiek County Sheriff's Department or the Iowa State Patrol. The member and/or the supervisor shall provide a copy of the collision report to the Chief of Police and City Clerk's Office as soon as it is practical to do so.

A member may never investigate a collision involving a relative of the member's immediate family. (father, mother, brother, sister, husband, wife or children.)

641: Traffic Direction and Control

Purpose

To ensure continuous and efficient operation of the traffic signal system within the City of Decorah.

Policy

It is the policy of the Department to monitor the operation of the traffic signals and to provide information to the proper authorities of any problems or malfunctions.

Procedure

641.01 Signal Damage or Malfunctions

In the event of signal damage, i.e., motor vehicle collision, storm damage, controller malfunction, etc., contact the Assistant Chief. If the Assistant Chief is unavailable contact the following:

A. Voltmer Electric Inc.
B. The current traffic control contractor

641.02 Reporting Bulb Burnout

Upon discovering a nonfunctional signal lamp, the officer shall advise the communication center of the following:

A. The intersection involved

B. The signal head involved

C. The particular light involved (red, yellow, green)

641.03 Dispatcher to Notify Street Department

The first shift dispatcher shall advise the Decorah Street Department of the problem after 7:00 AM Monday through Friday, excluding holidays. Simple burned out lamps do not require the Decorah Street Department to be notified on Saturday or Sunday, but shall be held until Monday morning.

If the nature of the signal malfunction is such that it is creating a traffic hazard, the signals shall be placed on four-way red flash if possible. If it is not possible to place the signals in flash, the

Decorah Street Department shall be contacted to place stop signs at the intersection

641.04 <u>Preempt Controls</u>

The preempt controls on the radio console can control certain traffic light sequences during preemption. They are to ensure quick, safe movement of emergency vehicles such as medical, fire and law enforcement and are activated by the communications personnel at the radio request of officers or other emergency personnel.

The following is a list of preempts available within the present computerized traffic light system:

1. <u>Broadway Flash Preempt:</u> Controls the traffic lights at the intersection of Broadway and Mechanic intersection. This preempt gives YELLOW FLASHING lights for north and south bound traffic on Mechanic Street and RED FLASHING lights for east and west bound traffic on Broadway.

2. <u>Heivly/Fifth Avenue Flash Preempt:</u> controls the traffic lights located at the intersections of College Drive and Fifth Avenue, and College Drive and Heivly Street. The action of the preempt is to display a YELLOW FLASHING light to fifth Avenue and Heivly Street. A RED FLASHING light is displayed on College Drive.

3. <u>Fifth Avenue/Heivly Street/College Drive Preempt:</u> controls the traffic lights located at the intersections of Fifth Avenue and College Drive, and Heivly Street and College Drive. The action of this preempt is to display a GREEN light to the east bound emergency traffic on Fifth Avenue. The lights controlling College Drive will display RED stopping all traffic on College Drive. This will allow the traffic to turn either left or right onto College Drive. If the vehicle flow is to the right (south), the lights at Heivly will display the GREEN ball and the GREEN left turn arrow for southbound traffic on the College Drive Bridge.

4. <u>College Drive NORTH/Fifth Avenue WEST Preempt:</u> controls the traffic lights located at Heivly Street and College Drive, and at Fifth Avenue and College Drive. The action of this preempt is to display a GREEN light on College Drive at Heivly Street for northbound emergency traffic. The lights controlling southbound traffic will display RED traffic lights. The traffic lights controlling the traffic approaching College

Drive from Heivly Street and Fifth Avenue will display a RED light. The traffic lights at the intersection of Fifth Avenue and College Drive for northbound traffic will display a Green ball and a GREEN left turn arrow. This will allow the emergency traffic to either go straight north or turn west onto Fifth Avenue.

5. College Drive NORTH and SOUTH: this preempt controls the lights at the intersections of Heivly Street and College Drive, and Fifth Avenue and College Drive. The action of this preempt is to display a GREEN light for all north and south bound traffic on College Drive.

6. Heivly Street/College Drive/Fifth Avenue Preempt: controls the traffic lights at the intersections of Heivly Street, College Drive and Fifth Avenue. The action of the preempt is to display a GREEN light for Heivly Street. The lights controlling College Drive will display a RED light. This will facilitate emergency traffic to enter College Drive. The traffic lights controlling northbound traffic on College Drive at Fifth Avenue will display a GREEN ball and left turn arrow. The traffic lights controlling southbound traffic at College Drive and Fifth Avenue will display RED.

7. ALL SOUTHBOUND Mechanic Street Preempt: controls the traffic lights at the intersections of Mechanic Street and West Water Street, and Mechanic Street and West Broadway. The action of this preempt is to display a GREEN light for all southbound traffic on Mechanic at the intersections of West Water Street and West Broadway. The traffic lights for West Water Street and West Broadway and northbound traffic on Mechanic Street will display RED.

8. ALL NORTHBOUND Mechanic Street Preempt: controls the traffic lights at the intersections of Mechanic Street and West Water Street, and Mechanic Street and West Broadway. The action of this preempt is to display a GREEN light at both Mechanic Street and West Water Street for northbound traffic. The traffic lights for traffic on West Broadway, West Water Street, and southbound Mechanic Street will display RED.

9. East Water Street and State Street WESTBOUND Preempt: controls the traffic lights at the intersection of East Water Street and State Street. The action of this preempt is to display a GREEN light for westbound traffic on East Water

Street. The traffic lights controlling eastbound traffic on East Water Street, and north and south bound traffic on State Street will display RED.

10. Water Street ALL Preempt: controls all of the traffic lights located on East and West Water Street. The action of this preempt is to display a GREEN light for all east and west bound traffic on Water Street.

11. East Water Street and State Street SOUTHBOUND Preempt: controls the traffic lights at the intersection East Water Street and State Street. The action of this preempt is to display a GREEN light for southbound traffic on State Street. The traffic lights controlling traffic on East Water Street and northbound on State Street will display RED.

642: Use of Traffic Safety Vests

Policy

Members of the Department shall wear the issued traffic safety vest while conducting business out of the vehicle, on all city or state roadways for extended periods of time. Compliance is required by Federal law.

Procedures

642.01 Required Use

Use of the traffic safety vest shall include, but not be limited to the following:

A. Directing traffic on any city or state roadway.

B. Investigating a collision, requiring the officer to be in the roadway.

C. Working special events, which would require the officer to be in the roadway.

D. Investigation of any matter requiring the officer to be in the roadway, i.e.; clearing road hazards, accident reconstruction, criminal investigations, motorist assists etc.

E. Any other circumstances requiring the officer to be in the roadway for an extended period of time.

642.02 Exceptions To The Use of The Traffic Safety Vest

A. Any situation in which, at the officer's discretion, the use of the safety vest would create an officer safety risk.

B. Traffic stops of a brief duration.

651: Traffic Engineering

Purpose

The purpose of this policy is to establish procedure for review of traffic flow, collisions or problems due to engineering.

Policy

Whenever the collisions at any particular location become numerous or traffic flow becomes a problem, the Chief of Police and the City Engineer shall conduct studies of such collisions or traffic flow and propose remedial measures.

661: Motorist Assists

Purpose

To assist citizens having mechanical difficulties with their vehicle.

Policy

The members and employees shall assist citizens having mechanical difficulties with their vehicles. It is understood that motorist assists will have low priority unless they are creating a traffic hazard.

Procedures

661.01 Unlocking Vehicles

Vehicles shall be unlocked at a citizen's request only in emergency situations. (Example: an infant locked in the vehicle.)

661.02 Jump Starting Vehicles

Citizens requesting assistance in jump starting their vehicle shall be informed the Department can loan jumper cables to assist them, but members of the Department CANNOT use Department vehicles to jump start their vehicles.

661.03 Motorist Requesting Towing Service

The Department shall assist motorists in obtaining towing service, whether it is the on call tow company or a specific request by the motorist.

661.04 Department to Keep a Log

Communications personnel shall keep and record a log of all requests for towing service. The log shall contain date and time a wrecker was requested, the person requesting the wrecker, the name of the wrecker service and the reason for the request.

670: Vehicle Impoundments and Inventory

Purpose

To establish the procedures for the impoundment of vehicles by this department.

Policy

To ensure that all vehicles and contents, especially valuables therein, which for any reason are impounded by members of the Department shall be cared for until claimed by the registered owner or their designee.

Procedures

671.01 Officer to Inform Driver

Whenever the driver of a vehicle is placed under arrest and their vehicle is towed, the officer will inform the person the vehicle has been towed. The officer may, at his/her discretion leave the vehicle parked and locked if it is safe to do so, or allow another person to take possession of the vehicle with the owners consent.

671.02 Abandoned Vehicle

When the Department receives a complaint or discovers an abandoned vehicle on any roadway, in violation of Chapter 10.52, Decorah Municipal Code, an effort to contact the vehicle owner should be made. The owner shall be directed to move the vehicle, and told that failure to do so will result in the vehicle being towed at their expense.

A. When the officer has reason to believe the vehicle constitutes an immediate traffic hazard the officer will have the discretion to tow and impound the vehicle immediately.

B. When a vehicle is discovered to be in violation of registration laws, it shall be towed and impounded unless other immediate arrangements can be made.

C. Abandoned vehicles which are not a traffic hazard, shall be marked for 48 hours and then re-checked at the conclusion of that period. If the vehicle has not been moved it shall be towed and impounded.

671.03 Vehicles to be Inventoried

Members of the Department who impound vehicles shall inventory all vehicles and complete a Vehicle Impoundment and Inventory Record form for each.

671.04 Valuables in Vehicle

Any valuables found loose inside the passenger compartment shall be taken to the Department's Evidence/Property Room and processed in accordance with Chapter 831: Evidence and Property. If the items cannot be removed, a detailed inventory shall be made.

671.05 Costs of Towing

The registered owner or designee will be held responsible for the cost of towing a vehicle. In criminal investigation cases which require that the vehicle be towed and impounded, all costs will be paid by the Department.

671.06 Department No To Release Vehicle

A member of the Department may not release a vehicle until:

A. The vehicle and contents are no longer needed as evidence.

B. All towing fees, parking tickets fines, and other expenses have been paid by the owner or their designee.

C. The Vehicle Impoundment and Inventory Record form has been completed and signed.

D. The vehicle is legally registered and in safe operating condition. (vehicles which are not registered correctly or unsafe must be trucked or towed in compliance with state law)

671.07 Report to be Filed

The Vehicle Impoundment and Inventory Record form shall be filed with the offense report if one is assigned. If there is no related report file, the completed Vehicle Impoundment and Inventory Record form shall be filed in the Administrative File under Vehicle Impoundments.

672: Motor Vehicle Seizure and Forfeiture

Purpose

The purpose of this policy is to direct the seizure and forfeiture of motor vehicles used during the commission of a felony involving transportation, facilitation of transportation concealment, manufacture or protection of controlled substances.

Definitions

A. Seizure of Motor Vehicles: Any assertion of dominion and control over a vehicle by a law enforcement officer or agency pursuant to suspected criminal acts that interferes with the full possessory rights of the vehicle title owner, constitutes a seizure.

B. Forfeiture of Motor Vehicles: Forfeiture is the procedure by which title to seized property is finally transferred to the seizing agency. Forfeiture can be obtained through a final order of the court having jurisdiction over the seized property, or through negotiated settlements with those persons having a lawful legal interest in the seized property.

C. Statutory Authority for Civil Forfeiture of Motor Vehicles: Distinct procedures for seizure and forfeiture of motor vehicles can vary depending on federal, state and municipal law. While federal law allows forfeiture of motor vehicles that have been used in both drug sale and possession offenses, some states and municipalities may limit forfeiture proceedings to selling offenses only.

Policy

It is the policy of this Department to utilize to the fullest extent the forfeiture provisions available in state and federal drug laws, in order to have as much impact as possible on narcotics dealers in this jurisdiction.

Procedure

672.01 Seizure of Vehicle For Forfeiture

The seizing officer shall:

A. Determine if the motor vehicle used in the commission of a drug-related felony is subject to seizure. Department officers shall NOT seize a motor vehicle for forfeiture purposes:

1. If it is a common carrier and the owner is not consenting or a conspirator to the charge;

2. If the owner has no knowledge of the offense or has not given consent;

3. If it is a stolen motor vehicle; or

4. If the vehicle is leased.

B. Obtain clearance to seize for forfeiture purposes. Seizing officer must contact the shift supervisor, advise of the facts and circumstances surrounding the potential seizure and forfeiture and receive authorization to continue the forfeiture investigation.

C. Determine whether the violator owns the vehicle and, if not, identify the registered owner or title holder by name, address and telephone number.

D. Obtain, or attempt to obtain the registration and title.

E. When possible, obtain post-Miranda statements implicating the motor vehicle, and in those cases where the violator is not the owner, implicate the owner (and/or co-owner) as knowledgeable about the use of the motor vehicle by the violator.

F. Determine if the vehicle is to be processed for evidence. Any motor vehicle seized for forfeiture will be handled as evidence as provided by Department policies concerning property and evidence control and vehicle storage and inventory. All receipts and inventory forms will be marked "Hold for Forfeiture."

G. Have the vehicle towed to the Department vehicle storage facility.

H. Complete the offense report, particularly describing the circumstances attendant to the seizure.

672.02 <u>Supervising the Seizure</u>

The Supervisor shall:

A. Consider the type, condition and approximate value of the seized motor vehicle, in determining the practicality of recommending a forfeiture action.

B. If the supervisor determines that forfeiture is appropriate or is unsure of the practicality of the processing, he/she shall contact the Chief of Police or the Winneshiek County Attorney and report the facts and circumstances of the seizure and potential forfeiture. If the Chief of Police or Winneshiek County Attorney authorizes a continuance of the forfeiture investigation, the supervisor shall so advise the seizing/investigating officer and shall comply with steps C through H above.

C. Ensure that a complete and accurate offense report, including all supplemental follow-ups, detailing the seizure has been completed.

672.03 Vehicle Storage and Processing

A. When a vehicle is seized for forfeiture, the Department shall tow it to this Department.

B. The seizing officer shall conduct an inventory in accordance with Chapter 942: Vehicle Impoundments and Inventory. If the vehicle is to be processed and it is determined the vehicle would be contaminated by removing any personal property, the seizing officer may wait until the processing is completed.

C. Personal property not being held for evidence or seizure shall be returned to the owner. If the owner has been arrested or is otherwise unavailable to take possession of the property, it shall be submitted in accordance with Chapter 941: Evidence and Property.

D. Any property seized as evidence shall be packaged and entered into evidence separately from any personal property.

E. The seizing or assisting officer shall meet the tow driver at the vehicle storage facility. After the vehicle has been placed in storage, the seizing officer will secure the keys.

F. When vehicles are seized for forfeiture, the officer handling

the paperwork must ensure the vehicle identification number is obtained from the vehicle itself rather than from a registration check.

672.04 <u>Responsibilities of Operations Captain</u>

A. Ensure that the proper administrative hold has been or is placed on the property.

B. Determine and identify any lien holder, person or lending institution or other person having financial or equitable interest in the vehicle. Request a copy of the title from the State Department of Motor Vehicles.

C. Determine the value of the vehicle for future sale or for use as Department property.

D. Prepare all necessary documents (i.e. forfeiture summary, request for forfeiture, etc.)

E. Coordinate forfeiture process with the appropriate legal authority (i.e. County Attorney).

F. dispose of vehicle either through sale or conversion to Department property. If released to owner or repossessed ensure, if applicable, that all towing and/or storage fees are reimbursed to the Department prior to release of vehicle.

680: Emergency Vehicle Operations

Purpose

To establish guidelines for police response requiring emergency operation of Department vehicles.

Definitions

The following definitions apply for the purpose expressed in this policy:

A. Emergency Response: A situation in which the physical safety and/or well being of an individual is directly jeopardized.

B. Response Without Delay: A situation in which personal injury is likely to occur if assistance is withheld or response is unnecessarily delayed. Included are those instances when a potentially dangerous assignment necessitates additional officers at the scene.

C. Serious Felony: A felony that involves an actual or threatened assault that the officer has reasonable cause to believe could, or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, homicide).

Policy

All emergency vehicle operations shall be conducted in strict compliance with existing statutes and Department policy. Officers engaged in emergency vehicle operations shall utilize visual (emergency lights) and/or audible (siren) emergency warning equipment in response to calls for assistance unless specifically exempted by statute.

All personnel operating Department vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard for the safety of innocent persons. Department personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

680: Emergency Vehicle Operations

Procedures

681.01 Use of Emergency Warning Equipment

Officers shall use emergency warning equipment in accordance with applicable statutes and/or when specifically authorized to do so by a supervisory officer. Supervisory officers, on scene officers and/or communications personnel assigning officers to respond to calls for assistance shall provide all pertinent information, so that the officer can determine the appropriate response.

681.02 Types of Responses

The types of responses shall be as follows:

A. officer is to respond to call at EARLIEST CONVENIENCE. The officer is to obey all traffic regulations and the use of emergency warning equipment is prohibited. Types of calls utilizing this response are as follows:

1. Motorist assists
2. Parking complaints
3. Animal cases
4. Property cases
5. Others as a supervisor may direct

B. Officer is to respond to call IMMEDIATELY, proceeding directly to the location, while operating the vehicle with due regard for the safety of all persons, but without utilizing emergency warning equipment. Types of calls utilizing this response are as follows:

1. Burglary & robbery alarms
2. Non-emergency cover of other officers
3. Disturbances including domestic assault cases
4. Others as supervisor may direct

C. Officer is to respond to call IMMEDIATELY, proceeding directly to the location as quickly as reasonably possible, while operating the vehicle with due regard for the safety of all persons, utilizing the emergency equipment. Types of calls utilizing this response are as follows:

1. Officer in need of emergency assistance
2. Felony in progress, where injury is probable

3. Collisions, fires, or other situations where human human life may be in jeopardy.
4. Others as a supervisor may direct.

681.03 Supervisory Officer May Override

The supervisory officer may override the decision of the officer in the type of response the officer has chosen and may order that officer to use a different response, if deemed necessary under the circumstances.

Emergency Response Procedures

The following procedures will be followed in responding to calls for emergency assistance.

681.04 Communications Center Responsibilities

The Communications Center will be responsible for the following:

A. Receive and record all incoming information on the call for assistance.

B. Evaluate the situation.

C. Dispatch appropriate officers and immediately notify the shift supervisor of the actions taken.

D. Perform relevant record checks if appropriate.

E. Monitor and control all radio communications during the emergency.

F. Coordinate assistance under the direction of the shift supervisor.

G. Monitor the situation until it has been stabilized or terminated.

681.05 Initiating / Primary Response Unit Responsibilities

When an officer in the field is involved in a situation where help is needed, he/she must be aware that a non-specific request will result in an uncoordinated response. This may be a greater hazard

to life and property than the originating incident. He/she must minimize this hazard by providing the following information:

A. Officer ID number

B. Exact location

C. Reason for the request

D. Specify “emergency” if required

E. Use “backup” if routine

F. Number of officers required to handle the situation

The officer making the request shall remain near the radio long enough to determine if the call has been received by the Communications Center. Additionally, the officer shall provide status reports, coordinate the efforts of arriving officers, and confirm that adequate assistance arrives.

681.06 Primary Response Units to Identify Themselves

Primary response officers shall identify themselves and give the Communications Center a conservative estimated time of arrival based on distance, traffic and weather conditions.

681.07 Primary Response Units to Proceed to Specified Location

Primary response officers shall proceed to the specified location in compliance with the response mode specified.

681.08 Primary Response Units to Notify

Primary response officers shall immediately notify the Communications Center upon arrival at the scene and provide a status report as soon as possible.

681.09 Receipt of Termination

Upon receipt of a termination notice, responding officers shall discontinue emergency operation and return to their normal duties unless requested to continue to the scene under normal driving conditions.

681.10 Supervisory Responsibilities

Upon notification of a request for emergency assistance, the supervisory officer may override the decision of the officer in the type of response the officer has chosen and may order that officer to use a different response, if considered necessary under the circumstances.

681.11 Supervisor to Monitor

The supervisory officer shall monitor the response until it has stabilized or terminated, and assert control by directing specific officers into or out of the response if necessary.

681.12 Supervisor to Verify

Upon being notified that an emergency response has been initiated the supervisory officer shall verify the following:

A. Proper response is being utilized.

B. No more than the required or necessary units are involved in the response.

C. Affected area agencies are being notified.

682: Emergency Vehicle Operations – Motor Vehicle Pursuits

Purpose

To establish guidelines for motor vehicle pursuit involving the use of Department vehicles. Vehicular pursuit of fleeing suspects presents a risk of danger to the lives of the public, officers and the suspects involved in the pursuit. It is the primary goal of this Department to provide reasonable protection for the safety of all persons when enforcing the law. In addition, it is the responsibility of the Department to assist officers in the safe performance of their duties. To better meet this goal, it shall be the policy of the Department to establish guidelines for motor vehicle pursuits.

Definitions

The following definitions apply for the purpose expressed in this policy:

A. Motor Vehicle Pursuit: An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving, evasive tactics, maintaining a legal speed but willfully failing to yield to the officer's signal to stop, or other actions.

B. Serious Felony: A felony that involves an actual or threatened assault, which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, homicide).

C. Roadblock: Any method, restriction, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to effect the apprehension of an actual or suspected violator in a motor vehicle.

D. Primary Unit: The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

E. Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit in the pursuit, and follows the primary unit at a safe distance.

F. Authorized Emergency Vehicle: A Department vehicle with operable emergency warning equipment as designated by state law.

682: Emergency Vehicle Operations – Motor Vehicle Pursuits

Policy

All emergency vehicle operations will be conducted in strict compliance with existing statutes. Officers engaged in emergency vehicle operations shall utilize visual (emergency lights) and audible (siren) emergency warning equipment when engaged in a motor vehicle pursuit.

All personnel operating department vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principals of safety become secondary. There are no tasks in the department of such importance that they justify the reckless disregard of the safety of innocent persons. Department personnel will be held strictly accountable for the consequences of their reckless disregard for the safety of others.

Procedures

682.01 Motor Vehicle Pursuit Justified

Motor vehicle pursuit is justified only when the officer knows or has reasonable grounds to believe any of the following:

A. The suspect presents a clear and immediate threat to the safety of the public.

   1. There must be separate articulable facts beyond the suspect fleeing.

B. The suspect has committed or is attempting to commit a serious violent felony.

682.02 Pursuit of Motorcycles

A. The pursuit of motorcycles shall be generally prohibited unless the driver has committed a serious violent felony and there is a continued threat to public safety.

B. The pursuit of a motorcycle carrying a passenger shall be strictly prohibited.

682.03 Considerations

In exercising the discretion to pursue or not pursue, the officer shall consider the following:

A. Seriousness of the offense(s).

B. Area in which the pursuit is occurring.

C. The current volume of vehicle and pedestrian traffic.

D. Capability of the officer's vehicle and the pursued vehicle.

E. Current weather and road surface conditions.

F. Available assistance.

G. The probability of apprehension by other means.

H. The presence of passengers in the police vehicle.

682.04 Initiating/Primary Officer Responsibilities

The responsibility for the decision to initiate a motor vehicle pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, use all emergency warning devices (lights & siren), notify the Communications Center as soon as reasonably possible that a pursuit is underway and provide the following information:

A. Officer identification.

B. Location, speed, and direction of travel.

C. Vehicle description, including license number if known.

D. The specific reason for the pursuit, including known violations.

E. Number of occupants.

F. Traffic conditions.

682.05 Fail to Provide

Failure to provide the above information may be cause for the

supervisor to order termination of the pursuit.

682.06 Primary Officer to be in Field Command

The initiating or primary officer shall be in field command, and bears operational responsibility for the pursuit unless relieved by a supervisor.

682.07 Authority of Primary Officer

The authority of the primary officer pertains to the immediate field operation and is, at all times, subordinate to the command of the supervisor.

682.08 Primary Officer May Maintain Pursuit

The primary officer may maintain pursuit as long as it is reasonable to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.

682.09 Decision to Terminate Pursuit

The decision to terminate a pursuit may be the most intelligent course of action. Officers must continually assess whether the seriousness of the crime justifies continuing the pursuit. A pursuit shall be terminated under any of the following circumstances:

A. If, in the opinion of the pursuing officer or the supervisor, there is a clear and unreasonable danger to the officer and other people created by the pursuit, that outweighs the necessity for immediate apprehension.

B. The suspect's identity has been established to the point that apprehension can be made later, and the public safety is not immediately threatened.

C. The current weather and/or road conditions create an unreasonable danger to the officer, suspect or public should the pursuit continue.

D. The pursued vehicle's location is no longer known.

E. The pursuing officer knows, or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense is a misdemeanor or non-violent felony.

682.10 Termination of a Pursuit

When a pursuit is terminated by the officer or by a supervisor, the officer shall turn off all emergency lights and sirens and discontinue following the suspect vehicle. If appropriate, the pursuing officer may have the Communications center notify area agencies of the suspect vehicle information.

682.11 Not All Officers to Leave the City

At no time are all on-duty officers permitted to leave the City. At least one officer must remain with the city limits, unless the pursuit involves a serious violent felony, at which time additional officers will be called out to respond to calls for service.

682.12 Not More Than Two Units in Pursuit

The active pursuit will normally involve not more than two Decorah Police units plus a supervisor. If more assistance is specifically requested, the amount will be determined by:

A. Nature of the offense.

B. Number of suspects.

C. Whether the units involved have more than one officer.

D. Other clear and articulated facts that would justify the increased hazard.

682.13 Shift Supervisor May Authorize

Only the shift supervisor may authorize more than two units to be in an active pursuit. All other officers will remain aware of the direction and progress of the pursuit, but shall not actively participate, and shall not respond to or parallel the pursuit on adjacent streets unless specifically authorized to do so.

682.14 Assisting Officer to Notify

The assisting officer, upon joining the pursuit, shall immediately notify the Communications Center of his or her identity. If the primary unit is a one-officer unit, the assisting officer should assume radio communication responsibility, allowing the primary officer to devote full attention to driving.

682.15 Assisting Units to Maintain a Safe Distance Behind

The assisting officer will maintain a safe distance behind the primary officer.

682.16 Assisting Units to Avoid Intersecting

Assisting officers shall, at all costs, avoid intersecting the path of on-coming high speed vehicles.

682.17 Primary Unit Becomes Disabled

If the primary unit becomes disabled, the assisting unit will become the primary unit. The Communications Center will advise the shift supervisor and other officers that a new back-up unit is needed.

682.18 Communications Center Responsibilities

The Communications Center will be responsible for the following:

A. Receive and record all incoming information on the pursuit.

B. Immediately notify the shift supervisor when a pursuit is initiated.

C. Clear the radio channel of any unnecessary traffic and advise all other officers that a pursuit is in progress, providing all relevant information.

D. Perform relevant record and motor vehicle checks.

E. Control all radio communications during the pursuit.

F. Coordinate assistance under the direction of the shift supervisor.

682.19 Supervisor Initiates the Pursuit

If a supervisor initiates a pursuit he or she shall assume overall command and exercise control of other units.

682.20 Supervisor Responsibilities

Upon being notified of the pursuit, the supervisor shall verify the following:

A. Determine if the initiation of the pursuit complies with the guidelines of this policy.

B. If the pursuit does not meet the required criteria or guidelines the supervisor shall immediately terminate the pursuit

C. Affected area agencies are being notified.

682.21 Supervisor to Direct the Pursuit

The supervisor will continue to direct the pursuit until the pursuit is terminated. In the absence of adequate information from the pursuing officers, the supervisor may order termination of the pursuit.

682.22 Supervisor Need Not Be Present

As with any tactical field problem, it is not necessary that the supervisor be physically present in order to begin coordination and assert control of the pursuit.

682.23 Supervisor to Proceed to Scene

The supervisor shall proceed to the termination point of the pursuit to provide guidance and necessary supervision.

682.24 Emergency Vehicle Operation and Tactics

A. Offensive Tactics: In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming or driving alongside the pursued vehicle while it is in motion shall be strictly prohibited, unless such actions are specifically authorized by the supervisor. Such actions may be approved only when the use of Deadly Force would be authorized, as defined in section 400 – Defensive Actions. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing officer.

B. Caravanning: There shall be no caravanning by officers not directly involved in pursuit.

C. Passing: There shall be no attempt by officers to pass other units involved in the pursuit unless the passing officer receives specific permission from the primary officer or

supervisor.

D. Spacing: All units in pursuit shall maintain a safe distance from the suspect vehicle and other police units in order to provide adequate reaction time and braking distance.

E. Unmarked Police Vehicles: Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to public safety. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

F. Controlled Access Highways: Officer shall not pursue suspects the wrong way on a controlled access highway or divided roadway unless specifically authorized by the shift supervisor.

G. Roadblocks: The use of a roadblock is strictly prohibited. A roadblock may only be used when authorized by a supervisor and only when the use of deadly force would be justified. (See Section 683 – Roadblocks).

H. Traffic Control Devices: Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

682.25 Authorized Emergency Vehicles per the Code of Iowa

The following is a copy of Chapter 321.231, Code of Iowa, entitled "Authorized Emergency Vehicles" which provides guidelines for operating a police vehicle under emergency conditions.

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section.

B. The driver of any authorized emergency vehicle may:

1. Park or stand an authorized emergency vehicle,

irrespective of the provisions of this chapter.

2. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.

C. The driver of a fire department vehicle, police vehicle or ambulance may:

1. Proceed past a red or stop signal, but only after slowing down as may be necessary for safe operation.

2. Exceed the maximum speed limits so long as the driver does not endanger life or property.

D. The exemptions granted to an authorized emergency vehicle under Subsection B and for a fire department vehicle, police vehicle, or ambulance provided in Subsection C shall apply only when such vehicle is making use of an audible device meeting requirements of Section 321.433, or a visual signaling device approved by the department except that the use of an audible or visual signaling device shall not be required when exercising the exemption granted under sub-section C, paragraph "2" of this section when the vehicle is operated by a peace officer, pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter for the purpose of determining the speed of travel of such suspected violator.

E. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

682.26 Inter-jurisdictional Pursuits

The Communications Center will notify outside agencies if this department is in pursuit in their jurisdiction. The informing person will specify that the call is either a request for assistance or a courtesy notification with no participation desired.

682.27 Involvement in Outside Agency Pursuits

Officers shall not become involved in another agency's pursuit unless specifically authorized by the shift supervisor, or unless it is clearly demonstrated that an officer from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances all Decorah Police Department pursuit polices are in effect.

Officers shall not join a pursuit initiated by an outside agency if the reason for the pursuit is not known or does not meet Department policy.

682.28 Procedures to Follow After a Pursuit is Concluded

A. If the officer that initiated the pursuit is not present when the pursued violator is apprehended, the officer will go to the scene unless otherwise directed by a supervisor.

B. All other officers who participated in the pursuit, but were not directly involved in the arrest will immediately return to normal duties, unless otherwise directed by a supervisor.

C. If a death or serious injury, or serious property damage occurs in a pursuit, or if the pursued vehicle was rammed or struck by an officer's vehicle, the following procedures will be followed.

1. The shift supervisor will be notified, and as soon as possible he or she will notify the Chief of Police.

2. All collisions involving Department vehicles will be investigated by the Iowa State Patrol or Winneshiek County Sheriff's Department. This would include collisions involving the pursued vehicle.

682.29 Reporting Requirements

All officers involved in a pursuit as the primary unit or as an assisting unit, shall prepare a report, to include relevant details of the incident. In incidents resulting in injury to officers, suspects or major property damage, the reports shall be completed prior to the end of the officer's shift.

682.30 Civilian Passengers in Police Vehicles

An officer shall not initiate or become involved in a pursuit if a civilian passenger is in the patrol vehicle. A civilian passenger must exit the patrol vehicle before the officer may become involved in the pursuit. Any person who is not a sworn police officer and present in a professional capacity shall be considered a civilian.

682.31 Reserve Officers

Reserve officers shall not drive a Police Department vehicle in pursuit of another vehicle.

682.32 Administrative Review

The following procedures shall govern administrative review requirements related to motor vehicle pursuits:

A. Administrative and supervisory personnel shall conduct a review of each pursuit as soon after the incident as possible to determine if actions taken were in compliance with Department policy.

B. The review committee shall not involve any staff involved in the pursuit.

C. Pursuit reviews should consist of the following: dispatch tape recordings, written reports, memoranda, training records, interviews, vehicle recordings and other pertinent evidence.

D. The Assistant Chief shall be responsible for the preparation of a pursuit review report and shall forward the report to the Chief of Police for final review. All reports will be retained by the Chief of Police.

E. The Assistant Chief shall conduct an annual analysis of pursuit related reports. Such a review may reveal patterns or trends that indicate training needs and/or policy revisions.

683: Emergency Vehicle Operations – Emergency Roadblocks

Purpose

To establish guidelines for the use of roadblocks in emergency situations.

Discussion

A roadblock is defined as a deliberate obstruction by physical means at one or more selected points on a roadway, for the specific purpose of checking persons using the highway. While roadblocks are necessary at certain times to apprehend persons fleeing from the scene of a crime or attempting to evade arrest, the department utilizing the roadblock must do so in an effective and well-disciplined manner or it will not only fail to achieve its intended purpose, but will arouse unfavorable public opinion and may expose the Department to civil or criminal liability.

Roadblock operations must be preplanned to the extent possible, because time does not permit adequate deployment on any other basis. Officers must be trained in roadblock techniques and be properly equipped to set them up. The types and strategic placement of blockades must be determined in the planning stage. In addition, the individuals who have the authority to implement and cancel the roadblock should be clearly identified.

Many other factors must be considered, including the number of officers available for assignment to the roadblock. The decision to activate a roadblock plan should be based on:

A. Seriousness of the crime.

B. Sufficient information and descriptions of wanted persons and vehicles.

C. The elapsed time between the criminal act and its discovery.

Policy

Roadblocks shall not be implemented without the express approval of the shift supervisor.

Fixed or circle system roadblocks may be used as necessary and acceptable police tactic in emergency situations if, and only if, the use of deadly force would be justified.

Adequate warning to approaching traffic is a necessity. Therefore, unless the only vehicle reasonably expected as the first to approach the roadblock is that of an evader or violator against whom deadly force is justified, and there is

insufficient time to provide warning to that evader prior to his arrival, a reasonable system of warning to motorists approaching the roadblock shall be in operation prior to the closing of the roadway by the roadblock.

Supervisory personnel will have primary responsibility for development of a roadblock plan. The roadblock plan will identify to the extent possible, suitable locations for roadblocks, taking into consideration the terrain and natural and manmade obstructions, such as hills, curves, bridges etc. The plan will identify locations where warning signs and devices to be used at the roadblock are stored.

Procedures

683.01 Activation of Roadblock Plan

Upon notification of a situation that may warrant the use of a roadblock, the supervisor shall evaluate all information to determine if the use of deadly force would be justified. If circumstances warrant, the supervisor should order the activation of the roadblock plan and make appropriate modifications.

The supervisor should, if possible, assume command at the scene of the roadblock. If the circle system is used or if the supervisory officer is unable to reach the scene of the roadblock prior to implementation, he or she should assign specific officers to assume command of the roadblock.

683.02 Implementation

A. Fixed Roadblocks: Barricades used for fixed roadblocks consist of strong, well marked structures, augmented by blockade markers, flares, cones, reflectors and warning signs, and may include positioning of patrol cars on the roadway.

B. Circle System: This system is designed to completely contain the suspect in a given area. every possible avenue of escape is blocked. All traffic is stopped and each motorist is thoroughly investigated. The location of blocking points is determined by using the crime scene as the center and drawing a circle on a map.

The radius of the circle is determined by time – the estimated time lapse from the commission of the crime to the establishment of the roadblock. Some units are

dispatched to blocking points and others to patrol inside the circle.

The inner circle is the area immediately surrounding the crime scene and is quickly blocked, forcing the suspect into the roadblock or onto back roads. Restricting the use of major highways prevents the easy blending with traffic.

An outer circle is established to apprehend the suspect if he or she gets through the inner circle. The outer circle is usually several miles larger than the inner circle, and the blocking points are on principal highways and intersections.

683.03 Blocking Technique

A. General: The general position of the parked patrol vehicle is at a 45 degree angle to the traffic flow. In this position, the officer can both observe and maintain mobility. In instances when an extensive check of vehicles would cause interference with traffic flow, it is more desirable to slow slow traffic to a speed that will enable the officer to check passing vehicles and occupants without bringing them to a complete stop. No person shall be allowed to remain inside a vehicle used to block the roadway.

B. Two-Lane Roadways: In a two-lane road, to stop traffic traveling only one direction, the vehicle will be parked at a 45 degree angle to the traffic flow, partially on the roadway, blocking the lane used by the traffic to be stopped. The normal speed of traffic on the highway will determine the placement of warning signs and devices. In placing signs ahead of the block, consideration must be given not only to stopping distances, including reaction and braking time, but also to strategic location so as to retain the element of surprise and reduce the probability of a turnaround. Generally, the signs should be placed in the approximate center of the roadway facing the traffic to be stopped. Lettering on the sign should be large enough to be read at a distance. In darkness it should be illuminated.

C. Multi-Lane Roadways: The blockade of one side of a multi-lane highway is basically the same as a blockade on a one or two lane roadway. Because of greater traffic speed, the signs must be placed further ahead to allow time for a safe stop. Since this is a multi-lane road, signs must be placed on both sides of the roadway. Flares and/or signs should be

arranged to funnel traffic into one or more lanes.

700: Prisoner and Court Related Activities

710 Prisoner Transportation

711 Transportation of Prisoners

720 Holding Facility

721 Winneshiek County Jail

730 Court Security and Testifying

731 Court Security
732 Court Attire When Testifying

740 Legal Process

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743 Felony and Misdemeanor Arrests
744 Fingerprint and Photograph Requirements
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711: Transporting Persons In Custody

Purpose

To establish guidelines for the transporting of persons in custody.

Discussion

Transportation of persons who are in custody is a constant requirement and frequent activity. there are two general time periods that are involved. The first is immediately after arrest, when the person is taken to the Police Department or the jail for booking and holding. The second concerns the movement of prisoners from the jail to a court, hospital or medical facility, or for other reasons.

Policy

Transportation of persons in custody will always be performed with the safety and well-being of the officer and prisoner being of primary importance at all times.

Procedure

To maximize the safety of officer, the following procedures will be utilized in transporting persons in custody:

711.01 All Persons To Be Searched

An officer shall search all persons in custody and take possession of all weapons and evidence. The search will be conducted prior to placing the individual in a police vehicle.

711.02 Persons To Be Handcuffed

All persons in custody shall be handcuffed behind the back prior to being transported. Exceptions to this policy may include; juveniles, the elderly or those with other physical restrictions.

711.03 Vehicles Used For Transportation

When transported in vehicles equipped with safety screens, arrested persons shall be placed in the rear seat of the vehicle.

711.04 Transporting Prisoners

When being transported in a one-officer patrol vehicle not equipped with a safety screen, the prisoner shall be handcuffed behind the back and belted into the right front passenger seat. In two-officer patrol vehicles without screens, the prisoner will be placed handcuffed behind the back and placed in the right rear seat and secured with the seat belt. The passenger officer will ride in the left rear seat behind the driver.

711.05 Lone Officer Transporting

In no case will a lone officer, in vehicles not equipped with screens, transport more than one prisoner.

711.06 Transporting a Violent Person Alone

When transporting a violent subject, a second officer shall follow the transporting officer whenever possible.

711.07 Transporting Female Persons

When an officer transports a prisoner of the opposite sex, he/she shall notify the Communications Center of the starting odometer reading and the destination.

711.08 Juveniles Being Transported

Juveniles being transported shall not be handcuffed except in cases where it is necessary due to violent behavior on the part of the juvenile and for the safety of the officer.

711.09 Handcuffing a Prisoner To a Police Vehicle

Officers shall not handcuff any prisoner to a police vehicle or any other type of vehicle or property.

711.10 Prisoners Transported Promptly

All prisoners shall be transported promptly and without delay, however, the officer shall drive in accordance with the motor vehicle laws of the City of Decorah and the State of Iowa.

711.11 Officer Responsible For The Safety Of The Prisoner

Officers transporting prisoners shall be responsible for the safety and well-being of the prisoner and should avoid responding to any other calls until the prisoner has been transported.

711.12 Juvenile Prisoners in Custody

Iowa Code 232.19(2) prohibits the secure detention of a juvenile under the age of 13, unless they are a demonstrated threat to officer safety or an escape risk. Juveniles thirteen years of age or over may only be handcuffed while being transported in a police car not equipped with a cage, unless they are a demonstrated risk to officer safety. Securing juveniles using this procedure is generally prohibited.

721: Winneshiek County Jail

Purpose

The policy of the Winneshiek County Jail is to ensure that all members of the Decorah Police Department comply with jail directives issued by the Winneshiek County Sheriff or his/her designated jail administrator.

Policy

All members of the Decorah Police Department will fully comply with the established procedures, as periodically amended, and all rules and regulations issued by the Winneshiek County Sheriff governing the operation of the jail.

Procedures

See Winneshiek County Sheriff's Department Jail manual.

731: Court Security

Purpose

To establish guidelines for escorting prisoners to court and court house security.

Policy

Escorting prisoners to and from court and the handling of prisoners in the courthouse will always be performed with the safety and well-being of the public, the officer and the prisoner being of primary importance at all times.

Procedure

731.01 All Prisoners To Be Searched

All prisoners shall be searched prior to being escorted into the courthouse.

731.02 Prisoners To Be Handcuffed

At the officer's discretion, handcuffs will be removed when entering the courtroom. Violent prisoners shall remain handcuffed as long as possible. The presiding judge may instruct the officer to remove the handcuffs in order to obtain signatures from the suspect, however, the prisoner shall be re-cuffed as soon as possible.

731.03 Prisoner Movement in Courthouse

Movement of prisoners in the courthouse will follow the Winneshiek County Courthouse Security Plan.

731.04 Officer To Provide Security

When appearing before the Court it shall be the officer's responsibility to provide security for the court. The officer shall maintain security for as long as deemed necessary by the judge or magistrate or until the prisoner is released or ordered held.

731.05 Violent Prisoner to Make Court Appearance

When possible, court appearances for actively violent prisoners or prisoners who are a significant security risk should be made at the Winneshiek County Jail.

In cases where it is necessary to transport a violent prisoner to the

Winneshiek County Courthouse for an appearance, at the minimum two officers shall escort the prisoner.

731.06 <u>Officer Responsible for the Safety of the Prisoner</u>

Officers escorting or transporting prisoners shall be responsible for the safety and well-being of the prisoner and should avoid responding to any other calls until the prisoner has been secured at the jail or turned over to another officer.

732: Court Attire When Testifying

Purpose

To ensure uniformity of officers' attire when testifying in Court.

Policy

The members of the Department will appear to testify in attire as set forth hereafter or as requested by the prosecuting attorney in prior agreement.

Procedure

732.01 Court Appearances Made In Regulation Uniform

Routine court appearances will be made in regulation uniform or a business suit unless the prosecuting County or City Attorney advises differently.

732.02 Administrative Personnel and Investigators

Administrative personnel appearing in court on administrative matters, and investigators may wear dress civilian attire.

732.03 Non-Department Cases

Members subpoenaed to appear in court on non-Department cases may wear either their regulation uniform or civilian attire.

741: Legal Advice

Purpose

All law enforcement officers, in the performance of duties, at times need professional legal advice or assistance. This chapter provides the information and methods for Decorah Police Officers to obtain required legal services.

Policy

The City of Decorah and the Department will provide all officers with the legal assistance necessary to satisfactorily accomplish their law enforcement duties. All Department personnel will cooperate with the Winneshiek County Attorney's Office and the Decorah City Attorney in their respective delivery of legal services.

Procedure

741.01 City Attorney

Cases involving Municipal Code violations may be discussed with the Decorah City Attorney.

741.02 County Attorney

Cases involving Iowa Code violations may be discussed with the Winneshiek County Attorney.

742: Citizen's Complaint (Private Filings)

Purpose

To establish a uniform method of receiving a citizen's complaint in which the citizen indicates a desire to file a complaint against another citizen for an alleged violation of law or ordinance.

Policy

The members and employees shall assist private citizens wishing to file charges against another citizen, within the guidelines prescribed by the Iowa Code and Rules of Criminal Procedure. Complaint assistance by members and employees shall be limited to non-indictable offenses, (simple misdemeanors). Complaints of a more serious nature shall be investigated and referred to the Office of the County Attorney.

Procedures

742.01 Indictable Offenses To Be Filed By The County Attorney

When a citizen wishes to file a complaint which is known by the member to be an indictable offense, the member shall advise the citizen that serious, aggravated, or felony offenses must be filed by the County Attorney and advise them that the Winneshiek County Attorney may either file the charge or refuse to do so following review of the Department's investigative report and evidence.

742.02 Officer To Assist in Filing Simple Misdemeanor Charges

When a citizen wishes to file a complaint which is known by the member to be a simple misdemeanor, the member shall help the citizen complete an affidavit and shall provide the citizen with a complaint form, filled out on the front portion thereof, with the correct charges and the Iowa Code or Decorah Municipal Code section. In addition, the member shall assist the citizen in signing the complaint form and affidavit in front of a notary, magistrate, judge or District Court clerk.

A. If the employee or member feels a reconsideration period is needed because of the following reasons before the citizen signs the complaint form, the employee or member shall instruct the citizen to return during normal business hours if he or she wishes to pursue the matter.

1. The citizen has been drinking or is intoxicated.
2. The complaint is against a relative or spouse of the citizen filing the complaint.
3. If the citizen is in a state of high aggravation.
4. When the employee or member doubts the competency of the citizen.
5. If the employee or member doubts the veracity of the complaint filed by the citizen.

742.03 Affidavit

For incidents which can not be satisfactorily completed on a complaint form, the employee or member shall assist the citizen in completing an affidavit which will be attached to the complaint form.

742.04 The Department to Take Charges to Magistrate Court

The Department shall take the completed complaint form and affidavit (if applicable) to Magistrate Court.

742.05 Magistrate Court to Issue Warrant

The Magistrate Court, at its discretion will issue a citation or warrant on valid citizen's complaint.

742.06 Officer to Take Out-of-State Individuals Into Custody

If the Individual that the citizen wishes to file against is from out of state, the officer shall take the individual into custody, assist the citizen in completing the complaint form and affidavit, and contact the Magistrate.

743: Felony And Misdemeanor Arrests

Purpose

To define and establish the procedures for making arrests, determining whether to release or incarcerate arrested persons and the issuance of citations in lieu of arrest of continued detention.

Definitions

A. Felony: A public offense is a felony of a particular class when the statute defining the crime declares it to be a felony. Felonies are divided into four (4) classes. Class "A", Class "B", Class "C" and Class "D". When the statute defines the offense as a felony, but does not provide for a specific penalty it shall be classed as a Class "D" felony.

B. Misdemeanor: All public offenses which are not felonies are misdemeanors. Misdemeanors are divided into three (3) classes: Aggravated, Serious, and Simple. Any act that is declared to be a public crime, offense, or misdemeanor, but no other designations are given, shall be a simple misdemeanor. (Chapter 701, Code of Iowa for reference.)

C. Indictable Offense: Indictable offenses are serious public offenses which are prosecuted in District Court (after preliminary hearings in Magistrate Court). All public offenses other than simple misdemeanors are indictable offenses. Indictable offenses are all violations of the State Criminal Code (not City Code) and are prosecuted by the County Attorney.

D. Non-indictable Offense: Non-indictable offenses are simple misdemeanors. Non-indictable offenses (i.e., simple misdemeanors) are prosecuted in Magistrate Court and may be either State Code violations (prosecuted by the County Attorney) or City Code violations (prosecuted by the City Attorney).

E. Arrest: Is the taking of a person into custody when and in the manner authorized by law, including the restraint of the person (by force or command), or his or her submission to custody.

F. Complaint: A complaint is a sworn statement alleging a criminal offense which commences a criminal prosecution. A complaint may be a separate document (long form) or it may be combined with a citation to the defendant to appear in court (i.e., Uniform Citation and Complaint, Police Citation and Complaint, or Complaint and Affidavit).

G. Uniform Citation and Complaint: Uniform Citation and Complaint means the Iowa Uniform Citation and Complaint form adopted by the State under the Code of Iowa Section 805.6 and used for charging persons with traffic

offenses and all scheduled offenses listed under the Code of Iowa Section 805.8.

H. Police Citation and Complaint: Police Citation and Complaint means the Iowa Police Citation and Complaint form used by the Decorah Police Department for charging person with offenses other than traffic of scheduled offenses.

Policy

Except for scheduled offenses and all misdemeanor offenses, Decorah Police Officers shall, whenever authorized by law, arrest persons committing public offenses or persons for whom arrest warrants have been issued; transport such persons to the Department; complete necessary booking procedures and then seek or make appropriate determination concerning release or incarceration. Ordinarily, persons charged with non-indictable offenses, serious and aggravated misdemeanors that are against property, shall be released upon the issuance of a citation and their promise to appear in court. In accordance with the August 10, 1984 Winneshiek County Attorney directive "All persons arrested without a warrant will be held in custody until they appear before a Magistrate, when they are arrested for any felony offense, all O.W.I. offenses, and all serious and aggravated assaults."

Procedure

743.01 When To Make an Arrest

A. Arrests Pursuant to Arrest Warrants When an arrest warrant has been delivered to an officer or when an officer receives an official communication (in writing, orally or by other means) from another police officer of this state or the United States, that an arrest warrant has been issued for the arrest of a person, the officer shall, if the person can be located within the City, proceed to immediately arrest the person named in the warrant.

B. Arrests for Indictable Offenses Without Warrants In the case of indictable offenses for which no arrest warrants have been issued, an officer shall, if possible, make a prompt arrest under the following circumstances:

1. Where the indictable offense was committed or attempted in the officer's presence; or

2. Where there is no doubt an indictable offense has been committed and the officer has reasonable grounds for believing that the person to be arrested has committed it. However, an arrest warrant should be first obtained in this situation unless the resulting delay would significantly reduce the likelihood of the suspect's apprehension.

An officer may also make an arrest without a warrant where the officer has reasonable grounds for believing an indictable offense has been committed and has reasonable grounds for believing that the person to be arrested has committed it. However, an arrest warrant must be obtained in this situation unless the delay would significantly reduce the likelihood of apprehension.

C. Arrests for Non-indictable (Simple Misdemeanor) Offenses Without Warrants In the case of non-indictable offenses (other than traffic offenses and other scheduled offenses) for which no arrest warrants have been issued, an officer shall, if possible, make a prompt arrest under the following circumstances:

1. Where the offense was committed or attempted in the officer's presence; or

2. Where there is no doubt an offense has been committed and the officer has reasonable grounds for believing that the person to be arrested has committed it.

D. Arrest for Non-indictable Traffic Offenses and Other Scheduled Offenses An officer may also arrest a person for a non-indictable (simple misdemeanor) traffic offense or any scheduled offense (Section 805.8, Code of Iowa) under the circumstances set forth in Section 843.04.

743.02 Arrest Procedure (804.14)

A. Procedure Applicable to all Arrests In making an arrest, unless the suspect is actually engaged in the commission of or attempt to commit an offense, or escapes, so that there is no opportunity to do so, the officer must inform the suspect of all of the following:

1. That he or she is a police officer

2. The intention to arrest the suspect
3. The reason for the arrest
4. That the suspect is required to submit to custody
5. (For indictable offenses only) the suspect's rights under the Supreme Court's Miranda decision

B. Arrests Pursuant to Warrants If acting under the authority of an arrest warrant, the officer shall, in addition to the information specified under Paragraph A of this section, inform the suspect of the fact that a warrant has been issued and shall, upon request, show the warrant to the arrested person as soon as possible. However, the officer need not have the arrest warrant in his or her possession at the time of the arrest.

C. Use of Force in Making Arrests In making arrests, an officer shall use force only as provided in Chapter 113 – Use of Force.

743.03 Deciding Whether to Release or Incarcerate Arrested Person

In all cases where a person has been arrested, except non-indictable offenses, the arresting officer shall promptly transport the person to the police department or jail, complete the necessary booking procedures and then seek or make a determination concerning release or incarceration as follows:

A. Indictable Offenses When a person is arrested without a warrant for an indictable offense, the officer shall incarcerate the person until they are able to make an initial appearance before a judge or magistrate at the time established by the Court. In addition, the officer shall complete a Police Citation and Complaint form (if the offense is non-traffic) or a Uniform Citation and Complaint form (if the offense is an indictable traffic offense) and a Complaint and Affidavit form. The following exceptions to immediate incarceration may apply to the following:

1. If the offense falls under the Code of Iowa Chapter 719 – Obstructing Justice or Code of Iowa Chapter 321.279 – Eluding or Attempting to Elude, and the offense is a felony, or a serious or aggravated misdemeanor, the officer shall have the discretion of incarcerating the individual based on the circumstances.

2. If the offense is a serious or aggravated misdemeanor against property, the defendant can be released upon the issuance of a police citation and complaint (or, in the case of an indictable traffic offense, a uniform citation and complaint), signed by the defendant (i.e. promise to appear), after considering the safety of the community and all the following facts concerning the defendant:

   a. The defendant refuses or fails to offer satisfactory identification.

   b. The defendant refuses to sign the citation.

   c. Detention is reasonably necessary to prevent bodily harm to the defendant or to any other person.

   d. The defendant appears to be under the influence of alcohol or drugs and no one is available to take responsibility for the defendant's custody and safety.

   e. The defendant has sufficient ties to the State of Iowa to assure his or her appearance and a substantial likelihood exists that he or she will refuse to respond to a citation, or

   f. The defendant previously failed to respond to a citation.

   If the officer determines that one of the above situations exists and that the defendant should not be released on citation, the arresting officer shall take the defendant before the Magistrate or Judge, if either court is in session. If neither court is in session, the officer shall promptly incarcerate the defendant until his or her initial appearance before the Court.

B. Non-indictable (Simple Misdemeanor) Offenses When a person is arrested without a warrant for a simple misdemeanor (other than a traffic offense or any scheduled offense), the officer shall issue a police citation and complaint and release the defendant unless one of the conditions listed in **2 a-f** above exists.

C. Arrests Pursuant to Warrants A person arrested under an arrest warrant shall be incarcerated until his or her appearance before the Court unless such person furnishes bail in the amount endorsed on the warrant or until the Magistrate or District Court Judge prior to appearance, orders his or her release. If the arrested person is unable to furnish the endorsed bail, or if no bail amount is endorsed on the warrant, the officer shall promptly incarcerate the defendant until his or her appearance in Court.

743.04 Citations and Arrests for Scheduled Offenses and Other Non-indictable Traffic Offenses

The procedures for citations and arrests for scheduled offenses and other non-indictable offenses are as stated in this section and in section 843.02. All scheduled offenses and all other traffic offenses including indictable traffic offenses (such as Operating While Intoxicated) shall be charged on the Uniform Citation and Complaint form. However, sections 843.01(B), 843.03(A) shall govern the arrest and release of persons arrested for indictable traffic offenses.

A. Release upon Citation, Promise to Appear and Unsecured Appearance Bond Persons stopped by an officer for scheduled offenses or other non-indictable traffic offenses shall, unless the officer determines that one of the situations specified in Section 843.03(B) exists, be promptly released upon the issuance of a uniform citation and complaint containing the defendant's signed promise to appear and the defendant shall not be arrested or transported to the police department.

In all cases where the officer intends to issue a citation in lieu of arrest, the officer shall, before the citation is signed by the defendant, complete the unsecured appearance bond located at the bottom of the front side of the uniform citation and complaint form by entering in the blank contained in the bond statement one of the following amounts:

1. In the case of a scheduled violation, an amount equal to one and one-half times the scheduled fine and the current surcharge and court cost amounts.

2. In the case of a scheduled violation where a court appearance is mandatory, the amount shall be the current amount established by the Court.

3. In the case of a non-scheduled violation under Chapter 321, Code of Iowa, and all other simple misdemeanors the amount shall be that which the Court has established.

B. Arrest and Release Procedures If a person has been stopped for a scheduled offense or other non-indictable traffic offense and the officer determines that such person should not be released as provided in Subsection A above, because one of the situations specified in Section 843.03(B) exists, the officer shall promptly arrest and transport the defendant to the Police Department, complete the necessary booking procedures and then make a determination concerning release or incarceration as follows:

1. If Magistrate Court or District Court are in session, the defendant shall be brought to the court, per the Court's instructions, to appear before a Magistrate or Judge for an order concerning release and the conditions of release.

2. If no court is in session and the violation charged is a scheduled violation:

a. If the defendant wishes to plead guilty, the officer shall release the defendant after observing him or her mail the citation and complaint (with the guilty plea signed on the reverse side), together with the scheduled fine and current surcharge and court costs to the Clerk of Court in an envelope furnished by the officer. If the payment is made by check the officer shall advise the defendant that he or she may be held in contempt of court if the check lacks sufficient funds.

b. If the defendant does not wish to plead guilty, the officer shall release him or her upon observing the defendant mail the citation and complaint (with the promise to appear signed, which is located at the bottom of the reverse side of the form), together with on and one-half times the scheduled fine and current surcharge and court costs to the clerk of Court in an envelope furnished by the officer. Such payment shall not be made by check.

However, the defendant may, instead of mailing money, mail a guaranteed arrest bond certificate issued by a motor club or insurance company (see Section 321.1(70) Code of Iowa.

743.05 Miscellaneous Procedures Concerning Arrested Persons

A. Handling of Bail Money When an arrested person furnishes bail money to an officer, the officer shall give to the person a written receipt for it. In addition, the officer shall complete the Request For and Consent To Forfeiture of Collateral As Disposition of Simple Misdemeanor. The officer shall place the bail money, Request For And Consent To Forfeiture of Collateral As Disposition of Simple Misdemeanor and a Bond Appearance Receipt in an envelope addressed to the Clerk of Court, and mail it in the defendant's presence at the nearest mail box. (Section 805.1(8), Code of Iowa).

B. Communication by Arrested Persons

1. When a person is arrested and transported to the Department such person shall, upon request and without unnecessary delay, be permitted to call, consult with and see:

   a. a member of his or her family
   b. an attorney of his or her choice; or
   c. both a family member and an attorney

2. An arrested person shall be permitted to make a reasonable number of telephone calls as may be required to secure an attorney.

3. All such telephone calls by an arrested person shall be made in the presence of an officer.

4. An officer may make such calls on behalf of a minor or an intoxicated defendant.

5. An attorney shall be permitted to see and consult confidentially with an arrested person, alone and in private, without unreasonable delay.

A violation by an officer of any of the provisions of 843.05(B) constitutes a simple misdemeanor criminal offense. (Section

804.20, Code of Iowa).

744: Fingerprint and Photograph Requirements

Purpose

To establish guidelines for meeting state and federal regulations on fingerprinting and photographing individuals following arrest.

Policy

Members of the Department will follow state and federal regulations on fingerprinting and photographing arrested persons before their release.

Procedure

744.01 Who is To Be Photographed and Fingerprinted

Individuals arrested and charged with felonies, aggravated or serious misdemeanors shall be photographed and fingerprinted.

744.02 Fingerprint and Photograph Process

All fingerprints and photographs will be collected using the Livescan system in the Winneshiek County Jail, and submitted electronically.

744.03 Officer Discretion on Simple Misdemeanor Offenses

Individuals incarcerated on any simple misdemeanor offense may have their fingerprints taken at the officer's discretion to establish positive identification.

744.04 D.C.I. Final Disposition Report

The Iowa D.C.I. Final Disposition Report shall be completed on all indictable offenses and submitted to the Winneshiek County Attorney with the Department reports.

744.05 Unidentified Dead Bodies

The Department shall fingerprint and photograph all unidentified dead bodies and submit fingerprint cards to the Iowa D.C.I and the FBI.

745: Uniform Crime Reports

Purpose

Uniform Crime Reporting (UCR) is a city, county and state law enforcement program. It provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country.

Policy

This Department will comply with the requirements of Chapter 692, Code of Iowa, which mandates reporting of crime statistics to the Iowa Department of Public Safety.

Procedure

745.01 Two Classifications of Offenses

There are two classifications of offenses used in Uniform Crime Reporting, Group A Offenses and Group B Offenses.

A. Group A Offenses include the following:

1. Arson (includes bomb threats)
2. Assault (including domestic assaults)
3. Bribery
4. Burglary
5. Counterfeiting/Forgery
6. Destruction/Damage of Property (vandalism)
7. Drug/Narcotic Offenses
8. Embezzlement
9. Extortion/Blackmail
10. Fraud (not bad checks)
11. Gambling
12. Homicide
13. Kidnapping/Abduction
14. Larceny/Theft
15. Motor Vehicle Thefts
16. Pornography
17. Prostitution
18. Robbery
19. Sex Offenses, Forcible
20. Sex Offenses, Non-forcible
21. Stolen Property (possession of, buying, selling, etc)
22. Weapon Law Violations

B. Group B Offenses include the following:

1. Bad Checks
2. Curfew/Loitering/Vagrancy
3. Disorderly Conduct (includes interference and disturbing the peace)
4. Operating While Impaired
5. Drunkenness
6. Family Offenses (non-violent)
7. Liquor Law Violations
8. Peeping Tom
9. Runaway
10. Trespassing
11. All Other Offenses

745.02 Report Form To Be Used

The UCR report form shall be used for reporting both Group A and Group B offenses.

745.03 Forms To Be Completed

The reporting or arresting officer is responsible for completing the UCR form. Unless there are extenuating circumstances, UCR forms should be completed the day the report is received

750: Recording Interviews

Purpose

The purpose of this policy is to establish procedures for recording suspect, witness and victim interviews in the field as well as in the Police Department.

Policy

In all cases where it is practical, officers shall record suspect interviews. Officers may also consider recording victim and witness interviews for future reference.

Procedure

Digital Pocket Recorders

750.01 Officer's Responsibility

Each officer will be issued a digital pocket recorder. Officers will be required to have the recorder with them in the field, and to use it when interviewing suspects. Officers may at their discretion, use the recorder when interviewing victims and witnesses.

750.02 Storage of Audio Files

Officers shall download audio files from the pocket recorder to the desktop computer in order to retain a protected copy of the file.

750.03 Supervisor To Have Access

Any supervisor shall have access to audio files on the pocket recorder and desktop computer upon demand.

750.04 Audio Recordings Submitted As Evidence

In cases involving serious charges, officers should create a copy of the audio files to be included in the case file or logged as evidence.

In-House Video Recording System

750.05 Use Of The Recording System

Officers shall use the in-house video recording system when interviewing suspects. It is suggested that officers also use the

system when interviewing victims and witnesses. Interviews may be conducted in any of the four recorded rooms.

750.06 Retention Of Video Files

All video files will be retained by the Department for a period of 2 years, unless circumstances dictate a longer retention.

800: Evidence Handling and Search Warrants

810 Evidence and Property

810 Evidence and Property Handling
820 Processing Evidence at the Scene

830 Search Warrants

830 Search Warrant Application
840 Search Warrant Execution

810: Evidence And Property

Purpose

This policy is to ensure uniform handling of property coming into the possession of the Department and to establish proper procedures for submitting evidence to the laboratory for scientific examination, and chain-of-evidence custody to satisfy all legal precedence.

Definitions

A. Evidence: Property that may be related to a crime which may implicate or clear a person of a criminal charge.

B. Found Property: Non-evidentiary property, which after coming into the custody of this Department, has been determined to be lost or abandoned and known or suspected to be connected to any criminal offense.

C. Property Held For Safekeeping: Non-evidentiary property which is placed in the custody of this Department for temporary protection on behalf of the owner.

D. Disposal: Non-evidentiary property that a citizen has requested be destroyed.

E. Search Warrant: Property that may be related to a crime which may implicate or clear a person of a criminal charge and was obtained by a court order or search warrant.

F. Property/Evidence Officer: Shall be the Assistant Chief, Captain or designee. They shall be the only person having access into the secure area of the evidence room.

G. Laboratory or Crime Laboratory: Is the Iowa Division of Criminal Investigations, Criminalistics Library.

H. Chain of Evidence: The continuity of custody of material and items collected as physical evidence, whether at the crime scene or not. The connotation, under the law, is that the item or material introduced subsequently into the court at the time of trial must be proven to be the same as that obtained initially by the officer, the investigator, or some other person and delivered to the laboratory for examination.

I. Crime Scene: The location where the crime occurred or where the indication of the crime exists.

J. Biohazardous Evidence: Is any evidence containing blood or body fluids, or any evidence stained or contaminated by blood or body fluids.

Policy

Each officer or employee of the Decorah Police Department shall in all instances when exhibits of evidence, found items and items taken for safekeeping are received by them, place the exhibit in an evidence bag, or secure an evidence tag securely thereto, and submit the exhibit to the Property/Evidence Officer.

Procedure

Labeling and Submitting Exhibits

810.01 Evidence and Property Tag Securely Attached

Each exhibit submitted to the Property/Evidence Officer as found property, property held for safekeeping, evidence or exhibits seized as the result of a search warrant shall have a completed Evidence and Property Tag securely attached. (A copy of the Evidence and Property Tag used by the Department is attached at the end of this chapter). Each Evidence and Property Tag will have the following completed:

1. Item No.: Item number assigned to the case.
2. ID No.: If there is only one exhibit indicate “1 of 1.” If there are two exhibits indicate “1 of 2” on one tag and “2 of 2” on the other.
3. Date: The date the exhibit was recovered or seized.
4. OR/AR No.: If an offense report and/or a collision number.
5. Recovered by: The submitting officers initials or name.
6. Notes: Is an optional field and the officer can use this as needed.
7. Chain of Possession: If the exhibit is submitted as evidence and the seized exhibit changes possession indicate the following: From whom it was obtained; to whom did the possession go; date of the exchange; and time of exchange. If this field is completed, also complete the Chain of Possession field on the Property and Evidence Control Sheet.

810.02 Impound Tag Number In Lieu Of Evidence and Property Tag

Exhibits stored in the impound cage, the officer or employee may attach in lieu of Evidence and Property Tag an Impound Tag to each submitted exhibit and record the Impound Tag number on the Property and Evidence Control Sheet (see section 941.03). There are three different colored Impound Tags. The different Impound Tags will be utilized in the following manner:

A. Yellow Impound Tag: Will be used on all found or recovered bicycles.

B. Blue Impound Tag: Will be used on all found property excluding bicycles, that has no evidentiary value.

C. Red Impound Tag: Will be used on all recovered stolen property excluding bicycles.

810.03 Property and Evidence Control Sheet

Personnel submitting exhibits as found property, safekeeping property, evidence or items seized as the result of a search warrant shall complete a property and Evidence Control Sheet. The completed Property and Evidence Control Sheet is then removed from the clipboard and placed in the three-ring binder labeled "ENTER". The form shall be completed as follows:

1. **Item No**.: Item number assigned to the case.
2. **OR/AR No**.: If an offense report and/or collision report is assigned to the case, the or and/or AR number assigned.
3. **No. of Items**: Number of exhibits that were seized or turned in.
4. **Impound Tag No**.: If a number other than the OR number was used, enter that here.
5. Check the appropriate box: Search warrant, Found property or Safekeeping.
6. **Offense**: If the exhibit is evidence or as the result of a search warrant, list the offense or charges in the case.
7. Check the appropriate box if any Impound Tags are used.
8. **Clear**: Leave this space blank. Property/Evidence Officer use only.
9. **Name**: If the exhibit is evidence, list the name of the individual charged. If the exhibit is found property or safekeeping, list the name, address and phone for the person who submitted it.

10. **D.O.B.**: If the exhibit is evidence, list the date of birth of each individual charged with an offense.
11. Check if Forms Given or Sent: Check the appropriate box if any forms were issued.
12. **Date**: The date the forms were given or sent by the officer.
13. **Officer**: The officer that issued or sent the forms.
14. **ID No**.: The exhibit identification number.
15. **Description**: The description of the exhibit submitted.
16. **Location Found**: The location where the exhibit was found or seized.
17. **Date**: The date the exhibit was found or seized.
18. **Time**: The time the exhibit was found or seized.
19. **Off/Dis**: The officer or employee submitting the exhibit.
20. **Locker #**: Indicate where the item is stored i.e. locker number, range, cage, keys, etc.
21. **Storage**: This space is completed by the Property/Evidence Officer. Indicates final storage location.
22. **E/P Off**: The initials or mark of the Property/Evidence Officer storing the exhibit.
23. **Disposition**: This space is completed by the Property/Evidence Officer. This space designates what happened to the exhibit after it was no longer needed.

810.04 Biohazardous Evidence Labeling

Any exhibit that is contaminated by biohazardous material shall be indicated on the Property and Evidence Tag and the Property and Evidence Control Sheet in the following manner:

A. On each biohazardous exhibit, warnings shall be printed with a brightly colored marker in large letters using the words “CAUTION” and “BIOHAZARDOUS MATERIALS”. On each Property and Evidence Tag the warnings shall be printed in the area designated for Notes. On the Property and Evidence Control Sheet the warnings shall be printed across the top of the form.

810.05 Officers To Avoid Submitting

Officers shall avoid submitting exhibits to the Property/Evidence Officer which have no evidentiary value, or are not found property or safekeeping property.

810.06 Securing Evidence

Officers submitting evidence shall secure that evidence in the evidence lockers and lock the key in the locker with the evidence. Officers shall note the evidence locker number on the Evidence Control Sheet.

Weapons taken for safekeeping shall be secured in the evidence room. Weapons held for Luther College students shall be secured in the sally port evidence cage. Bicylces or large found property items shall be stored at the Range building. In all cases, the location of storage shall be noted on the Evidence Control Sheet.

810.07 Property/Evidence Officer To Transfer Exhibits

The Property/Evidence Officer will transfer exhibits from the temporary evidence lockers to the appropriate storage area according to the type and package of the exhibit.

810.08 Property/Evidence Officer To Complete Control Sheet

The Property/Evidence Officer will remove the Property and Evidence Control Sheet from the three-ring binder labeled "ENTER", complete the following and then place the sheet in the three-ring binder labeled "ACTIVE."

A. Storage: The storage area in the inner lockup area where the exhibit can be found.

B. E/P Off: The initials or mark of the Property/Evidence Officer who placed the exhibit in the inner lockup area.

810.09 Property/Evidence Officer Right To Refuse

The Property/Evidence Officer shall have the right to refuse any exhibit that is submitted if it is not properly packaged and/or identified as set forth in this chapter and Chapter 931: Processing Evidence at the Scene.

810.10 Property/Evidence Officer To Keep Records

The Property/Evidence Officer shall keep complete, up-to-date records of all exhibits received and the dispositions.

Analysis of Exhibits

810.11 Exhibits Submitted to Laboratory for Analysis

Exhibits to be submitted to the Iowa D.C.I. Crime Laboratory or the Federal Bureau of Investigation Laboratory for analysis shall be prepared by the Property/Evidence Officer or the investigating officer as agreed. When submitting exhibits, the officer shall proceed as follows:

A. Locate the Property and Evidence Control sheet. If the control sheet is in the three-ring binder labeled ACTIVE, remove it and select the exhibits that need to be submitted for analysis. Have the Property/Evidence Officer locate the exhibits.

B. Complete the following on the Property and Evidence Control Sheet:

1. **Item To D.C.I**. : List the exhibit ID number of the item submitted.

2. **Date Mailed**: List the date the exhibits were mailed by registered mail.

3. **Officer**: The officer that mailed the exhibits.

4. Complete the following Chain of Possession of the Property and Evidence Control Sheet:

   a. **ID No**.: The exhibit number that is being submitted to the Laboratory.

   b. **Given To**: State “Registered Mail.”

   c. **By Whom**: The officer sending the exhibit.

   d. **Date**: The date the exhibit was mailed.

5. Place the completed form in the three-ring binder labeled “ENTER.”

6. Package the exhibits in accordance with this chapter and Chapter 931: Processing Evidence at the Scene.

7. Complete the necessary forms and correspondence in accordance with sections 941.13 and 941.15.

8. When the Laboratory completes analysis of the exhibits and returns them, the Property/Evidence Officer shall complete the appropriate boxes on the Property and Evidence Control Sheet.

810.12 Restrictions On Exhibits Submitted To Laboratory

In light of the increasing safety hazards involved in the handling of biological materials in the criminal justice system appropriate safety procedures have been set in place. Because of problems involving AIDS, Hepatitis, drug abuse and other hazards to the health of employees in the criminal justice system, the Division of Criminal Investigation Laboratory implemented the following procedures.

The D.C.I. Crime Laboratory will no longer accept the following types of evidence for analysis:

A. Syringes from drug usage. Should analysis be necessary, Laboratory will accept syringe washings. The Laboratory should be consulted with regard to acceptable techniques for such washing. Latent prints on syringes must be developed, lifted and photographed, and photographs or lifts submitted as evidence.

B. Syringes used to obtain blood alcohol or sexual assault blood samples. These should be destroyed by the medical authorities using them.

C. Drug smoking paraphernalia (pipes, utensils, etc.) unless it is the only evidence pertinent to a given suspect.

   Further, all items submitted to the laboratory known or suspected to have biological materials infected with AIDS or Hepatitis should be labeled as such.

810.13 Refrigeration Required On Certain Exhibits

Refrigeration is required for the preservation of certain types of exhibits. Biological materials fall into this category, and range from body fluids such as blood and urine, to body organs and tissues, to food products such as milk. Freezing is not generally recommended, however, it is permissible in the case of body organs and tissues submitted for toxicological examination. DO

NOT SEND FROZEN EXHIBITS VIA THE MAILS. Specific instructions concerning storage and preservation of human biological samples are issued by the Laboratory and should be contacted for instruction.

810.14 Perishable Exhibits Submitted To Laboratory

Perishable material should be submitted to the Laboratory for examination as soon as possible after its discovery or receipt by the officer.

Damage To Exhibit Material

810.15 Damage to Exhibit Material

In some cases exhibit material must, of necessity, be damaged during laboratory examinations. For example, when stained articles of clothing are being examined, it may be necessary to cut out a number of stained portions in order that the stains may be identified. As a result it may be necessary to reimburse the owner of the articles or at least advise him of the likelihood of irreparable damage.

Correspondence

810.16 Correspondence With Submitted Exhibits

All exhibits submitted to the Laboratory for analysis shall have related correspondence. This applies in all cases whether or not the exhibits are delivered in person to the Laboratory. Officers shall complete the D.C.I. on-line evidence submission form and include a cover letter with the exhibits giving a brief explanation of the case. In general, when completing these forms, include the investigating officer's contact information, case identification information, type of analysis requested and any pertinent details of the case which might be helpful to the examiner.

810.17 Correspondence Attached to Outer Surface

If the exhibit being submitted for analysis is not delivered to the laboratory in person, the officer shall send by registered mail. Seal the original correspondence as noted above in an addressed envelope and securely attach it to the outer surface of the fully wrapped package or envelope containing the exhibits.

810.18 Correspondence To Be Copied

Retain a copy of all correspondence and forms, and place the copies in the corresponding offense file. If exhibits are delivered personally ensure the correspondence accompanies the package. Do not address exhibits to individual members of the laboratory since processing of the exhibits may be delayed when that member is absent from the laboratory.

Exhibits Needed For Court

810.19 Exhibits Needed For Court

In the event an exhibit is needed for a trial or hearing, the officer shall:

A. Locate the Property and Evidence Control Sheet for the exhibit needed in the three-ring binder labeled "ACTIVE." Remove the sheet from the binder and complete the item for court space with the exhibit ID No. The officer will then need to contact the Property/Evidence Officer, Assistant Chief or Captain in order to retrieve the evidence.

B. The officer shall maintain the chain of custody of the exhibits at all times prior to taking it to court.

C. The officer shall complete all areas of the Property and Evidence Control Sheet that pertain to taking exhibits to court.

D. Once the exhibit has been introduced in court, and it is determined that the exhibit is no longer necessary to the case, or the case has been terminated, and the exhibit has been returned to the officer, the officer shall proceed as follows:

1. Return the exhibit to the Department and place it in a locker.

2. Complete the evidence return information on the Property and Evidence Control Sheet.

Returning Exhibits to Owner

810.20 Returning Found Property To Owner

If the owner claims any exhibit submitted as found property, remove the Property and Evidence Control Sheet from the three-ring binder labeled “ACTIVE” or “ENTER”. Complete the receipt located at the bottom of the page and then place the Property and Evidence Control Sheet in the binder labeled “ENTER.”

810.21 Returning Evidence To Owner

The owner may claim any evidence that was submitted as evidence, thirty (30) days after final disposition from the court., unless that evidence was part of a case in which criminal charges were filed. Any release of evidence in a criminal case will be subject to an order from the Court.

When evidence is approved for release, notify the Evidence Officer for retrieval. Complete the release section of the Property and Evidence Control sheet and have the person receiving the property sign the form. Return the Property and Evidence Control Sheet to the Evidence Officer

810.22 Returning Evidence Obtained From a Search Warrant

If the exhibits were seized as part of a search warrant the claimant must first obtain a court order releasing the items. If the claimant has obtained a court order, the officer shall make a copy of the court order and then proceed as in section 941.20.

Under no circumstances will the following types of property be released:

1. Property to be forfeited
2. Contraband
3. Any property that cannot be legally possessed.
4. Any property used in the commission of a crime.

820: Processing Evidence At The Scene

Purpose

Evidence associated with any crime can be so varied in type, physical structure, perishability and in susceptibility to change that no set of standard rules or procedures can adequately describe how each and every item should be submitted. It is feasible to outline only some fundamental guidelines which will assist the officer in preserving the integrity of the exhibit material, and to give some specific advice in dealing with a variety of specific exhibit materials which are frequently submitted.

Definitions

A. Evidence: Property that may be related to a crime which may implicate or clear a person of a criminal charge.

B. Search Warrant: Property that may be related to a crime which may implicate or clear a person of a criminal charge and was obtained by a court order or search warrant.

C. Property/Evidence Officer: Shall be the officer assigned, with overall supervision provided by the Assistant Chief.

D. Crime Laboratory: Is the Iowa Division of Criminal Investigations, Criminalistics Laboratory.

E. Chain of Evidence: The continuity of custody of material and items collected as physical evidence, whether at the crime scene or not. The connotation, under the law, is that the item or material introduced subsequently into the court at the time of trial must be proven to be the same as that obtained initially by the officer, the investigator, or some other person and delivered to the laboratory for examination.

F. Crime Scene: The location where the crime occurred or where the indication of the crime exists.

G. Crime Scene Processing: The specific actions taken at a crime or collision scene, consisting of the taking of photographs, preparing the crime or collision scene sketch, and the collecting and preserving of physical evidence.

H. Crime Scene Sketch: A drawing, usually a planar projection of the crime scene, and showing all of the significant aspects of the crime scene.

I. Biohazardous Evidence: Is any evidence containing blood or body fluids or any evidence stained or contaminated by blood or body fluids.

820: Processing Evidence At The Scene

Policy

Prior to handling any evidence, officers shall possess a good working knowledge of the policy and procedure requirements for evidence handling laid down by the Iowa D.C.I. Criminalistics Laboratory and this Department. In most cases details for storage, preservation, packaging, and shipping will be described in this chapter. If the exhibit material in question is not covered, contact the Iowa D.C.I. Criminalistics Laboratory for advice and instructions. If any conflict arises between these general guidelines and those of the Iowa D.C.I. Criminalistics Laboratory, the latter shall take precedence.

The increased awareness of the biological hazards associated with certain areas of law enforcement operations has manifested the need for increased care in the handling of items suspected to be biologically hazardous. In this context, biohazardous material is considered to consist of body parts, any body fluids, or any item which has been contaminated by contact with such parts or fluids and which must be handled in the course of our duties.

In order to protect personnel from infectious diseases such as hepatitis and AIDS, all evidence or impounded property suspected of being biohazardous material, as well as the surfaces it come in contact with, must be considered contaminated and a potential health hazard. Therefore, proper safety precautions must be taken in each situation of this type.

Procedure

Securing the Scene

820.01 Officer to Secure Scene

Officers arriving at a potential crime scene shall determine if it needs to be processed. If the officers are in doubt a supervisor should be requested to make the determination. If the crime scene is to be processed, one or more officers shall be assigned to secure the area until the processing is completed.

820.02 Officer to Enforce Safety Procedures

The officer(s) that is assigned to secure the scene shall enforce the following (8) safety procedures for all crime scenes, regardless of risk level:

1. No eating, drinking, or smoking will be permitted within the perimeter of any crime scene.

2. If contact with blood or other body fluid can be expected during an investigation, officers are to examine themselves for cuts, sores, hangnails, or abrasions, and cover same prior to conducting scene work.

3. Disposable gloves must be worn when handling deceased bodies, blood specimens, blood soiled items, body fluids, excretions, and secretions, as well as surfaces, materials and objects exposed to them.

4. Collected or impounded items of this type will be packaged in an appropriate container or evidence bag as described below and labeled prominently in accordance with Chapter 941: Evidence and Property.

5, Extraordinary care must be take to avoid accidental wounds from sharp instruments. Therefore, needles, knife blades, and sharp or pointed objects will be secured prior to packaging.

6. No trash generated during the investigation, such as gloves, disposable blankets, masks, and clothing, film boxes, and any other refuse, will be left or discarded on a crime scene. it will be placed in bags provided specifically for that purpose for proper disposal upon return to the department.

7. Once gloves are removed and discarded, hands and other exposed skin surfaces will be cleansed thoroughly with germicidal soap and hot water, if available, or other appropriate disinfectant. This should be done a number of times during the course of a lengthy investigation and every time the integrity of the glove is compromised.

8. Citizen inquiries regarding the advisability of re-entering a possibly contaminated scene will be handled as follows. The citizen will be advised that our personnel are merely employing our normal protective procedures because the exact risk is unknown.

   Employees should not caution, advise or speculate on potential health risks unless the exact facts have been firmly established.

   If citizens have any specific concerns, they should be referred to the Winneshiek County Public Health Nurse.

820.03 Crime Scene Precautions Dictated by Risk Levels

Crime scenes will be categorized according to level or risk, with Level 1 being the lowest risk, and Level 4 being the highest risk. As the level of risk increases, additional safety precautions are required.

A. Level 1: A crime scene where individual pieces of evidence or property suspected of being contaminated must be collected.

1. The eight safety procedures will be followed.
2. Disposable gloves will be worn.

B. Level 2: Interior or exterior death scene, with little or no blood.

1. The eight safety procedures will be followed.
2. Disposable gloves will be worn.

C. Level 3: A small crime scene where a small amount of suspect blood must be collected, using swabs or other means.

1. The eight safety procedures will be followed.
2. Disposable gloves will be worn.
3. Eye protection will be worn. Eye protectors will be sanitized following scene processing.

D. Level 4: Interior or exterior death scenes with a considerable amount of blood or any scene containing decomposing bodies.

1. The eight safety procedures will be followed.
2. Disposable gloves will be worn.
3. Eye protection will be worn. Eye protectors will be sanitized following scene processing.
4. Disposable masks will be worn.
5. Protective disposable clothing will be worn.
6. Rubber boots or disposable foot coverings will be worn.

820.04 Application of Procedures and Precautions

The procedures and precautions outlined above must be tempered and applied with common sense, as dictated by the situation.

However, if doubt exists, personnel should keep in mind the possible consequences. The protective measures may be onerous, but it is far better to overprotect than to contract a possibly fatal disease.

820.05 Exposure Procedures To Biohazardous Materials

In the unfortunate event that a definite exposure has occurred, such as a puncture wound caused by a contaminated blade or instrument, blood (liquid particulate) introduced into the eyes or mucous membranes, then medical attention should be sought as soon as possible. Subsequent to such exposure some sort of medical monitoring would be advisable.

A. Where blood splashes or other exposure is made, but the skin or mucous membrane is not compromised or penetrated, the skin area should be washed immediately and thoroughly with soap (germicidal, if possible) and water.

B. In all cases where it is learned that an officer has been involved on a scene in which the AIDS/HIV virus was present appropriate injury reports will be completed immediately.

C. Channels will be established to provide for direct Department notification by the Medical Examiner's Office of those cases handled by an officer in which the AIDS/HIV virus was discovered.

820.06 Evidence Examination and Preparation

Naturally, care should be exercised at the scene of first contact with biohazardous material. To promote and provide for safe handling by those who will come into contact with the material subsequently, it should be packaged and labeled appropriately.

The following rules apply not only to the initial examination and preparation of biohazardous evidence, but especially in any office of this Department:

A. No items of biohazardous evidence, no matter how large or small, are to be handled without gloves. Certain items or situations may require additional protection, such as disposable clothing, masks or eye protection.

B. Telephones, typewriters, pens and other community items should not be touched with contaminated gloves. However burdensome, gloves should be changed each time before one of these items is used unless extreme care is taken to decontaminate them when the processing is completed.

C. No items of biohazardous evidence, regardless of size are to be placed in direct contact with table tops. White wrapping paper is provided as surface covering.

D. Whenever possible, tape should be used in the packaging and documenting of evidence in order to reduce the possibility of subsequent handlers sustaining injury while opening the packaging.

E. Evidence that needs drying must first be placed on hangers and covered with white wrapping paper then marked and documented in accordance with existing procedures.

F. Biohazardous material and relevant property receipts packaged for subsequent examination by lab entities, or for storage in the Property and Evidence Room, will be clearly labeled as such in accordance with Chapter 941: Evidence and Property.

1. Officers shall complete and attach a Evidence Tag to the submitted item. In addition, officers shall write on the evidence tag, using a brightly colored marker, the words “Caution” and “Biohazard Material” in the area designated for notes.

2. Package Labeling

a. Packages will have one of the above described evidence tags affixed to each side, clearly visible.

b. Large or odd sized articles (such as doors) which bear a biohazardous item of evidence (such as a blood print) will have at least the area of concern protected by taped wrapping paper. One of the above evidence tags will then be affixed to the paper covering.

3. Property Receipts

   a. Biohazardous materials will be packaged and receipted separately from other items in the same case which are not considered to be contaminated.

   b. For all biohazardous materials, warnings shall be written in large letters using the words “Caution” and “Biohazardous Materials” across the top of the Property and Evidence Control Sheet with a brightly colored marker.

G. Once evidence is removed from the preparation room, the work area is to be promptly and properly cleaned and disinfected.

H. No wrapping paper, gloves, masks, or other items used at the scene or in the office are to be deposited in the office trash. These items will be packaged in special plastic bags appropriately labeled and taken to an incinerator by the officer.

820.07 Identification Section Procedures

All evidence contaminated or possibly contaminated with body fluids should be handled in a manner to safeguard the officer and laboratory technician from coming into contact with infectious diseases.

A. All evidence with body fluid stains submitted for examination should be completely dry.

B. Large items with body fluid stains submitted for latent evidence examination should be wrapped so that there are no body fluid stains directly exposed to those handling the evidence during transport and storage.

C. All sealed, wrapped evidence with body fluid stains should be labeled appropriately.

Collection of Exhibits

820.08 Evidence Found In Meager Amounts

Material having evidential value is often found in meager amounts rather than in large quantities. In the collection and preservation of evidence, remember that the opportunity is usually afforded only once. Failure to collect and preserve an adequate quantity of exhibit material can lessen or negate the possibility of laboratory assistance. When only limited amounts of material are available, submit it in its entirety.

820.09 Obtain Adequate Quantity

Some officers tend to be overly optimistic in the expectations of the scientist. While it is often not possible to control the quantity of exhibit material available, it is usually possible to obtain an adequate quantity of material to be used for comparison purposes when this is required (e.g. specimens of handwriting for comparison with a specific questioned exhibit).

820.10 Sample Is Representative

When large amounts of exhibit material are available, ensure that the sample submitted to the Crime Laboratory is representative of the entire sample. Uncertainty on the officer's part concerning proper sampling techniques may be dispelled by direct consultation with laboratory personnel. (See Chapter 941: Evidence and Property for additional information).

Storage and Preservation

820.11 Exhibit Preserved in Original Condition

In general, exhibit material should be preserved in the condition in which it is found in order to maintain its evidential properties. There are exceptions to this rule, particularly where changing the condition is necessary to prevent deterioration or decomposition of the material. Some instances of this nature will be covered later. Exhibits should be handled as little as possible.

820.12 Moist or Wet Exhibit Must Be Dried, Exceptions

Moist or wet exhibit material, other than certain biological substances must be dried prior to enclosure in a container in order to preclude the formation of mold, etc. An exception to this is when the substance responsible for the moist condition is of evidential value and must be identified (e.g. a rug soaked in kerosene). In these cases enclose the material in a suitable sealable, airtight container. When doubt exists concerning the need to preserve an exhibit in a damp condition, or when the selection of a suitable container cannot be determined, consult laboratory staff for advice. Articles of clothing or other materials bearing moist or wet biological fluid stains must not be packaged until they have been allowed to thoroughly air-dry at room temperature, otherwise mold or bacteria will begin to grow and destroy their evidential value. Heat should not be applied to accelerate the drying process and a fan should not be used since hairs, fibers and other particulate matter having potential evidential value may be lost in the process.

820.13 Preservatives Not To Be Added, Exceptions

Preservatives should not be added to exhibit material unless a specific instruction to the contrary exists or is recommended. The addition of a preservative to blood, which is subsequently to be analyzed for alcohol content, is a case where such action is recommended.

820.14 Exhibits Treated In Manner To Reduce Influence

Exhibits must be treated in a manner designed to reduce to a minimum any influence which threatens their evidential value. Certain types of exhibits should be maintained in a flat condition. Questioned documents should not be folded or unfolded as the case may be, unless absolutely essential. Other types of exhibits should not be placed in contact with anything which may alter or damage important surface characteristics or impressions. These types of exhibits must be packaged in such a manner so as to prevent the areas of importance from coming in contact with the packaging material.

820.15 Selecting a Suitable Container

When selecting a suitable container for a particular exhibit several basic factors should be considered. Exhibit containers must always be thoroughly checked for cleanliness. There must be no possibility of a chemical reaction between the container and its

intended contents. Allow sufficient space within the container to accommodate processes of expansion, e.g. if sufficient space is not available when freezing a biological sample the glass container may shatter, or a sample of biological material may ferment producing gaseous pressures high enough to cause sample leakage or structural failure of the container. Do not use excessively large containers to hold minute quantities of material. Powders and very fine granular substances tend to cling to the walls of the container making complete removal difficult or impossible.

820.16 Exhibits Packaged In Individual Containers

Exhibits must be packaged in individual containers to prevent cross contamination or loss of value; under no circumstances are different biological exhibits to be placed in one container, e.g. liver and brain. Exhibits should be placed in suitable containers even when the investigator intends to deliver them to the laboratory by hand. Individually packaged exhibits may be bulked in one large container for shipment to the laboratory provided there is packing material around them to prevent movement within the package which could cause breakage.

820.17 Description of Various Types of Containers

A description of various types of containers (along with general recommendations on packaging different types of exhibits as discussed above) is shown in the Addendum of this chapter and will be utilized by the officer.

Continuity of Possession

820.18 Essential to Maintain Continuity of Possession

It is essential to maintain continuity of possession when handling exhibit material. The courts have repeatedly held that an unbroken chain of custody of the exhibits must be proven. Each exhibit must be accounted for from its time of discovery or collection until it is tendered in evidence at the court proceedings. If this chain of custody cannot be established to the satisfaction of the court, the exhibit becomes inadmissible and evidentiary value of it is lost. The number of persons handling exhibits should therefore be kept to an absolute minimum..

Marking of Exhibits

820.19 Exhibits to be Marked

All exhibits that are to be submitted shall have an Evidence and Property Tag securely attached (see Chapter 941: Evidence and Property for additional information). The recommended method of sealing exhibit containers is shown pictorially in the addendum of this chapter. It is essential that the officer be able to prove that exhibits presented in the course of the investigation and subsequently sent, or delivered in person, to the laboratory for examination. Exhibits must be marked in a manner which permits identification in court and which is acceptable to court officials as proof that continuity of possession has been maintained.

820.20 File Headings or Notations

File headings or any other notations which may be construed as prejudicial to the case must not be used as a means of identification of exhibits. Such file headings and notations may be interpreted by the court as constituting potential evidence on the basis that they are “silent witnesses” bearing unsworn and unchallenged evidence e.g. “Taken from person who committed the offense.” The officer’s initials or other private mark must appear on the container. When necessary the date, time, location, and identifying number may be shown. In certain cases the initials and other necessary identifying marks may be placed directly on the exhibit.

820.21 Exhibit Marks on Biological Samples

When biological samples, such as blood, urine, or liver are collected by a pathologist or other qualified person, that person should mark the exhibit container or attached tag with their own initials, the time, the date, and when known, the name of the person from whom the samples were taken. The officer taking custody of the samples must ensure that these markings are not inadvertently omitted, and that the officer’s markings are placed on the exhibit containers as well.

820.22 All Specimens Should Be Marked

If physically feasible, all specimens should be marked on the item itself as well as on its container. Obviously, items such as hairs, fibers, soil and liquids cannot be marked. Bullets should be marked in the base if possible, and if not, then on the nose. Cartridge

cases should be marked inside the neck, even though some limited mutilation of surface characteristics may result. When identifying marks are placed by an officer on exhibits, they should be marked so as to avoid if possible, interfering with laboratory examinations, particularly where direct markings may interfere with examinations of surface characteristics such as in firearms examinations mentioned above. No matter how much care is given, items and containers do become separated, generally during the trial stage. The value of a laboratory evaluation can be lost if the exhibit cannot be properly identified and entered into evidence at the judicial proceedings. Officers should avoid in all cases making marks on evidence which will deface it or damage it, particularly if the evidence may be returned to an owner in the future. If the evidence is of such a nature that it would not be advisable to mark the surface itself, a mark can be made on a label and that can be attached to the item.

820.23 Limit Markings on Document Exhibits

Limit markings on document exhibits to your initials, the date and if required an identifying number. Make additional notations on the envelope used to contain the documents. Mark envelopes prior to insertion of the exhibits to prevent the creation of indentations on the exhibits themselves. Plastic or glassine envelopes are satisfactory for packaging document evidence wit the exception of “photocopies” since the toner on a photocopy may interact with the plastic and destroy the text.

820.24 Marking Hard Smooth Surfaces

For marking hard smooth surfaces such as glass, metal, plastic, etc. markings may be done with a wax pencil and then protected with clear adhesive tape.

821: Search Warrant Application

Purpose

To establish guidelines for applying for a search warrant and for providing a model search warrant.

Definitions

A. Search Warrant: means an order in writing in the name of the State of Iowa, signed by a magistrate or judge, and directed to a peace officer commanding the officer to search a person, premises, or thing.

B. Affidavit: means a written declaration or statement of fact made under oath, or legally sufficient affirmation, before any person authorized to administer oaths within or without the state.

Policy

It is the policy of this Department to pursue search warrants in accordance with the laws of the State of Iowa.

Procedure

821.01 When Officers May Apply

An officer may apply for the issuance of a search warrant by submitting before a magistrate or District Court judge a written search warrant application (see forms at the end of this chapter), supported by the officer's sworn affidavit which includes facts, information, and circumstances tending to establish sufficient grounds for granting the search warrant and probable cause for believing the following exist:

A. For property which has been obtained in violation of law.

B. For property, the possession of which is unlawful.

C. For property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.

D. For any other property relevant and material as evidence in a criminal prosecution.

821.02 Application

The search warrant application shall describe the person, place or thing to be searched and the property to be seized with sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place or thing.

821.03 Execution

A search warrant shall be executed in accordance with Chapter 934: Executing Search Warrants. The warrant may be executed in the daytime or in the nighttime. The warrant, when executed shall be forthwith returned to the issuing magistrate or District Court judge.

821.04 Forcible Execution

An officer may break into any structure or vehicle where reasonably necessary to execute the warrant if, after notice of this authority and purpose the officer's admittance has not been immediately authorized. The officer may use reasonable force to enter a structure or vehicle to execute a search warrant without notice of the officer's authority and purpose in the case of vacated or abandoned structures or vehicles. The officer executing a search warrant may break restraints when necessary for the officer's own liberation or to affect the release of a person who has entered a place to aid the officer.

821.05 No-Knock Search Warrant

A "No-Knock" search warrant may be executed when"

1. The occupant(s) of the premise to be searched pose a risk of violence to the officers, or

2. When the risk of disposal of evidence is high.

Justification for a "No-Knock" search warrant shall be included in the search warrant affidavit and approved by the magistrate or District Court judge.

821.06 Return

A search warrant shall be executed within ten days from its date; failure to execute within that period shall void the warrant. Seized

property shall be submitted as evidence in accordance with Chapter 941: Evidence and Property. In addition, the officer shall:

A. Upon such seizure the officer shall furnish a copy of the search warrant and an itemized receipt for such property to the person from whom it was taken or in whose possession it was found, if such person can be located, or a copy of the search warrant and inventory may be left on the premises searched.

B. The officer must file, with the officer's return, a complete inventory of the property taken, and state under oath that it is accurate to the best of the officer's knowledge. The magistrate or District Court judge must, if requested, deliver a copy of the inventory of seized property to the person from whose possession it was taken and to the applicant for the warrant.

821.07 Safekeeping of Seized Property

Property of an evidentiary nature seized in the execution of a search warrant shall be submitted as evidence in accordance with Chapter 941: Evidence and Property.

840: Executing Search Warrants

Purpose

The purpose of this policy is to provide law enforcement officers with guidelines for the execution of a search warrant.

Definitions

A. Search Site: The premises or person to be searched, as explicitly stated in the search warrant.

B. Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

C. Evidence Collector: Member of the search team responsible for the possession, packaging, sealing and marking of all items seized.

D. Supervising Officer: Search team member most knowledgeable about the case and/or responsible for the investigation.

Policy

It is the policy of this Department to (1) provide techniques to accomplish a thorough and legal search; (2) observe the constitutional rights of the person(s) the warrant is being served upon; (3) minimize the level of intrusion experienced by those who are having their premises searched; (4) provide for the highest degree of safety for all persons concerned; and (5) establish a record of the entire execution process.

Procedure

840.01 Uniform and Equipment Requirements

A. The search team shall at all times include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by wearing a distinctive jacket, vest, visible badge or other indicator of office.

B. All members of the search team shall be equipped with body armor and a safety holster.

840.02 Time Limitations on Search Warrant Execution

A search warrant shall be executed as soon as practical within the conditions stated in state law.

840.03 Preparation for Execution of Warrant

A. Prior to entering the premises, the supervisory officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow, a simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate) and tactics and equipment to be used in the event of forced entry.

B. The supervisory officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.

C. The supervisory officer shall ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs and, if practical, a videotaping of the entire search site from start to finish.

840.04 Entry Procedures

A. The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.

B. The supervisory officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

C. The search personnel shall position themselves in the following manner:

1. Exits from the premises shall be covered.

2. Uniformed officers shall be the most visible members of the search team, and shall conduct the entry.

2. Non-uniformed officers shall be the last members to enter the search site.

D. Notification: The supervisory officer, or a uniformed officer, shall knock at the door and notify persons inside the search site, in a voice loud enough to be heard inside the premises that they are police officers and have a warrant to search the premises, and that they demand entry to the premises at once. An exception to this is when a judge or magistrate has approved a "No Knock" search warrant based upon the officer's affidavit.

840.05 <u>On Premises Activities</u>

A. The supervisory officer shall ensure that a member of the search team conducts a security sweep of the search site.

B. After the search site has been secured, search personnel shall develop a prioritized strategy that detail the likely whereabouts of the items to be seized and an order of operation for conducting the search.

C. One person shall be designated as responsible for collecting preserving and documenting all items seized until possession is transferred to the Property/Evidence Officer.

D. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until it can be secured.

E. If damage occurs, a special report shall be prepared on the actions that caused the damage and a detailed description of the nature and extent of the damage.

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