

Dickinson Police Department

Dickinson PD Policy Manual

CHIEF'S PREFACE

Staff,

The goal of the Dickinson Police Department is to make the city of Dickinson a safe place to live, work, and play. We are committed to maintaining and improving the quality of life in the city during this time of rapid growth by actively partnering with community members and being innovative in our policing strategies. We are proud to serve the residents of Dickinson in many ways. Our ongoing commitment is to continue to provide the highest quality, professional, and courteous service to our community.

Sincerely,

Chief Joseph Cianni

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LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession . . . law enforcement.

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MISSION STATEMENT

Mission

We will protect and serve the community with unwavering commitment, integrity and professionalism.

We are dedicated to ensuring public safety and upholding the rule of law while fostering positive relationships built on community trust and engagement.

Our mission is to always be prepared and willing to sacrifice while working in unison with the community to maintain a safe, secure environment for all.

We will be responsive and proactive while finding innovative ways to enhance overall quality of life while investing in our youth. Our strength comes through unity and perseverance.

Core Values

- **Professionalism-** We will always maintain a professional image and provide professional services. We are committed to excellence while holding ourselves to a higher standard emphasizing integrity, responsibility and accountability in all that we do.
- **Integrity-** We will be transparent and always act with uncompromising honesty while upholding the highest moral character and ethical principles.
- **Commitment-** We pledge our loyalty, service and protection to the community and will be relentless in our pursuit of law and order.
- **Honor-** We have the greatest reverence for our citizens and one another. We will conduct ourselves in the highest ethical manner and will always strive to do the right thing for the right reason at the right time.

Vision Statement

Community Strength Through Unity

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Dickinson Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Licensed members of the Dickinson Police Department are authorized to exercise the authority of peace officers and to make arrests as authorized by law or as expanded by a joint powers agreement with another jurisdiction (N.D.C.C. § 11-15-03; N.D.C.C. § 40-20-05; N.D.C.C. § 44-08-20).

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE DICKINSON POLICE DEPARTMENT

An officer of this department in hot pursuit may continue beyond the 1½-mile jurisdictional boundaries of the City whenever obtaining the aid of law enforcement officers who have jurisdiction would cause a delay that could permit escape (N.D.C.C. § 40-20-05).

An officer making an arrest under this subsection should, as soon as practicable after making the arrest, notify the agency having jurisdiction where the arrest was made.

100.2.2 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE DICKINSON POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Dickinson Police Department includes:

- (a) In compliance with an arrest warrant (N.D.C.C. § 29-06-02).
- (b) Without a warrant for the following (N.D.C.C. § 29-06-15):
 - 1. For a public offense committed or attempted in the officer's presence.
 - 2. When the person arrested has committed a felony, although not in the officer's presence.
 - 3. When a felony in fact has been committed and the officer has probable cause to believe the person arrested has committed it.
 - 4. For the public offenses not classified as felonies and not committed in the officer's presence as provided for under N.D.C.C. § 29-06-15.1.
 - 5. On a charge, made upon probable cause of driving under the influence or being in actual physical control of a vehicle in violation of N.D.C.C. § 39-08-01.
 - 6. For violating a protection or restraining order or an order prohibiting contact (N.D.C.C. § 12.1-31.2-02; N.D.C.C. § 12.1-31-01.2; N.D.C.C. § 14-07.1-11; N.D.C.C. § 14-07.7-18).
 - 7. On a charge, made upon probable cause, of being under the influence of volatile chemical vapors in violation of N.D.C.C. § 19-03.1-22.1.

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8. For the offense of harassing a public safety agency or making a false report to a public safety agency under N.D.C.C. § 12.1-17-07(4).

100.2.3 GRANTING AUTHORITY TO OTHERS

An officer making an arrest may summon the aid of any persons the officer deems necessary to aid in the arrest (N.D.C.C. § 29-06-03).

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer authority may be extended within other states:

- (a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state and North Dakota law (N.D.C.C. § 54-40.3-04).
- (b) When an officer enters Minnesota in fresh pursuit of a felony subject (Minn. Stat. § 626.65; Minn. Stat. § 626.71).
- (c) When an officer enters Montana or South Dakota in fresh pursuit of a subject who committed any offense (§ 46-6-411, MCA; S.D.C.L. § 23A-3-9; S.D.C.L. § 23A-3-10).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (Minn. Stat. § 626.66; § 46-6-411, MCA; S.D.C.L. § 23A-3-12).

100.4 FEDERAL PEACE OFFICER POWERS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

A federal peace officer has the same authority as a peace officer of this state where the federal peace officer (N.D.C.C. § 29-06-05.2):

- (a) Reasonably believes that a felony offense was committed and the individual arrested committed the offense.
- (b) Is rendering assistance to a peace officer in an emergency or at the request of a peace officer.
- (c) Is working as part of a task force composed of North Dakota peace officers and federal law enforcement officers.

100.5 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and North Dakota constitutions.

100.6 POLICY

It is the policy of the Dickinson Police Department to limit its members to only exercise the authority granted to them by law.

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While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

REVIEWED 8/2025

Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of North Dakota are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Dickinson Police Department, who is required to exercise the powers and duties of the office as prescribed by state law.

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Chief Executive Officer shall, as a condition of appointment, meet the required prerequisites, have successfully completed the course of training and examinations prescribed by the Peace Officer Standards and Training Board (POST) and be licensed by POST (N.D.C.C. § 12-63-02; N.D.C.C. § 12-63-09).

Reviewed 4/2024

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

102.2 POLICY

It is the policy of the Dickinson Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their position (N.D.C.C. § 40-13-03; N.D.C.C. § 44-01-05; N.D.C.C. § 44-02-01(6); N.D. Const. art. XI, § 4; N.D.A.C. § 109-02-05-02).

In addition, all members shall acknowledge the department's code of ethics and their responsibility to adhere to it. Members who are peace officers shall also take an oath to adhere to the peace officer's code of conduct and to not betray the trust of a fellow peace officer or the public (N.D.A.C. § 109-02-05-02).

The form of oath should be as follows:

"I [state your name] do solemnly swear that I will uphold the laws of the City of Dickinson, the laws and the Constitution of the State of North Dakota, and the laws and Constitution of the United States of America; and that I will faithfully discharge the duties of the City of Dickinson Police Officer to the best of my ability, so help me God."

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (N.D.C.C. § 40-13-03; N.D.C.C. § 44-05-04).

REVIEWED 4/2024

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Dickinson Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.1.1 DISCLAIMER

The provisions contained in this Policy Manual are not intended to create an employment contract, nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Dickinson Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Dickinson Police Department reserves the right to revise any policy content, in whole or in part.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Dickinson Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Dickinson Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 STAFF

The staff shall consist of the following:

- Chief of Police
- Deputy Chief

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- The Lieutenant from each division
- Any other employee designated or assigned by the Chief of Police

The staff shall review all recommendations regarding proposed changes to the manual.

103.2.3 OTHER PERSONNEL

All department employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commander, who will consider the recommendation and forward it to staff.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue General Orders, which shall modify those provisions of the manual to which they pertain. General Orders shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older (N.D.C.C. § 14-10-02).

BCI - Bureau of Criminal Investigation.

City - The City of Dickinson.

CFR - Code of Federal Regulations.

Civilian - Employees and volunteers who are not licensed peace officers.

CJIS - North Dakota Criminal Justice Information Sharing.

Department/DPD - The Dickinson Police Department.

Employee - Any person employed by the Department.

Good Standing – Current Employee: A status of a current Dickinson Police Officer or Dickinson Police employee who has no open or unresolved disciplinary action(s), no performance improvement plan in active or pending status or serving a less than good standing term resulting from a disciplinary action. Any employee applying for promotion, an achievable grade increase, transfer or specialty assignment must be in Good Standing status at the time of application or formal request to be eligible. The current official standing of an employee shall be determined by the Chief of Police or his/her designee. An employee may challenge less than good standing status by filing a written appeal showing cause with the Chief of Police.

Good Standing- Former Employee: A status of a former Dickinson Police Officer or Dickinson Police employee who was not involuntarily dismissed from employment or asked to resign for actions that violated the mission, vision and core values/code of ethics of the Dickinson Police

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Department and/or; Who did not have any open or unresolved administrative complaints or criminal charges that likely would have resulted in termination or adverse disciplinary action levied against the employee at the time of separation from Dickinson Police Department. Any former employee applying for LEOSA retired credentials and/or certifications must have retired in and show proof of Good Standing. The official standing of a former employee shall be determined in writing by the Chief of Police or his/her designee upon written request. A former employee may challenge less than good standing status by filing a written appeal showing cause with the current residing Chief of Police.

Manual - The Dickinson Police Department Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Dickinson Police Department, including:

- Full or part-time employees
- Licensed peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

NDDOT - North Dakota Department of Transportation.

NDHP - North Dakota Highway Patrol.

Officer - Those employees, regardless of rank, who are licensed peace officers of the Dickinson Police Department.

On-duty - A member's status during the period when the member is actually engaged in the performance of the member's assigned duties.

Order - A written or verbal instruction issued by a superior.

Peace officer or law enforcement officer - A sheriff, sheriff's deputy, coroner, marshal, or police officer of a township, city or any state, or federal law enforcement officer authorized to enforce the law and to conduct or engage in investigations or prosecutions (N.D.C.C. § 12-63-01; N.D.C.C. § 12.1-01-04; N.D.C.C. § 29-05-10).

Rank - The title of the classification held by an officer.

N.D.C.C. - North Dakota Century Code.

N.D.A.C. - North Dakota Administrative Code.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

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Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other department members, directing the work of other members, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and General Orders. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

Each Division Commander will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Reviewed on 04/2024

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Dickinson Police Department. There are three divisions in the Police Department:

- Administrative Support Division (Dispatch Center PSAP)
- Patrol Division
- Criminal Support Division (Records)

200.2.1 ADMINISTRATIVE SUPPORT DIVISION

The Administrative Services Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Administrative Services Division, including management of the department budget, department fleet, animal control, and Dispatch Center (PSAP). The Administrative Services Division consists of Technical Services and Administrative Services.

Annually, the Administrative Services Division Lieutenant shall develop and submit to the Chief of Police a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than \$5,000, and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol and Special Operations.

200.2.3 CRIMINAL SUPPORT DIVISION

The Criminal Support Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the department's officer training programs, Criminal Investigations Division, School Resource Officer's, assigned Drug Task Force Officer's, and Record's Division.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Division Commander to serve as the acting Chief of Police.

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Organizational Structure and Responsibility

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- a. Deputy Chief
- c. Ranking Lieutenant
- d. Detective Sergeant
- e. On duty Shift Commander

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. Following an unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

200.3.5 CHAIN OF COMMAND

The chain of command is the clear line of authority from the Chief of Police to every member that facilitates effective decision-making and organizational communication. Members shall utilize, recognize, and respect the chain of command in all official actions as designated in the Succession

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Organizational Structure and Responsibility

of Command. In certain instances, the chain of command may be bypassed. In doing so, a member should be prepared to justify the departure from normal procedure.

REVIEWED 04/2024

Department Directives

201.1 PURPOSE AND SCOPE

General Orders establish interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure, in accordance with the current employment agreement. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 GENERAL ORDERS PROTOCOL

General Orders will be incorporated into the manual, as required, upon staff approval. General Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

General Orders issued prior to the publication date of this manual have been incorporated into this manual or are no longer in effect.

Any General Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 13-01 signifies the first General Order for the year 2013.

Temporary General Orders that become inoperative with the passing of the incident or period for which they are written, and are not intended for, nor will they be included in the manual, should be tracked and acknowledged in a manner similar to policy revisions.

201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

201.2.2 CHIEF OF POLICE

The Chief of Police or the authorized designee shall issue all General Orders.

201.3 ACCEPTANCE OF GENERAL ORDER

All employees are required to read and obtain necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the administrative secretary.

REVIEWED 04/2024

Place Holder

Training

203.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

203.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the North Dakota POST Board training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

203.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of department personnel.
- (c) Provide for continued professional development of department personnel.
- (d) Assist in compliance with statutory requirements.

203.4 TRAINING PLAN

It is the responsibility of the training Lieutenant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and department-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Lieutenant and Deputy Chief shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of licensed officers or civilian employees.

Training listed may be provided in basic training programs. The training Lieutenant is responsible for ensuring members of the Department have been trained as required.

203.4.1 MANDATED TRAINING

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training (once depending upon position and rank)
- (b) State-mandated training:
 - 1. Licensed members of the Department shall complete no less than 60 hours of POST-certified and/or POST-approved training every three years (N.D.A.C. § 109-02-02-15 et seq.).

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203.5 TRAINING NEEDS ASSESSMENT

The Training Cadre will conduct an annual training needs assessment and complete a report of the training needs, including recommendations from staff. The training needs assessment will be provided to the Chief of Police and staff. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

203.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave
 - 4. Physical limitations preventing the employee's participation
 - 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 - (a) Make arrangements through his/her supervisor and the training Lieutenant to attend the required training on an alternate date.
 - (b) Document his/her absence in a memorandum to his/her supervisor.
 - (c) Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training. The employee will also notify the instructor or training facility of his/her absence, as necessary.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Dickinson Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Lieutenant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Lieutenant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB during the month they are assigned. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

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Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

203.8 FIELD TRAINING PROGRAM

The department shall establish a field training program for recruit peace officers that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Department. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

203.9 TRAINING LIEUTENANT

The Chief of Police shall designate a Training Lieutenant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Lieutenant should review the training plan annually.

REVIEWED 04/2024

Electronic Mail

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Department. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., North Dakota's open records laws). Messages transmitted over the email system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of tasks and/or communications directly related to the business, administration or practices of the Department.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, transmitted over the department computer network or accessed through a web browser accessing the department system are considered department records and therefore are the property of the Department. The Department reserves the right to access, audit and disclose for any lawful reason, any message, including any attachment that is transmitted or received over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the department email system shall have no expectation of privacy concerning communications transmitted over the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department. The use of any computer, Internet service, telephone service or other wireless service to send or receive information that may be related to public business may be subject to review or disclosure.

204.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users. Users are reminded that all email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should seek prior approval from the Chief of Police or a Division Commander.

It is a violation of this policy to transmit a message under another user's name or email address or to use the password of another to log into the system. Users are required to log off the network

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or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's email, name and/or password by others.

204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a record under North Dakota's open records laws and must be managed in accordance with the established records retention schedule and in compliance with state law (N.D.C.C. § 44-04-18 et seq.).

The City IT department shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

204.5 SOCIAL MEDIA

Use of internet social media sites (Facebook, Twitter, Flickr, Instagram, Snapchat, blogs, bulletin boards, etc.) is a popular activity. However, employees must be mindful of the negative impact that inappropriate or unauthorized postings may have on the Dickinson Police Department and its relationship with the community.

204.5.1 PURPOSE AND SCOPE

- A. To establish policy concerning internet social media sites, and to ensure employees use appropriate discretion so as not to discredit the Department
- B. To clearly identify prohibited activities by Department employees on social media sites, both on and off duty.
- C. To provide guidelines for officers in applying rules of conduct to their online content.
- D. To protect the Department and the employee from harm as a result of inappropriate postings or inadvertent harmful postings.
- E. To maintain order and discipline within the Department, to ensure efficient operations, and to maintain community trust and respect.
- F. To promote professionalism, ethics, and integrity, which are of paramount importance in the law enforcement community.
- G. To achieve and maintain the public's highest level of respect, and to place reasonable restrictions on our conduct and hold to these standards of conduct whether on or off duty. An employee's actions must never bring the Department into disrespect, nor should officer's conduct be detrimental to the Department's efficient operation.
- H. To ensure that the release, either directly or indirectly, of information concerning crimes, accidents, or violations of ordinance or statutes to persons outside the Department does not occur, and that all employees treat official business of the Department as confidential.

204.5.2 PROHIBITED ACTIVITY AND GUIDELINES

- A. Employees shall not post, transmit, reproduce, or disseminate information (including, but not limited to, text, pictures, video, audio, etc.) to the internet or any other social media site (public or private) that is detrimental to the Dickinson Police Department or would bring the mission of

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the City of Dickinson or the Dickinson Police Department, or the professionalism of its officers, into disrepute.

B. Except in the performance of an authorized duty, employee use of Department computers to access social media sites is prohibited. An employee's social media activities, whether on or off-duty, are not to interfere with the employee's primary job responsibilities.

C. Posting the following types of criminal justice information to social media sites is explicitly prohibited:

1. Confidential, sensitive, or copyrighted information to which an employee may have access due to employment with the City.

2. Data from any criminal, traffic, or administrative investigation, including photographs, videos, or audio recordings.

3. Photographs of suspects, arrestees or evidence.

4. Personal statements about an on-duty use of force incident.

5. Comments related to pending prosecutions.

D. Employees are prohibited from posting content that is inconsistent with their duties and obligations as a Dickinson Police Officer.

E. Employees are prohibited from posting, transmitting, or disseminating any pictures or videos of official Department training, activities, or work-related assignments without the express written permission of the Chief of Police or his designee.

F. If an employee identifies himself or herself as a Dickinson Police employee, everything the employee posts has the potential to reflect on the Department and the City. Employees identifying themselves as a Department or City employee bear responsibility for representing the Department and the City in a professional manner. If an employee identifies himself or herself as a Department or City employee, any personal comments, blogs, or other social media posts must include a disclaimer that makes clear that the opinions expressed are solely those of the author and do not represent the views of the Department or the City of Dickinson.

G. Unless authorized by the Chief, Department employees shall not give the appearance that they are speaking or acting on the City's or Department's behalf.

H. An employee who appears online in uniform, or otherwise references his or her official status as a police officer, creates a link between the officer's online content and his or her employment with the Department. When this occurs, the City and the Department have a greater interest in preventing public communications that may impede the effective and efficient fulfillment of the Department's responsibilities to the public.

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I. Negative comments on the internal operations of the department, or specific conduct of supervisors or peers are not protected First Amendment speech, in accordance with established case law.

J. Employees should be aware that content posted to social media sites has the potential to be shared broadly, including with individuals with whom they may not intend to communicate. For this reason, employees should ensure that their social media content is consistent with City policies regarding treatment of co-workers, including City policies prohibiting harassment or sexual harassment.

K. Employees should also be aware that defense attorneys may subpoena social media posts, even those regarding off-duty activity, if they are relevant to a lawsuit related to an officer's official duties. Attorneys may use social media posts for impeachment purposes, to impugn an officer's reputation, or to show bias. Due to this increased scrutiny of police officers, the Department strongly discourages officers from posting information regarding off-duty activity that may bring an officer's reputation into question, even if taken out of context.

L. Under existing case law, public employees are entitled to comment on issues of public concern (as opposed to matters of personal interest) so long as the comments do not disrupt the workplace, interfere with important working relationships or efficient work flow, or undermine public confidence in the officer. These instances must be judged on a case-by-case basis.

1. Whether a communication is a "public concern" depends on the content, form, and context of the given statement.

2. Generally, a "public concern" is something that is a subject of legitimate new interest; that is, a subject of general interest and of value and concern to the public at the time of publication, and may include the municipal budget, spending priorities, any question scheduled for a public hearing, illegal discrimination, official corruption, official impropriety, malfeasance on the part of government officials, misuse of public funds, waste of public funds, fraud, abuse or gross mismanagement, inefficiency in managing and operation government agencies, violations of law, election campaigns, public safety, legislation, national security, budgets, foreign policy, or any topic of broad public interest or debate.

M. Sites or posts that are deemed to be inappropriate, including those that may bring discredit to the Department, to any Department employee, or that may promote misconduct, may be investigated through a criminal or administrative investigation, whether the conduct occurs on or off-duty.

N. Employees shall read, understand, and comply with the Terms of Service for any social media site that they use.

O. Employees shall at all times comply with the law in regard to copyright and plagiarism. Posting someone else's work without permission is not permitted (other than short quotes that comply with the "fair use" exception). Other relevant laws include those related to libel, slander, defamation of character, harassment, and stalking (including "cyber-stalking").

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P. Violation of this policy may result in disciplinary action, up to and including termination from employment, pursuant to the City's existing personnel and civil service policies and ordinances.

REVIEWED 04/2024

Administrative Communications

205.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

205.2 DEPARTMENT E-MAILS

Department E-mails may be issued periodically by the Chief of Police or the authorized designee to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

205.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on department letterhead. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or the authorized designee.

205.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or the authorized designee.

REVIEWED 04/2024

Supervision Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available to meet the operational requirements of all shifts. The Department intends to balance the needs of the employee against its duty and inherent managerial right to flexibility and discretion in assigning personnel to meet operational needs. While balance is desirable, the paramount concern is to meet the operational requirements of the Department.

206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels shall be no less than a minimum of five (5) officers per shift between the hours of 1400-0200 hrs & a minimum of four (4) officers per shift between the hours of 0200-1400 hrs.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a corporal may perform the duties of a field supervisor in place of a field sergeant. Senior Patrol Officers are allowed to take on the duties of field supervisor on a case by case basis after receiving pre-approval from the Patrol Lieutenant.

REVIEWED 04/2024

Retiree Concealed Firearms

207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Dickinson Police Department identification cards under the Law Enforcement Officer Safety Act (LEOSA) and North Dakota law (18 USC § 926C).

207.2 POLICY

It is the policy of the Dickinson Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

207.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more with our department or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

207.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Dickinson Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the Department's active duty standards for qualification to carry a firearm.

207.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by North Dakota law or by a private person or entity on his/her property if such prohibition is permitted by North Dakota law.

207.4 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy should immediately notify the Shift Commander of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order.

207.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer must:

- (a) Successfully pass an annual relevant background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

207.5 DENIAL, SUSPENSION OR REVOCATION

A LEOSA identification card may be denied or revoked with good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final and not subject to appeal.

207.6 FIREARM QUALIFICATIONS

A Dickinson Police Department Firearm Instructor may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearm Instructor will maintain a record of the qualifications and weapons used.

REVIEWED 09/2025

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Dickinson Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

An officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances must report these observations to a supervisor as soon as feasible.

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force to effect an arrest if, after notice of intention to arrest the person, the person either flees or forcibly resists (N.D.C.C. § 29-06-13).

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300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.

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- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Dickinson Police Department for this specific purpose.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.6 NECK RESTRAINTS

The use of a neckrestraint hold, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

Neck RestraintHold/Carotid Control Hold: Refers to one of the following types of holds:

- a. arm-bar control hold, which inhibits breathing by compression of the airway on the neck;
- b. carotid restraint hold, which inhibits blood flow by compression of the blood vessels in the neck;
- c. a lateral vascular neck constraint;
- d. a hold with a knee or other object to the back of a prone subject's neck.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the

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officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.

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- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

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- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT COMMANDER RESPONSIBILITY

The Shift Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

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Reviewed 06/2023

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

301.2 POLICY

The Dickinson Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Dickinson Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person.
- (d) Whether the person is known to be pregnant.
- (e) Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- (f) Whether the person has any other apparent disability.

301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the detainee, officers, or others. See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

301.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

301.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Handcuffing arrestees is the department's preferred method. However, police officer discretion can be utilized under unique or exceptional situations as listed in Section 301.3.

In most situations handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision

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on the part of the individual. Officers should avoid commingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, the WRAP Restraint System (WRAP), and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

301.7 APPLICATION OF LEG RESTRAINT DEVICES AND THE WRAP RESTRAINT SYSTEM

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS AND THE WRAP RESTRAINT SYSTEM

When applying leg restraints or The Wrap Restraint System (WRAP), the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device or WRAP. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device or WRAP.

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1. The department's leg restraint devices containing a tether shall not be secured to the handcuffs of a subject who has been handcuffed behind their back. When feasible, officers should attempt to secure the tether of the leg restraint device through the door jam of the patrol vehicle in some fashion.
 - (a) Subjects in leg restraint devices should be secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
 - (b) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should insure that the person does not roll onto and remain on his/her stomach.
2. The WRAP should be applied to a subject who is in the prone position with their hands cuffed behind their back.
 - (a) Apply the ankle strap;
 - (b) Position the leg wrap;
 - (c) Secure the leg bands;
 - (d) Apply and secure the harness; and,
 - (e) Attach the harness tether.
 - (f) To properly lift and move a person who has been restrained with the WRAP maximum restraint device, a minimum of three officers are needed. Two officers shall lift the subject's upper body by utilizing the lift straps located on the WRAP near the thigh area of person being restrained. A third officer will lift the restrained person from the strap that was placed around the restrained person's ankles.
 - (g) Subjects who have been restrained utilizing the WRAP device shall be transported in an upright seated position and seat belted in the back seat of the transport unit behind the driver's seat. The seat belt shall be placed underneath the WRAP harness straps to minimize the potential for injury.
 - (h) Two officers are required to transport any person restrained with the WRAP when transporting in a patrol vehicle.
- (b) Once the elected restraint has been applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors reducing the person's ability to breathe.
- (d) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer who has completed department approved training for the elected restraint. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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301.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

301.9 TRAINING

Subject to available resources, the Training Lieutenant should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

REVIEWED 09/2025

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Dickinson Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

302.4 RESPONSIBILITIES

302.4.1 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

302.4.2 ARMORER RESPONSIBILITIES

The Armorer shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Armorer or the designated instructor for a particular control device. The inspection shall be documented.

302.4.3 USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Armorer for disposition. Notification should be sent through the chain of command using a department approved form explaining the cause of damage.

302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt or exterior ballistic vest. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

302.6 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in, violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

302.6.1 OC SPRAY

Officers, plainclothes and non-field members may carry OC spray as authorized, in accordance with the needs of their assignments or at the direction of their supervisors.

302.6.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should follow the manufacturer's guidance for decontamination.. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.7 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

302.8 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

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302.8.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

302.8.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the

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officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

302.8.3 SAFETY PROCEDURES

Less-lethal munition launchers (40mm) are specifically designated for use with kinetic energy projectiles.

Officers should inspect the 40mm launcher and projectiles during weekly vehicle inspections to ensure that the launcher is in proper working order and the projectiles are of the approved type (kinetic energy only) and appear to be free from defects.

When it is not deployed, the launcher will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile launcher, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the launcher.

302.9 TRAINING

The Training Lieutenant should ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

302.10 REPORTING

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Reviewed and revised 1/16/2024

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

The Armorer should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform or non-uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) Officers should not hold a firearm and the CED at the same time.

303.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Armorer for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.

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- (b) Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

303.5 USE OF THE CED

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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303.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

303.6 DOCUMENTATION

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

303.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c)
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The CED armorer should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The CED armorer should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

303.6.2 REPORTS

The officer should include the following in the arrest/crime report:

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- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

303.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

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A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Armorer and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

303.9 TRAINING

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Lieutenant. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Lieutenant is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Lieutenant should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

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Reviewed 06/2023

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.2 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.3 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Dickinson Police Department would control the investigation if the suspect's crime occurred in Dickinson.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

304.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

304.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

304.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved DPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.4.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved DPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any DPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Commander and the Dispatch Center. If feasible, sensitive information should be communicated over secure networks.

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- (d) Take command of and secure the incident scene with additional DPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved DPD officer should be given an administrative order not to discuss the incident with other involved officers or DPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

304.4.3 SHIFT COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Shift Commander.

304.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Captain
- Criminal Investigations Division Commander
- North Dakota Bureau of Criminal Investigations rollout team
- Outside agency investigators (if appropriate)
- Criminal Support Division supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

304.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal representation will be accommodated.

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1. Involved DPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-DPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved DPD officer. A licensed psychotherapist may also be provided to any other affected DPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, the involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member is addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved DPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the a division lieutenant to make schedule adjustments to accommodate such leave.

304.5 CRIMINAL INVESTIGATION

The City Attorney or States Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

Investigative personnel from this department may be assigned to partner with investigators from outside agencies or the City Attorney or States Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

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- (a) DPD supervisors and Criminal Support Division personnel should not participate directly in any voluntary interview of DPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.5.1 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

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304.5.2 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigative Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators may be assigned to separately handle the investigation of any related crimes not being investigated by the Attorney General's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigative Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

304.5.3 REPORTS BY INVOLVED DPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved DPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved DPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved DPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved DPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Criminal Support Division and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - (b) If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - (c) Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - (d) The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - (e) The Criminal Support Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - (f) Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to through the departments use of force review process, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - (g) Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.7 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

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304.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

304.9 DEBRIEFING

Following an officer-involved shooting or death, the Dickinson Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

304.9.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Commander, Criminal Investigative Division Commander and Public Information Officer in the event of inquiries from the media.

No involved DPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

Reviewed 08/2022

Firearms

305.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance, and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

305.1.1 AUTHORIZATION TO CARRY FIREARMS

Members of this department who meet all state and North Dakota Peace Officer Standards and Training Board (POST) requirements shall have law enforcement privileges to carry firearms and other weapons pursuant to state laws (N.D.C.C. § 62.1-03-01(2)(f); N.D.C.C. § 62.1-04-02; N.D.C.C. § 62.1-05-02(3)).

305.2 POLICY

The Dickinson Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Armorer. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm on an authorized department qualification or familiarization course.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

Department issued firearms shall not be modified in any way without approval of the Department Armorer. If a modification is approved by the Department Armorer, that modification shall be done by an approved Department Armorer.

305.3.1 HANDGUNS

The authorized department-issued handgun is manufactured by Glock. Other handguns may be approved by the Chief of Police, or his appointed designee

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305.3.2 SHOTGUNS

The authorized department-issued shotgun is manufactured by Mossberg. Other shotguns may be approved by the Chief of Police, or his designee.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle, or another secure location that will prevent unintentional discharge, theft, or loss of control.

305.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is an AR-15 style rifle.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle, or another secure location that will prevent unintentional discharge, theft, or loss of control.

305.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry a personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and approved by the Department Armorer.
- (b) Only one secondary handgun may be carried at a time.
- (c) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (d) The secondary handgun shall be inspected by the Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) Ammunition shall be approved by the Department Armorer.
- (f) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification

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schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

- (g) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Armorer, who will maintain a list of the information.
- (h) Purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

305.3.5 AUTHORIZED OFF-DUTY FIREARMS

Members who choose to carry a firearm while off-duty, or while attending a Department authorized event, based on their authority as peace officers, will be required to meet the following federal (18 USC § 926B), state and local laws:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Authorized Secondary Handgun requirements in this policy.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in a commercially produced holster.
- (c) Prior to carrying any off-duty firearm, the member shall demonstrate to the Armorer that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner and thereafter shall qualify in accordance with the department qualification schedule
- (d) The member will successfully qualify with the firearm prior to it being carried, and thereafter shall qualify in accordance with the department qualification schedule.
- (e) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Armorer, who will maintain a list of the information.
- (f) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (g) When armed, officers shall carry their badges and Dickinson Police Department identification cards under circumstances requiring possession of such identification.

305.3.6 AMMUNITION

Members shall carry only department-authorized ammunition in department issued firearms. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Armorer when needed, in accordance with established policy.

305.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

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305.4.1 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

305.4.2 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Armorer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.4.3 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Armorer. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

305.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearm Instructor.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except in designated areas where clearing barrels are present.
- (d) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not

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be carried. It shall be promptly presented to the Department Armorer or an Armorer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Armorer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Department owned firearms shall be stored unloaded and in a secured manner.

305.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

305.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members will qualify at least annually, including successfully completing a North Dakota mandated firearms requalification program on a POST-certified range course unless waived by POST (N.D.A.C. § 109-02-03-04; N.D.A.C. § 109-02-03-06).

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

305.6.1 FTO REQUIREMENTS

Before new members can carry a handgun on duty and begin uniformed FTO, they are required to successfully complete the North Dakota POST board use of force test, pass a physiological evaluation, be issued a limited POST license, complete the DPD semi auto handgun classroom course, and qualify on the FTO-specified qualification course. For a new member to be considered manpower and complete FTO, they must qualify on the manpower-specified qualification course.

305.6.2 SWORN OFFICER REQUIREMENTS

Members of the Department authorized to carry a handgun will qualify on the manpower-specified qualification course and an approved low-light course every calendar year.

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Members of the Department authorized to carry patrol rifles and shotguns will complete the Department training for patrol rifles and shotguns. Once every calendar year, members will complete patrol rifle and shotgun familiarization and qualification courses.

Members will qualify with secondary and/or off-duty handguns annually on an approved qualification course.

At least annually members carrying a firearm should receive practical training designed to simulate field situations including low light shooting.

Firearm qualifications should be completed with duty ammunition once per calendar year and new duty ammunition issued. For all other qualifications and training factory loaded ammunition that is similar can be utilized.

305.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or a recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER (TM), oleoresin capsaicin (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

305.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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305.7.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots shall not be used.

305.8 FIREARM INSTRUCTOR DUTIES

The range will be under the exclusive control of the Firearm Instructor. All members attending will follow the directions of the Firearm Instructor.

The Firearm Instructor shall forward documentation of licensed department personnel duty firearm qualifications to POST as required by state law (N.D.A.C. § 109-02-03-07(3)).

305.9 ARMORER DUTIES

The Armorer or his designee has the responsibility of making periodic inspection of all duty firearms carried by members of this department to verify proper operation. The Armorer or his designee has the authority to deem any department-issued or personally owned firearm unfit for service.

The member will be responsible for all repairs to his/her personal firearm; it will not be returned to service until it has been inspected and approved by the Armorer.

The Armorer has the responsibility for insuring each member who is authorized to carry meets the minimum requirements of training and qualification.

The Armorer should keep accurate records of all qualification, repairs, maintenance, or other records as directed by the Captain.

The Armorer will maintain a current inventory list of all Department owned firearms

305.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Dickinson Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., drivers license, passport).
- (c) The Dickinson Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If

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approved, TSA will send the Dickinson Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.11 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her Dickinson Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

REVIEWED 09/2025

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306.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, fleeing violators and property.

306.1.1 POLICY

This department's response to those who unlawfully flee from law enforcement action shall stress a common sense balance between the importance of apprehending offenders and the high risk nature of vehicle pursuits.

306.2 DEFINITIONS

Definitions related to this policy include:

Vehicle pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing in - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire deflation device, spikes or tack strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

306.3 OFFICER RESPONSIBILITIES

A vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with and using as reasonably necessary a flashing red or a combination of red and blue, red and white, or red, white, and blue lights and an audible signal by siren or airhorn (N.D.C.C. § 39-10-03(2)). Officers shall drive with due regard for the safety of all persons and property.

However, officers may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property:

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- Proceed past a red light, stop signal, or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.

306.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.

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- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

306.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or Shift Commander during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and Shift Commander must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle has an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (h) When directed to terminate the pursuit by a Shift Commander.

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306.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a Shift Commander). However, the number of units involved will vary with the circumstances.

An officer or Shift Commander may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

306.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

306.4.2 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify the Dispatch Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information which includes:

- (a) The reason for the pursuit, with emphasis on the initial reason, or probable cause, for the stop.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a shift commander or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably

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indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

306.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

306.4.4 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an available air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect.
- (d) Notifying the North Dakota Highway Patrol, Stark County Sheriff's Department, or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

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306.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a shift commander.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and Shift Commander should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

306.4.6 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a Shift Commander, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

306.4.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and Shift Commander with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

306.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The Shift Commander of the officer initiating the pursuit, or if unavailable, the nearest supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Dispatch Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.

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- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that outside agencies are notified and/or coordinated if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing DPD units when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

306.5.1 SHIFT COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Commander shall review all pertinent reports and related in-car videos for content and forward them to the Division Commander.

306.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the pursuit talkgroup unless instructed otherwise by a Shift Commander or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, dispatch will coordinate with the PSAP Center responsible for the jurisdiction the pursuit is entering and establish a radio patch with a regional pursuit talkgroup.

306.6.1 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Dispatch Center will be responsible for:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Notifying and coordinating with other involved or affected agencies as practicable.
- (c) Ensuring that a field supervisor is notified of the pursuit.
- (d) Assigning an incident number and logging all pursuit activities.
- (e) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (f) Notifying the Shift Commander as soon as practicable.

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306.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

306.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration the distance traveled, unfamiliarity with the area, the risk of escape and other pertinent facts, should determine whether to request the other agency to assume the pursuit (N.D.C.C. § 40-20-05(2); N.D.C.C. § 11-15-33).

Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

306.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Dickinson Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Dickinson Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a Shift Commander, to the termination point to assist in the investigation. A Shift Commander should coordinate with the agency managing the termination point to determine the Shift Commander's need to respond or otherwise assist in the investigation. The Shift Commander should obtain any information that is necessary for inclusion in any reports from the agency managing the termination point.

The role and responsibilities of officers at the termination of a pursuit that was initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

306.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

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When a request is made for this department to assist or take over a pursuit that has entered this jurisdiction, the Shift Commander should consider these additional factors:

- (a) Does the pursuit meet Dickinson Police Department pursuit justifications and requirements
- (b) Ability to maintain the pursuit
- (c) Circumstances serious enough to continue the pursuit
- (d) Adequate staffing to continue the pursuit
- (e) The public's safety within this jurisdiction
- (f) Safety of the pursuing officers

As soon as practicable, a Shift Commander or supervisor should review a request for assistance from another agency. The Shift Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the initiating agency and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

306.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking, PIT, ramming or roadblock procedures.

306.8.1 WHEN USE IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a Shift Commander before employing a pursuit intervention tactic. In deciding whether to use intervention tactics, officers/Shift Commander should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

306.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

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306.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public and occupants of the pursued vehicle.
- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:
 - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

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- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box in a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risk to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

306.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider the safety of the public and the involved officers when formulating plans to contain and capture the suspect.

306.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations.

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or Shift Commander shall complete the appropriate pursuit report.
- (c) After first obtaining the available information, the Shift Commander shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This memo should minimally contain the following information:
 - 1. Date and time of pursuit

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2. Length of pursuit in distance and time
 3. Involved units and involved officers
 4. Initial reason and circumstances surrounding the pursuit
 5. Starting and termination points
 6. Alleged offenses or disposition (e.g., arrest, citation or other release)
 7. Arrestee information should be provided if applicable
 8. Injuries and/or property damage
 9. Medical treatment
 10. The outcome of the pursuit
 11. Name of supervisor handling or at the scene
 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted
- (d) After receiving copies of reports, logs, in-car videos and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of a post-pursuit review as appropriate.
- (e) Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

306.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed employees will participate in training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

306.9.2 POLICY REVIEW

Licensed members of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

Reviewed 06/2023

Officer Response To Calls

307.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

307.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers shall continuously operate emergency lighting equipment and, if appropriate, sound the siren (N.D.C.C. § 39-10-03).

Responding with emergency lights and siren does not relieve officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others.

Responding with emergency lights and siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others.

Officers should only respond to a call as an emergency response when (N.D.C.C. § 39-10-03(2)):

- (a) In pursuit or apprehension of a violator or suspected violator.
- (b) Dispatched or otherwise in response to a reported emergency involving a possible personal injury, death or damage to property.
- (c) The Chief of Police or authorized designee deems it advisable for the protection of a person or property.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

307.3 REQUESTING EMERGENCY ASSISTANCE

Officers may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify the Dispatch Center.

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Officers may also utilize the emergency button on their mobile/portable radio to request emergency assistance from dispatch. Upon activation of the emergency mode, the radio will revert to the Law Enforcement Emergency Talkgroup and activate the radio's mic for ten seconds. After the ten seconds is complete, the radio returns to Push-to-Talk (PTT) mode. Dispatch will also conduct a status check on the officer and rule out any accidental activation. If an emergency exists, dispatch will utilize an Alert Tone on the DPD Main Talkgroup and notify other officers of the emergency request for assistance by the officer in emergency mode.

307.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The Shift Commander or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

307.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the Dispatch Center. An emergency response of more than one unit should initiate notification of and coordination by the Dispatch Center to avoid any unanticipated intersecting of response routes.

307.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response officers may (N.D.C.C. § 39-10-03(1)):

- (a) Disregard regulations governing parking or standing when using emergency lighting equipment.
- (b) Proceed past a red light, stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (c) Exceed any speed limits provided this does not endanger life or property.
- (d) Disregard regulations governing direction of movement or turning in specified directions.

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Dispatch Center. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify the Dispatch Center of his/her determination. Any

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subsequent change in the appropriate response level should be communicated to the Dispatch Center by the officer in charge of the scene unless a supervisor assumes this responsibility.

While enroute or when coming on scene, the primary officer or Shift Commander may request all non-emergency radio communication be moved from the Main Talkgroup to an Ops Talkgroup. When the request is made, dispatch will make an announcement for all officers to hold radio traffic unless the transmission is absolutely needed and directly involved with the incident. Additionally, dispatch will direct all non-involved officers to move to a Ops Talkgroup for normal radio usage and the receiving of other calls for service. Last, dispatch will activate a Channel Marker tone on the Main Talkgroup, which transmits once every ten seconds. If a department member hears the Channel Marker tone he/she must not transmit on the talkgroup unless the transmission is absolutely needed and directly involved with the incident.

307.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Shift Commander.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communication during the emergency and coordinate assistance under the direction of the Shift Commander or field supervisor.

307.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Commander or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

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It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Commander or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

307.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly.

The officer shall notify the Shift Commander, field supervisor or the Dispatch Center of the equipment failure so that another unit may be assigned to the emergency response.

REVIEWED 10/2024

Canines

308.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

308.2 POLICY

It is the policy of the Dickinson Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

308.3 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b)
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

308.4 REQUESTS FOR CANINE TEAMS

Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Division shall be reviewed by the Shift Commander.

308.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Commander and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.

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- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

308.4.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

308.5 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

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308.5.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

308.5.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

308.5.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to

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an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

308.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

308.6.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

308.6.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

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A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

308.7 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c)
- (d) Living within 30 minutes travel time from the Dickinson City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

308.8 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c)
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Dickinson Police Department facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the City or otherwise be secured at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift Commander.

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- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

308.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

308.9 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

308.10 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift Commander.

308.10.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

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- (a) Canine teams should receive training as defined in the current contract with the Dickinson Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

308.10.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

308.10.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

308.10.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Dickinson Police Department may work with outside trainers with the applicable licenses or permits.

308.10.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (N.D.C.C. § 19-03.1-16; 21 USC § 823(g)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Dickinson Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

308.10.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

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- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

UPDATED 10/2024

Domestic Violence

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence (N.D.C.C. § 14-07.1-14).

309.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of court orders related to domestic violence, both civil and criminal, whether issued by a court of this state or another and whether service has been made.

Domestic violence - Physical harm, bodily injury or sexual activity compelled by physical force, assault or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force or assault, not committed in self-defense, by a family or household member (N.D.C.C. § 14-07.1-01(2)).

Predominant aggressor - An individual who is the most significant, not necessarily the first, aggressor (N.D.C.C. § 14-07.1-01(6)).

309.2 POLICY

The Dickinson Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

309.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

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- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident, or whose injuries change in appearance warranting additional photographs, should be asked to contact the on-duty Shift Commander or Criminal Investigative Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearm or other dangerous weapon in the home, if appropriate and legally permitted, for safekeeping or as evidence.
 - 1. Any firearm or other dangerous weapon used or possessed while in the commission of a felony or a misdemeanor involving violence or intimidation shall be seized (N.D.C.C. § 62.1-01-02).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When it is reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. The following factors should not be used as sole justification for declining to take enforcement action:
 - 1. Whether the suspect lives on the premises with the victim
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence
 - 3. The potential financial or child custody consequences of arrest
 - 4. The physical or emotional state of either party
 - 5. Use of drugs or alcohol by either party
 - 6. Denial that the domestic violence occurred where evidence indicates otherwise

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7. A request by the victim not to arrest the suspect
8. Location of the incident (public/private)
9. Speculation that the complainant may not follow through with the prosecution
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect
11. The social status, community status, or professional position of the victim or suspect.

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

309.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 1. Voluntary separation of the parties.
 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

309.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the victim information handout developed by the department, even if the incident may not rise to the level of crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

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- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise a person protected by a Canadian domestic violence protective order of available local victims' services (N.D.C.C. § 14-07.5-02).

309.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

309.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

Canadian orders shall be enforced in the same manner as if issued in this state (N.D.C.C. § 14-07.5-02).

309.7.1 SERVICE OF FOREIGN COURT ORDERS

If an officer determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order (N.D.C.C. § 14-07.4-03(3); N.D.C.C. § 14-07.5-02).

Officers investigating a possible violation of a Canadian order must advise the protected person that an attempt will be made to contact the person who is the subject of the order. The officer shall then make a reasonable effort to contact the person who is the subject of the order to inform the person of the specific terms and conditions of the order as provided in N.D.C.C. § 14-07.5-02.

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309.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

309.9 ASSISTANCE IN SERVICE OR EXECUTION OF PROTECTION ORDERS

Upon an order of the court, members of the Department shall assist in the execution or service of a protection order including (N.D.C.C. § 14-07.1-04):

- (a) Accompanying an applicant and assisting him/her in obtaining housing.
- (b) Otherwise assisting in the execution or service of the protection order including referral to a domestic violence shelter care facility.

309.10 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following (N.D.C.C. § 14-07.1-10; N.D.C.C. § 14-07.1-11):

- (a) An officer who has probable cause to believe that a person has committed a crime involving domestic violence shall presume that arresting the person is the appropriate response and should make an arrest as follows:
 - 1. An arrest may be made without a warrant within 12 hours from the time the officer determines there is probable cause for the arrest and only if the officer observes that there has been recent physical injury to, or impairment of physical condition of, the alleged victim.
 - 2. If more than 12 hours have elapsed, the officer must secure an arrest warrant.
- (b) An officer shall not threaten, suggest or otherwise indicate that a family or household member will be arrested to discourage law enforcement intervention.
- (c) Complaints received from multiple family or household members shall be evaluated separately to determine if either party acted in self-defense. If self-defense is not a factor, the officer shall consider which party was the predominant aggressor

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by considering the following factors when determining whether to pursue further investigation or seek an arrest warrant:

1. The comparative severity of injuries involved.
 2. Any history of domestic violence or any other violent acts.
 3. The likelihood of future harm.
- (d) An individual arrested for domestic violence shall not be released on bail or personal recognizance unless he/she has made a personal appearance before a magistrate.
- (e) An officer who has probable cause to believe a person has committed the offense of violating a protection order under N.D.C.C. § 14-07.1-06, shall arrest the person whether or not the violation was committed in the presence of the officer.
- (f) The arresting or booking officer should provide victim contact information to jail staff to facilitate the ability of jail staff to notify the victim before the suspect's release.

309.11 REPORTS AND RECORDS

Officers shall make a written report of any allegation of domestic violence regardless of whether an arrest was made (N.D.C.C. § 14-07.1-12). When preparing a report of domestic violence, an officer shall:

- (a) Include the name of the predominant aggressor, if determined through the investigation, and a description of the evidence that supports the determination.
- (b) Submit the report to his/her supervisor.
- (c) Complete and submit appropriate documentation to the agency providing child protective services, as required by the current collaborative agreement.

At the request of a domestic violence victim, one copy of each domestic violence face sheet and incident report should be provided. Absent good cause, the face sheet should be made available during business hours, within a reasonable amount of time of the request. Incident reports should be completed in an expeditious manner.

309.12 TRAINING

Training should be provided as incorporated in the department training plan (N.D.C.C. § 14-07.1-14(2)).

REVIEWED 7/2025

Search and Seizure

310.1 PURPOSE AND SCOPE

Both the federal and the state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Dickinson Police Department personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Dickinson Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law as well as local community standards and prosecutorial considerations to specific search and seizure situations as appropriate.

310.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor or other available resource to resolve questions regarding search and seizure issues prior to electing a course of action.

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310.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.
- (f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

310.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

REVIEWED 07/2024

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Dickinson Police Department (34 USC § 11133).

This policy only applies to the temporary custody of juveniles before they are released or transferred to a place authorized for the detention of juveniles (N.D.C.C. § 27-20.4-08).

311.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for their own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for their protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile 17 years of age or younger who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). It also includes an offense under N.D.C.C. § 62.1-02-01 for underage possession of a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed, but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices with a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when a non-secure booking area is available.
- (e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

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- (g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged so as to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

311.2 POLICY

The Dickinson Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Dickinson Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Dickinson Police Department. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Mental Illness Commitments Policy).
- (d) If the officer taking custody of a juvenile believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.
- (e) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (f) Extremely violent or continuously violent behavior.
- (g) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Dickinson Police Department unless or until they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed.

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311.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Dickinson Police Department when there is no other lawful and practical alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Dickinson Police Department without authorization of the arresting officer's supervisor or the Shift Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Dickinson Police Department (N.D.C.C. § 27-20.4-07; 34 USC § 11133).

311.4.1 CUSTODY OF NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Dickinson Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by juvenile referral or upon a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Dickinson Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

The following applies to juveniles taken into custody:

- (a) Juvenile offenders may be taken into custody (N.D.C.C. § 27-20.4-05):
 - 1. Pursuant to an order of the court.
 - 2. Pursuant to the laws of arrest applicable to adults and as authorized after scoring of the detention screening tool.
- (b) A juvenile offender should not be released from custody without first contacting the court if there is reason to believe any of the following (N.D.C.C. § 27-20.4-06):
 - 1. Further care is required to protect the juvenile offender, or the property of others, or of the juvenile offender.

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2. The juvenile offender may abscond or be removed from the jurisdiction of the court.
3. The juvenile offender has no parent, guardian, custodian, or other person able to provide supervision and care, and return the juvenile offender to the court when required.
4. An order for the juvenile offender's detention or nonsecure care has been made by the court.
5. The detention screening tool indicates that the juvenile offender should be detained.

311.5 ADVISEMENTS

A member of this department who does not release a juvenile to a parent, guardian, or other custodian shall promptly notify the juvenile's parent, guardian, or other custodian and the court of the reason for the custody (N.D.C.C. § 27-20.4-07).

The member shall send the required referral for a delinquent act to the court within 24 hours of taking a juvenile into custody under section 27-20.4-05 (N.D.C.C. § 27-20.4-05.1).

If there is reason to believe that a juvenile offender committed a sexual offense (see generally N.D.C.C. § 12.1-20-01 et seq. and N.D.C.C. § 12.1-27.2-01 et seq.), the Department of Health and Human Services should be notified as soon as practicable. A copy of the case report shall also be forwarded to the Department of Health and Human Services (N.D.C.C. § 50-25.1-05.3).

311.6 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Dickinson Police Department shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

311.7 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Dickinson Police Department shall ensure the following:

- (a) The Shift Commander should be notified if it is anticipated that a juvenile may need to remain at the Dickinson Police Department for longer than four hours. This will enable the Shift Commander to ensure no juvenile is held at the Dickinson Police Department for more than six hours.
- (b) A staff member of the same sex shall supervise the personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

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- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

311.8 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Dickinson Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals and monitored in such a way as to protect the juvenile from abuse.

311.8.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

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311.9 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Dickinson Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Dickinson Police Department.

311.10 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Shift Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Dickinson Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the on-duty supervisor, Chief of Police, and Criminal Investigative Division supervisor
- (c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Coroner
- (g) Notification of the juvenile court
- (h) Evidence preservation

311.11 INTERVIEWING OR INTERROGATING

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent, to an interview or interrogation. If the involved juvenile is the scope of a criminal investigation, a parent or guardian must give consent and acknowledgement of Miranda when applicable.

311.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

No child under the age of 14 may be fingerprinted except for certain crimes as allowed by law (N.D.C.C. § 27-20.2-24(1)).

A child may only be photographed for certain offenses (N.D.C.C. § 27-20.2-24(6)).

311.13 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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311.14 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

UPDATED 8/2025

Adult Abuse

312.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Dickinson Police Department members as required by law.

312.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (N.D.C.C. § 50-25.2-03).

312.2 POLICY

The Dickinson Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATION

Members of the Dickinson Police Department shall notify the North Dakota Department of Health and Human Services or other designated agency when they have knowledge that a vulnerable adult has been subjected to abuse or neglect, or when they observe a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect when the knowledge is derived from information received in their official capacity (N.D.C.C. § 50-25.2-03).

For purposes of this notification, a vulnerable adult is an adult (including a minor emancipated by marriage) with a substantial mental or functional impairment (N.D.C.C. § 50-25.2-01). Abuse is any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult (N.D.C.C. § 50-25.2-01).

Officers investigating any allegation of abuse or neglect of a vulnerable adult that requires immediate steps to protect the person, such as removing them from their environment, shall notify the North Dakota Department of Health and Human Services of the steps taken (N.D.C.C. § 50-25.2-05).

312.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows:

- (a) Notification to the North Dakota Department of Health and Human Services or other designated agency should be made immediately, either orally or in writing (N.D.C.C. § 50-25.2-03).
- (b) A member shall, if known, include all of the following in a notification (N.D.C.C. § 50-25.2-03):
 1. The name, age, and residence address of the alleged vulnerable adult.

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2. The name and residence address of the caregiver, if any.
3. The nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect.
4. Any evidence of previous abuse or neglect, including the nature and extent of the abuse or neglect.
5. Any other information that may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the individual responsible for the alleged abuse or neglect.

312.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

312.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.

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- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

312.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themselves, the officer should make reasonable attempts to contact the North Dakota Department of Health and Human Services or another designated agency. Generally, removal of an adult abuse victim from the victim's family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an adult abuse victim from the victim's family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to the North Dakota Department of Health and Human Services or another designated agency.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult abuse victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult (N.D.C.C. § 50-25.2-07).

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When

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practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the adult's consent or the consent of a guardian unless one of the following applies:

- (a) The adult cannot adequately provide for the adult's own care or protection and exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

312.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

312.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

312.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigative Division Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the North Dakota Department of Health and Human Services or another designated agency, other law enforcement agencies, medical service providers, and local prosecutors to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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- (b) Activate any available interagency response when an officer notifies the Criminal Investigative Division Supervisor that the officer has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

312.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives there should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigative Division Supervisor so an interagency response can begin.

312.10 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (N.D.C.C. § 50-25.2-12).

312.11 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.
- (g) Other training as may be provided by the North Dakota Department of Health and Human Services (N.D.C.C. § 50-25.2-13).

01/2023

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

313.2 POLICY

The Dickinson Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to discipline.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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313.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

313.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the North Dakota Department of Labor, Human Rights Division.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

313.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

313.4 RESPONSIBILITIES

This policy applies to all department personnel, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director, or the City Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

313.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

313.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

313.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Human Resources Director, or the City Administrator for further information, direction, or clarification.

313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all

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complaints of discrimination, retaliation or harassment shall be fully documented, and promptly and thoroughly investigated.

313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

313.5.2 FORMAL INVESTIGATION

If the complaint cannot be resolved satisfactorily through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Director, or the City Administrator.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the City Administrator, or the Human Resources Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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313.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

313.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

REVIEWED 7/2024

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Dickinson Police Department members are required to notify the North Dakota Department of Health and Human Services of suspected child abuse.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Includes any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

314.2 POLICY

The Dickinson Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the North Dakota Department of Health and Human Services is notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Dickinson Police Department shall notify the North Dakota Department of Health and Human Services of where the child is currently residing when there is reasonable cause to believe the child is the victim of abuse or neglect (N.D.C.C. § 50-25.1-03).

For purposes of notification, abuse includes a child 17 years of age or younger who experiences mental or physical injury by a person responsible for the child's welfare. This includes a parent, an adult family member, any member of the child's household, a guardian, a foster parent, or any person providing care for the child at a school or child care setting. Abuse also includes any sexual offense committed against a child 17 years of age or younger by any person, whether or not the person is responsible for the child's welfare (N.D.C.C. § 50-25.1-02).

For purposes of notification, neglect includes failure to provide proper parental care or control, subsistence, education, or other care or control necessary for a child's physical, mental, or emotional health, or morals, not due primarily from the financial inability of a person responsible for the child's welfare. Neglect should be assumed when care of a child is requested by a person who has a physical, mental, emotional, or other illness or disability and is responsible for the child's welfare. Neglect also includes abandonment of a child by a parent, guardian, or custodian; failure of a parent, guardian, or custodian to participate in treatment ordered by the juvenile court; subjecting a child to prenatal exposure to chronic or severe alcohol or drug use; permitting a child to remain in an environment that subjects the child to exposure to a controlled or chemical substance or drug paraphernalia; or subjecting a child to human trafficking (N.D.C.C. § 50-25.1-02).

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314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (N.D.C.C. § 50-25.1-04):

- (a) Incidents of suspected child abuse shall be immediately referred to the North Dakota Department of Health and Human Services of where the child is currently residing. Oral reports must be followed by written reports within 48 hours, if requested.
- (b) A child abuse report, when possible, should include:
 - 1. The name and addresses of the child, the child's parents, or others responsible for the child's care.
 - 2. The age, sex, and race of the child.
 - 3. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
 - 4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
 - 5. The family composition.
 - 6. The source of the report and the name, address, and occupation of the person making the report.
 - 7. Any action taken by the reporting source.
 - 8. Any other information that the person making the report believes may be helpful.

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as appropriate (N.D.C.C. § 50-25.1-05).

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom the child made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) The Department shall investigate every report of child abuse or neglect if a violation of a criminal statute is alleged. Officers shall coordinate the planning and execution of the investigation and child protection assessment with the North Dakota Department of Health and Human Services and may (N.D.C.C. § 50-25.1-05):
 - 1. Refer the case to a children's advocacy center for a forensic interview, forensic medical examination, or other services.
 - 2. Conduct interviews with any child involved in the investigation without the consent of a person responsible for the child's welfare.
 - 3. Conduct an interview at a school, child care facility, or any other place where any child involved in the investigation is found.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the North Dakota Department of Health and Human Services. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and

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immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the North Dakota Department of Health and Human Services.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian (N.D.C.C. § 27-20.3-04; N.D.C.C. § 27-20.3-06):

- (a) With a court order authorizing the removal of the child.
- (b) Without a court order when there are reasonable grounds to believe that the child is suffering from illness or injury, or is in immediate danger from the child's surroundings, and the child's removal is necessary.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

314.7.3 INTERVIEWING JUVENILES

If the parents or guardians are not the alleged abusers, a parent of the child should, when practicable, be notified prior to the child being interviewed. If the abuse or neglect is alleged to

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have occurred in a school or childcare facility, the interview should not take place in any school building or child care facility building where the abuse or neglect is alleged to have occurred.

Prior to conducting an interview on school property, the investigating officer shall notify school officials (N.D.C.C. § 50-25.1-05.6). The notification should include the name of the child, the purpose of the interview and a reference to the statutory authority that allows the interview to be conducted on school property. The investigating officer shall determine who may attend the interview, although school officials may set reasonable conditions as to the time, place and manner of the interview. Care should be taken to minimize disruption of the educational program of the child, other students or school staff.

314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigative Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including the North Dakota Department of Health and Human Services, other law enforcement agencies, medical service providers, and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigative Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

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314.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigative Division supervisor so an interagency response can begin.

314.10 ABANDONED CHILD LAW

A child under 1 year of age who is voluntarily left with an on-duty employee at the Department shall be accepted. Employees may request information about the child's parents. Employees shall provide the parent or agent with the following (N.D.C.C. § 50-25.1-15):

- (a) A medical history form
- (b) An envelope with the department's return address

A child less than 60 days old who is placed in a newborn safety device installed at the Department shall be accepted. The department employee shall not inquire regarding the identity of the parent or agent. The Department shall keep all information (e.g., identity of parent or agent) confidential (N.D.C.C. § 50-25.1-15).

314.10.1 NOTICE REQUIREMENTS

Within 24 hours of taking custody of the child under the abandoned child law, employees shall comply with the notice requirement to the North Dakota Department of Health and Human Services (NDDHHS) as provided in N.D.C.C. § 50-25.1-15 and N.D.C.C. § 50-25.1-03.

314.10.2 MANDATORY DISCLOSURE FOR HARMED CHILDREN

If an abandoned child left at the Department appears to be harmed, the Department shall disclose any known identifying information about the parent or agent to the NDDHHS or an authorized agent (N.D.C.C. § 50-25.1-15).

314.11 STATE MANDATES AND OTHER RELEVANT LAWS

North Dakota requires or permits the following:

314.11.1 RELEASE OF REPORTS

Reports of child abuse or neglect shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (N.D.C.C. § 50-25.1-05; N.D.C.C. § 50-25.1-11).

314.11.2 CHILD FATALITY REVIEW PANEL

Child Fatality Review Panels are required to review deaths of children that meet the criteria established by the North Dakota Department of Health and Human Services. This department shall cooperate fully with the panel (N.D.C.C. § 50-25.1-04.3).

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314.12 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

REVIEWED 8/2025

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include (N.D.C.C. § 12-68-03(1)):

High-risk missing person - The missing person is:

- (a) 13 years of age or younger.
- (b) Regardless of age, believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for his/her chronological age and developmental stage.
 - 2. Mentally or behaviorally disabled.
 - 3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - 4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 - 5. In a life-threatening situation.
 - 6. In the company of others who could endanger his/her welfare.
 - 7. Absent in a way that is inconsistent with established patterns of behavior and that cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
- (c) An individual who may be at risk of injury or death and (N.D.C.C. § 12-68-03):
 - 1. May be the subject of foul play.
 - 2. May be unable to properly safeguard or care for him/herself due to age (young or old).
 - 3. Suffers from diminished conditions that are potentially untreated/unattended, including:
 - (a) Being a patient of a mental institution and is considered potentially dangerous to the patient or to others.
 - (b) A demonstrated potential for suicide.
 - (c) Possible involvement in a boating, swimming, other sporting accident or a natural disaster.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown. This includes when a person's whereabouts is unknown and unexplained for

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a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in the context of the missing person's behavior patterns, plans or routines.

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC) and other appropriate state databases relating to missing persons.

315.2 POLICY

The Dickinson Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigative Division supervisor shall ensure the following forms and kits are developed and available in accordance with this policy, state law, federal law and any missing persons investigations guidelines and procedures:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction (N.D.C.C. § 12-68-01).

315.4.1 REFERRALS TO OTHER LAW ENFORCEMENT AGENCIES

If it is determined that another law enforcement agency is clearly more appropriate to receive a missing person report, members of this department may refer the report to the other agency. Responsibility for the missing person report shall remain with this department until the other jurisdiction confirms in writing its acceptance of responsibility for the report (N.D.C.C. § 12-68-01(2)).

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315.4.2 REPORTS FROM OTHER LAW ENFORCEMENT AGENCIES

Cases referred to the Dickinson Police Department from another law enforcement agency shall be accepted unless the Shift Commander determines there is good cause for not accepting. Written confirmation of acceptance of the report should be forwarded within 24 hours of receipt for a referral from a North Dakota law enforcement agency (N.D.C.C. § 12-68-01).

315.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be a high-risk missing person.
- (c) Obtain a detailed description of the missing person, the abductor, vehicles and other pertinent information. This includes:
 - 1. Name, age and physical description of the missing person, including tattoos or other unique physical identifiers, and the relationship of the reporting party to the missing person.
 - 2. The missing person's Social Security number and driver's license number, if known.
 - 3. Description of any clothing, if known.
 - 4. Description and license number of any motor vehicle that may be involved.
 - 5. Description of any property and credit cards, if known, in the possession of the missing person.
 - 6. Time and place of last known location and the identity of anyone accompanying the person.
 - 7. The extent of any search for the missing person.
 - 8. Whether the person has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
 - 9. Whether the missing person has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol; or has a history of mental illness.
 - 10. The current physical condition of the missing person and whether the person is taking prescription medication.
 - 11. If the missing person is a child, determine if the child:
 - (a) Is or may be with any adult who could cause the child harm.
 - (b) May have been the subject of a parental abduction.

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- (c) Has previously run away from home, has threatened to do so or has a history of unexplainable absences for extended periods of time.
- (d) Notify a supervisor immediately if there is evidence that a missing person is either a high-risk missing person or may qualify for a public alert, or both (see the Public Alerts Policy).
- (e) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 14 years of age or there is evidence that the missing person is a high-risk missing person. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 14 years of age or may be a high-risk missing person.
- (f) Ensure that entries are made into the appropriate missing person networks:
 - 1. Immediately when the missing person is a high-risk missing person (N.D.C.C. § 12-68-03).
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (g) Complete the appropriate report forms accurately and completely and initiate a search as applicable.
- (h) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (i) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (j) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (k) Notify the Bureau of Criminal Investigation (BCI) in a case of a high-risk missing person with the information most likely to aid in the location and safe return of the high-risk missing person (N.D.C.C. § 12-68-03(2)).

315.5.1 BRIEFING

A summary of information on recently reported missing persons should be provided at shift briefings. The summary should include a description of the missing person, a description of the

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circumstances of the missing person's disappearance, and other information that may be relevant to locating the missing person.

315.5.2 MEDIA

Involving the media may be appropriate under the following circumstances:

- (a) A crime is suspected or suspicious circumstances exist.
- (b) The missing person may be unable to safeguard or care for him/herself, regardless of age.
- (c) The missing person may be considered at risk for suicide.
- (d) The missing person may be missing as a result of an accident.
- (e) The missing person suffers from a psychological disorder which may endanger him/herself or others.
- (f) The missing person suffers from a physical or mental incapacity that may be life threatening if the person is not under the proper care or in possession of appropriate medication.

315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Division.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - (a) If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction
- (g) Notifying CID Commander, or CID on-call Detective, for case assignment.

315.6.2 RECORDS DIVISION RESPONSIBILITIES

The responsibilities of the Records Division receiving member shall include, but are not limited to:

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- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (d) Forwarding a copy of the report to the Criminal Investigative Division.
- (e) Coordinating with the NCIC Terminal Contractor for North Dakota to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 CRIMINAL INVESTIGATIVE DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Shall provide general information regarding the handling of the case to the person making the report, family members of the missing person or other individuals in a position to assist in the investigation to the extent that disclosure would not adversely affect the investigation (N.D.C.C. § 12-68-02(1)).
- (c) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (d) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (e) Shall verify and update Criminal Justice Information Services (CJIS), NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (g) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or child care institution (34 USC § 41308).

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- (h) Should make appropriate inquiry with the coroner or medical examiner.
- (i) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
 - 1. Biological samples (DNA) obtained shall be forwarded immediately to the appropriate state crime laboratory (N.D.C.C. § 12-68-02).
- (j) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously, forward the photograph to BCI if appropriate and enter the photograph into applicable missing person networks (34 USC § 41308).
- (k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (l) Shall provide general information regarding the handling of the case to the person making the report, family members of the missing person or other individuals in a position to assist in the investigation to the extent that disclosure would not adversely affect the investigation (N.D.C.C. § 12-68-02(1)).
- (m) Shall notify the FBI Violent Criminal Apprehension Program (ViCAP) (when appropriate) as soon as is practicable (N.D.C.C. § 12-68-02).
- (n) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

In any case in which a report is taken concerning a person missing under suspected criminal circumstances, the handling investigator should, within 30 days, inform the parents or other appropriate relatives that they may voluntarily give a biological sample for DNA testing or that the Department may collect a biological sample from a personal item belonging to the missing person, if available (N.D.A.C. § 10-17-01-07(3)). All biological samples obtained in missing person cases shall be forwarded immediately to the State Crime Laboratory (N.D.C.C. § 12-68-02(2)).

315.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

The CIU Commander or designee should ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to the agency or the agencies that are stake-holders in the missing person case.
- (b) The missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is a high-risk missing person, the fact that the person has been found should be reported within 24 hours to BCI.

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- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.
- (d) Where it is reasonably certain the human remains may be related to a Native American burial site, the North Dakota State Historical Society should be consulted.

An unidentified dead person or unidentified human remains shall be transferred to the Coroner for the purpose of identification (N.D.C.C. § 12-68-04(1)).

315.9 CASE CLOSURE

The Criminal Investigative Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Dickinson or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.10 TRAINING

Subject to available resources, the Training Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews.
 - 2. Use of current resources, such as Mobile Audio Video (MAV).

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3. Confirming missing status and custody status of minors.
 4. Evaluating the need for a heightened response.
 5. Identifying the zone of safety based on chronological age and developmental stage.
- (b) Briefing of department members at the scene.
 - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, catastrophe).
 - (d) Verifying the accuracy of all descriptive information.
 - (e) Initiating a neighborhood investigation.
 - (f) Investigating any relevant recent family dynamics.
 - (g) Addressing conflicting information.
 - (h) Key investigative and coordination steps.
 - (i) Managing a missing person case.
 - (j) Additional resources and specialized services.
 - (k) Update procedures for case information and descriptions.
 - (l) Preserving scenes.
 - (m) Internet and technology issues (e.g., internet use, cell phone use).
 - (n) Media relations.

UPDATED 07/2024

Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS) local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 MEMBER RESPONSIBILITIES

Members of the Dickinson Police Department should notify their supervisor, Shift Commander, Criminal Investigative Division Supervisor, or Division Commander as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

316.4 AMBER ALERTS™

AMBER Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding abducted children (N.D.C.C. § 54-67-01).

316.4.1 CRITERIA

The following criteria are used to determine if an AMBER Alert should be issued (N.D.C.C. § 54-67-04):

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- (a) The abduction involves a child 17 years of age or younger.
- (b) There is confirmation the child is believed to be in grave danger of serious bodily harm or death.
- (c) There is descriptive information about the child, the abductor, and/or the suspect's vehicle to assist with the safe recovery of the victim and/or the apprehension of the suspect.
- (d) There is enough information about the child, the suspect, and/or suspect's vehicle to believe an immediate broadcast alert will help.

316.4.2 PROCEDURE

The following is the procedure for initiating an AMBER Alert:

- (a) Call to notify the North Dakota Department of Emergency Services' State Emergency Communications Center that an AMBER Alert will be requested.
- (b) Complete the AMBER Alert Activation form.
- (c) Fax and email the completed AMBER Alert Activation form to the North Dakota Department of Emergency Services' State Emergency Communications Center.
- (d) Make an NCIC missing person entry using the Child Abduction (CA) flag through the Criminal Justice Information Sharing System (CJIS).

316.5 BLUE ALERTS

Blue Alerts are used to provide a statewide system for the rapid dissemination of information regarding an individual who has threatened a law enforcement officer with a deadly weapon, used a deadly weapon against a law enforcement officer, caused a law enforcement officer to suffer serious bodily injury or death, abducted a law enforcement officer, or caused a law enforcement officer to go missing while on-duty, and the individual has left the scene of the offense (N.D.C.C. § 54-67-01).

316.5.1 CRITERIA

The following criteria are used to determine if a Blue Alert should be issued (N.D.C.C. § 54-67-04):

- (a) A suspect individual has threatened an officer with a deadly weapon, used a deadly weapon against an officer, caused an officer to suffer serious bodily injury or death, abducted an officer, or caused an officer to go missing while on-duty.
- (b) The suspect has fled the scene and a description of the suspect or the suspect's vehicle is available for broadcast.
- (c) The suspect poses a threat to the public or other law enforcement members.
- (d) Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

316.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

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- (a) Call to notify the State Emergency Communications Center that a Blue Alert will be requested.
- (b) Complete the Blue Alert Activation form.
- (c) Fax and email the completed Blue Alert Activation form to the State Emergency Communications Center.

316.6 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information to help locate missing disabled or elderly individuals, or individuals who have a developmental disability (N.D.C.C. § 54-67-01).

316.6.1 CRITERIA

The following criteria are used to determine if a Silver Alert should be issued (N.D.C.C. § 54-67-04):

- (a) A disabled adult or elderly vulnerable adult, or an individual with a developmental disability has been reported missing (N.D.C.C. § 25-01.2-01; N.D.C.C. § 50-25.2-01).
- (b) An elderly adult has been reported missing by a family member or other individual who has significant frequent contact with the elderly adult and sufficient evidence indicates that the missing elderly adult is believed to be in grave danger of serious bodily harm or death or the particular circumstances warrant a Silver Alert.

316.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert:

- (a) Call to notify the State Emergency Communications Center that a Silver Alert will be requested.
- (b) Complete the Silver Alert Activation form.
- (c) Fax and email the completed Silver Alert Activation form to the State Emergency Communications Center.

316.7 MISSING AND ENDANGERED PERSONS ALERTS

Missing and Endangered Persons (MEP) Alerts are used to provide a statewide system for the rapid dissemination of information regarding adults who have been abducted or are believed to be at imminent risk of serious bodily injury or death (N.D.C.C. § 54-67-01).

316.7.1 CRITERIA

The following criteria are used to determine if an MEP Alert should be issued (N.D.C.C. § 54-67-04):

- (a) The missing or abducted person is 18 years of age or older.
- (b) There is confirmation the person is believed to be in grave danger of serious bodily harm or death.
- (c) There is descriptive information about the missing person, the abductor, and/or the suspect's vehicle to assist with the safe recovery of the victim and/or the apprehension of the suspect.

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- (d) There is enough information about the victim, the suspect, and/or suspect's vehicle to believe an immediate broadcast alert will help.

316.7.2 PROCEDURE

The following is the procedure for initiating an MEP Alert:

- (a) Call to notify the State Emergency Communications Center that an MEP Alert will be requested.
- (b) Complete the MEP Alert Activation form.
- (c) Fax and email the completed MEP Alert Activation form to the State Emergency Communications Center.

316.8 FEATHER ALERTS

Feather Alerts are used to provide a statewide system for the rapid dissemination of information regarding Indigenous individuals who have been abducted or are believed to be at imminent risk of serious bodily injury or death (N.D.C.C. § 54-67-01).

316.8.1 CRITERIA

The following criteria are used to determine if a Feather Alert should be issued (N.D.C.C. § 54-67-04):

- (a) The missing or abducted individual is Indigenous.
- (b) There is confirmation the person is believed to be in grave danger of serious bodily harm or death.
- (c) There is descriptive information about the missing Indigenous individual, the abductor, and/or the suspect's vehicle to assist with the safe recovery of the victim and/or the apprehension of the suspect.
- (d) There is enough information about the victim, the suspect, and/or suspect's vehicle to believe an immediate broadcast alert will help.

316.8.2 PROCEDURE

The following is the procedure for initiating a Feather Alert:

- (a) Call to notify the State Emergency Communications Center that a Feather Alert will be requested.
- (b) Complete the Feather Alert Activation form.
- (c) Fax and email the completed Feather Alert Activation form to the State Emergency Communications Center.

316.9 FORMS AND CONTENT

<http://ndresponse.gov/alert>

REVIEWED 8/2025

Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources and that the department meets all related legal mandates.

317.2 POLICY

The Dickinson Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Dickinson Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims expressing fear of future harm or retaliation. Officers should never guarantee a person qualifies as a victim for purpose of compensation or restitution, but may direct him/her to the proper written department material or available victim resources.

317.4 WITNESSES

Officers should never guarantee a witness's safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

317.5 INVESTIGATIONS

317.5.1 SPECIFIC REQUIREMENTS REGARDING CHILDREN

In order to protect a child victim or witness of a crime, except under N.D.C.C. Title 39 or equivalent ordinance or the child victim of a fire, the name of the child and identifying biographical information may not appear on any public record. Instead, a Jane Doe or Joe Doe designation must appear. Sealed confidential records containing the child's name and necessary biographical information must be kept in order to ensure that no defendant is charged twice (N.D.C.C. § 12.1-35-03).

317.5.2 INVESTIGATION STATUS

Victims and witnesses, upon request, must be informed of the status of the investigation, except where it is determined that disclosure of such information would unreasonably interfere with the investigation, until such time as the alleged offender is apprehended or the investigation is closed (N.D.C.C. § 12.1-34-02).

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Upon the request of an alleged victim of a forced or coerced abortion, the investigating member shall notify the victim not less than 24 hours before initially contacting the suspect (N.D.C.C. § 12.1-41-21).

REVIEWED 8/2025

Hate Crimes

318.1 PURPOSE AND SCOPE

The Dickinson Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the federal and state Constitutions and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity or disability (18 USC § 245).

318.2 DEFINITIONS

Definitions related to this policy include (18 USC § 249):

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

318.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.

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- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers will take all reasonable steps to preserve evidence that may tend to establish that a hate crime was involved.
- (d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible protection order through the courts or City Attorney or States Attorney or City Attorney).

318.5 CRIMINAL INVESTIGATIVE DIVISION RESPONSIBILITIES

If a case is assigned to the Criminal Investigative Division, the assigned investigator will be responsible for following up on the reported hate crime by:

- (a) Coordinating further investigation with the State's Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate crimes as indicated or required by state law.

318.5.1 STATE HATE CRIME REPORTING

This department shall report hate crime offenses through North Dakota's Uniform Crime Reporting (UCR) program at regular intervals as prescribed by rules adopted by the Bureau of Criminal Investigations (BCI). This shall be conducted by the Records Supervisor or assigned to the Criminal Investigative Division.

318.5.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the Federal Uniform Crime Reporting (UCR) program's National Incident-Based Reporting System (NIBRS), and summary

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reporting system reports pursuant to Records Division procedures and in compliance with (28 USC § 534(a)).

318.6 TRAINING

All officers of this department shall receive training on hate crime recognition and investigation and shall attend annual training which incorporates a hate crime training component.

REVIEWED 10/2024

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Dickinson Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Department or a member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of the Dickinson Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

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

Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be taken for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct. The following are illustrative of causes for disciplinary action and constitute only a portion of the disciplinary standards of this department.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.
- (b) Failure to promptly and fully report any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and North Dakota constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

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319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Dickinson Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.5.3 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

319.5.4 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

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319.5.5 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

319.5.6 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

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319.5.8 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

319.5.9 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in an investigation, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any - department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.

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3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 1. Unauthorized attendance while on duty at official legislative or political sessions.
 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty, on department property or while in any way representing him/herself as a member of this department, except as expressly authorized by City policy, an employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, an employment agreement, or the Chief of Police.
- (i) Any act on or off duty that brings discredit to this department.

319.5.10 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.

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- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any conduct that destroys public respect and confidence in the agency's operational capability, or that affects the morale or efficiency of the organization. Officers shall conduct themselves at all times, both on and off duty, in a manner that reflects favorably upon the agency.

319.5.11 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

REVIEWED 2/2025

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Dickinson Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

320.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

320.3 POLICY

It is the policy of the Dickinson Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

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320.4 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

320.5 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.5.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

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320.5.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.5.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

320.5.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.6 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

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REVIEWED 09/2025

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Adult Abuse Policy
 - 5. Hate Crimes Policy

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Report Preparation

6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report.

Misdemeanor crimes where the victim does not desire a report shall be documented using the department approved alternative reporting method (e.g., CFS log).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of physical force by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Any time a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)
- (e) Any found property or found evidence
- (f) Any traffic accidents above the minimum reporting level (see the Traffic Accident Response and Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

321.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. An officer handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths
- (b) Suicides
- (c) Homicide or suspected homicide
- (d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)
- (e) Found dead bodies or body parts

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321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.2.6 REMOVED

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 REMOVED

321.3.2 REMOVED

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should state the reasons for rejection and give corrective measures. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

321.6 ELECTRONIC SIGNATURES

The Dickinson Police Department has established an electronic signature procedure for use by all employees of the Dickinson Police Department.

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- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Reviewed 05/2022

Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Commanders and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative.
- (b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should

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be coordinated through the Public Information Officer or other designated spokesperson.

- (c) No member of this department who is under investigation shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

322.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

322.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4 INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the assigned Public Information Officer. This log will consist of data classified as public and may generally contain:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (b) The date, time, location, case number, name, birth date and charges for each person arrested by date, time, location, case number, name, known aliases, sex, birth date, facts of arrest and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident, subject to the restrictions of this policy and applicable law.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Commander. Such requests will be processed in accordance with policy and state law.

322.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

Reviewed 01/2022

Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Dickinson Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.2 POLICY

Dickinson Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A civil subpoena may be served upon the named member in the subpoena in accordance with N.D.R.Civ.P. Rule 4(d). A criminal subpoena must be personally served upon the member (N.D.R.Crim.P. Rule 17(d)).

Prior to accepting service of a subpoena, witness fees shall be demanded as allowed by law (N.D.R.Civ.P. Rule 45(b)(1)(B); N.D.R.Crim.P. Rule 17(d)).

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor, shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Dickinson Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Dickinson Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

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Subpoenas and Court Appearances

323.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

323.5.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall thoroughly review all relevant reports and become familiar with the content in order to be prepared for court.

323.6 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the City personnel manual.

REVIEWED 11/2024

Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the Dickinson Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Shift Commander may authorize, if available, an appropriate number of personnel to assist (N.D.C.C. § 44-08-20). Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

324.3.1 AGREEMENTS

The Chief of Police may enter into agreements with other law enforcement agencies to (N.D.C.C. § 44-08-24; N.D.C.C. § 54-40.3-04):

- (a) Assist other state and local criminal justice agencies.
- (b) Exchange officers of this department with peace officers of another criminal justice agency on a temporary basis.

324.3.2 INITIATED ACTIVITY

While assisting a peace officer from another agency or acting on behalf of another agency, an officer's assistance shall be limited to the duties, scope and course of employment authorized for an officer of this department (N.D.C.C. § 44-08-24).

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Dickinson Police Department shall

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notify his/her supervisor or the Shift Commander and the Dispatch Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

324.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive (N.D.C.C. § 44-08-20).

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

324.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies to be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Shift Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

324.6 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Commander.

Reviewed 11/2024

Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Dickinson Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered offenders (N.D.C.C. § 12.1-32-15).

325.2 POLICY

It is the policy of the Dickinson Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

325.3.1 ORIGINATING AGENCY

The registration forms and instructions will direct the offender to register with the local law enforcement agency where the offender resides (N.D.C.C. § 12.1-32-15(2)).

Once the forms are signed, copies and all required attachments shall be mailed by the Records Division to the Bureau of Criminal Investigation (BCI).

325.3.2 RESIDING/REGISTERING AGENCY

When the Department receives copies of the offender registration forms from BCI, the appropriate assigned employee or investigator will ensure the offender registers within the appropriate time frame. If the offender fails to register, the assigned employee will take appropriate action to locate the offender as quickly as possible and ensure compliance (N.D.C.C. § 12.1-32-15(2)).

The Criminal Investigative Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community.

Upon conclusion of the registration process, the investigator shall forward the completed registration, biometric data, photographs and DNA sample, if applicable, to the Records Division, which will then send the completed registration to BCI within three days and the DNA samples to the state crime laboratory. If BCI does not receive the offender's completed registration forms within the time expected, it will contact this department so that efforts can be made to locate the offender as quickly as possible (N.D.C.C. § 12.1-32-15(7)).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (N.D.C.C. § 12.1-32-15(9)).

Employees assigned to register offenders should receive appropriate training regarding the registration process.

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Registered Offender Information

325.3.3 CONTENTS OF REGISTRATION

The offender is required to provide all of the following applicable information, and to notify the Department if there are any changes to the following:

- (a) Residence address
- (b) Employer address
- (c) School information
- (d) Motor vehicle
- (e) Driver's license and professional licenses
- (f) Email address and social networking information

325.3.4 MODIFICATION OR CHANGES

The offender is responsible for notifying the Department in writing regarding changes as follows (N.D.C.C. § 12.1-32-15(7)):

- (a) Within 10 days before a change in name, address, employment, or school
- (b) Within three days of any termination of school or employment
- (c) Within three days of any changes in vehicle or computer online identity

If an offender is required to register in North Dakota but resides in another state or on tribal lands, the offender must register employment and school address and any changes in required registration information with the law enforcement agency having local jurisdiction over the school or employment address (N.D.C.C. § 12.1-32-15(7)).

A homeless individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present.

All registered offenders should notify the sheriff or chief of police of the jurisdiction in which they are registered, within three days, of any changes to their offender registration document.

The Criminal Investigative Division supervisor should establish procedures to ensure that all changes are forwarded to BCI within three days (N.D.C.C. § 12.1-32-15(7)).

325.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigative Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration (N.D.C.C. § 12.1-32-15(7)).

This verification should include:

- (a) Efforts to confirm the residence using an unobtrusive method such as an internet search or drive-by of the declared residence.
- (b) Review of information on the state website.
- (c) Contact with a registrant's parole or probation officer.

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Registered Offender Information

Any discrepancies should be reported to the appropriate agencies or departments.

The Criminal Investigative Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Dickinson Police Department personnel, including timely updates regarding new or relocated registrants.

Offenders are required to verify their information with law enforcement at a frequency based on their North Dakota status/risk level.

- (a) High Risk: Four times a year – in the months of January, April, July, and October
- (b) Moderate Risk: Twice a year – in the months of February and August
- (c) Low Risk or not yet assigned a North Dakota risk level: One time a year - in the month of their date of birth

325.5 DISSEMINATION OF PUBLIC INFORMATION

Department members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor should evaluate the request and forward the information to the Chief of Police, if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made (N.D.C.C. § 12.1-32-15(14)).

Upon request, the Department may release conviction and registration information regarding low-risk, moderate-risk or high-risk offenders.

Members of the public requesting information on registrants should be provided the Office of Attorney General Sex Offender website or the Dickinson Police Department's website.

325.5.1 RELEASE NOTIFICATIONS

- (a) Low-risk offender information may be released to the following:
 - 1. Victims and witnesses to the offense
 - 2. Other law enforcement agencies
 - 3. The public, upon request
- (b) Moderate-risk offender information may be released by personal contacts, flyers, telephone contact or review of lists or information to the following:
 - 1. Victims and witnesses to the offense
 - 2. Other law enforcement agencies
 - 3. The public, upon request
 - 4. Offender's employer, where appropriate
 - 5. Schools
 - 6. Park and recreation districts
 - 7. Senior centers

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8. Churches
 9. Daycare
 10. Civic organizations
 11. Shopping malls
- (c) High-risk offender information may be released in addition to those above by the following:
1. Internet
 2. Widespread flyers
 3. Posters
 4. Community meetings
 5. News release
 6. Newspaper public service announcement
 7. Television public service announcement
- (d) Registrant information that is released should include notification that:
1. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
 2. The information is provided as a public service and may not be current or accurate.
 3. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
 4. The crime for which a person is convicted may not accurately reflect the level of risk.
 5. Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

325.5.2 MANDATORY DISSEMINATION

Relevant and necessary conviction and registration information must be disclosed to the public by the Department, following Attorney General guidelines, if the individual is a moderate or high risk and it is determined that disclosure of the conviction and registration information is necessary for public protection (N.D.C.C. § 12.1-32-15(14)).

Public disclosure may include internet access if the offender:

- (a) Is required to register for a lifetime.
- (b) Has been determined to be a high risk to the public.
- (c) Has been determined to be a high risk to the public by an agency of another state or the federal government.

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The Department shall release information regarding a juvenile who is adjudicated delinquent and required to register as a sexual offender or an offender against a child to the superintendent or principal of the school the juvenile attends (N.D.C.C. § 12.1-32-15).

Reviewed 08/2021

Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Dickinson Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public are properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic accidents with fatalities
- Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Dickinson official
- Arrest of any department employee or prominent Dickinson official
- Aircraft, train, boat or other transportation accidents with major damage and/or injury or death
- In-custody deaths
- Any other incident, which has or is likely to attract significant media attention

326.4 SHIFT COMMANDER RESPONSIBILITIES

The Shift Commander is responsible for making the appropriate notification. The Shift Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable. Notification should be made by using the call notification protocol posted in the Dispatch Center.

326.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected Division Commander and the Criminal Investigative Division Division Commander if that division is providing assistance.

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326.4.2 INVESTIGATOR NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

326.4.3 CHIEF EXECUTIVE NOTIFICATION

In the event of a traffic fatality, or major injury, the Deputy Chief and the Chief of Police shall be notified.

326.4.4 PUBLIC INFORMATION OFFICER

After staff members have been notified, the Public Information Officer shall be called if it appears the media may have a significant interest in the incident.

REVIEWED 11/2024

Death Investigation

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and the use of appropriate resources and evidence gathering techniques is critical.

327.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor shall be notified in all death investigations.

327.2.1 CORONER REQUEST

Officers are not authorized to pronounce death unless they are also Coroners, Deputy Coroners, or appointed Coroner investigators. The Coroner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Coroner be notified in any of the following cases (N.D.C.C. § 11-19.1-01(5)):

- (a) Obvious or suspected homicidal, suicidal, or accidental injury
- (b) Firearm injury
- (c) Severe, unexplained injury
- (d) Occupant or pedestrian motor vehicle injury
- (e) An injury to a minor
- (f) Fire, chemical, electrical, or radiation
- (g) Starvation
- (h) Unidentified or skeletonized human remains
- (i) Drowning
- (j) Suffocation, smothering, or strangulation
- (k) Poisoning or illegal drug use
- (l) Prior child abuse or neglect assessment concerns
- (m) Open child protection service case on the victim
- (n) Victim is in the custody of the North Dakota Department of Health and Human Services, county social services, the Department of Corrections and Rehabilitation or other correctional facility, or law enforcement
- (o) Unexplained death or death in an undetermined manner

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- (p) Suspected sexual assault
- (q) Any other suspicious factor

327.2.2 SEARCHING DEAD BODIES

- (a) The Coroner or an assistant and authorized investigators are generally the only persons permitted to move, handle, or search a dead body.
- (b) An officer may make a reasonable search of an individual who is reasonably believed dead, or is near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Coroner or assistant shall be promptly notified.
- (c) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.
- (d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or assistant, the investigating officer should first obtain verbal consent from the Coroner or assistant when practicable.
- (e) Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or assistant. The name and address of this person shall be included in the narrative of the death report.
- (f) Whenever personal effects are removed from the body of the deceased by the Coroner or assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

327.2.3 MOVED TO 327.5

327.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner will issue a "John Doe" or "Jane Doe" number for the report.

327.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, preferably no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body, including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body, should be forwarded to the appropriate agency for entry into the North Dakota Criminal Justice Information Sharing (NDCJIS) database and the National Crime Information Center (NCIC) file.

327.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in an incident report.

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327.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide, any suspicious circumstances, or if the manner of death cannot be determined, the officer shall take steps to protect the scene. The Criminal Investigative Division shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Commander or the Criminal Investigative Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or a death that occurred under suspicious circumstances may, with the approval of the investigator's supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

327.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment, should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

327.2.9 REPORTING

All incidents involving a death shall be documented on the appropriate form.

327.3 POLICY

It is the policy of the Dickinson Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

327.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

327.5 DEATH NOTIFICATION

When reasonably practicable, notification to the next -of-kin of the deceased person shall be made by an officer, in person, accompanied by a department chaplain when possible. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

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01/2023

Identity Theft

328.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

328.2 REPORTING

- (a) Officers shall complete a report for identity theft upon request from any victim who resides within the City. The victim shall be given a copy of the report (N.D.C.C. § 51-31-04(1)).
 - 1. If the suspected identity theft crime did not occur within the City's jurisdiction, an officer may forward the report to the agency having jurisdiction where the crime was committed for further investigation.
- (b) If the victim is not a resident of the City, the officer may complete a courtesy report to be forwarded to the agency where the victim resides.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the fraud, usage of services or receipt of goods was acquired or occurred in this jurisdiction).
- (d) Officers should include all known incidents of fraudulent activity in the report (e.g., credit card number that was applied for in victim's name when the victim never made such an application).
- (e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
- (f) Following supervisory review and department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution, as circumstances dictate.

328.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report with the three major credit bureaus.

328.4 INFORMATION

The victim should be encouraged to contact the North Dakota Attorney General's Consumer Protection and Antitrust Division, which assists consumers with completing an Identity Theft Affidavit that the consumer can use to relay his/her identify theft information to creditors and credit bureaus.

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The victim should also be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online or by telephone. Additional information may be found at the U.S. Department of Justice website, or a regional FBI division website.

REVIEWED 09/2023

Private Person's Arrest

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrest and detentions made pursuant to North Dakota law.

329.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent an immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

329.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another (N.D.C.C. § 29-06-04; N.D.C.C. § 29-06-20):

- (a) When directed by any peace officer to assist a peace officer in an arrest.
- (b) For a public offense committed or attempted in the arresting person's presence.
- (c) When the person arrested has committed a felony, although not in the arresting person's presence.
- (d) When a felony has been committed and the arresting person has reasonable grounds to believe the arrested person committed the felony.

329.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Take the person before a magistrate (N.D.C.C. § 29-06-18).
 - 3. Release the person upon issuance of a Uniform Complaint and Summons if the offense involved a minor traffic or game and fish offense (N.D.R.Crim.P. Rule 5).

329.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the written statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

REVIEWED 11/2024

Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964; § 601; 42 USC § 2000 d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - An employee of the Dickinson Police Department who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communication in a non-English language but insufficiently fluent to interpret or translate from one language into another. A bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the necessary specialized skills. To be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, the level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Interpreter - An individual who engages in the practice of interpreting (N.D.C.C. § 43-52-01).

Interpreting - The translating or transliterating of English concepts to any necessary specialized vocabulary that is used by a consumer, or translating a consumer's specialized vocabulary to English concepts. This includes American sign language, English-based sign language and oral interpreting (N.D.C.C. § 43-52-01).

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

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Limited English Proficiency Services

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 FOUR-FACTOR ANALYSIS

Since there are potentially hundreds of languages that department personnel could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) *LEP Guidance to Federal Financial Assistance Recipients* available at the DOJ website in determining which measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to create a balance that reasonably ensures meaningful access by LEP individuals to critical services, while not imposing undue burdens on the Department or its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

330.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid mistakes when identifying a language.

330.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where reasonably available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense.

Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

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330.3.1 BILINGUAL STAFF

Personnel utilized for LEP services need not be certified as interpreters but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communication, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other City departments or law enforcement agencies who have the requisite training may be used.

330.3.2 WRITTEN FORMS AND GUIDELINES

The Department will make an attempt to make translated forms available to department personnel and other appropriate individuals when requested.

330.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

330.3.4 TELEPHONE INTERPRETER SERVICES

The Shift Commander and the Public Safety Support Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist personnel in communicating with LEP individuals via official cellular telephones.

330.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual department personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring law enforcement agencies, university language and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended. Department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance, see Section VI(A) of the *DOJ Final Guidance* available at the DOJ website).

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330.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that these services may be targeted where they are most needed. A supervisor should be informed of any service requests other than those provided by the Department.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

330.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals who are seeking routine access to services and information by utilizing the resources listed in this policy.

330.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Dispatch Center, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment if one is available.

The Dickinson Police Department will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in the Dispatch Center by hiring qualified personnel with specific language skills.

330.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and protective orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services and utilize the methods outlined in this policy to provide appropriate language assistance.

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Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. For example, it would be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

330.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allow for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

330.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

To ensure that translations during criminal investigations are documented accurately and are admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is under the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners. Therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

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330.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

330.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to programs and services to LEP individuals and groups.

330.5 TRAINING

To ensure that all personnel who have contact with the public or with those in custody are properly trained, this department will provide periodic training on LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources.

330.6 INTERPRETERS AND TRANSLATORS

Department personnel who are called upon to interpret, translate or provide other language assistance will be trained annually on language skills competency, including specialized terminology and ethical considerations.

- (a) **Assessment:** The Dickinson Police Department personnel who are identified as bilingual and are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Lieutenant. Personnel found proficient in interpreting into and from the target language will be placed conditionally on the authorized interpreters list.
- (b) **Training:** All personnel conditionally placed on the authorized interpreter list must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the authorized interpreter list. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and the ability to communicate information accurately in both English and in the target language; demonstrate knowledge in both languages of any specialized terms or phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (c) **Refresher course for authorized interpreters:** Personnel who have been unconditionally placed on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. The Training Lieutenant shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

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The LEP coordinator will ensure that the authorized interpreters list is current and forwarded to the Dispatch Center.

330.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

Materials that will be made available to employees to assist in providing access and service to LEP individuals include:

- (a) A list of department bilingual employees, languages spoken and contact and shift information.
- (b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information.
- (c) The telephone number and access code of telephonic interpretation services.
- (d) Language identification cards.
- (e) Translated *Miranda* warning cards and other frequently used documents.
- (f) Audio recordings/warnings that are developed in non-English languages.

330.8 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

330.8.1 LEP COORDINATOR

The Chief of Police will appoint an LEP coordinator who is responsible for coordinating and implementing all aspects of the Dickinson Police Department services to LEP individuals.

The LEP coordinator shall assess demographic data, review the utilization data obtained from the contracted language access services, and consult with community-based organizations annually to determine if there are additional languages into which vital documents should be translated.

The LEP coordinator will also be responsible for annually reviewing all new documents issued by the Dickinson Police Department to assess whether they should be considered vital documents and be translated.

Reviewed 08/2022

ADA Compliance

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Dickinson Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

331.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Dickinson Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders department services, programs, or activities suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should be certified or approved as provided in N.D.C.C. § 28-33-01, or in the event such an interpreter is not available, have their actual qualifications appropriately determined (N.D.C.C. § 28-33-01).

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331.2 POLICY

It is the policy of the Dickinson Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

331.3 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the city HR department for processing as soon as reasonably practicable.

331.3.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.
 - 2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 - 3. A threat to or the destruction of the historic significance of a historic property.
 - 4. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the city HR department should work with department members and the person requesting the modification to determine if an alternative modification is available.
- (c) Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the city HR department should work with

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department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):

1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the city HR department shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

331.3.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

331.3.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

331.4 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

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331.4.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

331.4.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

331.4.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- (c) Familiar with the use of text- and video-based communications products and systems.
- (d) Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

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331.4.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

331.4.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

331.4.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

331.4.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

331.5 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that

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the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.5.1 STATE REQUIREMENTS

Specific circumstances require interpreter services (N.D.C.C. § 28-33-02):

- (a) An interpreter must be appointed immediately after a deaf person is arrested for any alleged violation that may result in imprisonment or a fine in excess of \$100. No attempt shall be made to interrogate or take a statement from a deaf person who has been arrested until a qualified interpreter is appointed. Any interrogation or statement of the deaf person shall be made through the interpreter.
- (b) A deaf person involved in any proceeding or receiving any services from this department shall be informed of their right to a qualified interpreter for assistance.

331.6 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.7 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

- (a) The type of modification, assistive device, auxiliary aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.
- (c) Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

331.8 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the city HR department (28

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CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

331.9 TRAINING

Members should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy, related procedures, forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Lieutenant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

331.9.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
- (d) Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all the Dispatch Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

REVIEWED 09/2025

Biological Samples

333.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction and or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

333.2 POLICY

The Dickinson Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state through voluntary consent or with a court order and with as little reliance on force as practicable (N.D.A.C. § 10-17-01-03(3)).

333.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

Those who must submit a biological sample include (N.D.C.C. § 31-13-03; N.D.A.C. § 10-17-01-03):

- (a) A qualifying offender who has not previously had a sample collected for inclusion in the law enforcement DNA database.
- (b) A qualifying offender 18 years of age or older who has been arrested and booked for the commission of a felony offense.

333.4 PROCEDURE

When an individual is required to provide a biological sample, an officer shall attempt to obtain the sample in accordance with this policy and approved sampling techniques (N.D.C.C. § 31-13-04; N.D.A.C. § 10-17-01-04).

333.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Confirm the individual's identity, before the samples are collected, by one or more of the following: a driver's license, fingerprints, department database, or any other reasonable means within the Department's discretion (N.D.A.C. § 10-17-01-04(3)).
 - 1. The crime lab will only accept samples when index fingerprints have been taken.
- (b) Verify that the individual is required to provide a sample pursuant to law (N.D.C.C. § 31-13-03; N.D.A.C. § 10-17-01-03).
- (c) Verify that a biological sample has not been previously collected from the offender by querying the state database. There is no need to obtain a biological sample if one has been previously obtained.
- (d) Use and complete the designated buccal swab collection kit to perform the collection and take steps to avoid cross contamination (N.D.A.C. § 10-17-01-04(1)).

Biological Samples

- (e) Submit the completed collection kit in accordance with crime lab rules (N.D.C.C. § 31-13-04).

333.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. The supervisor shall review and approve any plan to use force and be present to document the process (N.D.A.C. § 10-17-01-03(2)).

Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

333.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with established records retention schedules.

Chaplains

334.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Dickinson Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

334.2 POLICY

The Dickinson Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

334.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver's license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

334.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Dickinson Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

334.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

334.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.

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- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

334.5 SELECTION PROCESS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties.

Chaplains will be issued Dickinson Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Dickinson Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

334.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Dickinson Police Department.

334.6.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteers Policy and other applicable policies.

334.6.2 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

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- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

334.6.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

334.6.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

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334.6.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

334.7 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Dickinson Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Dickinson Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

334.8 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call and will have control over their schedule.
- (b) Chaplains shall be permitted to ride with officers during any shift and observe Dickinson Police Department operations, provided the Shift Commander has been notified and has approved the activity.
- (c) Chaplains shall not be evaluators of employees.
- (d) In responding to incidents, a chaplain shall never function as an officer.
- (e) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.
- (f) Chaplains shall serve only within the jurisdiction of the Dickinson Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private and each chaplain will exercise appropriate security measures to prevent distribution of the data.

REVIEWED 2/2025

Child and Dependent Adult Safety

335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

335.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Dickinson Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that he/she will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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335.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of minor children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use the person's cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that the person knows and trusts. Consideration regarding familiarity with the surroundings, comfort, emotional state, and safety should be paramount.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children or adults with a non-arrested parent or guardian.
- (c) Provide for the immediate supervision of minor children or a dependent adult until an appropriate caregiver arrives.
- (d) Notify the North Dakota Department of Health and Human Services if appropriate.
- (e) Notify the field supervisor or the Shift Commander of the disposition of minor children or dependent adults.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be included in the associated report.

335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional free local telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child or adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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335.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
 - 1. Names
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting employee should document the following information:
 - 1. Identity
 - 2. Whether he/she reasonably appears able to care for him/herself
 - 3. Disposition or placement information if he/she is unable to care for him/herself

335.3.4 SUPPORT AND COUNSELLING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

335.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any dependent minor children or adults, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

335.5 TRAINING

The Training Lieutenant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults participate, on a timely basis, in an approved course on effective safety when a parent or guardian is arrested.

01/2023

Service Animals

336.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

336.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; N.D.C.C. § 25-13-01.1).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

336.2 POLICY

It is the policy of the Dickinson Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to any person who is training a service dog (N.D.C.C. § 25-13-02.1).

336.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Dickinson Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

336.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

336.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

336.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

336.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

REVIEWED 09/2025

Volunteers

337.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, licensed officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

337.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

337.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as a volunteer include:

- (a) Residency in the City of Dickinson.
- (b) At least 18 years of age for all positions other than Explorer.
- (c) At least 14 years of age for Explorer.
- (d) A valid driver's license if the position requires vehicle operation.
- (e) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (f) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to moral turpitude or any crime related to impersonating a peace officer.
- (g)
- (h) No condition of mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (i) Physical requirements reasonably appropriate to the assignment.
- (j) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

337.2 VOLUNTEER MANAGEMENT

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337.2.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

337.2.2 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check
- (b) Employment
- (c) References
- (d) Credit check

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through the North Dakota Bureau of Criminal Investigation (BCI) and the FBI.

337.2.3 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

Reserve Unit volunteers are generally assigned to augment regular staffing levels.

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337.2.4 EMPLOYEES WORKING AS RESERVE

Licensed employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

337.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer
- (b) Department policies
- (c) Training specific to the procedure manual for the volunteer position
- (d) Discrimination and harassment training
- (e) CPR/first aid
- (f) Citizens Emergency Response Training (CERT)
- (g) Search and rescue techniques
- (h) Scenario-based searching methods
- (i) Evidence preservation
- (j) Basic traffic direction and control
- (k) Roadway incursion safety
- (l) Self-defense techniques
- (m) Vehicle operations, including specialized vehicles
- (n)
- (o)

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are licensed officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a licensed officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

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337.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication or other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license
- (b) Medical condition
- (c) Arrests
- (d) Criminal investigations
- (e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

337.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by licensed officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

337.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Considerations to keep in mind while supervising volunteers include:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

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337.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

337.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

337.5.1 RADIO AND MDT USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

337.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

337.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the

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volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

337.7 EVALUATION

Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

REVIEWED 11-2024

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others, at great risk and requires careful consideration. This policy is intended to provide guidelines for officers of the Dickinson Police Department with respect to taking law enforcement action while off-duty.

338.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency. Part-time officers of this department are prohibited by state law from exercising peace officer duties when off-duty (N.D.C.C. § 12-63-02.1(4)).

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any licensed member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

338.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and department policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, officers shall also carry their department-issued credentials.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage taken any drugs or medications or a combination thereof that would tend to adversely affect the member's senses or judgment.

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects.

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Off-Duty Law Enforcement Actions

- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening.

338.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the off-duty officer if possible.

Whenever practicable, the off-duty officer should loudly and repeatedly identify him/herself as an officer with the Dickinson Police Department until acknowledged. Official identification should also be displayed.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

338.4.3 CIVILIAN RESPONSIBILITIES

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

338.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor at the Dickinson Police Department (or other applicable law enforcement authority) if acting outside the jurisdiction of the Dickinson Police Department. If prior contact is not reasonably possible, the officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift Commander shall determine whether a report should be filed by the officer.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Off-Duty Law Enforcement Actions

REVIEWED 11/2024

Compliance Check Guidelines

339.1 PURPOSE

Alcohol Compliance Checks and Tobacco Compliance Checks are to validate businesses with alcohol licenses are complying with state laws relating to sale of alcohol and tobacco. The goal is for all businesses to pass compliance checks.

Section 4.04.040 Minors-Employment by establishment having on-sale license

Any licensee who dispenses alcoholic beverages to a person under twenty-one years of age or who permits such a person to remain on the licensed premises while alcoholic beverages are being sold or displayed is guilty of a class B misdemeanor, subject to the provisions of Article 25.16 of the City of Dickinson Municipal Code.

Section 25.06.030

339.2 GUIDELINES

ALCOHOL COMPLIANCE CHECKS

GUIDELINES:

1. Minors and volunteers will report to the Police Department (PD), unless told otherwise. The officer will use an unmarked Investigation vehicle. The officer will be in plainclothes, radio available or cell phone and armed.
2. The officer will participate in the briefing with the minors. This is when the officer will be assigned to the minors and volunteer, if available. The officer will also be assigned the locations he/she will be doing the checks. The officer will receive a clipboard, paperwork and money for the detail. If the officer has questions on how to fill out the paperwork, they should ask the person doing the briefing at this time.
3. The officer shall verify that the minor doesn't have any ID other than their own. The minor should have their own ID showing the correct name and date of birth. The officer will verify the individual is a minor.
4. An officer must witness the transactions for all compliance checks performed at liquor establishments within the City of Dickinson. If there is a transaction, the officer shall take immediate enforcement action. (See number 8 below for Failure)
 - a. Transaction-definitions:

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i. Off-Sale: when the off sale clerk rings up the sale on the register, takes the money from the minor, places the money into the register and gives the change with a receipt. The transaction has been completed. If the officer want to wait until the alcohol is bagged (if appropriate) he/she may do so but it is not needed for the transaction.

ii. On-sale: When the minor is served alcohol and it would be available for them to consume the alcoholic beverage. (So the drink is placed on the table in front of the minor and server is no longer touching it.) The officer does not have wait for the payment phase.

5. Don't make the transaction uniform every time. For example, rotate sending one and two minors into the establishments, order different drinks, etc.

a. On-sale: The officer will assess the location to determine if a line of sight of the minor can be maintained. The officer must maintain sight of the minor so the transaction can be viewed and proper action can be taken.

i. If the business has an open floor plan so the officers can see the minor from wherever they are seated, they can sit separately.

ii. If the business has a floor plan where the sight line would be obstructed or possibly the officers and minor could be seated in different rooms, then the officer and minor should sit together at the table.

iii. It is preferred that the minor chooses a table in the establishment rather than approach the bar. This allows the officer the ability to document that the drink was served to the minor and the server walked away from the table

iv. The officer should avoid ordering an alcoholic beverage while in the establishment.

b. Off sale: It should not matter who walks into the business first, the officer or the minor. However, it should be a very short time between the two entering. The officer needs to be prepared to step in if the minor is carded and the employee is going to call into the police.

6. If any employee or patron threatens or harasses the minor, they are subject to a disorderly conduct charge, use discretion. The minors are helping us; we need to take care of them. Their safety should be a concern for the officer at all times.

7. In the event of a pass, do not inform the business a compliance check has been conducted; just leave the business. The business will be sent a letter informing them of their successful compliance.

8. In the event of a failure:

a. Off Sale:

i. When the clerk completes the transaction, which has been witnessed by the officer, the officers will walk toward the till.

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- ii. The minor will leave the alcohol on the counter. The minor will step towards the officer and hand the officer the change from the transaction, if there was any. The minor will also give the officers the receipt. The receipt will show what was paid and the change given back.
- iii. The minor will then leave the business and go to the car, where there will usually be a volunteer and/or another minor.
- iv. The officer will identify themselves and show his/her badge. The officer will advise the clerk this is a compliance check and they failed.
- v. The officer will ID the clerk and ask if there is an on-site manager on duty. If the manager is on site, get their name and information and include them as mentioned on the report.
- vi. The officer will ask the clerk and the manager if they have had server training and when the training was completed (ask to see their server training cards, which they may or may not have on them. It is not a violation if they do not have it). Include their answer in the report. They will be checked against the database of those who have completed the training.
- vii. The officer will obtain a CFS number to complete an incident report. Do not list the minor's name on the report. (See number 9 below.) Note in the synopsis/narrative the citation number.
- viii. The officer will fill out a citation and have the violator sign the citation. This takes the place of the PR form. Make sure in the notes of the citation, the officer indicates what the case report number is so it can be cross-referenced.
- ix. Ask the clerk for the money back. The officer will give the clerk the change which the minor received from the transaction. If they refuse to give the money back, just note this in the report. Do not argue with the clerk or manager about getting the money back.
- x. Leave the alcohol at the store.
- xi. Either the officer or an assisting citizen volunteer will fill out the Alcohol Compliance Check Form during the check.
- xii. At the end of the Compliance Checks, the officer will bring the minor and volunteer back to the Law Enforcement Center. The minor and volunteer will be dropped off. There is no debriefing at the end.
- xiii. The officer will do an incident report for each fail. Refer to number 9 when completing the report.
- xiv. The officers will be responsible for reviewing and initialing the forms. Please ensure the information on the form is accurate, specifically the area indicating a compliance check success or failure. This information on these forms will be used to complete a press release for the media.
- xv. The clip board, compliance forms and money should be left at the LEC and it will be picked up the next morning.
- xvi. All of the reports must be completed prior to going home. If there is an emergency or other reason why the officers cannot do this, the officer must notify the on-duty supervisor.

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b. On-Sale:

i. After the transaction, which was witnessed by the officer, the officer will go to the table or location the minor is at.

ii. Normally there will not have been a transfer of money between the server and the minor. When the officers approach the table or location, the minor will get up and leave the business and go out to the car.

iii. Follow the Off-Sale guidelines listed above and follow steps vi thru xvi.

c. The officer will complete an overtime slip before they leave. The officer should charge the time doing reports to the detail.

9. How to document the failure in the police reports:

a. Documenting the minor on the report: Do not put the minor's name on the report. The minor will be treated as a "confidential informant", CI. In the synopsis, the officer will refer to the minor as a "confidential informant", CI, with their age. For example, the 19 year old CI". The officer needs to confirm the CI was a minor by seeing an ID. For further information on the CI, the Community Action Prevention/Safe Communities representative should be contacted. (This should be in your synopsis).

b. If at a later date, the prosecutor or defense attorney want the identity of the CI; they will need to contact the Community Action Prevention/Safe Communities representative. The Community Action Prevention/Safe Communities representative will maintain the record of the CI used in the failed alcohol compliance checks. The Community Action Prevention/Safe Communities representative will provide the requested information.

c. In the synopsis, the officer should say they witnessed the "confidential informant", CI, order an alcoholic beverage. In the report identify what the beverage was. Did the waiter/waitress/server ask for an ID? If the person did look at the ID, did they still serve the CI?

d. In the report, the business should be listed as mentioned. Also list the manager as mentioned.

10. How to handle a situation where the person serving the alcohol is different from the one who ID'd the minor;

The person serving the alcohol is the one charged. So in the report the officer will list the person serving the alcohol as arrested. The person who ID'd the minor should be listed as mentioned. The officer needs to interview both the server and the person ID'ing the minor. In the synopsis, the officer should note the interviews with the server and the person ID'ing the minor. Also note the fact the officer saw the one person ID'ing the minor and a different person served the alcohol.

Why are we doing this: The question is "Who should be charged? Some businesses have a person at the door checking ID's of those coming in so the server does not have to do this; especially at busy times. City ordinance states it is the one furnishing the alcohol. We should charge the one serving the alcohol and if the City Attorney's Office decides to dismiss the charge on the server

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and then charge out the person who ID'd the minor; that is their decision. However, this gives the prosecutor a clear picture of what happened.

TOBACCO COMPLIANCE CHECK

Guidelines

- (a) Minors and volunteers will report to the Public Safety Center (PSC), unless told otherwise. The officer will use an unmarked Investigation vehicle. The officer will be in plainclothes, armed, with a radio, or cell phone available, and a citation book.
- (a) The officer will participate in the briefing with the minors. This is when the officer will be assigned to the minors and volunteer, if available. The officer will also be assigned the locations he/she will be doing the checks. The officer will receive a clipboard, paperwork and money for the detail. If you have questions on how to fill out the paperwork, ask the person doing the briefing.
- (a) The officer shall verify that the minor doesn't have any ID other than their own. The minor should have their own ID showing the correct name and date of birth. The officer will verify the individual is a minor.
- (a) During Tobacco Compliance Checks, the officer is not required to witness a transaction performed at a tobacco sales establishment within the City of Dickinson. If there is a transaction made, the officer shall collect the evidence of the transaction, obtain the seller's name, or description from the minor, and take immediate enforcement action.
- (a) If any employee, or patron, threatens, or harasses, the minor buyer, they are subject to a disorderly conduct charge. Please use discretion. The minors are helping us; we need to take care of them. Their safety should be a concern for you at all times.
- (a) In the event of a pass, do not inform the business that you have conducted a compliance check; just leave the business. The business will be sent a letter informing them of their successful compliance.

7. In the event of a failure:

- A. The minor will leave the store with the tobacco product and proceed to the vehicle.
- B. The minor will give the officers the tobacco product, the change and the receipt.
- C. The minor will supply the officer with the name, or a description, of the seller.
- D. The minor will inform the officer whether the seller asked for an ID; and if the seller did look at the ID, did they say anything to the minor prior to the transaction?
- E. The officer will enter the store and inform the seller that they failed a tobacco compliance check.
- F. The seller of the tobacco product will be cited with **Sale of Tobacco Products to a Minor - 25.06.030.**

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G. The business does not get cited by the officer.

8. How to document the failure in the police report:

A. Document the minor in the report. Do not put the minor's name in the report. The minor will be treated as a "confidential informant" (CI). In the synopsis, you will refer to the minor as a "confidential informant" or CI with their age. For example, "the 19 year old CI". For further information on the CI, the Southwest District Health Unit/Tobacco Coalition representative should be contacted.

B. If at a later date, the prosecutor or defense attorney want to identify the CI, they will need to contact the Southwest District Health Unit/Tobacco Coalition representative. The Southwest District Health Unit/Tobacco Coalition representative will maintain the record of the CI used in the failed tobacco compliance checks. The Southwest District Health Unit/Tobacco Coalition representative will provide the request information.

C. In the report, the following information shall be listed:

1. Organization doing the tobacco compliance checks
2. The business name where the compliance was conducted
3. The name of the seller who failed the compliance check
4. Tobacco product(s) purchased during the compliance check
5. Actions taken by the officer

Revised 7/2017

Awards

340.1 PURPOSE

The purpose of the Award Committee is to evaluate award recommendations that are sent to the Committee. These recommendations can be made to the Committee when necessary to recognize any performance by a department employee that may warrant an award. This would be the first step in issuing an award to a department employee.

340.2 AWARDS COMMITTEE

I. STRUCTURE OF THE COMMITTEE

A. The Award Committee shall consist of no more than seven (7) persons from the Dickinson Police Department.

1. One Lieutenant, the Chair of the Committee
2. One member from each patrol shift
3. One member from every other division (dispatch, records, ACO, CIU, SRO)

B. Each member, with the exception of the Chair, will serve a two year term on the Committee. The terms will change in January of each year. No member may serve more than two consecutive terms equaling more than four (4) years.

C. The Award Committee shall meet quarterly to review recommendations on awards. The Committee may meet more often, if necessary, as determined by the Committee Chair.

II. DUTIES OF THE COMMITTEE

A. The Award Committee will review all recommendations made to them and any reports related to the incident. The Award Committee may also investigate an incident for the purpose of issuing an award.

B. The Award Committee will review all information and may speak with all of the people involved before making a decision on whether or not an award is merited.

C. The Award Committee must follow the Dickinson Police Department awards criteria when making a decision on an award. The Award Committee will act on all awards received within a reasonable time of receiving the recommendation.

D. The Award Committee will make a decision on whether or not the performance of a department member meets the Department's criteria for an award. If the criteria are met, the Award Committee will return the recommendation to the Deputy Chief, who will then forward to the Chief of Police. The Chief of Police will act upon the recommendations of the Award Committee in a reasonable time..

E. Ultimately, the Chief of Police has the final decision on the issuance of an award. The Award Committee may also recognize N.D.P.O.A. criteria and submit their own recommendations to N.D.P.O.A. for an award through the chain of command.

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Awards

340.3 SUBMISSION PROCESS

I. SUBMISSION PROCESS

- A. Members of the Dickinson Police Department shall use the Awards Recommendation Module in Central Square when submitting a recommendation for an award. Members of other agencies or citizens may submit recommendations by letter, e-mail, phone or other communication.
- B. On the basis listed above, the Awards Committee shall meet and review all award submissions. All Awards Recommendations shall be submitted electronically via the Awards Module to the Deputy Chief upon completion.
- C.
- D.
- E. The Deputy Chief will review the Awards Recommendation Form forward it to the Chief of Police.
- F. The Chief of Police has final authority to award or decline all Award Recommendations.

II. SUGGESTIONS MADE TO THE AWARD COMMITTEE

- A. Anyone may make a recommendation to the Award Committee. If the recommendation is made by a fellow employee, he/she must follow the procedures set forth in subsection I. Personnel from other organizations, (i.e. Fire Department, Ambulance Service or Emergency Room Physician) may also submit a recommendation to the Award Committee on the action taken by a member of the Dickinson Police Department.
- B. Suggestions from outside agencies of civilians may be in the form of a letter or memo.

III. RECEIVING AWARDS

- A. The recipient will be informed, along with their supervisor, with a correspondence from the Chief of Police. The recipient will receive their award during the next scheduled Dickinson Police Department function.
- B. Officers receiving awards must display the award on their Dress Uniform in accordance with the policy or as directed by the Chief of Police.
- C. Non-sworn employees will receive a certificate in lieu of a display ribbon.

IV. PURCHASING INFORMATION

- A. With the exception of the Valor and the Purple Heart awards, the ribbons may be purchased through the Glendale Parade Store at www.paradestore.com and Public Safety Specialist, Inc. at https://www.publicsafetyspecialties.com/civilian_cloth_ribbons.htm.
- B. Dispatch awards may be purchased through ePolice Supply at epolicesupply.com/commendation-bars.html.
- C. Valor and Purple Heart awards may be ordered through Blackinton at www.blackinton.com.

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Awards

340.4 AWARD DESCRIPTIONS

VALOR AWARD

Dickinson Police Department members who display extraordinary bravery or heroism above and well-beyond the normal demands of police service, are eligible to receive the Valor Award, the department's highest honor. To be awarded the Medal of Valor, an officer would have performed an act that displayed great courage while consciously and knowingly facing imminent peril.

This award delineates itself from the Distinguished Service award in that it involves an act above and well-beyond the call of duty, whereas the Distinguished Service requires an act performed in the course of normal duty involving extreme risk of loss of life.

The Medal of Valor consists of a light-blue and white ribbon and a full-sized medal displaying "Medal of Valor" with the State of North Dakota seal and department name. A certificate accompanies the awards. The medal will be awarded only during a public-recognition ceremony.

PURPLE HEART AWARD

Dickinson Police Department members who sustain traumatic physical injury, requiring hospitalization, in the course of an on-duty situation, are eligible to receive the Purple Heart Award. Injury from a motor vehicle collision does not qualify unless special circumstances are identified by the Awards Committee

This award may be awarded posthumously to the next of kin of the officer killed or died of wounds received in the line of duty.

The Purple Heart Award consists of a purple and white ribbon and a full-sized medal displaying "Purple Heart" with the State of North Dakota seal. A public-recognition ceremony is suggested, but not required.

DISTINGUISHED SERVICE AWARD

Dickinson Police Department members who distinguish themselves by an act of duty which involves extreme risk of life to a department member(s) or citizen is eligible for the Distinguished Service Award.

The Distinguished Service Award consists of a blue and white ribbon. A certificate accompanies the uniform ribbon.

MERITORIOUS SERVICE AWARD

Dickinson Police Department members who distinguish themselves by an act of duty which involves risk to a department member(s) or citizen, but is performed under conditions less hazardous than those outlined for a Distinguished Service Award are eligible to receive this award. Additionally, those members who demonstrate exceptional effort towards the resolution of a significant case are eligible to receive this award.

The Meritorious Service Award consists of a blue ribbon. A certificate accompanies the uniform ribbon.

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COMBAT CROSS AWARD

Dickinson Police Department members who, acting intelligently and in the line of duty, perform an act which upholds the high standards of the law enforcement profession while engaged in combat with an adversary presenting deadly force to the officer or a third party, are eligible to receive the Combat Cross Award. The award is not intended to glorify death or other negative outcome of an adversary; rather, it is intended to recognize bravery in the face of extreme danger, and the result of training, skill, and precision that protected the officer and others from peril.

The Combat Cross Award consists of a black and white ribbon. A certificate accompanies the uniform ribbon.

LIFESAVING AWARD

Dickinson Police Department members who distinguish themselves by an act or actions which involves the saving of a human life by exemplary initiative and courage are eligible for the award.

The Lifesaving Award consists of a royal blue and gold ribbon. A certificate accompanies the uniform ribbon.

EXEMPLARY SERVICE AWARD

Dickinson Police Department members who distinguish themselves by their everyday example of dedicated professional service to the public or through their continued display of a positive demeanor, a continued dedication to promoting "team work", or a continued commitment to excellence are eligible for the award. Additionally, those members of the department who demonstrate a continued dedication and involvement to department programs may be eligible for the award.

The Exemplary Service Award consists of a green, white and gold ribbon. A certificate accompanies the uniform ribbon.

MILITARY SERVICE AWARD

Dickinson Police Department members who are currently members of any branch of the United States Armed Services or were honorably discharged from service are eligible to receive this award. Members with prior military service before employment with the Department are also eligible to receive this award. Additionally, those members who were deployed or activated to full military service during a time of conflict or war will be awarded a gold star to accompany the ribbon.

The Military Service Award consists of a red, white, and blue ribbon. A certificate accompanies the uniform ribbon.

CHIEF'S AWARD OF EXCELLENCE

Dickinson Police Department members who are recipients of the Chief's Award of Excellence. These are department members who, by the deliberation by the Chief of Police, have excelled in their work duties and stood out among the staff are eligible to receive the annual Chief's Award of Excellence.

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The Chief's Award of Excellence consists of a blue, white, and yellow ribbon in addition to a commemorative plaque.

FBI-NATIONAL ACADEMY AWARD

Dickinson Police Department members who successfully graduate from the Federal Bureau of Investigations National Academy are eligible to receive this ribbon.

The FBI-National Academy Award is a multi-colored blue, white, yellow, and red ribbon.

NORTHWESTERN SCHOOL OF STAFF&COMMAND AWARD

Dickinson Police Department members who successfully graduate from the Northwestern School of Police Staff & Command are eligible to receive this ribbon.

The Northwestern School of Staff & Command Award consists of a purple and white ribbon with the white crest of NWSSC.

COMMUNITY SERVICE AWARD

Dickinson Police Department member who distinguishes themselves by exceptional contributions and participation in Community Oriented Policing, and/or those department members who make an exceptional contribution to the progress of the department through the submission and subsequent adoption of an idea or method are eligible for the award.

The Community Service Award consists of a red and blue ribbon. A certificate accompanies the uniform ribbon.

LONGEVITY AWARD

Dickinson Police Department members who complete five(5) years of service with the department are eligible for the award.

The Longevity Award consists of a burgundy ribbon and service stripes on a long-sleeve uniform. One service stripe amounts to five years of service. An additional gold star will be awarded to accompany the ribbon for every five additional years of service with the department.

TRAFFIC SAFETY AWARD

Dickinson Police Department members who have demonstrated a commitment to enforcing traffic safety laws and promoting traffic safety can be nominated for the DPD Traffic Safety Award. Nominations made should reflect the officer's traffic safety efforts for the calendar year.

One award will be presented per year at the annual award presentation function.

The Traffic Safety Award consists of an orange and blue ribbon. A certificate accompanies the uniform ribbon.

STORK AWARD

Dickinson Police Department members who have assisted with or delivered a newborn in the field or through emergency medical dispatch instructions are eligible for this award.

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A stork pin and certification will be presented to member. The pin will not be allowed to be displayed at any time on a dress uniform.

CERTIFICATE OF APPRECIATION

Dickinson Police Department members who take "the extra step" in the performance of their duties are eligible for the award. Citizens, or other law enforcement officers who assist the department through a true spirit of cooperation, are eligible to receive the Certificate of Appreciation

GOLD STARS

In the event a Dickinson Police Department member receives a second or subsequent award of the same category, unless otherwise directed by criteria above, a gold star will be embedded on the previous ribbon. A maximum of four gold stars are permitted on any individual ribbon.

DISPATCH AWARDS

CRITICAL INCIDENT AWARD

The Critical Incident Award recognizes any communications specialist who exemplifies commitment to service above and beyond the call of duty through innovative/quick thinking, initiative, excellent use of knowledge and skills seldom drawn upon, calm and controlled presence of mind, extraordinary individual or team effort – which results in the successful handling of a major incident or combination of incidents reaching beyond the average or usual level of activity.

The Critical Incident Award consists of a gray and white enameled ribbon with a red cross in the middle. A certificate accompanies the ribbon.

IMPACT AWARD

The Impact Award recognizes any communications specialist that, by act or deed, makes an extremely noteworthy contribution, thus positively impacting the local 9-1-1 jurisdiction in a significant way.

The Impact Award consists of a blue and white enameled ribbon. A certificate accompanies the ribbon.

COMMITMENT TO EXCELLENCE AWARD

The Commitment to Excellence Award recognizes any communications specialist who has demonstrated commitment to the principles of excellence in 9-1-1 Telecommunications through the following efforts and actions: Dedication to the profession through comprehensive knowledge and skills; creative/innovative approaches to quality improvement (such as enhanced customer service policies/programs, quality improvement programs, techniques and reviews, etc.); promotion of the Tele-communicator Code of Ethics by example; leadership and mentoring of co-workers which provides a substantial contribution to the overall improvement and successful operation of the 9-1-1 Center; developing innovative and creative approaches to training concepts designed to improve quality of service; quality of service is consistent and without bias.

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The Commitment to Excellence Award consists of a blue, yellow, and white enameled ribbon. A certificate accompanies the ribbon.

SEE "MANAGE ATTACHMENTS" FOR AWARD ARRANGEMENT

REVIEWED 2/2025

Department Use of Social Media

341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

341.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

341.2 POLICY

The Dickinson Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

341.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

341.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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Department Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

341.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

341.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Dickinson Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

341.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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Department Use of Social Media

341.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

341.7 RETENTION OF RECORDS

The Administrative Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

341.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

REVIEWED 7/2025

Community Relations

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- suspicious Activity Reporting Policy.

342.2 POLICY

It is the policy of the Dickinson Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

342.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts, Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Dispatch Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Dispatch Center of their location and status during the foot patrol.

342.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or the authorized designee and is responsible for:

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- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

342.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department membersdepartment
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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342.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

342.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

342.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Along Policy).
- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

342.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

342.10

342.10.1

342.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

342.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Reviewed 02/2022

Generative Artificial Intelligence Use

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). More specifically, this policy also provides the requirements, responsibilities, and procedures for the use of the "Draft One" report writing tool. This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, or biometric access controls.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy.

343.1.1 DEFINITIONS

Definitions related to this policy include:

Deliberate Errors/"Nonsense Language" -Deliberately inaccurate language inserted into a report (e.g., "the flying squirrel stated that the cat called for help") that an officer must identify and correct before they can approve and submit a report.

Draft One -a tool that uses AI to create draft report narratives based on auto-transcribed body-worn camera audio or other audio sources.

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

Insert Statements -Portions of a report intentionally left blank, with a placeholder [in brackets] where an officer must fill in details of key information that is missing before they can approve and submit a report.

Natural Language Processing (NLP) AI - A branch of artificial intelligence that enables computers to understand, interpret, generate, and manipulate human language. It combines linguistics, machine learning, and computational techniques to process text and speech, allowing AI systems to perform tasks like translation, summarization, sentiment analysis, speech-to-text conversion, and chatbot interactions.

343.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Dickinson Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without

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safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

343.3 RESPONSIBILITIES

343.3.1 CHIEF OF POLICE

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

343.4 USE OF GENERATIVE AI/DRAFT ONE

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training. Creative AI, such as ChatGPT, is not allowed for the use of report generation.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

Transcription-assisted report generation that utilizes Natural Language Processing AI, such as Axon's Draft One, can help decrease the time officers spend writing reports by providing a first draft of a narrative for the report. It can help improve the quality and clarity of an officer's report writing by including specific details from the audio of body camera footage.

Draft One extracts audio from devices such as body cameras or interview audio and generates a text summary of the conversation using NLP AI. For best results, officers are encouraged to verbally narrate the call as it unfolds in order to provide context for the language model.

Draft One may be used on any level of incident, including non-criminal incidents, civil matters, infractions, misdemeanors, and felonies. However, it is not required to complete an incident report and is merely an additional tool officers may use to facilitate accurate and timely work products.

After uploading audio/video to Evidence.com, the officer may initiate the Draft One transcription service from within the software. Once a draft narrative is completed, the software may generate Insert Statements or Deliberate Errors. This requires the officer to manually insert the correct statements or correct the "Nonsense Language" to ensure proper, manual review of the report before submitting to a supervisor for approval.

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It is the responsibility of each officer utilizing Draft One to review and edit each draft report for accuracy and sign/attest to the fact that they have read the report and verified its accuracy.

Recruit officers currently in the Field Training Program shall not use Draft One to complete draft narratives and must complete reports manually. Once the officer is released from the training program, Draft One privileges will be activated by an Axon administrator. A supervisor may restrict the use of Draft One if the officer violates provisions within this policy.

343.4.1 PRIVACY CONSIDERATIONS

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

343.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

343.6 TRAINING

The department should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- (a) A review of this policy
- (b) The need for human oversight of GenAI outputs
- (c) The interpretation, review, and verification of GenAI output
- (d) Checking GenAI output for bias or protected information
- (e) Ethical use of GenAI technology
- (f) Data security and privacy concerns

ISSUED 4/1/2025

Service Animals

344.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Dickinson Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) and North Dakota law to permit the use of service animals that are individually trained to assist a person with a disability.

344.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

344.2.1 STATE LAW

A "service dog" means any dog trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes an animal trained to provide assistance to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis (N.D.C.C. § 25-13-01.1).

344.2.2 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

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344.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Dickinson Police Department affords to all members of the public (N.D.C.C. § 25-13-02; N.D.C.C. § 25-13-02.1).

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, the employee may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the partner/handler takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to the individual with a disability.

If it is apparent or if the department member is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be asked questions about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to permit service animals to accompany their partner/handler in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of their disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

REVIEWED 2/2025

Communications with Persons with Disabilities

345.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind

345.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

345.2 POLICY

It is the policy of this department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

345.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Dickinson Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Commander and Public Safety Support Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

345.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

345.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Dickinson Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

345.6 TYPES OF ASSISTANCE AVAILABLE

Dickinson Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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345.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

345.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

345.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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345.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

345.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

345.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

345.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each member and/or supervisor must assess each such situation and consider the length, complexity and importance of the communication in determining the type of resources to use and determining whether a qualified interpreter should be sought to ensure effective communication.

Although every situation cannot be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the involved member is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

345.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, Personal Communications Device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

345.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

345.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

345.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

345.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

345.17.1 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Lieutenant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. The Training Lieutenant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

345.17.2 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Dispatch Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

345.18 INTERPRETER REQUIRED

Specific circumstances require interpreter services:

- (a) An interpreter must be appointed immediately after a deaf person is arrested for any alleged violation that may result in imprisonment or a fine in excess of \$100 (N.D.C.C. § 28-33-02(2)). No attempt shall be made to interrogate or take a statement from a deaf person who has been arrested until a qualified interpreter is appointed. Any interrogation or statement of the deaf person shall be made through the interpreter (N.D.C.C. § 28-33-02(2)).
- (b) A deaf person involved in any proceeding or receiving any services from this department shall be informed of his/her right to a qualified interpreter. The interpreter will (N.D.C.C. § 28-33-02(3)):
 - 1. Interpret or translate the action of any department personnel providing any services.
 - 2. Assist the deaf person in communicating.

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- (c) If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter who will assist the person in understanding his/her rights and the possible consequences of the seizure (N.D.C.C. § 28-33-02(3)).

An officer may require a person requesting an interpreter to furnish reasonable proof of the person's disability when the officer has reason to believe that the person is not disabled. Failure of any person to request an interpreter shall not be deemed a waiver of the right to an interpreter (N.D.C.C. § 28-33-03).

Reviewed 11/2024

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Dickinson, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide services within the limits of available resources. These include:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and accidents, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.

400.1.2 TERRORISM

It is the goal of the Dickinson Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism-related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Criminal Investigative Division supervisor in a timely fashion. The Criminal Investigative Division supervisor shall review all terrorism-related reports as soon as practicable and contact the North

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Dakota Department of Emergency Services, Homeland Security and Emergency Management Division when there is a reasonable suspicion that a terrorism threat exists.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Dickinson Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. Criminal information and reports can be submitted to the Records Division for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 DISABLED PERSONS

Should an officer encounter a person who exhibits any indication of disability or impairment, the officer shall attempt to determine if the person suffers from a medical illness that would cause the disability or impairment to worsen. If the contact may result in the person being charged with a crime or taken to a place of detention, this effort must be made, whenever feasible, prior to charging or detention.

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In seeking to determine whether a disabled person suffers from an illness, the officer shall make a reasonable search for an identifying device or identification card. This search may not be done in a manner or to an extent that would appear to a reasonable person in the circumstances as posing an unreasonable risk of worsening the disabled person's condition.

An officer who finds a disabled person without an identifying device or identification card is not relieved of the duty to that person to ascertain the existence of any illness. An officer who determines or has reason to believe that a disabled person is suffering from an illness that would cause his/her condition shall promptly notify the person's physician, if practicable. If the officer is unable to discover the physician's identity or cannot communicate with the physician, the officer shall make a reasonable effort to have the disabled person transported immediately to a medical practitioner or a facility where medical treatment is available. If the officer believes it is unduly dangerous to move the disabled person, the officer shall make a reasonable effort to obtain the assistance of a medical practitioner on-scene (N.D.C.C. § 23-28-03).

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Dickinson Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Dickinson Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

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Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Director.

REVIEWED 2/2025

Roll Call

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this period.

402.2 ROLL CALL

Roll Call is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct roll call. However, officers may conduct roll call for training purposes, with supervisor approval.

Roll Call should accomplish, at a minimum, certain basic tasks, including:

- (a) Providing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

402.3 PREPARATION OF MATERIALS

The individual conducting roll call and/or roll call training is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

402.4 RETENTION OF ROLL CALL RECORDS

Roll Call materials and a curriculum or summary shall be forwarded to the Training Lieutenant for inclusion in training records, as appropriate.

REVIEWED 2/2025

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Dickinson Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

REVIEWED 2/2025

Southwest Tactical Team

404.1 PURPOSE AND SCOPE

The Southwest Tactical Team (SWTT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Southwest Tactical Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

404.1.2 CRISIS NEGOTIATION TEAM DEFINED

Crisis Negotiation Team (CNT) - A designated unit of officers, which may be a multijurisdictional team, that is specifically trained and equipped to provide skilled verbal communicators whose goal is to de-escalate and affect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

404.1.3 SWAT TEAM DEFINED

Special Weapons and Tactics (SWAT) team - A designated unit of law enforcement officers, which may be a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units.

404.2 POLICY

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control
- (b) Containment
- (c) Entry/apprehension/rescue

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and incident commanders. Nothing in this policy shall prohibit individual teams from responding to

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a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

404.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

404.2.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing
- (b) Team organization and function
- (c) Personnel selection and retention criteria
- (d) Training and required competencies
- (e) Procedures for activation and deployment
- (f) Command and control issues, including a clearly defined command structure
- (g) Multi-agency response
- (h) Extrajurisdictional response
- (i) Specialized functions and supporting resources

404.2.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SWTT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

- (a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

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1. When reasonably possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator should be defined.
- (f) A standard method of determining whether a warrant should be regarded as high risk should be developed.
- (g) A method for deciding how best to serve a high-risk warrant should be developed, with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) The elements of post-incident scene management should include:
 1. Documentation of the incident.
 2. Transition to investigations and/or other units.
 3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
 - (b) Debriefing should be conducted as soon as practicable post-incident as circumstances may require.
 - (c) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis should be included.
- (j) Standardization of equipment should be addressed.

404.3 TRAINING NEEDS ASSESSMENT

The SWTT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

404.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

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404.3.2 SPECIALIZED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

404.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the Department.

404.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWTT commander. The SWTT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

- (a) Once per year, each SWAT member shall perform a physical fitness test. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Once per year, each SWAT team member shall perform the mandatory SWAT handgun and rifle qualification course. Failure to qualify will require the officer to seek remedial training from a Firearms Instructor approved by the SWTT commander. Failure to qualify within the operational calendar year with or without remedial training may result in dismissal from the team.

404.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

404.3.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

404.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the SWTT Commander

404.4 UNIFORMS, EQUIPMENT AND FIREARMS

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404.4.1 UNIFORMS

SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.4.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

404.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be department-issued or approved, including any modifications, additions or attachments.

404.4.4 OPERATIONAL READINESS INSPECTION

The SWTT commander shall appoint a SWTT supervisor to perform an operational readiness inspection of all unit equipment as needed. The result of the inspection will be forwarded to the SWTT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

404.5 MANAGEMENT/SUPERVISION OF SOUTHWEST TACTICAL TEAM

The commander of the SWTT and CNT team shall be selected by the Chief of Police upon recommendation of the staff.

404.5.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Patrol Division Commander, the Southwest Tactical Team shall be managed by the appointed SWTT commander. The CNT shall be managed by the similarly-appointed CNT Commander.

404.5.2 TEAM LEADERS

The CNT and SWAT team will be individually supervised by a team leader. Team Leaders will be who has been appointed by their respective commander.

The following represents team leader responsibilities for the Southwest Tactical Team and CNT:

- (a) A CNT team leader's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the CNT commander.
- (b) A SWAT team leader's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWTT commander.

404.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

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The following procedures serve as directives for the administrative operation of the CNT.

404.6.1 SELECTION OF PERSONNEL

Interested licensed personnel, who are off probation, shall submit a request to their appropriate supervisor. A copy will be forwarded to the SWTT and CNT commander supervisor. Qualified applicants will then be invited to an oral interview. Interested personnel shall be evaluated by certain criteria, which include:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

404.6.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training to maintain proper skills. This will be coordinated by the team commander.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the team commander. Performance and efficiency levels established by the team commander will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNT.

404.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

404.7.1 SELECTION OF PERSONNEL

Interested licensed personnel who are off probation shall submit a request to their supervisor, a copy of which will be forwarded to the SWTT commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWTT commander. The testing process will consist of an oral board, physical agility test and a SWAT basic handgun and team evaluation.

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- (a) Oral board: The oral board will consist of personnel selected by the SWTT commander. Applicants will be evaluated by certain criteria, which include:
 - 1. Recognized competence and ability as evidenced by performance.
 - 2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member.
 - 3. Special skills, training or appropriate education as it pertains to the assignment.
 - 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWTT commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates will be invited to shoot the SWTT handgun qualifying course. A minimum qualifying score, as set by the SWAT commander, must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to the staff by the SWTT commander for final selection.

404.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWTT commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

404.8 OPERATIONAL GUIDELINES FOR SOUTHWEST TACTICAL TEAM

The following procedures serve as guidelines for the operational deployment of the Southwest Tactical Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWTT commander.

404.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Southwest Tactical Team should respond. Upon final determination by the Shift Commander, the SWTT commander will be notified.

404.8.2 APPROPRIATE SITUATIONS FOR USE OF A SOUTHWEST TACTICAL TEAM

Examples of incidents that may result in the activation of the Southwest Tactical Team include:

- (a) Barricaded suspects who refuse an order to surrender.

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- (b) Incidents where hostages have been taken
- (c) Arrests of persons reasonably believed to be dangerous.
- (d) Any situation in which SWTT or CNT deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property.

404.8.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Commander. Requests for deployment of the Dickinson Police Department Southwest Tactical Team by other agencies must be authorized by a Division Commander.

404.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, employment agreements or working relationships to support multi-jurisdictional or regional responses.

- (a) Members of the SWAT team shall operate under the policies, procedures and command of the Dickinson Police Department when working in a multi-agency situation.

404.8.5 MOBILIZATION OF SOUTHWEST TACTICAL TEAM

The on-scene supervisor shall make a request to the Shift Commander for the Southwest Tactical Team to respond. The Shift Commander shall then notify the SWTT commander. If unavailable, a team leader shall be notified. A current mobilization list shall be maintained by the SWTT commander. The Shift Commander will then notify the Patrol Division Commander as soon as practicable.

The Shift Commander should brief the SWTT commander with the following information, if available:

- (a) The number of suspects, known weapons and resources
- (b) If the suspect is in control of hostages
- (c) If the suspect is barricaded
- (d) The type of crime involved
- (e) If the suspect has threatened or attempted suicide
- (f) The location and safe approach to the command post
- (g) The extent of any perimeter and the number of officers involved
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SWTT commander shall then call selected officers to respond.

404.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Southwest Tactical Team, field personnel should, if safe, practicable and if sufficient resources exist:

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Southwest Tactical Team

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a lethal threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SWTT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the SWTT commander on the situation.
- (g) Plan for and stage anticipated resources.

404.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Southwest Tactical Team, the Incident Commander shall brief the SWTT commander and team leader. Upon review, it will be the Incident Commander's decision, with input from the SWTT commander, whether to deploy the Southwest Tactical Team. Once the Incident Commander authorizes deployment, the SWTT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Southwest Tactical Team. The Incident Commander and the SWTT commander or the authorized designee shall maintain communications at all times.

404.8.8 COMMUNICATION WITH SOUTHWEST TACTICAL TEAM PERSONNEL

All persons who are non-Southwest Tactical Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWTT personnel directly. All non-emergency communications shall be channeled through the CNT team leader or the authorized designee.

REVIEWED 2/2025

Ride-Along

405.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

405.1.1 ELIGIBILITY

The Dickinson Police Department ride-along program is offered to residents, students and those employed within the City. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

405.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander or Shift Commander.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Commander. The participant will complete and sign a ride-along waiver form, program rules and regulations form, confidentiality notice form, and ride-along check list form. Information requested will include a valid drivers license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along form. All forms must be completed by applicant five (5) business days prior to ride along date.

The Shift Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Shift Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

All ride-along forms can be located in the attachment section of the policy manual.

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Ride-Along

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian participants will be allowed to ride no more than 4 hours in duration and no more than 3 sessions per calendar year. An exception would apply to the following: Citizen Academy members, Youth Academy members, qualified volunteers, job shadow participants, chaplains, reserves, auxiliary and police applicants with approval of the Shift Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one participant will be allowed in the officer's vehicle at a given time.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Shift Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent him/herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a North Dakota Criminal Justice Information Sharing (CJIS) and National Crime Information Center (NCIC) criminal history check prior to approval as a ride-along participant (provided that the participant is not an employee of the Dickinson Police Department).

405.3 OFFICER'S RESPONSIBILITIES

The officer shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. Officers shall consider the safety of the participant at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Commander.

The Shift Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Shift Commander with any comments that may be offered by the officer.

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405.4 CONTROL OF RIDE-ALONG

The officer shall maintain control over the participant at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

- (a) The participant will follow the directions of the officer.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The participant may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the participant interferes with the performance of the officer's duties.
- (d) Ride-along participants may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (e) Officers will not allow any participant to be present in any residence or situation that would jeopardize his/her safety or cause undue stress or embarrassment to a victim or any other person.
- (f) Under no circumstance shall a civilian participant be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person. The use of body cam livestreaming in this instance is thus prohibited.

REVIEWED 7/2025

Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this department.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material - A substance that, by its nature, containment or reactivity, has the capability of inflicting harm during exposure. It is characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby poses a threat to health when improperly managed.

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
- (b) Notify the fire department.
- (c) Provide first aid to injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority.
- (f) Call the Division of State Emergency Communications Center to request assistance from the North Dakota Department of Emergency Services (NDES).

406.3 REPORTING EXPOSURE

Department personnel who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a Safety Incident Report in Access Y.O.U. that shall be forwarded via chain of

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command to the Division Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the incident report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of department members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the city's risk management department.

REVIEWED 7/2025

Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where a subject threatening, or implying, harm holds a subject against their will. Two types of hostage situations are recognized by the National Tactical Officers Association; personal and non-personal.

- (a) **Personal:** The hostage taker and victim generally know each other and/or the hostage is the direct target of the incident. These may be domestic-related or extortion-related. Personal hostage situations should be handled with extreme caution, as lethality is very likely due to the personal nature of the incident. A "show of force" by law enforcement should be limited.
- (b) **Non-personal:** The hostage taking is generally the result of the situation, rather than an intent to target a hostage specifically. An example would be a botched bank robbery where a hostage taker utilizes the hostage(s) as bargaining items to escape. These situations should be handled with a strong show of law enforcement to discourage the suspect from continuing a timeline of violence.

407.2 POLICY

It is the policy of the Dickinson Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

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When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

An officer with supervisory control over an incident in which there is probable cause to believe that an individual could suffer injury or death as a result of the incident may order a telecommunications company to cut, reroute or divert telecommunications transmissions for the purpose of controlling communications (N.D.C.C. § 8-10-11).

407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a quick response team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, SWAT).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

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- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a quick response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated, if practicable, pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, SWAT).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

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- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWTT response if appropriate and apprising the SWTT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Dispatch Center.
- (i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

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407.6 SOUTHWEST TACTICAL TEAM RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWTT Commander, whether to deploy the SWTT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWTT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWTT. The Incident Commander and the SWTT Commander or the authorized designee shall maintain communications at all times.

407.6.1 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

REVIEWED 7/2025

Response to Bomb Calls

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Dickinson Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

408.2 POLICY

It is the policy of the Dickinson Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Commander is immediately advised and informed of the details. This will enable the Shift Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

408.4.1 DICKINSON POLICE DEPARTMENT FACILITY

If the bomb threat is against the Dickinson Police Department facility, the Shift Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Dickinson Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Commander deems appropriate.

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408.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

408.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Dickinson, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.5.1 ASSISTANCE

The Shift Commander should be notified when police assistance is requested. The Shift Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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Response to Bomb Calls

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

408.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Commander including:
 - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

408.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

408.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

408.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

REVIEWED 7/2025

Mental Illness Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person under a mental illness commitment for purposes of a mental health evaluation (N.D.C.C. § 25-03.1-01 et seq.).

409.2 POLICY

It is the policy of the Dickinson Police Department to protect the public and individuals through legal and appropriate use of mental illness commitments.

409.3 AUTHORITY

When an officer has probable cause to believe that an individual requires treatment and there exists a serious and immediate risk of harm to that individual, other persons, or property, and preliminary intervention by a magistrate is not possible, the officer may take the individual into custody and transport them to a public treatment facility to be screened for admission (N.D.C.C. § 25-03.1-04; N.D.C.C. § 25-03.1-25).

Should emergency conditions exist that prevent the immediate transportation of the individual to a public treatment facility, a private facility that has adequate resources and capacity may hold the individual for up to 23 hours prior to transfer to a public treatment facility (N.D.C.C. § 25-03.1-25).

If an officer reasonably believes that the individual is not complying with an order for alternative treatment, that the alternative treatment is not sufficient to prevent serious risk of harm, and that considerations of time and safety do not allow intervention by a court, the officer may cause the individual to be taken into custody and detained at a treatment facility as provided by law (N.D.C.C. § 25-03.1-21).

Upon taking an individual into custody for a mental illness commitment, an officer shall immediately advise the individual of the purpose of custody, of the intended uses and possible effects of any evaluation that the individual undergoes, and of the individual's rights to counsel as well as a preliminary or treatment hearing (N.D.C.C. § 25-03.1-25).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a mental illness commitment, he/she may inquire as to whether the person desires to be voluntarily evaluated at an appropriate facility. If the person so desires, the officer should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person for detention for the purpose of a mental health evaluation.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the person changes his/her mind regarding voluntary evaluation, the officer should proceed with the involuntary detention for the purpose of a mental health evaluation, if appropriate.

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Mental Illness Commitments

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving a person who may qualify for detention for the purpose of a mental health evaluation should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the possible cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources that may be readily available to assist with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of officers and others.

Detention for the purpose of a mental health evaluation should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

Transport for any individual for a mental illness commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in the patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for detention for the purpose of a mental health evaluation and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

Upon arrival to the appropriate facility, the officer or any appropriate or designated medical professional shall complete and provide an application for evaluation and a detailed written report as circumstances require. The written report must state the circumstances under which the individual was taken into custody and must describe the actions that led the officer to believe the individual requires treatment, and that, because of that person's condition, there exists a serious

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risk of harm to the individual, another person, or property if the person is not immediately detained (N.D.C.C. § 25-03.1-25).

The officer should also provide a verbal summary to a receiving facility staff member regarding the circumstances leading to the involuntary detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a mental health evaluation should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for detention for the purpose of a mental health evaluation has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for detention.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a mental illness commitment, the handling officer should try to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, mental illness commitments and crisis intervention.

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REVIEWED 9/2025

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Dickinson Police Department with guidance on when to release adults who are suspected offenders on a citation, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Dickinson Police Department will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

410.3 RELEASE

Unless prohibited by law or this policy, a suspected offender:

- (a) Shall be released on issuance of a citation for non-criminal traffic violations of state law or an equivalent municipal ordinance unless the person is charged with one of the following, in which case the person may be released on issuance of a citation (N.D.C.C. § 39-07-07):
 - 1. Reckless driving
 - 2. Driving in excess of speed limitations
 - 3. Driving while license or driving privilege is suspended or revoked
 - 4. Driving without liability insurance
 - 5. Failing to display a placard or flag while transporting explosive or hazardous materials
 - 6. Operating an unsafe vehicle
- (b) Shall be released with a citation and applicable fine for a trespass violation as required by N.D.C.C. § 12.1-22-03.
 - 1. The officer shall take the name and address of the suspected offender, notify him/her of the right to request a hearing if posting bond by mail and provide the offender with an envelope to mail in the bond.
 - 2. The officer is not permitted to accept the fine or bond.
- (c) May be released on issuance of a citation for any other offense that occurs in the presence of the issuing officer (N.D.R.Crim.P. .5(e)).

410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when (N.D.C.C. § 39-07-09):

- (a) The officer has reason to believe the person is guilty of a felony.

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- (b) The person is charged with any of the following offenses:
 - 1. Driving under the influence (DUI)
 - 2. Homicide involving a motor vehicle
 - 3. Leaving the scene of an accident
 - 4. Operating a snowmobile in violation of N.D.C.C. § 39-24-09(5)(b) or N.D.C.C. § 39-24-09(5)(c)
 - 5. Causing an accident with an authorized emergency vehicle or a vehicle operated for maintenance of the state highway system
- (c) The person refuses to give a written promise to appear before the magistrate having jurisdiction where the offense was committed (N.D.C.C. § 39-07-08).
- (d) The officer at the scene of a traffic accident has a reasonable belief, based on personal investigation, that a nonresident driver involved in a traffic accident will disregard a written promise to appear in court (N.D.C.C. § 29-06-15.1).
- (e) The officer reasonably believes the person has violated a court order to participate in the 24/7 Sobriety Program (N.D.C.C. § 29-06-15(3)).

See the Domestic Violence Policy for release restrictions related to those investigations.

410.5 APPEARANCE BEFORE MAGISTRATE REQUIRED

An officer shall immediately take any person not released by citation before the nearest or most accessible magistrate (N.D.C.C. § 39-07-08; N.D.R.Crim.P .5(e)).

REVIEWED 7/2025

Diplomatic and Consular Contacts

411.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure members of the Dickinson Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Dickinson Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

Members who have stopped a person who claims diplomatic or consular privileges and immunities should immediately:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she will be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, issued by the DOS Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, issued by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle.
- (e) The status of a DOS Office of Foreign Missions (OFM) license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.
- (f) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and advise the center of the circumstances. In the case of a traffic stop, this DOS contact is mandatory (N.D.C.C. § 39-06.1-15).
- (g) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

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411.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed, but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports (e.g, citations, accident reports) forwarded to DOS (N.D.C.C. § 39-06.1-15).

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Diplomatic and Consular Contacts

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested detained?	or Enter residence subject ordinary process?	Issued traffic citation? to	Subpoenaed as witness?	Prosecuted?	Recognized family members?
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No-for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability(note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic- Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

REVIEWED 7/2025

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

412.2 POLICY

The Dickinson Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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Rapid Response and Deployment

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Department should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

412.6 TRAINING

Rapid response to critical incidents should be included in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.

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- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

REVIEWED 7/2025

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the Dickinson Police Department relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Dickinson Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or North Dakota constitutions.

414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant. A member of this department who is designated, trained, and certified as a 287(g) Task Force Officer can perform limited immigration-related functions under Immigration and Customs Enforcement (ICE) oversight while carrying out their routine policing duties.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

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Immigration Violations

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

414.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

414.6.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.7 U VISA/T VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

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Immigration Violations

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Chief of Police for review and direction of processing. The process may involve :

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

414.8 TRAINING

The Training Lieutenant shall ensure that all appropriate members receive immigration training.

414.9 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

REVIEWED 09/2025

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for addressing City utility service emergencies. This policy will address calls for service that are frequently directed to the Police Department.

415.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. The public works department can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Dispatch Center.

415.1.2 ELECTRICAL LINES

The public works department does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or the public works department should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS AND WELLS

The public works department maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by the Dispatch Center.

415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Dickinson is responsible for maintenance for all traffic signals within the City other than those maintained by the North Dakota Department of Transportation (NDDOT).

415.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

REVIEWED 7/2025

Patrol Rifles

416.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Dickinson Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

416.2 PATROL RIFLE

416.2.1 DEFINITIONS

Definitions related to this policy include:

Patrol rifle - An authorized weapon owned by the Department which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

416.3 POLICY

Only weapons and ammunition that meet agency authorized specifications, are approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the AR-15 style rifle.

No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police.

416.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect and service each patrol rifle on a monthly basis.
- (b) Each officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the Armorer.
- (d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Armorer at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer.

416.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed department training. This training shall consist of an initial eight-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

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Patrol Rifles

Any officer who fails to qualify or who fails to successfully complete two or more department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

416.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

416.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force and Firearm Discharge policies.

416.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

416.9 RIFLE STORAGE

- (a) When not in use, patrol rifles will be stored in the department armory or weapons safe.
- (b) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack.
- (c) SWAT-issued rifles utilized by SWAT members should be secured in a rifle scabbard/case and placed in the trunk of the patrol car. The rifle must be removed from the vehicle when the officer goes off-duty and stored in accordance with off-duty firearms storage requirements.

REVIEWED 9/2025

Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents within the jurisdiction of the Dickinson Police Department.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Operations Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY

It is the policy of the Dickinson Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

417.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)
- (d) Assisting law enforcement agencies

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

417.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION

All aircraft accidents occurring within the City of Dickinson shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of DPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

417.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

417.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Reviewed 07/2025

Field Training Officers

418.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Dickinson Police Department.

It is the policy of this department to assign all new police officers to a structured FTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

418.2 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

418.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO
- (b) Minimum of two years of patrol experience with this department
- (c) Demonstrated ability as a positive role model
- (d) Successful completion of an internal oral interview
- (e) Evaluation by supervisors and current FTOs
- (f) Possession of a valid North Dakota peace officer license

418.2.2 TRAINING

An officer selected as an FTO shall successfully complete an FTO course approved by the Department prior to being assigned as an FTO.

All FTOs must complete an FTO update course approved by the Department every three years while assigned to the position of FTO.

418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor will be selected from the rank of corporal or above by the Patrol Division Commander or the authorized designee.

The responsibilities of the FTO Program supervisor includes:

- (a) Assign trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the field training manual to each trainee.
- (e) Monitor individual FTO performance.

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- (f) Monitor the overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

418.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Dickinson Police Department, who possesses a valid peace officer license issued by the State of North Dakota.

418.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the field training program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

To the extent practicable, entry level and lateral officers should be assigned to a variety of FTOs, shifts and geographical areas during the field training program.

418.5.1 FIELD TRAINING MANUAL

Each new officer will be issued an electronic field training manual. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Dickinson Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The field training manual will specifically cover those policies, procedures, rules and regulations of the Dickinson Police Department.

418.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

418.6.1 FIELD TRAINING OFFICER

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee on a daily basis.
- (b) FTOs shall review the daily trainee performance evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the field training manual, noting the method of learning and evaluating the performance of the assigned trainee.

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418.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Observation Report and forward them to the Field Training Administrator.

418.7 DOCUMENTATION

All documentation of the field training program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports
- (b) End of phase evaluations
- (c) A certificate of completion, certifying that the trainee has successfully completed the required number of hours of field training

REVIEWED 1/16/2024

Air Support

419.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

419.2 REQUEST FOR AIR SUPPORT

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support may be made.

419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Commander or the authorized designee will call the closest agency having air support available. The Shift Commander will apprise that agency of the specific details of the incident prompting the request.

419.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under conditions that include:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Pre-planned events or actions that require air support.
- (g) When the Shift Commander or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

REVIEWED 7/2025

Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.1.1 DEFINITIONS

Consensual encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - This type of search is used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot, and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

420.2 POLICY

The Dickinson Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

420.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable

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suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Dickinson Police Department to strengthen community involvement, community awareness, and problem identification.

420.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts that, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description of a suspect or clothing worn that matches clothing worn by a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

420.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications that suggest the suspect is carrying a firearm or other dangerous weapon.

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Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

420.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

420.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

420.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

420.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Commander with either an associated FI card or other memorandum explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Division

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part

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of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

420.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Department members.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Street Gangs

421.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs and patterns of criminal or delinquent activity.

The intent of this policy is to establish a procedure that will be used to develop and maintain a file of information used for enhancing criminal intelligence and prosecution of criminal street gang participants (N.D.C.C. § 12.1-06.2-01 et seq.).

421.2 DEFINITIONS

Definitions related to this policy include:

Criminal street gang - Any ongoing organization or group of three or more persons, whether formal or informal, that acts in concert or agrees to act in concert with a purpose that any of those persons alone or in any combination commit or will commit two or more predicate gang crimes (N.D.C.C. § 12.1-06.2-01(3)).

421.3 IDENTIFICATION OF CRIMINAL STREET GANGS/PARTICIPANTS

The gang information unit shall be authorized to collect information on individuals who are suspected of participating in a criminal street gang and groups that are suspected of being criminal street gangs.

- (a) A group of three or more individuals shall be designated as a criminal street gang when:
 - 1. They have a common name or common identifying sign or symbol.
 - 2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of two or more criminal or delinquent acts.
 - 3. One or more members individually or collectively have engaged in a pattern of criminal gang activity.
 - 4. A designated representative of the City Attorney or States Attorney reviews the available evidence and concurs with the department finding that the group meets the criteria for being a criminal street gang.
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file when at least two of the following elements have been verified by a gang information unit member and there is a reasonable basis for believing such affiliation has been established. Inclusion in the gang file shall be approved by a supervisor.
 - 1. An individual admits membership in a criminal street gang.
 - 2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang.

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3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information.
 4. An individual resides in or frequents a particular criminal street gang's area and affects the gang's style of dress, color of dress, use of jewelry, tattoos, monikers or any other identifiable mannerism associated with that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal street gang activity or enterprise.
 5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang-related crimes.
 6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph in such a manner as to clearly indicate membership in a criminal street gang.
 7. An individual otherwise meets the criteria of a criminal gang participant under the guidelines of a gang intelligence database approved by the department and/or 28 CFR 23.20.
- (c) An individual may be designated as a gang affiliate only when the individual is known to associate with active criminal street gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity or delinquent acts. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience.

421.4 CRIMINAL STREET GANG TEMPORARY FILE

The gang unit supervisor may maintain a temporary file of reports and field interviews (FIs) that is separate from any criminal gang intelligence database when an individual has been identified as a suspected street gang participant or a group has been identified as a suspected street gang but they do not meet the criteria necessary for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within one year of the contact, the individual or group will meet the criteria for entry into a criminal gang intelligence database approved by the Department. Reports and FIs will only be included in a temporary gang file with the written authorization of the gang unit supervisor. A temporary file of street gang participants shall include the following:

- (a) Names, aliases, monikers, addresses and other relevant identifying information
- (b) Gang name
- (c) Justification used to identify an individual as a criminal street gang participant
- (d) Vehicles known to be used

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- (e) Cross references to other identified gangs or gang members

421.4.1 REVIEW AND PURGING OF TEMPORARY CRIMINAL GANG FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a criminal gang intelligence database approved by the Department.

The gang unit supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal gang files is the responsibility of the gang unit supervisor. Retention and purging shall comply with the department's records retention schedule.

421.4.2 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief of Police may approve one or more criminal gang intelligence databases for use by members of the gang unit. Any such database must be compliant with federal law regulating criminal intelligence systems (28 CFR 23.20). Employees must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether a report or FI contains information that would meet the criteria for entry into a criminal gang intelligence database approved by the Department. After giving written approval for entry of the record, the gang unit supervisor should forward any such reports/FIs to the Records Division after appropriate database entries are made. The submitting gang unit supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Supervisor to retain reports and FIs in compliance with the procedures of the department-approved gang/intelligence file and federal law (28 CFR 23.20). The Records Supervisor may not purge these reports or FIs without the approval of the gang unit supervisor.

Validation and purging of gang intelligence databases is the responsibility of the gang unit supervisor.

421.4.3 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the gang unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing the release of information from a criminal gang intelligence database approved by the Department.

421.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police or the authorized designee shall review the information in the file. If, after conducting a

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review of the information, it is determined that the information is not accurate, all records shall be purged and disposed in compliance with the organization's records retention schedule.

421.5 FIELD CONTACTS

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete an FI card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he/she is a member of XYZ gang, has XYZ tattoo on right hand near thumb, is wearing a ball cap with the gang name printed in blue or red ink).

Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of the Contacts, Detentions and Photographing Detainees Policy. Photographing of children shall be restricted as outlined in the Temporary Custody of Juveniles Policy.

421.6 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal gang participant files may only be furnished to department personnel and other public law enforcement agencies on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to members of this department and other law enforcement agencies.

The release of information from any department-approved gang intelligence file must comply with the rules established for that particular temporary file or database.

421.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal gang related shall be documented on a report form and shall at minimum include:

- (a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal gang.
- (b) Whether any photographs were taken and a brief description of what they depict.
- (c) What physical evidence, if any, was observed, collected or booked.
- (d) A specific request that a copy of the report be routed to the gang unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

Shift Commanders

422.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

422.2 DESIGNATION AS ACTING SHIFT COMMANDER

When a Sergeant is unavailable for duty as a Shift Commander, in most instances the qualified corporal shall be designated as acting Shift Commander. This policy does not preclude designating a less senior officer as an acting Shift Commander when operational needs require or training permits.

Mobile Audio/Video

423.1 PURPOSE AND SCOPE

The Dickinson Police Department has equipped marked patrol cars with Mobile/Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at a minimum, a camera, microphone, recorder and monitor.

MAV technician - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY

It is the policy of the Dickinson Police Department to use mobile audio and video technology to more effectively fulfill the mission of the Department and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

423.4 ACTIVATION OF MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually.

423.4.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

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In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. DUI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify the Dispatch Center.
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence
 - 2. Disturbance of the peace
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording.
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate.

423.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For the purpose of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording

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may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

423.4.3 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation (N.D.C.C. § 12.1-15-02).

423.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Dispatch Center.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved accidents), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

423.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the Department is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems

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- (e) By an investigator participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment.
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

Members shall not view any MAV recording on anything besides department issued devices or devices on the City of Dickinson secured network, unless approval is made from the Chief of Police.

423.6 DOCUMENTING MAV USE

Any incident that is recorded with either the video or audio system shall be documented in the officer's report.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of a period less than 90 days and disposed of in compliance with the established records retention schedule (N.D.C.C. § 44-04-17.1(16)).

All in-car recorded media that is not booked into evidence will be retained in accordance to the media management system's retention schedule. The retention schedule can be located in the Evidence Management section of the media management system.

423.7.1 COPIES OF RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

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423.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer, or against the Dickinson Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

423.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MAV system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.
- (e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed or otherwise inserted into any device not approved by the Department, MAV technician or forensic media staff.

423.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:
 - 1. Ensures it is stored in a secured location with authorized controlled access.
 - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:

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1. Pursuant to a court order.
 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

423.10 AUDIO RECORDINGS

Any time the MAV system is used in the capacity of an audio recorder, the Use of Audio/Video Recorders Policy shall apply.

423.11 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Reviewed 01/2022

Mobile Data Terminal Use

423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Terminal (MDT) system in order to ensure proper access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the Dispatch Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

423.2 POLICY

Dickinson Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

423.4 EQUIPMENT CONSIDERATIONS

423.4.1 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

423.4.2 MALFUNCTIONING MDT

Whenever possible, members should not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify the Dispatch Center. It shall be the responsibility of the public safety telecommunicator to document all information that will then be transmitted verbally over the police radio.

423.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Commander or other department-established protocol, all calls for service assigned by a public safety telecommunicator should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a public safety telecommunicator.

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- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

423.5.1 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

423.5.2 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

423.6 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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423.6.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

UPDATED 09/2025

Body-Worn Cameras

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

425.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

425.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

425.3 RESPONSIBILITIES

425.3.1 BWC COORDINATOR RESPONSIBILITIES

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include:

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- (a) Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- (b) Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- (c) Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 - 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- (d) Managing BWC media systems so that:
 - 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 - 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- (e) Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- (f) Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- (g) Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- (h) Coordinating with the community relations coordinator to (see the Community Relations Policy):
 - 1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
 - 2. Gain insight into community expectations regarding BWC use.
- (i) Coordinating with the Records Supervisor to (see the Records Division and Records Maintenance and Release policies):
 - 1. Determine and apply proper retention periods to BWC media.
 - 2. Develop procedures for the appropriate release of BWC media.
- (j) Coordinating with the Property and Evidence Section to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Policy).

425.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance.

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At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

425.4 BWC USE

The following guidelines apply to the use of BWCs:

- (a) Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- (b) BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- (c) The use of department-issued BWCs shall be strictly limited to department-related activities.
- (d) Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- (e) Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

425.4.1 PROHIBITIONS

BWCs should not be used to record:

- (a) Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- (b) Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- (c) Conversations of other members without their knowledge.
- (d) When a member is taking an authorized break or otherwise engaged in personal activities.
- (e) In a courtroom unless responding to a call for service or emergency situation.

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- (f) Interactions with undercover officers or confidential informants.
- (g) Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

425.5 ACTIVATION OF BWC

Members should activate their BWC during all calls for service and the performance of law enforcement-related functions. Members are not required to activate their BWC during casual or informal contacts with members of the public that are not part of or related to law enforcement functions. However, members should activate their BWC any time a contact with an individual becomes hostile or adversarial.

Unless otherwise authorized by this policy or approved by a supervisor, BWCs should remain activated until the call for service or law enforcement-related function has concluded. A member may cease recording if they are simply waiting for a tow truck or a family member to arrive, or in other similar situations.

At no time is a member expected to jeopardize their safety to activate their BWC. However, the BWC should be activated as soon as reasonably practicable in required situations

If a member attempts to activate their BWC but the BWC fails to record an event, the member should notify their supervisor as soon as practicable.

425.5.1 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

425.5.2 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

- (a) To protect the privacy of a victim or witness.
- (b) When an individual wishes to provide information anonymously.
- (c) To avoid recording a confidential informant or undercover officer.
- (d) When discussing case tactics or strategy.
- (e) During private conversations with other members or emergency responders.

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Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

425.5.3 LIVESTREAMING

Livestreaming enables authorized individuals to remotely view the audio and video captured by a member's BWC in real time. Only supervisors and Field Training Officers approved by the Chief of Police or the authorized designee shall have access to livestreaming capabilities.

Livestreaming should only be activated:

- (a) For purposes of member safety when the member is not responding to their radio or there is some other indication of distress.
- (b) To assist with situational awareness or tactical decisions during a significant incident.
- (c) When requested by the member.

425.5.4 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- (a) To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- (b) An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- (c) Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- (d) Any period of the event in which the member deactivated or muted their BWC and the reason for such action.
- (e) If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

425.6 UPLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly uploaded and tagged before the end of their shift. BWC media related to a serious or high-profile

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event (e.g., search for a missing child, active shooter situation) should be uploaded and tagged as soon as practicable upon returning to the Department.

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and upload and tag the BWC media.

425.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon uploading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- (a) An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- (b) When a member has sustained a serious injury or a line-of-duty death has occurred.
- (c) When a firearm discharge or use of force incident has occurred.
- (d) An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly uploaded and tagged by their subordinates.

425.7 BWC MEDIA

All BWC media is the sole property of the Department. Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee.

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee.

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

425.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

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BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- (a) BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- (b) Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- (c) In situations specifically involving use of force, officers are authorized to review their own BWC recording after completing an initial recollection of events with their on-duty supervisor. If, after reviewing a BWC recording, an officer's recollection is enhanced and they recall additional information beyond their independent recollection, that information is to be articulated in their statement as such.
- (d) Investigators may review BWC media pertaining to their assigned cases.
- (e) A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- (f) Supervisors are permitted to access and view BWC media of their subordinates.
 - 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 - 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
 - 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- (g) The Training Lieutenant is permitted to access and view BWC media for training purposes.
 - 1. The Training Lieutenant should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 - 2. The Training Lieutenant may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Lieutenant should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

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- (h) The Records Supervisor, Criminal Intelligence Analysts, and Property/Evidence Technicians may access BWC media when necessary to conduct department-related duties.
- (i) The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

425.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

- (a) A private residence.
- (b) A facility that offers health care, mental health or substance abuse treatment, or social services.
- (c) A school building.
- (d) Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review BWC media before public release.

425.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained in accordance with state records retention laws.

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

425.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Policy).

425.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- (a) Proper use of the BWC device and accessories.
- (b) When BWC activation is required, permitted, and prohibited.
- (c) How to respond to an individual's request to stop recording.

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- (d) Proper use of the BWC media systems, including uploading and tagging procedures.
- (e) Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

REVIEWED 09/2025

Bicycle Patrol Unit

426.1 PURPOSE AND SCOPE

The Dickinson Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility and mobility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

426.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift Commander.

426.3 SELECTION OF PERSONNEL

Interested licensed personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the Bicycle Patrol Unit supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Bicycle Patrol Unit supervisor and a second person to be selected by the Bicycle Patrol Unit supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance
- (b) Special skills or training as they pertain to the assignment
- (c) Good physical condition
- (d) Willingness to perform duties using the bicycle as a mode of transportation

426.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Patrol Division Commander or the authorized designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment
- (c) Scheduling maintenance and repairs
- (d) Evaluating the performance of bicycle officers
- (e) Coordinating activities with the Patrol Division

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- (f) Inspecting and documenting, no less than every three months, that bicycles not in active service are in a serviceable condition
- (g) Other activities as required to maintain the efficient operation of the unit

426.4 TRAINING

Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

426.5 UNIFORMS AND EQUIPMENT

Bicycle officers shall wear the department-approved uniform and safety equipment while operating the police bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is strongly recommended.

The bicycle uniform consists of the standard short sleeve uniform shirt or Coolmax® type shirt with department-approved badge and patches, and bicycle patrol pants or shorts with a uniform appearance.

Optional equipment includes a jacket in colder weather. Insulated clothing is permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other items needed while on bike patrol.

426.6 CARE AND USE OF PATROL BICYCLES

- (a) Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.
- (b) Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar, the bike's saddlebag or attached gear bag. Every bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

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Bicycle Patrol Unit

- (c) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack for attached gear bags and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.
- (d) Each bicycle gear bag shall include a first-aid kit, tire pump, repair tool, tire tube, security lock with chain/cable, equipment information and use manuals. These items are to remain with/on the bicycle at all times.
- (e) Each bicycle shall be equipped with a flashing, oscillating or rotating red signal light that is visible from the front, sides or rear of the bicycle.
- (f) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
- (g) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.
- (h) Each bicycle will have scheduled maintenance twice yearly, to be performed by a repair shop/technician that is approved by the Department.
- (i) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- (j) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of nonuse, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.
- (k) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.
- (l) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.
- (m) Bicycles shall be properly secured when not in the officer's immediate presence.

426.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with North Dakota law, unless their duties require otherwise (N.D.C.C. § 39-10.1-02).

Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

Foot Pursuits

427.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

427.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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Foot Pursuits

427.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the Dispatch Center or with backup officers.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

Foot Pursuits

427.4 RESPONSIBILITIES IN FOOT PURSUITS

427.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Dispatch Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

427.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

427.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

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The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

427.4.4 THE DISPATCH CENTER RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the public safety telecommunicator is responsible for:

- (a) Clearing the radio channel of nonemergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Notifying and coordinating with other involved or affected agencies as practicable.
- (e) Notifying the Shift Commander as soon as practicable.
- (f) Assigning an incident number and logging all pursuit activities.

427.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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427.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Reviewed 05/2022

Automated License Plate Readers (ALPR) and Project Safe Neighborhoods Network (PSNN)

428.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. The ALPR is used by the Dickinson Police Department to convert data associated with vehicle license plates and use it for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery. The ALPR technology can be either fixed at a location (such as a traffic light intersection) or mounted to a vehicle for mobile operation.

The Dickinson Police Department also operates a network of security cameras in tandem with ALPR and used to fulfill similar purposes. The network, referred to as Project Safe Neighborhoods Network (PSNN), may be used to gather information related to traffic collisions and violations, identify suspects of crimes, and to monitor inclement roadway conditions.

428.1.1 DEFINITIONS

Definitions related to this policy include:

Automated License Plate Readers (ALPR) - Equipment consisting of cameras and computer software used to automatically recognize and interpret characters on vehicle license plates and capture digital images.

Hit - An indication by visual and/or auditory notice of a potential match between data stored and a license plate scanned by the system. A hit is not conclusive confirmation of a match and further investigation is always required before taking enforcement action.

Hot List - A database populated with license or partial license plates for which a concern to officer safety or investigative interest exists.

User - Officers or dispatchers who monitor the ALPR system utilizing a Web UI and receive hit notifications. Also includes those who access the PSNN system to view/review footage.

Open ALPR Application - Web User Interface (Web UI) for user maintenance, data queries, import and export of data, and dispatch functions of the central repository of data collected by the LPR system. This application can be accessed and reviewed for investigative purposes from designated department computers.

428.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR/PSNN equipment, as well as ALPR/PSNN data retention and access, shall be managed by the Administrative Services Lieutenant and Crime Analyst. The Administrative Services Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

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428.3 ALPR OPERATION

Use of ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Reasonable suspicion or probable cause is not necessary before using ALPR.
- (c) Upon receiving a hit, and prior to initiating a traffic stop, the ALPR user shall utilize all information available to determine the accuracy of the hit. A receipt of a hit is not sufficient probable cause to initiate a stop without verification.
 - 1. Users shall visually verify the vehicle license plate numbers and state of issuance on all hits.
 - 2. If a user verifies a hit is still active, he/she shall take the appropriate action in accordance with department policy and procedures.
 - 3. Users shall report any action taken to the Crime Analyst or his/her supervisor to determine if Hot List information needs to be updated or purged.
- (d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas surrounding homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (e) No member of this department shall operate ALPR/PSNN equipment or access ALPR/PSNN data without first completing department-approved training.
- (f) No ALPR user may access Criminal Justice Information Sharing (CJIS) data unless otherwise authorized to do so.

428.4 ALPR HOT LISTS

Generally, two types of ALPR hot lists are retrieved daily and updated to the system; a National Crime Information Center (NCIC) hot list, and a department-generated hot list. The information in these lists may include the following examples:

- (a) Stolen license plates or license plate numbers of stolen vehicles
- (b) Vehicles associated with wanted individuals or registered sex offenders
- (c) Vehicles associated with missing/endangered persons or AMBER alerts
- (d) Vehicles associated with active criminal investigations

An officer or outside agency may request a license plate be added to the department-generated hot list if the addition will aid in the resolution of a criminal investigation or otherwise comply with a legitimate law enforcement purpose. The officer requesting to add information to the hot list will follow these steps;

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1. Fill out a LPR Hot List Entry Request form and forward it to his/her on-duty supervisor. Information required will be the officer name, case number, purpose of the request, plate number, purge date and officer's signature.
2. The LPR Hot List Entry Request form must be reviewed and approved by an on-duty supervisor. If approved, the on-duty supervisor will sign the form and forward the form to the Crime Analyst for entry. If after normal business hours and exigency exists, a designated supervisor may enter the data into the system.
3. It is the responsibility of the requesting officer to notify the Crime Analyst or a designated supervisor when the information is no longer needed on a Hot List, unless a pre-defined purge date was designated by the officer.
4. The Crime Analyst, or in their absence a designated supervisor, should review and remove information from the Hot List daily unless the information is the subject of an ongoing criminal investigation.
5. The entire department-generated hotlist should be reviewed every 30 days to ensure compliance with the policy.
6. Hot Lists contain CJIS/CI and investigative information, and thus, are not open to public review.

428.5 ALPR/PSNN DATA COLLECTION AND RETENTION

All data and images gathered by ALPR/PSNN are for the official use of the Dickinson Police Department. Because such data may contain confidential information, it is not open to public review. The ALPR/PSNN information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

All ALPR/PSNN data downloaded to the server should be stored for the period not less than the 60 days. Thereafter, ALPR/PSNN data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

428.6 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Dickinson Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR/PSNN data shall be referred to the Records Supervisor and processed in accordance with applicable law.
- (b) All ALPR/PSNN data downloaded to the mobile work station and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR/PSNN data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

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- (d) Such ALPR/PSNN data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR/PSNN system audits should be conducted on a regular basis.

UPDATED 03/2023

Homeless Persons

429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Dickinson Police Department recognizes that members of the homeless community are often in need of special protection and services. The Dickinson Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

429.2 POLICY

It is the policy of the Dickinson Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

429.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals, counseling and citation and release in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

429.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless may require special consideration for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

429.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard their personal property.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in cleanup operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to a supervisor.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform a supervisor. If such property appears to involve a trespass, is blight to the community or is the subject of a complaint, it will be the responsibility of the supervisor to address the matter in a timely fashion.

429.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance, as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

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429.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Reviewed 05/2022

Public Recording of Law Enforcement Activity

430.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

430.2 POLICY

The Dickinson Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

430.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

430.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

430.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

430.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The Dickinson Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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431.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Dispatch Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

431.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.8 ARRESTS

The Dickinson Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

431.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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431.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Dispatch Center records/tapes
- (g) Media accounts (print and broadcast media)

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Civil Disputes

432.1 PURPOSE AND SCOPE

This policy provides members of the Dickinson Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by North Dakota law.

432.2 POLICY

The Dickinson Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

432.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 15 minutes are warranted.

432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

432.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

432.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Reviewed 05/2022

Medical Aid and Response

433.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

433.2 POLICY

It is the policy of the Dickinson Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

433.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Dispatch Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Dispatch Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex and age, if known.
 - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel regarding whether to transport the person for treatment.

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433.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

433.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision, and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a mental illness commitment in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

433.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

433.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.

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- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

433.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after he/she has received training in a nationally recognized course in CPR and AED use (N.D.C.C. § 32-03.1-02.3).

433.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member using an AED shall notify the Dispatch Center as soon as possible and request response by EMS.

433.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

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433.8.3 AED TRAINING AND MAINTENANCE

The Training Lieutenant shall ensure appropriate training is provided to members authorized to use an AED (N.D.C.C. § 32-03.1-02.3).

The Training Lieutenant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

433.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the health care professional who prescribed the medication for use by the Department (N.D.C.C. § 23-01-42).

433.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shifts to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Lieutenant.

Any member who administers an opioid overdose medication should contact the Dispatch Center as soon as possible and request response by EMS.

433.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

433.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Lieutenant, or designee, should ensure training is provided to members authorized to administer opioid overdose medication.

433.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems

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or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

433.11 FIRST AID TRAINING

Subject to available resources, the Training Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

REVIEWED 09/2025

Crisis Intervention Incidents

434.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

434.2 POLICY

The Dickinson Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

434.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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434.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

434.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

434.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

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Crisis Intervention Incidents

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

434.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the public safety telecommunicator provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

434.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

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- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

434.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

434.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

434.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

434.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

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Crisis Intervention Incidents

434.12 TRAINING

The Department will provide basic education and training to all department members to enable them to effectively interact with persons in crisis.

Reviewed 05/2022

Medical Marijuana

435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under North Dakota's medical marijuana laws.

435.1.1 DEFINITIONS

Definitions related to this policy include (N.D.C.C. § 19-24.1-01):

Allowable amount of usable marijuana – The amount of usable marijuana a registered qualifying patient or registered designated caregiver may possess which includes the following unless the patient has been granted an exception as allowed by N.D.C.C. § 19-24.1-01:

- (a) Possession of no more than 3 ounces of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
- (b) Possession of no more than 500 milligrams of a cannabinoid edible product.

Registered designated caregiver - An individual who is at least 21 years old and agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana and who has been issued a valid registry identification card from the North Dakota Department of Health and Human Services.

Registered qualifying patient - An individual who has been diagnosed by a health care provider as having a debilitating medical condition and issued a valid registry identification card from the North Dakota Department of Health and Human Services.

435.2 POLICY

It is the policy of the Dickinson Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

North Dakota medical marijuana laws are intended to provide protection from prosecution to those who produce, process, sell, dispense, and use medical marijuana. However, North Dakota medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Dickinson Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under North Dakota law and the resources of the Department.

435.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations involving a registered qualifying patient

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Medical Marijuana

- (c) Investigations involving a registered designated caregiver

435.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

435.3.2 INVESTIGATIONS INVOLVING A REGISTERED DESIGNATED CAREGIVER

Officers shall not take enforcement action against a registered designated caregiver for assisting a registered qualifying patient to acquire, use, or possess medical marijuana or related supplies in compliance with North Dakota's medical marijuana program (N.D.C.C. § 19–24.1–32).

Enforcement action should not be taken because a registered designated caregiver is not in physical possession of his/her registry identification card if it can be established the person is a registered designated caregiver. A registered designated caregiver may receive compensation for associated costs (N.D.C.C. § 19–24.1–32).

435.3.3 INVESTIGATIONS INVOLVING A REGISTERED QUALIFYING PATIENT

Officers shall not take enforcement action against a registered qualifying patient for acquiring, using, or possessing medical marijuana or related supplies who are in compliance with North Dakota's medical marijuana program. This will generally include a registered qualifying patient in possession of his/her registry identification card who possesses no more than an allowable amount of usable marijuana (N.D.C.C. § 19–24.1–32).

Enforcement action should not be taken because a registered qualifying patient is not in physical possession of his/her registry identification card if it can be established the person is a registered qualifying patient.

435.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Registry identification cards specify when a patient is authorized to use the dried leaves or flowers of marijuana (N.D.C.C. § 19–24.1–11).
- (b) Because enforcement of medical marijuana laws can be complex, time-consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 4. Any other relevant factors, such as available department resources and time constraints.
- (c) Manufacturing facilities, dispensaries, and registered compassion center agents are also protected from prosecution for possession and transfer of marijuana or related products when conducted in accordance with North Dakota's medical marijuana program (N.D.C.C. § 19–24.1–32).
 - (d) Before proceeding with enforcement related to a manufacturing facility, dispensary, or a registered compassion center agent, officers should consider conferring with appropriate legal counsel and the North Dakota Department of Health and Human Services.
 - (e) Registry cards can be verified through the North Dakota Department of Health and Human Services' secure verification system (N.D.C.C. § 19–24.1–31).

435.3.5 EXCEPTIONS

Officers may take enforcement action if the person (N.D.C.C. § 19–24.1–33):

- (a) Possesses or consumes an allowable amount of usable marijuana:
 1. On a school bus or school van that is used for school purposes.
 2. On the grounds of any public or private school.
 3. At any location while a public or private school sanctioned event is occurring at that location.
 4. On the grounds of a correctional facility.
 5. On the grounds of a child care facility or licensed home day care, unless authorized under rules adopted by the North Dakota Department of Health and Human Services.
- (b) Undertakes specified offenses related to smoking in public.
- (c) Allows the smoke or vapor to be inhaled by a minor who is not the registered qualifying patient.
- (d) Operates, navigates, or is in actual physical control of a motor vehicle, aircraft, train, or motorboat while under the influence of marijuana.

435.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

435.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana

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is not destroyed. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable marijuana, plants, drug paraphernalia, or other related property.

The Property and Evidence Section supervisor should not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigative Division supervisor.

435.6 REPORTING

435.6.1 REPORTABLE INCIDENTS

Officers who reasonably believe one of the following has occurred are required to report the incident to the North Dakota Department of Health and Human Services within five days on the form provided by the Department of Health and Human Services (N.D.A.C. § 33-44-01-34):

- (a) Individuals who are found to be in possession of usable marijuana dispensed pursuant to the state medical marijuana program and who are not registered cardholders.
- (b) Registered qualifying patients or designated caregivers who are found in possession of more than the allowable amount of usable marijuana.

435.6.2 ADVERSE REACTIONS

Officers who reasonably believe that an incident involving an overdose or adverse reaction may be related to the use of usable marijuana are required to report the incident to the North Dakota Department of Health and Human Services as set forth in N.D.A.C. § 33-44-01-35.

REVIEWED 8/2025

Body Worn Camera

436.1 PURPOSE AND SCOPE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWC's) so that officers may reliably record their contacts with the public in accordance with the law.

This agency has adopted the use of the Body-Worn Camera to accomplish several objectives.

The primary objectives include the following:

- (a) BWC's shall be used to transparently reflect the mission of the department, maintain public trust and confidence, and provide accountability to the citizenry.
- (b) BWC's allow for more accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports.
- (c) Audio and video recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
- (d) The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

436.2 USE OF BODY WORN CAMERA

BWC CAMERA USAGE

- (a) Before using the BWC system, the officer must complete all prescribed BWC Department training relating to this policy as well as for the activation, use, annotation, and uploading of data.
- (b) Officers shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Officer safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.
- (c) All sworn officers assigned to the patrol division will be assigned a BWC. Additional BWC's will be maintained for those officers in investigations or other assignments who have a need to capture video evidence.

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(d) Officers assigned a BWC system shall, at the beginning of their shift, inspect the recording system for obvious signs of damage or inoperability. If at any time during the shift it is determined the unit is not functioning properly, officers will notify their immediate supervisor and the unit will be taken out of service. The inspection shall include the following:

1. The camera lens is clean and free of obstruction;
2. The system has sufficient battery life for a shift of duty;

(e) Officers shall report any malfunction of the BWC system to his/her immediate supervisor and ensure that the system is submitted for repairs. The supervisor will assign the officer another BWC, if available, to use in the interim. Officers shall not attempt to repair the BWC system.

1. Officers shall wear the BWC system in the prescribed manner and location consistent with manufacturer recommendations.

(f) The BWC system shall be activated as soon as it is reasonable to do so any time an officer may become involved in any enforcement contact. Unless it is unsafe or impractical to do so, or mechanical issues that impede the use of the device are present, the officer shall begin recording as soon as practical during an enforcement contact and continue to record until the completion of the event, to include the recording of statements.

1. An enforcement contact includes all interactions with citizens where there is a reasonable suspicion that the person is involved in criminal activity or a violation of law, except the administrative taking of reports or during community outreach events (such as giving a talk to a citizen group or making neighborhood contact with store clerks while on patrol).

(g) Once activated, the BWC system shall not be deactivated until the event has been concluded unless

1. The event is prolonged and continued recording is of no value (i.e. traffic control, crash scenes, extended perimeters; officer is on scene but in no position to record, etc.).
2. It is necessary to discuss issues or concerns with another officer or supervisor in private. During this time, the BWC may be temporarily turned off. The intention to stop the recording will be noted by the officer verbally on the BWC. (Example: "Recording stopped to obtain personal identifying information of witness.") If

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feasible, the mute option for the microphone should be utilized rather than turning the unit off.

(h) In all instances that warrant the system being deactivated, the officer should verbally record the reason for the deactivation. For example, "recording stopped due to extended perimeter."

(i) Officers should place their BWC in the approved department docking station, in the prescribed manner, before going off duty, to ensure recorded media is uploaded daily. If the BWC contains high-priority footage (serious crime, officer use of force, officer complaint), officers shall make every effort to upload the video as soon as possible prior to going off duty.

(j) Officers should review all files (audio, video and photographs) in the storage software, during their next tour of duty to ensure each of their files have been properly categorized and tagged with the auto-tagging feature. If any problems are identified with categorization or tagging, officers shall manually enter the appropriate information using the pre-defined list in the storage software to ensure that the files are stored properly. In addition, any recordings that contains evidentiary value must be tagged appropriately to ensure the footage is not purged prior to the final disposition of the case. For example, if a recording initially auto-tagged as "Traffic Stop" resulted in a DUI arrest, the officer must adjust the tag to "DUI" to allow for a longer retention period.

(k) If for some reason, no recording is created, the officer shall notate that in the report and the reason that no recording was created. If there is no camera available for shift, the officer shall note that in CAD history at the beginning of the shift.

(l) Officers may inform individuals they are being recorded.

1. The viewing of BWC recordings, by any citizen, at the scene of an incident is prohibited without supervisor approval.
2. Requests by subjects of BWC recordings, shall be referred to the Records Division.

436.3 USAGE RESTRICTIONS

We, as an organization, recognize and respect an individual's right to privacy, and acknowledge there are times when it would not be in the best interest of the public, or the Department, to record sensitive information. As such, officers shall follow items below with respect to the use of BWC systems.

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(a) Officers will use only the BWC system, issued and approved by the Department for official police duties. Personnel shall not remove, dismantle or tamper with any hardware and/or software component of the BWC.

(b) In locations where an individual has a reasonable expectation of privacy, such as a private residence, the officer shall honor an individual's request that the officer not record the inside of the individual's residence, unless the recording is being made pursuant to a valid investigation, from a place where the officer is lawfully allowed to be present, is made during the lawful arrest of an individual in the residence, or is being made in conjunction with a lawful search of the residence.

(c) Officers shall not knowingly record undercover officers or confidential informants.

(d) Officers shall not knowingly record any Victim Witness staff, Prosecutors Office staff or Judges while engaged in their official capacities.

(e) Officers shall not use agency owned BWC devices to record any type of personal activities, or use the camera for any reason outside of their scope of employment with the Department.

(f) Officers shall not intentionally record in areas where there is a reasonable expectation of privacy such as locker rooms, restrooms, etc., unless the recording is being made pursuant to a valid investigation.

(g) Officers shall not surreptitiously record other members of this Department without authorization from the Chief of Police, or his/her designee, or a court order.

(h) Due to safety and security concerns, other information that officers should consider not capturing on video as it relates to victims, witnesses, close family members of victims/ witnesses, officers and prosecutors include:

- (i) Vital information and personal identifying information such as DOB, SSN, etc.;
- (ii) Private information such as personal identification numbers (PINs), passwords, financial account numbers and information relating to financial transaction cards;
- (iii) Additional contact information such as place of employment, school, places of worship, etc.
- (iv) Officers utilizing BWC's should not record patients during medical or psychological evaluations by a doctor or similar professional during treatment, unless required for evidentiary criminal investigation purposes. (Example – Blood draw for investigation purposes, excited utterances or dying declarations) When

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recording in hospitals, and other medical facilities, officers shall be careful to avoid recording persons other than suspect(s) whenever possible.

436.4 OFFICER REVIEW OF RECORDED MEDIA

(a) When preparing criminal case reports or incident reports, officers may review their recordings as a resource. An officer's recollection of specific details may be different than what is captured on a BWC recording and should be clearly noted in their reports something as a "personal observation" or "upon review of the BWC recording". Officers should continue to prepare reports in the same manner as prior to the implementation of the BWC system and should not substitute "refer to video" for a detailed and thorough report.

***In situations specifically involving use of force, officers are authorized to review their own BWC recording after completing an initial recollection of events with their on-duty supervisor. If, after reviewing a BWC recording, an officer's recollection is enhanced and they recall additional information beyond their independent recollection, that information is to be articulated in their statement as such.**

(b) Officers shall not have review access to the recorded media of other officers, unless granted permission by a supervisor.

(c) Supervisors and Command Staff may review media of their respective subordinates on a random basis or with cause.

(d) Under no circumstances, will recorded media be used for entertainment purposes or in an attempt to embarrass another officer or private citizen.

(e) Any uploading or converting digital recording for use on any type of social media is strictly prohibited unless authorized by the Chief of Police or his/her designee.

(f) Officers will not make copies of any recording for their personal use, and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from the repository.

(g) Officers may use BWC videos for training purposes as authorized by the Chief of Police or his/her designee. Prior to using any such video, the officer shall ensure that the video is not actively being used as evidence in any criminal or civil case.

436.5 RESPONSIBILITIES

(a) System Administrator - The System Administrator(s) are designated by the Chief of Police and have oversight responsibilities to include, but not limited to, the following:

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1. Operation and user administration of the system.
2. System Evaluation
3. Training
4. Policy and procedure review and evaluation.
5. Coordination with Information Technology regarding system related issues.
6. Ensure BWC files of evidentiary value are secure and retained per this policy.
7. Ensure BWC files are reviewed and released in accordance with federal, state, local statutes and Dickinson Police Department retention policy.

(b) Supervisors informed of a malfunctioning body camera system should ensure the System Administrator is made aware of the malfunction.

(c) In the event of a critical incident, all officers who are involved or who witnessed the incident shall turn off their BWCs only when instructed to do so by a supervisor or investigator assigned to the incident. It is the responsibility of the scene supervisor to ensure compliance with this section.

(d) Recordings may be reviewed by supervisors and Command Staff to monitor officer performance, identify training issues, provide critiques of officers, detect early intervention inquiries, or for investigative/complaint purposes.

436.6 STORAGE AND RELEASE OF RECORDED MEDIA TO PUBLIC

(a) The recorded media and all recorded images that are captured during the scope of an officer's duties are the property of the Dickinson Police Department.

(b) The recorded media are public records (N.D.C.C. § 44-04-17.1(16)). All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule as well as the North Dakota Open Records Law (N.D.C.C. § 44-04-18.7), but but in no event for a period less than 90 days. If the recording contains footage of an active investigation, resulted in an arrest, or otherwise needs to be retained for purposes in this policy beyond 90 days, the officer must adjust the recording tag to prevent auto-purging from the server. Cases that have a final disposition may be purged in accordance with state law and this policy.

(c) No member of the Department shall release a copy of BWC files to any member of the public, outside of the Public Record Request procedure.

(d) The recording or portions of the recording may be protected under the North Dakota Open Records Law (N.D.C.C. § 44-04-18.7).

01/2023

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic accidents and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This department provides enforcement efforts, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Dickinson Police Department. Information provided by the North Dakota Department of Transportation (NDDOT) is a valuable resource for traffic accidents and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of accidents is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of accidents.

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500.4 RECORDS OF TRAFFIC VIOLATIONS

The Department shall maintain records of all violations of local and state vehicle laws including the final disposition of all offenses. The records shall be available to the public as specified in the Records Maintenance and Release Policy and include the most recent five-year summary of citations.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as an officer.

Traffic Accident Response And Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Dickinson Police Department prepares traffic accident reports in compliance with the North Dakota Motor Vehicles Code (N.D.C.C. Title 39) and as a public service makes traffic accident information available to the public.

501.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with reported injuries may include an emergency response if the officer reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an accident, should consider the following:

- (a) The most appropriate route to the incident
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene
- (c) Potential for involvement of hazardous materials
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)
- (e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary
- (f) Traffic control and protection of the scene
- (g) Clearance of the roadway

501.3 ACCIDENT INVESTIGATION

Investigation of traffic accidents should include, at minimum, the following:

- (a) Identification and interview of all involved parties
- (b) Identification and interview of any witnesses
- (c) Determination if a crime has occurred and taking appropriate enforcement action
- (d) Identification and protection of items of apparent evidentiary value
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

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501.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of state traffic statutes contributed to the accident, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.5 TRAFFIC ACCIDENT REPORTING

501.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize North Dakota Department of Transportation (NDDOT) forms for the reporting of traffic accidents that meet the following criteria (N.D.C.C. § 39-08-10; N.D.C.C. § 39-08-13):

- (a) Injury or death of any person
- (b) Apparent property damage of \$1,000 or more

Accidents involving an undomesticated animal and resulting in property damage only to the driver's vehicle are exempt from the notice requirements of N.D.C.C. § 39-08-09.

Officers shall notify a supervisor as soon as practicable of any traffic accident involving serious injury or death to any person.

Upon completion of an investigation, officers shall attach a sticker to the window of any damaged vehicle showing that the accident in which the vehicle was involved has been investigated (N.D.C.C. § 39-07-12).

All traffic accident reports taken by members of this department shall be forwarded to the Patrol Lieutenant for approval and data entry into the records management system.

501.5.2 SUPERVISOR RESPONSIBILITIES

A supervisor shall respond to the scene of any traffic accident involving serious injury or death of a person and, without delay following positive identification of any person seriously injured or deceased, notify the person's immediate family, as defined by law, or make arrangements for notification by clergy or another suitable person (N.D.C.C. § 39-08-10.1).

This department shall not release the identity of any person seriously injured or deceased in a traffic accident until one of the following occurs:

- (a) A member of the immediate family has been notified and given an opportunity to notify other immediate family members; or
- (b) Twenty-four hours have elapsed from the time positive identification was made.

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Traffic Accident Response And Reporting

501.5.3 PATROL CAPTAIN RESPONSIBILITIES

The Patrol Lieutenant will be responsible for:

- (a) The monthly and quarterly reports on traffic accident information and statistics, to be forwarded to the Patrol Division Commander or other persons as required.
- (b) At the direction of the officer, forward a report of the accident to the NDDOT within 10 days of the accident (N.D.C.C. § 39-08-10; N.D.C.C. § 39-08-13(3)).

501.5.4 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS

A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES

Traffic accident investigation reports shall be taken when a City-owned vehicle is involved in a traffic accident on a roadway or highway, wherein any damage or injury results. A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the accident occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.6.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT OFFICE EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Dickinson Police Department and it results in a serious injury or fatality, the Patrol Lieutenant or the Shift Commander should request the North Dakota Highway Patrol (NDHP) or other outside agency to complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

501.6.3 TRAFFIC ACCIDENTS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or Shift Commander may request assistance from the NDHP or other outside agency for the investigation of any traffic accident involving any City official or employee where a serious injury or fatality has occurred.

501.6.4 TRAFFIC ACCIDENTS INVOLVING INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves disposition of an injured animal.

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501.7 NOTIFICATION OF PATROL CAPTAIN

In the event of a serious injury or death-related traffic accident, the Shift Commander shall notify the Patrol Lieutenant to relate the circumstances of the traffic accident and seek assistance from the Patrol Lieutenant. In the absence of a Patrol Lieutenant, the Shift Commander or any supervisor may assign an investigator or motor officer to investigate the traffic accident.

Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Dickinson Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 IMPOUNDS AND STORAGE

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having a vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 48 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately (N.D.C.C. § 39-10-47; N.D.C.C. § 39-10-48).

If any personal property or cargo that has been spilled from a vehicle is presenting a hazard, the property or cargo may also be removed immediately (N.D.C.C. § 39-10-47).

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, seizure or impound of a vehicle shall complete a Tow/Impound & Inventory Record form that includes the name of the tow truck company and a description of property within the vehicle.

Tow/Impound & Inventory Record form shall be promptly uploaded or e-filed into the Tow Call Log so that they are immediately available for release or for information should inquiries be made.

502.2.2 REMOVAL FROM A TRAFFIC ACCIDENT SCENE

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Dispatch Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Dispatch Center.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using the Tow/Impound & Inventory Record form.

502.2.3 STORAGE AT AN ARREST SCENE

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. The vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed (e.g., traffic hazard, high crime area).

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Situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition, include:

- A traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, and is willing and able to take control of any vehicle that was not involved in criminal activity.
- Whenever the vehicle does not need to be towed and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

502.2.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

502.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the appropriate towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next tow company in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next tow company is called.

Dispatch should promptly enter pertinent data from a completed vehicle storage form report into the National Crime Information Center (NCIC) and the North Dakota Criminal Justice Information Sharing (CJIS) system to determine if the vehicle has been reported stolen.

502.2.6 PROPERTY/EVIDENCE TECHNICIAN RESPONSIBILITY

Tow/Impound Inventory forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Property/Evidence Technicians should promptly enter pertinent data from a completed Tow/Impound Inventory form report into the National Crime Information Center (NCIC) and the North Dakota Criminal Justice Information Sharing (CJIS) system to determine if the vehicle has been reported stolen.. The tow company authorized and contracted by the Department shall:

- (a) Determine the names and addresses of any individuals having an interest in the vehicle through NDDOT or CJIS databases. The tow company shall notify any individual identified as having an interest in the vehicle of the impoundment within the time prescribed by law unless an exception applies as provided in N.D.C.C. § 23.1-15-04 (N.D.C.C. § 23.1-15-05).

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- (b) Send notice by certified mail, return receipt requested, to each individual identified as having an interest in the vehicle. If the identity and address of the registered owner and all lienholders cannot be determined with reasonable certainty, the notice shall be published once in a newspaper of general circulation in the City or placed in a designated area on the Department website for at least 30 days. The notice shall include (N.D.C.C. § 23.1-15-05):
 - 1. The date and place where the vehicle was taken into custody.
 - 2. The year, make, model, and serial number of the motor vehicle.
 - 3. The place where the vehicle is being held.
 - 4. Information for the owner, any lienholders, or secured parties that they have a right to reclaim the vehicle.
 - 5. A statement that failure of the owner, lienholders, or secured parties to exercise their right to reclaim the vehicle within 30 days is deemed a waiver of all right, title, and interest in the vehicle and a consent to disposal of the vehicle in accordance with N.D.C.C. § 23.1-15-07, and that includes the end date of the 30-day period.

502.3 TOWING SERVICES

The City of Dickinson periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used when:

- (a) It is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) A vehicle is being held as evidence in connection with an investigation.
- (c) It is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. East End Towing is the contracted tow service for abandoned vehicles.

502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Tow & Impound Record. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked

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container into safekeeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.5 PRESERVATION OF EVIDENCE

An officer removing a vehicle who has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, should ensure that all legally required and reasonably necessary efforts to preserve the evidence, including but not limited to, safe storage, are taken until the evidence is released to the owner or otherwise disposed of according to law.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

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

502.7 POLICY

The Dickinson Police Department will tow vehicles when appropriate and in accordance with the law.

REVIWED 2/2025

Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to members of the Department who play a role in the detection and investigation of driving under the influence (DUI).

503.2 POLICY

The Dickinson Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of North Dakota's impaired driving laws.

503.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

503.4 FIELD TESTS

The Patrol Lieutenant should identify standardized Field Sobriety Tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

503.4.1 SCREENING TEST

Any person who operates a motor vehicle and is stopped for a moving violation, or is involved in a crash, or is impaired in violation of N.D.C.C. § 39-08-01 (or an equivalent offense), is deemed to have given consent to submit to on-site screening tests of his/her breath when the officer has a reasonable belief that the person's body contains alcohol (N.D.C.C. § 39-20-14). The results of such screening tests will only be used to determine whether to administer additional tests. The officer shall inform the individual that refusal of a screening test may result in a revocation for up to three years of his/her driving privileges. If the person refuses, no test will be given (N.D.C.C. § 39-20-14).

This also applies to a person who drives or is in physical control of a commercial vehicle, except that the officer must also warn the person that refusal to submit to the tests will result in the person being immediately placed out of service for a period of 24 hours and disqualified from operating a commercial vehicle for a period of not less than one year (N.D.C.C. § 39-06.2-10.2).

The screening tests will be performed by an officer certified as a chemical test operator.

If the individual is at a hospital as a patient, the person in charge of that individual's case must first be notified of the requirement to administer a screening test. However, if that person objects to the test on the grounds that it would be prejudicial to the proper care or treatment of the patient, the patient may not be required to submit to such tests.

503.5 CHEMICAL TESTS

A person implies consent under North Dakota law to a chemical test or tests, and to providing the associated chemical sample, under any of the following:

- (a) An officer has arrested the person for DUI (N.D.C.C. § 39-20-01).

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- (b) The person was operating or in physical control of a commercial vehicle and the officer has probable cause to believe that the person has alcohol or drugs in his/her system (N.D.C.C. § 39-06.2-10.2).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), or if the officer is requesting a blood or urine sample and the person may face criminal penalties for refusal, the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

A chemical test may not be administered until the required implied consent advisory has been given to the person (N.D.C.C. § 39-20-01; N.D.C.C. § 39-06.2-10.2).

503.5.1 CHOICE OF TESTS

Officers shall determine which of the tests is to be used, but should not prevent, hinder or delay an arrestee's attempts to secure an independent test under N.D.C.C. § 39-20-02, and must at least provide access to a telephone. An officer should transport an arrestee seeking an independent test unless the arrestee will be released from custody in time to obtain a viable test.

503.5.2 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (N.D.C.C. § 39-20-02). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

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Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample and that refusal will result in a revocation and is a criminal offense, as set forth in N.D.C.C. § 39-20-01.
 - 1. If the officer has requested blood, the person may not be informed of any criminal penalties until after a warrant has been obtained.
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report. Documentation shall include statements and actions.
- (d) If the arrestee, after refusing, requests a test within a reasonable period of time, the officer shall provide them with an opportunity

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

If a person refuses to submit to a chemical test as required by law, and possesses a North Dakota operator's license, officers shall immediately take possession of the person's ND operator's license, if it is available, and issue a temporary operator's permit if the person has valid operating privileges. The officer shall sign and note the date on the temporary permit (N.D.C.C. § 39-20-04).

If a person submits to a chemical test and the test shows a prohibited alcohol concentration, officers shall issue a temporary operator's permit if the person had valid operating privileges at the time of the offense. The temporary permit shall be signed and bear the date of issuance (N.D.C.C. § 39-20-03.1(1)).

If the chemical test was by urine or blood, and results from the state crime laboratory show a prohibited alcohol concentration, the handling investigator shall do one of the following (N.D.C.C. § 39-20-03.1(2); N.D.C.C. § 39-06.2-10.3):

- (a) If the individual tested resides within the jurisdiction of this department, the handling investigator should properly serve the notice on the individual.
- (b) If the person does not reside within the jurisdiction of this department, the handling investigator shall mail a temporary operator's permit to the person's address or to the law enforcement agency where the person lives.

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.

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- (b) Officers are mandated to obtain a chemical sample either by consent or by search warrant in the case of a crash resulting in death or serious bodily injury (N.D.C.C. § 39-20-01.1). A warrant is required in these circumstances, unless an arrest has been made and the officer can articulate that exigent circumstances exist.

Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay in obtaining a blood sample due to a crash investigation or medical treatment of the person.

503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer), and attempt to persuade the individual to provide such a sample without physical resistance. This dialogue should be recorded on audio and/or video when legal and practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure that the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform the duties of a supervisor, as set forth above.

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503.7 ARREST AND INVESTIGATION

Officers may obtain a chemical test sample from any person suspected of DUI on a highway or on public or private areas to which the public has a right of access. Such tests may only be obtained after placing the individual, except for certain exceptions, under arrest and informing the individual that he/she will be charged with the offense of driving or being in physical control of a vehicle on the public highways while under the influence of intoxicating liquor, drugs or a combination thereof (N.D.C.C. § 39-20-01).

503.7.1 RIGHT TO ATTORNEY CONTACT

Persons who have been requested to provide a chemical sample may request to speak to an attorney. Upon such request, the person shall be granted a reasonable opportunity to attempt contact with an attorney. If the person continues to refuse to submit to any test after having been provided such an opportunity, it shall be deemed a refusal.

503.7.2 REPORTING

The Patrol Lieutenant shall ensure that the Department complies with all reporting requirements pursuant to local and state law (N.D.C.C. § 12-60-16.4).

503.7.3 JUVENILE CONSIDERATIONS

When an individual under 18 is taken into custody for DUI or an equivalent ordinance, the officer shall attempt to contact the individual's parent or legal guardian to explain the reason for the custody (N.D.C.C. § 39-20-01).

The Records Division shall mail a notice to the minor's parent or legal guardian within 10 days after the test results are received or within 10 days after the minor is taken into custody if the minor refuses to submit to chemical testing (N.D.C.C. § 39-20-01).

If the juvenile is enrolled in school, the Records Division shall also ensure that notice of the DUI violation is delivered to the school principal within two weeks of the incident (N.D.C.C. § 15.1-24-05).

503.7.4 NONRESIDENT OPERATOR

If a person licensed in another state has refused a lawful request to submit to a chemical test to determine alcohol concentration or has submitted to a chemical test that shows the person to have been operating a vehicle while under the influence, the officer shall issue the person a temporary operator's license and notification of his/her test results, and will forward the required reports to the North Dakota Department of Transportation (NDDOT) as required by N.D.C.C. § 39-20-03.2.

If the person was operating or in physical control of a commercial vehicle and refuses a lawful request to submit to a chemical test or submits to a chemical test that shows a prohibited alcohol concentration, the officer shall inform the person of the test results, issue the person an out-of-service order and temporary driver's permit, and will forward any applicable reports to NDDOT as required by N.D.C.C. § 39-06.2-10.4.

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503.7.5 OFFENSE FOR REFUSAL

Generally, a person who refuses to submit to a chemical test may also be charged with a separate criminal offense for such refusal (N.D.C.C. § 39-08-01).

503.8 RECORDS DIVISION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

The Records Supervisor shall ensure that the DUI certified written report and any license seized by the arresting officer is forwarded to NDDOT within five days (N.D.C.C. § 39-20-04(1)).

When receiving a temporary operator's permit from another law enforcement agency, the Records Supervisor shall notify the assigned employee so that he/she may issue the temporary operator's permit to the person as required by N.D.C.C. § 39-20-03.1. The Records Supervisor shall send the signed permit back to the originating agency within 24 hours (N.D.C.C. § 39-20-03.1).

503.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to NDDOT.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

The hearing officer's decision should be added to the case file upon receipt. If such a report is not received, officers called to testify at an administrative hearing should document the hearing date and the NDDOT file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Division should forward this to the prosecuting attorney as part of the case file.

Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this department shall use the North Dakota Uniform Traffic Complaint and Summons form for all traffic and parking offense citations (N.D.C.C. § 29-05-31). Employees shall provide any person issued a citation with an appropriate envelope for use in mailing the bond (N.D.C.C. § 39-07-07).

The Records Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this department. Citations will be kept in a secure location and issued to officers by the Records Division staff. Officers will sign for the citation books when issued.

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Once the citation has been forwarded to the court, only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation, prior to being delivered to the court, shall be referred to the Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may recommend dismissal of the traffic citation. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

504.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Patrol Lieutenant.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Patrol Lieutenant. The Patrol Lieutenant shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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504.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Division.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Division.

504.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to state and local laws.

504.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Patrol Lieutenant, which will review written or documentary data. Requests for administrative reviews are available at the front desk or Patrol Lieutenant of the Dickinson Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application at the election of the appellant. Independent referees review the existing administrative file, amendments and testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, the appellant may petition a municipal court for a hearing by filing with the clerk of the municipal court and posting fees as required.

504.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be available if the violator does not adhere to the mandated time limits.

- (a) Requests for an administrative review must be postmarked within 21 days of issuance of a notice of parking violation or within 10 days of the mailing of a delinquent parking violation notice.
- (b) Requests for administrative hearings must be postmarked within 15 days of the notification mailing of the results of the administrative review.
- (c) Requests for appeal to the District Court must be made within 20 days of the mailing of the administrative hearing results.

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- (d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and drivers license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

504.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.
- (c) An appeal through District Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant, in addition to any previously paid fines, if the appellant's liability is overruled by the District Court.

504.8 JUVENILE CITATIONS

Juvenile citations are similar to adult citations except that certain juvenile offenses, including those involving a criminal offense, would be processed through the juvenile referral procedure. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

The Patrol Lieutenant shall insure that notification is made to the juvenile's school principal in writing within two weeks for certain traffic-related offenses as specified in the School Student or Employee Arrest Reporting Policy.

Disabled Vehicles

505.1 PURPOSE AND SCOPE

The Dickinson Police Department has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Abandoned Vehicle Violations

506.1 PURPOSE AND SCOPE

This policy provides procedures for the recording and storage of vehicles abandoned in violation of abandoned vehicle laws (N.D.C.C. § 23.1-15-01 et seq.).

506.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned motor vehicle - A motor vehicle is abandoned if (N.D.C.C. § 23.1-15-01):

- (a) It is on public property for more than 48 hours:
 - 1. Illegally, or
 - 2. It lacks vital component parts.
- (b) It is on private property:
 - 1. Without consent of the person in control of the property, or
 - 2. It has no substantial potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
- (c) It has been voluntarily surrendered by its owner for disposal.

Vital component parts - The parts of a motor vehicle that are essential to its mechanical functioning, including but not limited to the motor, drive train, and wheels.

506.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of North Dakota laws shall be documented via the computer aided dispatch (CAD) system.

A visible chalk, crayon or paint mark should be placed on the roadway the vehicle is parked on. Any deviation in markings shall be noted by the initiating officer in the initial report.

If the markings have been removed during the 48 hour investigation period, the vehicle shall appropriately be marked again for the 48 hour abandonment violation and an update to the initial report shall be made.

506.3 VEHICLE STORAGE

Any vehicle in violation should be stored and a vehicle impound/storage form shall be completed in accordance with the Vehicle Towing and Release Policy.

Reviewed 06/2023

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Dickinson Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No original recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigative Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - (a) In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - (b) Warnings should not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed and further investigation is not reasonable and/or has not been requested by the prosecutor.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proved that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Street Gangs policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Reviewed 05/2022

Asset Forfeiture

601.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Dickinson Police Department seizes property for forfeiture or when the Dickinson Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the forfeiture counsel.

Property subject to forfeiture - Includes the following:

- (a) Property subject to general criminal forfeiture includes (N.D.C.C. § 29-31.1-01):
 - 1. Property that is illegally possessed or is contraband.
 - 2. Property, other than a residence or real estate, that has been used or is intended to be used to commit a criminal offense or flee, where the co-owner has not been convicted of the criminal offense.
 - 3. Proceeds of a criminal offense.
 - 4. Property offered or given to another as an inducement for the commission of a criminal offense.
 - 5. A vehicle or other means of transportation used in the commission of a felony, the escape from the scene of a felony, or in the transportation of property that is the subject matter of a felony.
 - 6. Personal property used in the theft of livestock or the transportation of stolen livestock.
- (b) Property subject to forfeiture under the Uniform Controlled Substances Act includes (N.D.C.C. § 19-03.1-36):
 - 1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the Uniform Controlled Substances Act, imitation controlled substances and the containers for the preceding items.
 - 2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering,

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importing or exporting any controlled substance and the containers for the preceding items.

3. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale or receipt of controlled substances.
4. Drug paraphernalia.
5. All money or anything else of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of the Uniform Controlled Substances Act, and all real and personal property, assets, profits, etc., acquired or derived from the unlawful purchase, attempted purchase, delivery, attempted delivery, manufacturing or attempted manufacturing of any controlled substance or imitation controlled substance.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

601.2 POLICY

The Dickinson Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential of revenue shall not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of ongoing investigations or any person's due process rights.

It is the policy of the Dickinson Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeitures.

601.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy and in accordance with applicable state and federal law.

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

601.3.1 PROPERTY SUBJECT TO SEIZURE

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (N.D.C.C. § 29-31.1-03; N.D.C.C. § 19-03.1-36):

- (a) Property subject to forfeiture authorized for seizure by a court order.
- (b) Property that officers have probable cause to believe qualifies as property subject to forfeiture and the property is seized under circumstances in which a warrantless seizure would be reasonable (i.e., property would be lost without immediate seizure).

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601.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Property of someone who had no part in the commission of the offense and who had no knowledge of the criminal use or intended use of the property (N.D.C.C. § 29-31.1-07; N.D.C.C. § 19-03.1-36).
- (b) Cash and property that does not meet forfeiture thresholds.

601.4 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly N.D.C.C. § 19-03.1-36 et seq., N.D.C.C. § 29-31.1-01 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and legal counsel or the appropriate court while ensuring prompt legal review and court processes of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished

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through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.

- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
 - 4. Property is promptly released to those entitled to its return (N.D.C.C. § 29-31.1-02).
 - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 - 6. Any cash received is deposited with the fiscal agent.
 - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) A written plan should be available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property (N.D.C.C. § 29-31.1-06).
- (k) Upon completion of any forfeiture process, ensuring that no property is retained by the Dickinson Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.
- (l) Complying with any reporting requirements as set forth in N.D.C.C. § 19-03.1-36.8.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

601.5 DISPOSITION OF FORFEITED PROPERTY

- (a) For property forfeited under general criminal forfeiture laws (N.D.C.C. § 29-31.1-01 et seq.), the Dickinson Police Department may (N.D.C.C. § 29-31.1-06):

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1. Retain forfeited property for official use, or transfer the custody or ownership of any forfeited property to any federal, state, or local agency.
 2. Sell forfeited property that does not require destruction and is not harmful. The proceeds from the sale and other forfeited funds, must be used first for the payment of all costs and expenses related to all forfeiture actions and processes with any remaining proceeds to be deposited, subject to N.D.C.C. § 54-12-14, in the appropriate general fund.
 3. Dispose of forfeited property in accordance with the order of the court if the property cannot be retained, used or sold by the Dickinson Police Department.
- (b) For property forfeited under the Uniform Controlled Substances Act (N.D.C.C. § 19-03.1-36 et seq.), the Dickinson Police Department may (N.D.C.C. § 19-03.1-36):
1. Retain forfeited property for official use, or transfer the custody or ownership of any forfeited property to any federal, state, or local agency. The board shall ensure the equitable transfer of any forfeited property to the appropriate federal, state, or local law enforcement agency so as to reflect generally the contribution of that agency participating directly in any of the acts that led to the seizure or forfeiture of the property. A decision to transfer the property is not subject to review.
 2. Sell forfeited property which is not required to be destroyed by law and which is not harmful to the public. The proceeds must be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs, with any remaining proceeds to be deposited, subject to N.D.C.C. § 54-12-14, in the appropriate general fund. When two or more law enforcement agencies are involved in seizing a conveyance, the remaining proceeds may be divided proportionately.
 3. Require the attorney general to take custody of forfeited property and remove it for disposition in accordance with law.
 4. Forward forfeited property to the U.S. Department of Justice Drug Enforcement Administration (DEA) for disposition.
 5. Use the forfeited property, including controlled substances, imitation controlled substances, and plants to enforce the Uniform Controlled Substances Act. However, forfeited controlled substances should not be used to arrest a person for simple possession of a controlled substance under N.D.C.C. § 19-03.1-23 when the forfeited controlled substances were supplied by a law enforcement officer or the officer's agent

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

Informants

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Dickinson Police Department for law enforcement purposes, including confidential informants described in N.D.C.C. § 29-29.5-01. This also includes a person agreeing to supply information to the Dickinson Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

602.2 POLICY

The Dickinson Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

602.3 USE OF INFORMANTS

602.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

602.3.2 JUVENILE INFORMANTS

The use of informants under the age of 16 is prohibited (N.D.C.C. § 29-29.5-02).

In all cases, a juvenile 16 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

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602.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant (N.D.C.C. § 29-29.5-05; N.D.A.C. § 109-02-06-01).

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

602.3.4 CONFIDENTIALITY OF INFORMANTS

Any information that is not public knowledge that would tend to identify an informant is confidential and may be disclosed only as permitted by law (N.D.C.C. § 44-04-18.3(4); N.D.A.C. § 109-02-06-01).

602.3.5 JUVENILE CONFIDENTIAL INFORMANT QUALIFICATIONS

A confidential juvenile informant may only be used if all of the following are true (N.D.C.C. § 29-29.5-02):

- (a) The juvenile is married, emancipated, active duty military or subject to criminal charges.
- (b) The officer reasonably believes there are no other reasonable avenues to obtain evidence of the crime being investigated and the risk of harm to the juvenile is minimal.
- (c) The juvenile has consulted with legal counsel.

602.3.6 MANDATORY CONTENTS OF AGREEMENTS

An agreement for the use of a confidential informant as defined in N.D.C.C. § 29-29.5-01 must be in writing and include (N.D.C.C. § 29-29.5-05; N.D.A.C. § 109-02-06-01):

- (a) The informant's right to remain silent, the right to speak with legal counsel at any time, and the right to cease working as a confidential informant.
- (b) A statement of the benefit, which will be recommended upon substantial compliance with the informant agreement.
- (c) A statement that an absolute guarantee or promise may not be made to the informant other than law enforcement will truthfully report cooperation.
- (d) A statement of the inherent risk associated with acting as an informant.
- (e) The responsibilities of the informant, including testifying truthfully if called as a witness in a court proceeding.
- (f) A written waiver of right to counsel which must be executed separately and attached to the informant agreement.
 - 1. The waiver must be signed by the informant and an officer and include language stating that consulting legal counsel at any time will not invalidate the agreement.
- (g) The parameters of the agreement, detailing the anticipated number of buys, sales, acts, or the duration of service.

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- (h) A description of any penalty for violating the terms of the written agreement, including any additional criminal charges.
- (i) A warning that sexual relations with an intended target of a police investigation is a violation of the agreement and may be a violation of the law.
- (j) A statement that money or property loaned or entrusted to the informant by the Dickinson Police Department may not be used for personal use and must be accounted for at all times.
- (k) Specification of any known crimes of violence committed by a target offender.
- (l) Signatures of the informant and the [officer/deputy] using the informant. If the informant is a juvenile, the signature of the custodial parent or guardian shall also be obtained (N.D.C.C. § 29-29.5-02).

The agreement should be terminated, and the informant notified whenever the informant is no longer needed by the officer who signed the agreement with the informant. The officer should document the termination and notice to the informant by a dated notation on the terminated agreement. A new agreement is needed to reactivate the informant.

602.3.7 INFORMANT DEATH

If a confidential informant who has agreed to attempt a controlled buy, controlled sale, or to surreptitiously record a target offender dies during the course of an investigation, the supervisor will notify the North Dakota Attorney General and request an independent investigation into the informant's death (N.D.C.C. § 29-29.5-06).

602.3.8 INFORMANT SAFETY

An officer using a confidential informant should take reasonable steps to protect the safety of the informant used for a controlled buy, controlled sale, or surreptitious recording including (N.D.A.C. § 109-02-06-01):

- (a) Requesting a criminal history report on reasonably known target offenders and verbally notifying the informant when the report reasonably identifies any target as having a committed any crimes involving intentionally causing or threatening to cause death physical bodily injury.
- (b) Developing an operational safety plan.

602.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Criminal Investigative Division supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.

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- (c) Informants shall be told that they are not acting as police officers, employees or agents of the Dickinson Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - (a) Members shall not become intimately involved with an informant (N.D.A.C. § 109-02-06-01).
 - (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigative Division supervisor.
 - (c) Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Criminal Investigative Division supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.
- (i) Any applicable direction from the Peace Officer Standards and Training Board should be followed (N.D.A.C. § 109-02-06-01).

602.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include but are not limited to the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.

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- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

602.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigative Division. The Criminal Investigative Division supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Criminal Investigative Division supervisor or their authorized designees.

The Criminal Investigations Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Criminal Investigative Division supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

602.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers

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- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

602.6 INFORMANT PAYMENTS

Except informants used for controlled buys, controlled sales, or surreptitious recordings, no informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value, or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Criminal Investigative Division supervisor will discuss the above factors with the Patrol Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

Informants used for controlled buys, controlled sales, or surreptitious recordings shall be informed in writing of any compensation amounts prior to any controlled buy, controlled sale, or surreptitious recording (N.D.A.C. § 109-02-06-01).

602.6.1 AUDIT OF PAYMENTS

The Criminal Investigative Division supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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602.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

602.6.3 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from a Criminal Investigative Division buy/expense fund.
 - 1. The Criminal Investigative Division supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 - 1. The check shall list the case numbers related to and supporting the payment.
 - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 - 4. Authorization signatures from the Chief of Police and the City Administrator are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 - (a) The cash transfer form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Dickinson Police Department case number
 - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered
 - (b) The cash transfer form shall be signed by the informant.
 - (c) The cash transfer form will be kept in the informant's file.

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602.7 DEATH OF A CONFIDENTIAL INFORMANT

Any member who becomes aware of the death of a person acting as a confidential informant as defined in N.D.C.C. § 29-29.5-01 shall notify the Criminal Investigative Division supervisor as soon as reasonably practicable. The Criminal Investigative Division supervisor or the authorized designee shall promptly notify the North Dakota Attorney General and direct that any Dickinson Police Department investigation into the death cease (N.D.C.C. § 29-29.5-06).

602.8 TRAINING

The Training Lieutenant should make available training approved by the North Dakota Attorney General on the use of confidential informants. Training should include the components of this policy, any related department procedures, and any North Dakota Peace Officer Standards and Training rules regarding the use of confidential informants.

Members who use or recruit confidential informants, including supervisors who approve the use of informants, shall complete initial training and refresher training at least every three years (N.D.C.C. § 29-29.5-04).

Eyewitness Identification

603.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

603.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

603.2 POLICY

The Dickinson Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

603.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

603.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigative Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

603.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

603.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect.

In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

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Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time and not simultaneously). The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

603.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identification. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the individual who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.

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- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

603.8 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

Brady Information Disclosure

604.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information - Information known or possessed by the Dickinson Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

604.2 POLICY

The Dickinson Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Dickinson Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

604.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

604.4 SUBPOENA PROCESSING

The member processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member’s name against the current list of members who are known to have *Brady*

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information in their files or background and alert the *Brady* Coordinator whenever a member who has *Brady* information on file is subpoenaed.

604.5 BRADY COORDINATOR

The Chief of Police shall delegate certain responsibilities to a *Brady* Coordinator. The *Brady* Coordinator shall be appointed by and is directly responsible to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the *Brady* Coordinator include but are not limited to:

- (a) Working with the appropriate prosecutors' offices and the City Attorney's office to establish systems and processes to determine what constitutes *Brady* information and the method for notification and disclosure.
- (b) Maintaining a current list of members who are known to have *Brady* information in their files or background.
 1. Whenever potential *Brady* information concerning any department member becomes known to the Department or is placed into a personnel or internal affairs file of any member of this department the *Brady* Coordinator will ensure that the list is updated.

604.6 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* information in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The custodian of records shall accompany all relevant personnel files during any in-camera inspection to address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the custodian of records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

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- (e) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

604.7 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

Sexual Assault Investigations

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in N.D.C.C. § 12.1-20-02 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

605.2 POLICY

It is the policy of the Dickinson Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

605.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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605.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

605.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigative Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

605.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma.

605.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the

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circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451). Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

605.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected within 120 hours following the assault unless good cause is shown for the delay in performing the examination. This 120-hour limitation does not apply in cases involving children. Any evidence obtained during the medical examination may not be used against the victim for the prosecution of the victim for a separate offense (N.D.C.C. § 12.1-34-07).

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

605.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence should:

- (a) Use collection kits provided or approved by the North Dakota Attorney General's Office.
 1. If the member reasonably believes the sexual assault may have been drug-facilitated, a toxicology collection kit should be used.
- (b) Obtain a signed release from the victim for access to the medical records related to the sexual assault offense.
- (c) When the victim consents to proceeding with the investigation, facilitate the transfer of the evidence to the North Dakota Crime Laboratory.
 1. When the victim does not consent to the investigation, the member should transfer the evidence to the Property and Evidence Section.

The processing of sexual assault evidence kits should comply with the requirements of the state's sexual assault evidence collection kit tracking system as developed and implemented by the North Dakota Crime Laboratory (N.D.C.C. § 54-12-24.1).

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Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

605.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

605.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigative Division supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigative Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

605.10 CASE REVIEW

The Criminal Investigative Division supervisor should insure cases are reviewed before being closed or labeled as unfounded.

REVIEWED 8/2025

Warrant Service

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

606.2 POLICY

It is the policy of the Dickinson Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

606.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

606.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

606.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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606.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Information Disclosure Policy).

606.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

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- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

606.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

606.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

606.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including

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the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Dickinson Police Department are utilized appropriately. Any concerns regarding the requested use of Dickinson Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Commander should assume this role.

If officers intend to serve a warrant outside Dickinson Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Dickinson Police Department when assisting outside agencies or serving a warrant outside Dickinson Police Department jurisdiction.

606.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

606.12 TRAINING

The Training Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

607.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

607.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

607.2 POLICY

It is the policy of the Dickinson Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

607.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

607.4 RISK ASSESSMENT

607.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

607.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

607.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Southwest Tactical Team (SWTT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. Canines
 9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

607.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

607.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.
- (k) Communications plan
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

607.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

607.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that the Dispatch Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by the Dispatch Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

607.8 SWTT PARTICIPATION

If the operations director determines that SWTT participation is appropriate, the director and the SWTT supervisor shall work together to develop a written plan. The SWTT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWTT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

607.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWTT debriefing.

607.11 TRAINING

The Training Lieutenant should ensure officers and SWTT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Unmanned Aerial System

608.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

608.2 POLICY

A UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

608.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

608.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

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- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

608.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

In the absence of a warrant, UAS shall only be used (N.D.C.C. § 29-29.4-04):

- (a) To patrol within 25 miles of our national border to prevent or deter the illegal entry of any individual, illegal substance, or contraband in the state.
- (b) In exigent circumstances to address an imminent danger of bodily harm or death to a person.
- (c) To monitor or assess an environmental or weather-related catastrophe.

608.6 UAS CREW

The following is an outline of the UAS Unit's crew structure and responsibilities:

- (a) Pilot in Command (PIC)

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1. Primary duty is the safe and effective operation of the unit's UAS in accordance with manufacturer specifications, FAA regulations, and Certificate of Authorization.
 2. Has ultimate authority to launch/cancel a mission considering weather, aircraft condition, and crew limitations.
 3. Conducts preflight maintenance checks and report any discrepancies to the UAS Program Coordinator.
 4. Complete a log entry for all UAS flights.
 5. Responsible for obtaining emergency FAA waivers.
 6. Must have valid FAA Remote Pilot Certificate or current FAA Part 61 license. The responsibility for maintaining currency rests solely with the PIC.
 7. To maintain currency, PIC must conduct three takeoffs and three landings every 90 days, as well as complete any continuing education recommended by the FAA.
 8. Be physically and mentally rested to perform UAS tasks. If not, the PIC is expected to ground self until fully rested.
 9. No alcohol may be consumed within 8-hours of flight time (FAR 91.17)
- (a) Visual Observer (VO)
1. Assists PIC in scanning the airspace for potential conflicts.
 2. Assists PIC with obtaining preflight data such as weather, waivers, and Notice to Airmen (NOTAMS).
 3. Handles radio communication between other units and dispatch.
 4. Provides site security.
 5. Assists in interpreting any downlink data provided by the UAS sensors.
 6. Acts as evidence custodian for any data (i.e. pictures and video) obtained from the UAS flight. This includes safeguarding the data and ensuring proper evidence processing procedures.

608.7 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.
- To conduct surveillance of any person without a search warrant.

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The UAS shall not be weaponized (N.D.C.C. § 29-29.4-05).

608.8 RETENTION OF UAS DATA

In order to safeguard the privacy of the citizens, collection of data to include, but not limited to, digital photographs, digital video, infrared images, and sound recordings will be limited to the extent absolutely necessary to accomplish the current mission.

Only data that contains legitimate evidentiary value will be retained after the mission has been concluded. Such data will be safeguarded so as to protect the privacy of citizens who may be depicted in the data. All other data, to include types gathered during training flights, will be destroyed through electronic deletion within 10 days of conclusion of the flight. Digital logs of aircraft mission profiles are exempt from this requirement

Documentation of UAS use based upon a warrant shall be retained for a minimum of five years. Images and data lawfully obtained without a warrant shall not be retained for more than 90 days unless there is reason to believe that the images or data contain evidence of a crime or are relevant to an ongoing investigation or trial (N.D.C.C. § 29-29.4-06).

608.9 WARRANT APPLICATION

Absent any exceptions to the search warrant requirement, or flights conducted in areas/altitudes which the public would not consider a reasonable expectation of privacy, a search warrant must be obtained.

When a warrant is sought for the use of UAS, the application shall include (N.D.C.C. § 29-29.4-03):

- (a) Identification of the members who will have the power to authorize the use of the UAS.
- (b) The location where the UAS will be operated.
- (c) The maximum period of time for which the UAS will be operated in each flight.
- (d) Whether the UAS will collect information or data about individuals or groups of individuals. If such information or data will be collected, the warrant application must also include:
 - 1. The circumstances under which the UAS will be used.
 - 2. The specific kinds of information or data that the UAS will collect and how the information or data will be used, disclosed and handled, including retention periods and destruction schedules.

Reviewed 06/2023

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The policy addresses the care of department-owned property and the role of the Department when personal property, the property of another or department-owned property is damaged or lost.

700.2 DEFINITIONS

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the department member. This definition includes optional equipment identified in the Uniform Regulations Policy

700.3 POLICY

It is the policy of the Dickinson Police Department that members shall properly care for department property assigned or entrusted to them. Those who suffer loss or damage to personal or department-owned property while performing their assigned duties should be reimbursed appropriately.

700.4 DEPARTMENT-ISSUED PROPERTY

All property and equipment issued by the Department shall be documented in the appropriate property sheet or equipment log; receipt shall be acknowledged by signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.4.1 CARE OF PROPERTY

Members shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property that has been assigned or entrusted to them. Intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report shall conduct an investigation and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether misconduct or negligence caused the loss, damage or unserviceable condition.
 - 2. A review by command staff should determine whether additional action is appropriate.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available and following notice to a supervisor.

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- (c) Except when otherwise directed by competent authority or otherwise reasonable by circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) A supervisor's approval is required before any attempt to repair damaged or unserviceable property is made by a department member.

700.5 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or appropriate Division Commander. The member should submit for approval a description of the property, and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.5.1 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage to, or loss of, personal property must be made on the proper form. This form is submitted to the member's immediate supervisor. The supervisor may require a separate written report.

The supervisor receiving such a report shall investigate and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the City department responsible for auditing property.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.6 DAMAGE TO PROPERTY OF ANOTHER

Anyone who intentionally or unintentionally damages or causes to be damaged the real or personal property of another while performing any law enforcement function shall promptly report the damage through that individual's chain of command.

The supervisor receiving such a report shall investigate and direct a memo to the appropriate Division Commander, which shall include the result of the investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

A review of the incident by command staff to determine whether misconduct or negligence was involved should be completed.

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700.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Dickinson or of another person while performing their duties within the jurisdiction of this department. It shall be the responsibility of the department member present or the member responsible for the property to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

The written report, accompanied by the supervisor's written report, shall be forwarded to the appropriate Division Commander.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Dickinson Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable open records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY POLICY

Members shall have no expectation of privacy with regard to any communication made with, or stored in, or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the member might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of member misconduct and, as practicable, will be done in the presence of the

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affected member. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry their own PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any department business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, open records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with all telephone access numbers for the device.

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- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Dickinson Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or if the member has prior express authorization from his/her supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

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701.7 SUPERVISOR RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if a member is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

If, when carrying out any provision of this policy, the need to contact a member who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the member is on-duty as such contact may be compensable.

701.8 USE WHILE DRIVING

The use of a PCD while operating a motor vehicle can cause unnecessary distractions and presents a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices while driving to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location when utilizing the device (N.D.C.C. § 39-08-23(3)).

Except in the case of an emergency, members who are operating non-emergency vehicles should refrain from using a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When department vehicles become inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features have been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle:

- Chalk
- Roll crime scene barricade tape
- First-aid kit, CPR mask
- Shovel and broom
- Fire extinguisher

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- Bloodborne pathogen kit, including protective gloves and spit mask
- Garbage bags
- Traffic safety cones
- Hazardous materials emergency response handbook
- Evidence collection supplies
- Camera
- Ankle Cuffs or restraints
- Measuring wheel or tape measure
- Animal gloves
- Dog leash and collar

702.3.2 UNMARKED VEHICLES

An employee driving an unmarked department vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- Crime scene barricade tape
- First-aid kit, CPR mask
- Crime scene investigation kit
- Evidence collection kit
- Camera

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, Officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall obtain clearance from the dispatcher before going to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

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702.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Dickinson to provide assigned take-home vehicles.

703.2 POLICY

The Dickinson Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Commander shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

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703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.11 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.

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- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Dickinson City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Dickinson is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Dickinson may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Division Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.

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- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Dickinson Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

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- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also be recorded with the Shift Commander on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accident Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the Dickinson Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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Cash Handling, Security and Management

704.6 ROUTINE CASH HANDLING

Members who handle cash as part of their regular duties (e.g., Property and Evidence Specialists, the Criminal Investigative Division supervisor, those who accept payment for department services) will discharge those duties in accordance with the procedures established for those tasks (see the Property and Evidence and Informants policies).

704.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in the possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property in accordance with the Property and Evidence and Informants policies.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The Dickinson Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection should meet or exceed industry standards for use at firing ranges (29 CFR 1910.95).

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster should ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133).

705.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any employment agreement.

705.7 RESPIRATORY PROTECTION

The Administrative Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander should reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No member should be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134).

After initial testing, fit testing for respiratory PPE should be repeated (29 CFR 1910.134):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Training Lieutenant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

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1. These records shall be maintained in a separate confidential medical file.

The records should be maintained in accordance with the department records retention schedule and 29 CFR 1910.1020.

705.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132).

Members issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Chapter 8 - Support Services

the Dispatch Center

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Dispatch Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Dickinson Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between the Dispatch Center and department members in the field.

800.3 THE DISPATCH CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Dispatch Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Dispatch Center.

Access to the Dispatch Center shall be limited to the Dispatch Center members, the Shift Commander, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 PUBLIC SAFETY SUPPORT SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Public Safety Support Supervisor. The Public Safety Support Supervisor is directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the Public Safety Support Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Dispatch Center in coordination with other supervisors.
- (b) Scheduling and maintaining public safety telecommunicator time records.
- (c) Supervising, training and evaluating public safety telecommunicators.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Dispatch Center information for release.
- (f) Maintaining the Dispatch Center database systems.
- (g) Maintaining and updating the Dispatch Center procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

2. Ensuring public safety telecommunicator compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The Public Safety Support Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for public safety telecommunicators (e.g., Shift Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Dispatch Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.4.3 PUBLIC SAFETY TELECOMMUNICATORS

Public Safety Telecommunicators report to the Public Safety Support Supervisor. The responsibilities of the public safety telecommunicator include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Public Safety Support Supervisor, department and other law enforcement database systems (e.g., BCI, CJIS, NDDOT, NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Shift Commander or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

800.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the public safety telecommunicator will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the public safety telecommunicator determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the public safety telecommunicator determines that the caller is a limited English proficiency (LEP) individual, the public safety telecommunicator should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available

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in the Dispatch Center, the public safety telecommunicator should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the public safety telecommunicator is unable to identify the caller's language, the public safety telecommunicator will contact the contracted telephonic interpretation service and establish a three-party call connecting the public safety telecommunicator, the LEP individual and the interpreter.

Public Safety Telecommunicators should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the public safety telecommunicator has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the public safety telecommunicator to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the public safety telecommunicator returning to the telephone line or when there will be a delay in the response for service.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by public safety telecommunicators to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the public safety telecommunicator with their radio identification call signs and current location.
- (b) Public Safety Telecommunicators acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the public safety telecommunicator advised of their status and location.
- (d) Member and public safety telecommunicator acknowledgements shall be concise and without further comment unless additional information is needed.

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The the Dispatch Center shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Dickinson Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Public Safety Telecommunicators shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the public safety telecommunicator. The use of the call sign allows for a brief pause so that the public safety telecommunicator can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of the Dispatch Center to document all relevant information on calls for service or self-initiated activity. Public Safety Telecommunicators shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

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800.8 CONFIDENTIALITY

Information that becomes available through the Dispatch Center may be confidential or sensitive in nature. All members of the Dispatch Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as NDDOT records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

Property and Evidence

801.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper processing, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

801.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property and Evidence Section, including:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

801.2 PROPERTY AND EVIDENCE SECTION SECURITY

The Property and Evidence Section shall maintain secure storage and control of all property in the custody of the Department. The Property and Evidence Specialist reports to the Criminal Investigative Division Sergeant and is responsible for the security of the Property and Evidence Section. Property and Evidence Section keys are maintained only by the Property and Evidence Specialist and the Administrative Division Professional Assistant. The Property and Evidence Specialist and the Administrative Division Professional Assistant shall not loan Property and Evidence Section keys to anyone and shall maintain keys in a secure manner. Access to property and evidence room is controlled by prox card reader.

Any individual entering the Property and Evidence Section other than the Property and Evidence Specialist must be accompanied by the Property and Evidence Specialist or the Criminal Investigations Division supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated locker or storage room, along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

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Property and Evidence

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the appropriate form acknowledging receipt of the item.

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) The officer shall mark each item of evidence with initials and date.
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.
- (f) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

If the item(s) seized is required to be transported to the state lab for analysis, a state lab submission form shall accompany the original evidence sheet. The state lab submission form shall be completed by the officer submitting the items for analysis.

801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

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Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Specialist is responsible for transporting to the fire department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Any evidence collected which may contain DNA, should be properly labeled as such.
- (b) Property stained with bodily fluids such as blood or semen shall be air-dried prior to booking.
- (c) License plates found not to be stolen or connected with a known crime should be released directly to the Property and Evidence Specialist or placed in the designated container for return to the North Dakota Department of Transportation. No formal property booking process is required.
- (d) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property and Evidence Specialist or placed in the bicycle storage area until a Property and Evidence Specialist can log the property.
- (e) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count and will initial and date the property documentation and specify any additional security procedures to be used.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property form.
- (g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances

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- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives or any other sharp items. Handgun boxes should be used for handguns. Syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the report room. The booking officer shall initial the sealed envelope and the initials shall be covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the gross package weight will be written on the outside of the package, initialed and dated by the packaging officer.

The gross package weight will be verified every time the package is checked in or out of the Property and Evidence Section. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Criminal Investigations supervisor.

A completed property tag shall be attached to the outside of the container. The chain of custody is recorded in the department record management.

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801.4.3 RIGHT OF REFUSAL

The Property and Evidence Specialist has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property and Evidence Specialist refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

801.5 RECORDING OF PROPERTY

The Property and Evidence Specialist receiving custody of evidence or property shall create a property control entry into the RMS system for each piece of property received. The property control entry will be the permanent record of the property in the Property and Evidence Section.

Any changes in the location of property held by the Dickinson Police Department shall be noted in the RMS system.

801.6 PROPERTY CONTROL

Each time the Property and Evidence Specialist receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property and Evidence Specialist at least one day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving prior authorization from a supervisor, investigator, or prosecutor.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Property and Evidence Specialist. This request may be filled out anytime after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The Property and Evidence Specialist releasing the evidence must update the RMS system. The lab forms will be transported with the property to the examining laboratory. Evidence is sent to the laboratory via certified mail by tracking officer.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released.

The Property and Evidence Specialist shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Section or released to another authorized person or entity.

The return of the property should be recorded on a property release form, indicating date, time and the person who returned it.

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801.6.4 AUTHORITY TO RELEASE PROPERTY

The Property and Evidence Specialist shall not release any property without a authorization from an appropriate authorized member of the Department. Criminal Investigative Division Department

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Property and Evidence Specialist shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

801.6.5 RELEASE OF PROPERTY

A reasonable attempt shall be made to identify the rightful owner of found or stolen property or evidence not needed for an investigation.

Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence within 10 days of being taken or recovered, or as expeditiously as possible, unless the property is contraband or otherwise excluded (N.D.C.C. § 12.1-34-02(9)).

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available.

A Property and Evidence Specialist shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. The owner or finder may be required to pay any costs incurred by the agency, such as costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property control card, the card shall be forwarded to the Records Division for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

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801.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property that is in the custody of this department shall be restored to the legal owner upon receipt of a court order (N.D.C.C. § 29-01-21).

The Department shall deliver stolen or embezzled property that has not been claimed by the owner within six months following the conclusion of criminal court proceedings to the county treasurer. Property that is not money shall be sold and the proceeds forwarded to the City's Financial Department (N.D.C.C. § 29-01-24).

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or establishes proof of the undisputed right to the property (N.D.C.C. § 12.1-34-02(9)).

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS AND AMMUNITION

Under no circumstances should any firearm or ammunition be returned to any individual unless and until such person presents valid identification and proof that the individual may legally possess such items. A formal National Instant Background Check (NICS) check should be completed as well.

Pursuant to a court order, a forfeited dangerous weapon may be sold at public auction, sold or traded to other law enforcement agencies or dealers, retained for use or destroyed (N.D.C.C. § 62.1-01-02).

The Property and Evidence Specialist shall determine if a firearm has been lost by, stolen from or otherwise unlawfully obtained from an innocent owner and notify the owner, if located, before disposal. Dispositions of firearms shall follow the steps and reporting set forth in N.D.C.C. § 62.1-01-02.

801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding may be destroyed or disposed of in compliance with existing laws upon receipt of proper authorization from a supervisor. The disposition of all property shall be entered on the property control card and property log.

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court

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- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Narcotics
- Unclaimed, stolen or embezzled property
- Destructive devices
- Abandoned vehicles (N.D.C.C. § 23.1-15-07)
- Evidence related to a criminal offense before adjudication of the offense or expiration of the statute of limitations (N.D.C.C. § 12.1-34-02)

801.7.2 UNCLAIMED PROPERTY

If property, including money, is no longer required as evidence and remains unclaimed after three years, the property is presumed abandoned property and shall be turned over to the Unclaimed Property Division of the North Dakota Department of Trust Lands (N.D.C.C. § 47-30.2-04).

Lost money turned over to this department shall be handed over to the finder if it is not claimed by the true owner within two years. The finder also may be entitled to a reward from the state's Unclaimed Property Administrator (N.D.C.C. § 60-01-34; N.D.C.C. § 60-01-37).

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence Custodian or designee shall ensure that no biological evidence is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Criminal Investigations Division supervisor

Biological evidence shall be retained for a minimum period established by law or the Criminal Investigations Division supervisor, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

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801.7.4 RETENTION OF SEXUAL ASSAULT EVIDENCE

Sexual assault evidence collected from cases that have not been investigated should be retained for a time frame in accordance with state and federal law.

801.8 REPORT OF ABANDONED PROPERTY

The Evidence Custodian or designee shall complete and electronically file a North Dakota Unclaimed Property Report Summary to the Unclaimed Property Division of the Department of Trust Lands annually. The report shall be submitted November 1 and cover the 12 months preceding July 1 of that year (N.D.C.C. § 47-30.2-21; N.D.C.C. § 47-30.2-22; N.D.C.C. § 47-30.2-23).

Within 120 days of filing the report, the Evidence Custodian or designee shall send a written notice to any apparent owner of abandoned property at the owner's last known address that the Department has possession of the property. This notice shall be sent if all of the following are met:

- (a) The Department has an address for the apparent owner, which reasonably appears to be accurate.
- (b) The property has a value of \$25 or more (N.D.C.C. § 47-30.2-26; N.D.C.C. § 47-30.2-27).

801.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

The Evidence Custodian or designee shall inspect the evidence storage facilities and review practices annually to ensure adherence to appropriate policies and procedures.

801.10 POLICY

It is the policy of the Dickinson Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

Reviewed 05/2022

Records Division

802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Dickinson Police Department Records Division. The policy addresses department file access and internal requests for case reports.

802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Division personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 13-00001 would be the first new case beginning January 1, 2013.

802.2 FILE ACCESS AND SECURITY

The security of files in the Records Division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Division, accessible only by authorized members of the Records Division. Access to case reports or files when Records Division staff is not available may be obtained through the Shift Commander.

The Records Division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Division.

All original case reports to be removed from the Records Division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Division. The photocopied report shall be shredded upon return of the original report to the file.

802.3 RECORDS MANAGER TRAINING

The Records Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

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802.4 POLICY

It is the policy of the Dickinson Police Department to maintain department records securely, professionally, and efficiently.

802.5 RESPONSIBILITIES

802.5.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Division.
- (b) Scheduling and maintaining Records Division time records.
- (c) Supervising, training, and evaluating Records Division staff.
- (d) Maintaining and updating a Records Division procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 - 1. Homicides
 - 2. Cases involving department members or public officials
 - 3. Any case where restricted access is prudent

802.5.2 RECORDS DIVISION

The responsibilities of the Records Division include but are not limited to:

- (a) Maintaining a records management system for case reports.
 - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics.
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

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- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:
 - 1. Officer suicides
 - 2. Officer misconduct
 - 3. Uses of force
 - 4. Officer deaths or assaults
 - 5. Crime incidents
 - 6. Deaths in custody

802.6 CONFIDENTIALITY

Records Division staff has access to information that may be confidential or sensitive in nature. Records Division staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Division procedure manual.

REVIEWED 8/2025

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include (N.D.C.C. § 44-04-17.1):

Closed record - All or part of an exempt record that the Department has determined should not be open to the public.

Confidential record - A record that is declared confidential or is prohibited by law from being open to the public.

Exempt record - A record that is not confidential, nor is required by law to be open to the public. These records may be open to the public at the discretion of the Department .

Record - Recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded or reproduced. These records are in the possession of a public entity and either contain information relating to public business or are intended to be used in connection with public business. This does not include unrecorded thought processes or mental impressions, but does include preliminary drafts and working papers. It also does not include records possessed by a court of this state.

803.2 POLICY

The Dickinson Police Department is committed to providing public access to records in a manner that is consistent with the North Dakota Open Records Law (N.D.C.C. § 44-04-18 et seq.).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
 - 1. Making these rules available to the public.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

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- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available.
 - 1. The requesting party will be required to pay in advance the actual cost of postage and any established fee up to 25 cents per impression of a paper copy for each record sought. A reasonable fee will be set by the Department for making the copy of a record that is not a paper copy (N.D.C.C. § 44-04-18(2)).
 - 2. The Department will impose a fee not exceeding \$25 per hour per request, excluding the initial hour, for locating records, including electronic records, if locating the records requires more than one hour. The Department will also impose a fee not exceeding \$25 per hour, per request, excluding the initial hour, for excising confidential or closed material from the records, including electronic records (N.D.C.C. § 44-04-18(2)).
 - 3. An electronic copy of a record must be provided upon request at no cost, other than costs for retrieval, except if the nature or volume of the public records requested to be accessed or provided requires extensive use of information technology resources, the Department may charge no more than the actual cost incurred for the extensive use of information technology resources (N.D.C.C. § 44-04-18(3)).

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) The Department is not required to create records that do not exist (N.D.C.C. § 44-04-18(4)).
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (N.D.C.C. § 44-04-18.10).
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
 - 2. An employee may disclose or comment on the substance of an open record as allowed by policy. Any agreement prohibiting the disclosure or comment is void and against public policy.
- (c) Except as otherwise provided by law, all public records will be accessible for inspection during reasonable office hours (N.D.C.C. § 44-04-18(1)).

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- (d) Upon request made in person or in writing for a copy of a public record subject to release, the Department shall furnish the requesting party in person or by mail one copy of the public records requested (N.D.C.C. § 44-04-18(2)).
 - 1. Reasonable public access to electronic public records shall be maintained and provided by the Department while ensuring that exempt or confidential records are not disclosed except as otherwise permitted by law (N.D.C.C. § 44-04-18(3)).
 - 2. The Department is not required to provide an electronically stored record in a different structure, format, or organization provided the information can reasonably be accessed (N.D.C.C. § 44-04-18(4)).
 - 3. Access to an electronically stored record or copies of records must be provided at the requesting party's option in either a printed document or through any other available medium. A computer file is not an available medium if redaction of any closed or confidential information contained in that file is not possible (N.D.C.C. § 44-04-18(4)).
 - 4. The Department is not required to provide a copy of a record that is available on the Department's website or on the internet. The Custodian of Records shall notify the requesting party the record is available online and direct him/her to the applicable website. If the requesting party does not have reasonable access to the internet, paper copies shall be provided upon payment of the applicable fees (N.D.C.C. § 44-04-18(4)).
 - 5. The Department may allow a requesting party to use a personal device to duplicate records, and if so, shall establish reasonable procedures to protect the integrity of the records (N.D.C.C. § 44-04-18(12)).
- (e) Records of the Department that are closed or confidential may be disclosed to any public entity or federal agency for the purpose of law enforcement or collection of debts owed to a public entity, unless otherwise prohibited by law, provided that the records are not used for other purposes and the closed or confidential nature of the records is otherwise maintained. Such disclosure of confidential records to another public entity continue to be confidential in the possession of the receiving entity, except as otherwise provided by law (N.D.C.C. § 44-04-18.10).
- (f) Any request by a party to a criminal or civil action, adjudicative proceeding, or arbitration in which the Department is a party, or by an agent of the party, will be honored subject to applicable discovery rules. The Department may deny a request if the request seeks records that are privileged under applicable discovery rules (N.D.C.C. § 44-04-18(6)).
- (g) At the request of a victim, one copy of each report or record relevant to his/her case should be provided unless it is confidential or a court determines that disclosure would substantially interfere with an investigation (N.D. Const. art. I, § 25).
- (h) The Department may require written clarification of a request to determine what records are being requested, but may not ask the motive or reason for requesting the records or for the identity of the requesting party (N.D.C.C. § 44-04-18(2)).

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803.4.2 DENIALS

The denial of a request for records is subject to the following:

If access to any public record is denied, the requesting party may request a written statement of the grounds for the denial. The Custodian of Records shall respond in writing, citing the law, regulation or authority under which access is denied or a statement that the record does not exist (N.D.C.C. § 44-04-18(7)).

If repeated requests for records become disruptive to the essential function of the Department, inspection and/or copies of records may be refused. In such event, the Custodian of Records shall provide the requesting party with written reasons supporting the refusal (N.D.C.C. § 44-04-18(13)).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record, or any department record, including traffic accident reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Confidential information such as any telephone number and the home address of any employee; records or other information that would reveal the identity or endanger the life or physical well-being of an undercover officer; or any record containing the work schedule of employees (N.D.C.C. § 44-04-18.3).
- (c) Personnel records, medical records, and similar records which would involve personal privacy (N.D.C.C. § 44-04-18.1).
 - 1. This includes information regarding the type of leave taken by an employee and leave that has been applied for but not yet taken (N.D.C.C. § 44-04-18.1).
 - 2. Information related to the fitness, character, behavior, or other qualifications of an applicant for a position as a law enforcement officer, including the identities of any individuals interviewed regarding such information.
- (d) Certain 9-1-1 records (N.D.C.C. § 44-04-18.21; N.D.C.C. § 57-40.6-07).
- (e) Any record containing an address, telephone number, or any identifying information that, if released, could reasonably be used to locate or identify a victim or alleged victim of domestic violence, sex offenses under Chapters 12.1-20 or 12.1-27.2, or human trafficking under Chapter 12.1-41 of North Dakota's Criminal Code (N.D.C.C. § 44-04-18.20).
- (f) Any record regarding a delinquent child or that is a compilation of a minor's name, address, telephone number, or any combination thereof (N.D.C.C. § 27-20.2-23; N.D.C.C. § 27-20.4-25; N.D.C.C. § 44-04-18.13).
- (g) The name and any other information that would identify any victim or witness to a crime as allowed by law (N.D.C.C. § 12.1-34-03; N.D.C.C. § 12.1-34-02).

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1. In the event a request is made for any confidential or privileged information about the victim or any information that could be used to locate or harass a victim or the victim's family, the Custodian of Records shall promptly notify the crime victim liaison (N.D. Const. art. I, § 25).
- (h) The identity, pictures, and images of any victim of human trafficking or of the victim's family members unless the information is required to be released by a court order; the information is necessary for investigation or prosecution of the offense; or the information is necessary to ensure provision of services or benefits for the victim or victim's family (N.D.C.C. § 12.1-41-10).
- (i) Crime scene images of a victim of a homicide or sex crime or any image of a minor victim of any crime is an exempt record. Descriptions of crime scene images that include a minor or minor victim or parts of a record containing such descriptions are also exempt except where allowed by law (N.D.C.C. § 44-04-18.7).
- (j) Interviews and statements of child victims or child witnesses obtained during an investigation of a violent or sexual crime (N.D.C.C. § 12.1-35-03).
- (k) Any image taken in a private place by a member's body camera or similar device (N.D.C.C. § 44-04-18.7).
- (l) Information that would identify or provide a means of identifying a confidential informant, if the identity of the informant is not otherwise publicly known (N.D.C.C. § 44-04-18.3).
- (m) Active criminal intelligence information and active criminal investigative information, and personal information of any person contained in an active or inactive file (N.D.C.C. § 44-04-18.7).
 - (a) Active investigatory work product (N.D.C.C. § 44-04-19.1(3)).
 - (b) A computerized index of names included in criminal files, whether active or inactive (N.D.C.C. § 44-04-18.7(7)).
 - (c) However, the Department shall maintain a list of all files containing active criminal intelligence and investigative information that have been in existence for more than one year. The list is subject to proper disclosure (N.D.C.C. § 44-04-18.7(1)).
- (n) Sensitive images (i.e., images that depict an exposed intimate part, gruesome injury, deceased individual, or a minor) (N.D.C.C. § 44-04-18.7).
- (o) Intelligence information, law enforcement techniques, or security procedures (N.D.C.C. § 44-04-24; N.D.C.C. § 44-04-25).
- (p) Computer software programs and passwords (N.D.C.C. § 44-04-18.5; N.D.C.C. § 44-04-27).
- (q) Attorney work product that was created exclusively for civil or criminal litigation or in anticipation of potential litigation involving this department (N.D.C.C. § 44-04-19.1).
- (r) Records related to an active internal investigation of a complaint against the Department or a member for misconduct. Restriction is limited until the investigation

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is complete or 75 days have passed from the date of the complaint, whichever occurs first (N.D.C.C. § 44-04-18.1(6)).

(s) Other records where:

1. Such inspection would be contrary to any state statute.
2. Such inspection would be contrary to any federal statute or regulation.
3. Such inspection is prohibited by rules or procedures promulgated by the North Dakota Supreme Court or by the order of any court.

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information (N.D.C.C. § 44-04-18.11).

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the City Attorney or States Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a ink or otherwise marked to indicate the department name.

Each audio/video recording released should include the department name.

803.8 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is expunged, members shall respond to any inquiry as though the record did not exist.

803.9 SECURITY BREACHES

Members who become aware that any Dickinson Police Department system containing personal information may have been breached should notify the Records Supervisor as soon as practicable.

The Records Supervisor shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person. If the breach involves more than 250 individuals, notice shall also be given by mail or email to the Attorney General (N.D.C.C. § 51-30-02).

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Notice shall be given in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of the Dickinson Police Department or any measures necessary to determine the scope of the breach and to restore the integrity of the data system. Notice may be delayed if notification will impede a criminal investigation (N.D.C.C. § 51-30-02).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (N.D.C.C. § 51-30-01):

- (a) Social Security number
- (b) Driver's license number or North Dakota identification card number
- (c) Full account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
- (d) Date of birth
- (e) Maiden name of individual's mother
- (f) Medical information or health insurance information
- (g) Employee identification number in combination with any required security code, access code or password
- (h) Digitized or other electronic signature

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Supervisor should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

REVIEWED 8/2025

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Dickinson Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Dickinson Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Dickinson Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, the National Law Enforcement Telecommunications System (NLETS), North Dakota Department of Transportation records, and the North Dakota Criminal Justice Information Sharing (CJIS) system.
- (b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Dickinson Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.
- (c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Dickinson Police Department policy, or training (N.D.C.C. § 12-60-16.10). Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (N.D.C.C. § 12-60-16.10). See the CJIS Access, Maintenance, and Security Policy for additional guidance.

804.4.1 MEMBER ACCESS

Only authorized members of the Department may access the system or otherwise obtain records or information from CJIS and from department files, in accordance with their official duties. A member may not access information received through CJIS until a background investigation has been completed and approved and until he/she has completed all required training.

The CHRI obtained through CJIS shall be used solely for the purpose for which it was obtained. Members may not use CHRI in any unauthorized manner, for any unauthorized purpose, or disclose CHRI to any person who is not entitled to the information (N.D.C.C. § 12-60-16.10).

Unauthorized accessing or release of confidential information, including passwords, structure of the system, qualifications for access, or any other content received from the system may subject an employee to criminal prosecution. Employees violating this policy may also be subject to administrative action pursuant to the Personnel Complaints Policy and state law (N.D.A.C. § 110-01-02-02).

804.4.2 RELEASE OF CHRI

Each authorized person releasing CHRI is responsible for ensuring that each request appears legitimate and that the requester is an authorized recipient. Only persons listed below are authorized to release information received through CJIS, including CHRI. Each authorized person releasing such information is responsible for ensuring that each request appears legitimate and that the requester is an authorized recipient:

- Records Supervisor
- Full-time employees of the Records Division
- Personnel specifically designated in writing by Division Commanders, with the concurrence of the Records Supervisor

804.4.3 REQUIRED EXCHANGE

The Department shall disclose requested CHRI (N.D.C.C. § 12-60-16.5):

- (a) To a criminal justice agency that requests the information for its functions as a criminal justice agency or for use in hiring or retaining its employees

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- (b) To a court, on request, to aid in a decision concerning sentence, probation, release pending trial or appeal, or a name change petition.
- (c) Pursuant to a judicial, legislative or administrative agency subpoena issued in this state.
- (d) As otherwise expressly required by law.
- (e) To certain federal agencies if the requirements are met (N.D.A.C. § 10-13-04-03).

804.4.4 AUTHORIZED RECIPIENTS

Information received through CJIS may be released to authorized recipients for criminal justice purposes (N.D.C.C. § 12-60-16.5 et seq.; N.D.A.C. § 10-13-04-01).

All law enforcement personnel with proper identification are authorized recipients if they are acting in the scope of their official duties. Whether in oral or written form, CHRI may not be provided to any other entity or person, including the subject of the record, courts or other law enforcement agencies, except as allowed under federal and state law.

Requests for CHRI from non-criminal justice sources shall be referred to BCI by providing the requestor with the appropriate request form, which should be supplied by BCI (N.D.A.C. § 10-13-05-01).

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (N.D.A.C. § 10-13-04-01).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation (N.D.C.C. § 12-60-16.5). Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

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804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Requests for CHRI from non-criminal justice sources shall be referred to BCI by providing the requestor with the appropriate request form, which should be supplied by BCI (N.D.A.C. § 10-13-05-01).

804.5.2 DESTRUCTION OF RECORDS

When any document received through CJIS, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it shall be disposed of via a permanent destruction method, in compliance with the organization's records retention schedule. At no time shall documents merely be placed in a trash receptacle.

Each employee shall be responsible for properly destroying CHRI and CHRI documents he/she receives.

804.5.3 PURGING RECORDS

Purging allows for the retention of records, or portions of records, that are not the direct objective of a purge order. An entire record may be destroyed, including fingerprints, photos, and arrest and disposition data, or only specific portions of a record may be destroyed (N.D.A.C. § 10-13-11-02).

804.5.4 SEALED RECORDS

Records may be sealed by attaching a special marking to sealed files, or by removal from the general record file and storage in a separate, secured file. In automated systems, sealing will be accomplished by limiting access to the sealed records, or portions of the records, to specific terminals or specifically authorized persons, or both (N.D.A.C. § 10-13-11-04).

The Department may access sealed records for the following purposes (N.D.A.C. § 10-13-11-03):

- (a) Records management
- (b) Review by the record subject
- (c) Authorized research and statistical purposes
- (d) Upon court order

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information (N.D.A.C. § 10-13-06-01).

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance) (N.D.A.C. § 10-13-06-03):

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

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- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.6.2 DESTRUCTION OF RECORDS

When any document received through CJIS, including CHRI, has served the purpose for which it was obtained and is eligible for destruction, it shall be disposed of via a permanent destruction method, in compliance with the organization's records retention schedule. At no time shall documents merely be placed in a trash receptacle.

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- (a) Records management
- (b) Review by the record subject
- (c) Authorized research and statistical purposes
- (d) Upon court order

804.7 REVIEW OF AND CHALLENGE TO RECORDS

804.7.1 REVIEW OF RECORDS

Upon written request and with proper proof of identification, an individual or an authorized representative may review, in person, his/her own CHRI on file with the Department. However, an individual is not entitled to data contained in intelligence, investigatory or other related files. If an

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individual seeks to review records not held by the Department, the individual should be directed to the applicable agency (N.D.A.C. § 10-13-07-01).

The written request will be forwarded to BCI within five working days. Upon return of the information from BCI, the department member will notify the requesting party when the information is available for review during normal working hours (N.D.A.C. § 10-13-07-04; N.D.A.C. § 10-13-07-06).

The requesting party may make notes of the information but will not be provided a copy except when the information is challenged, and then only those portions being challenged will be copied (N.D.A.C. § 10-13-07-08).

804.7.2 NEGATIVE RESPONSE

The Department may deny inspection of a record if the subject of the record is not satisfactorily identified. The Department also can deny inspection if no record for the individual is found. In either situation, the individual will be informed, in writing, of the reason for the negative response and will be advised of his/her right to challenge the denial (N.D.A.C. § 10-13-07-07).

804.7.3 DENIED ACCESS

If an individual is denied the right to inspect his/her criminal history record, he/she may challenge this denial by submitting a challenge form and a complete set of fingerprints within 10 days of the denial.

The Department must, within 30 days, either allow inspection of the record requested, or respond to the individual, in writing, as to why the denial is upheld (N.D.A.C. § 10-13-07-09).

804.7.4 CHALLENGE TO RECORDS

The subject of any record may challenge, in writing, the completeness or accuracy of his/her criminal history record entries and request that incomplete or inaccurate entries be corrected. The subject of the record must specify which entries are incomplete or inaccurate.

Upon challenge, the Department shall conduct an administrative review of the alleged incomplete or incorrect entries, and shall notify the individual, in writing, of the result of the review. This shall be done within 20 working days of receiving the challenge (N.D.A.C. § 10-13-07-10).

The Records Supervisor or the authorized designee shall:

- (a) Review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.
- (b) If a correction is warranted, notify the requestor, ensure the change is made in the records of the Dickinson Police Department and forward corrected copies to other applicable agencies, including:
 1. Two copies to BCI.
 2. All criminal justice and non-criminal justice agencies that have received the erroneous information within the year preceding the correction (N.D.A.C. § 10-13-07-12).

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- (c) If the requested correction is refused, promptly provide the requestor with a written statement of the grounds for the refusal.
- (d) Upon request, the names of all non-criminal justice agencies to which the data has been disseminated should be given to the requestor.

If the Department is not also the originating agency, the original challenge form and any related documents must be forwarded to the originating agency, or, in the case of challenges claiming incompleteness, to the agency that can verify the notations that the subject of the record believes should be included. The Department shall retain a copy of the original challenge form (N.D.A.C. § 10-13-07-11).

804.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

REVIEWED 09/2025

Computers and Digital Evidence

805.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers and other electronic devices, digital cameras and recorders that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence.

805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. If it is anticipated that computer evidence or equipment will be seized, officers should request that certified computer forensic examiners assist them in seizing computers and related evidence. Officers should be aware of the potential to destroy information through careless or improper handling and should utilize the most knowledgeable resources available. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, and the surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line, a cable to a modem or an antenna for connection with a wireless network for Internet access.
- (b) Consider the possibility of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and documents.
- (c) If there is reason to believe that the computer is operating encryption or data deletion software or is operating in a virtual environment, the officer should make every effort to obtain the assistance of a certified computer forensic examiner prior to seizing the computer.
- (d) If the computer is off, do not turn it on.
- (e) If the computer is on and there is no reason to believe that data deletion software is active, photograph the screen and note any programs or windows that appear to be open and running. Then shut it down following normal procedures and do not open or examine any files. Document the method used to shut down the computer.
- (f) If there is reason to believe that data deletion software is active, disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.
- (g) Label each item with a case number, evidence sheet number and item number.
- (h) The officer should make every effort to obtain all passwords for program and account access.
- (i) At a minimum, officers should document the following in related reports:
 - 1. Where the computer was located and whether it was in operation

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2. Who was using it at the time
 3. Who claimed ownership
 4. If it can be determined, how it was being used
- (j) In most cases when a computer is being used in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g. monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or for evidentiary purposes (fingerprinting, biological or trace evidence), or the equipment is proprietary (e.g., Apple keyboard and mouse) and necessary for examination of the associated media.

805.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an onsite inspection or to image only the hard drive of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

805.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, external drives, compact discs or any other storage media is required, certain items should be forwarded to a computer forensic examiner. These include:

- (a) Copy of reports involving the computer, including the evidence/property sheet.
- (b) A copy of a consent-to-search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation, or other legal authority for examination.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

A forensic copy of the media will be made by a trained computer forensic examiner. The original will be preserved as evidence. Any subsequent forensic examination of the copy will be conducted by a trained computer forensic examiner.

805.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.

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- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

805.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal Communication Devices (PCDs) such as cellular telephones, Personal Digital Assistants (PDAs) or other handheld devices must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

- (a) Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages. Officers generally should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

805.5 RETURN OF SEIZED STORAGE MEDIA

Contraband, including illegal images, stored on digital storage media (hard drives, floppy disks, CDs, DVDs, tapes, memory cards, flash memory devices, PCDs and PDAs or other handheld devices) shall be removed by a computer forensic examiner or other qualified personnel prior to return to the owner.

805.6 DIGITAL EVIDENCE RECORDED BY OFFICER

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence. Officers shall not create or maintain copies of digital evidence outside of the work environment.

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805.6.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

805.6.2 SUBMISSION OF DIGITAL MEDIA

The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence or uploaded pursuant to department procedures.

Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Dickinson Police Department personnel when interacting with animals and responding to calls for service involving animals.

806.2 POLICY

It is the policy of the Dickinson Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.3.1 CONFISCATION OF NON-TRADITIONAL LIVESTOCK

Members may seize any non-traditional livestock, as defined by N.D.C.C. § 36-01-00.1, that is located on private property if probable cause exists that the animal is being held in violation of state law and there are exigent circumstances requiring the immediate confiscation of the animal. To seize the animal, the member must seek an ex parte order from the appropriate court as required by N.D.C.C. § 36-01-12.2.

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806.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

806.6 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include the following:

- (a) Animal-related matters during periods when Animal Control is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced including but not limited to N.D.C.C. § 36-21.2-01 et seq.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty (N.D.C.C. § 36-21.2-06).
- (c) Making notifications related to the seizure of an animal (e.g., owner, state officials) that may be required under state law.

806.8 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

806.9 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued,

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if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Commander will be contacted to determine available resources, including requesting the assistance of Animal Control or services from an allied agency.

806.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

807.2 POLICY

The Dickinson Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Dickinson Police Department facility. Reports will be accepted anonymously, by phone or via email or on the academic institution's website.

It is the policy of the Dickinson Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Dickinson Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Dickinson Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 - 1. Identify roles in the investigation of alleged criminal offenses on campus 20 USC § 1092(f)(1)(C)(ii).
 - 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities 20 USC § 1092(f)(1)(G)).
 - 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation 20 USC § 1092(f)(1)(J)).
 - 4. Notify the Dickinson Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 - 5. Notify the Dickinson Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in making information available to

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the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

807.4 RECORDS COLLECTION AND RETENTION

The Records Division supervisor is responsible for maintaining Dickinson Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson

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9. Arrests of persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Dickinson Police Department (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

807.4.1 CRIME LOG

The Records Division supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Dickinson Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.

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- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Administrative Services Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.
 - 2. Crime and emergency reporting procedures, including the responses to such reports.
 - 3. Policies concerning security of and access to campus facilities.
 - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
 - 5. Enforcement policies related to alcohol and illegal drugs.
 - 6. Locations where the campus community can obtain information about registered sex offenders.

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7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Updated 10/2018

CJIS Access, Maintenance, and Security

808.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

808.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

808.2 POLICY

It is the policy of the Dickinson Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

808.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Dickinson Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

808.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

- (a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the North Dakota Bureau of Criminal Investigation.
- (b) Managing member accounts with access to CJI, including:
 - 1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
 - 2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
 - 3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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- (c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
 - 1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
 - 2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
 - 3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
 - 4. Maintaining records for all system maintenance and diagnostic activities.
- (d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
- (e) Providing for the security of hardware that includes provisions for the following:
 - 1. How hardware is to be brought into and taken out of department facilities
 - 2. Physical security of hardware within department facilities
 - 3. Physical security of areas containing network connections and transmission lines, including monitored access
- (f) Implementing and carrying out the department Incident Response Plan, including:
 - 1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
 - 2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
 - 3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
 - 4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
- (g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- (h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.
- (i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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- (j) Managing the development, documentation, and dissemination of procedures for the following:
 - 1. Awareness and training
 - 2. Incident response
 - 3. Audit and accountability
 - 4. Access control
 - 5. Identification and authentication
 - 6. Configuration management
 - 7. Media protection
 - 8. Physical and environmental protection
 - 9. System and communications protection
 - 10. System and information integrity
 - 11. Maintenance
 - 12. Security and privacy planning
 - 13. Contingency planning
 - 14. Risk assessment
- (k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

808.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

808.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

808.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

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- (a) The account has expired.
- (b) The account is no longer associated with a member.
- (c) The account is found to be in violation of this policy.
- (d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

808.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- (a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
- (b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- (c) Non-privileged members shall not be allowed to execute privileged functions.

808.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

808.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

808.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to

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overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

808.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

- (a) Flaw remediation.
- (b) System monitoring.
- (c) Security alerts, advisories, and directives.
- (d) Software, firmware, and information integrity controls.
- (e) Spam protection.

808.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

808.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

808.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

REVIEWED 09/2025

Chapter 9 - Custody

Custodial Searches

900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Dickinson Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Dickinson Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility (N.D.C.C. § 12-44.1-15).

900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Dickinson Police Department identification number and information regarding how and when the property may be released.

900.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

900.5 STRIP SEARCHES

No individual in temporary custody at any Dickinson Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

Strip searches at Dickinson Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Shift Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.

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6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Commander authorization does not need to be in writing.

900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.

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- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

900.7 TRAINING

The Training Lieutenant shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

01/2023

Transporting Persons in Custody

901.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Dickinson Police Department.

See the Handcuffing and Restraints policy for additional guidance.

901.2 POLICY

It is the policy of the Dickinson Police Department to provide safe, secure, and humane transportation for all persons in custody.

901.3 PATROL DIVISION COMMANDER RESPONSIBILITIES

The Patrol Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

901.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

- (a) Search all areas of the vehicle accessible to a person in custody before and after each transport.
 1. Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.
- (b) Provide the Dispatch Center with any required notifications (e.g., start time, mileage, end time).
- (c) Properly secure all property.
- (d) Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Cameras policies for additional guidance).
- (e) Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

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- (f) Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.
- (g) ~~Conduct~~~~Make a~~ verbal welfare check with ~~the~~~~a~~ person in custody ~~at least every 10 minutes~~. Provide sufficient visual observation and audio communication during the transport of:
 - 1. Individuals in auxiliary restraints.
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.
- (h) Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- (i) Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. ~~If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).~~

901.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

- (a) Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should not be transported together.
- (b) If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

901.6 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

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901.7 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Shift Commander.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

901.8 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themselves or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

901.9 MENTAL ILLNESS COMMITMENT TRANSPORTS

When transporting any individual for a mental illness commitment, the transporting officer should request that the Dispatch Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Shift Commander approval is required before transport commences.

See the Mental Illness Commitments Policy for additional guidance.

901.10 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify the Dispatch Center and request an appropriate response.

901.11 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody

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person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

901.12 PROHIBITIONS

When transporting a person in custody, officers should not:

- (a) Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- (b) Handcuff a person to any part of a vehicle.
- (c) Leave the vehicle unattended with the person in custody in the vehicle.
- (d) Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- (e) Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- (f) Stop to conduct any personal activities.
- (g) Engage in a pursuit.

901.13 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise the Dispatch Center and other units of the escape, provide a description of the escapee, notify the Shift Commander, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Shift Commander should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Dickinson Police Department, the Shift Commander should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

901.14 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

901.15 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

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901.16 TRAINING

The Training Lieutenant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Dickinson Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Dickinson Police Department provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Department should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.

The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the

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Department shall employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 - 1. The written application for officers must include a question regarding whether the candidate has ever pled or been found guilty of a felony, including a felony charge that was later dismissed under a deferred imposition of sentence (N.D.C.C. § 44-08-20.1).
- (b) Driving record
- (c) Personal and professional reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state and federal criminal history record checks
- (h)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

United States Armed Forces veterans and spouses of veterans may qualify for preference in the recruitment and selection processes by the Department pursuant to N.D.C.C. § 37-19.1-02. The applicant must be a United States citizen at the time of application for employment and may not be disqualified because of a physical or mental disability unless the disability renders the applicant unable to properly perform the duties of the position applied for.

1000.4.2 CRIMINAL HISTORY

The Administrative Services Division Commander shall establish procedures to ensure that inquiries or consideration of a criminal record or criminal history of an applicant are permissible under North Dakota law (N.D.C.C. § 12.1-33-02.2).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of

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the candidate's unsuitability to perform duties relevant to the operation of the Dickinson Police Department (N.D.A.C. § 109-02-01-03).

1000.5.1 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.2 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to continue with the employment process. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Department may request, but should not require, candidates to provide passwords, account information or access to password-protected social media accounts.

The Department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

The Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior

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- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

Candidates shall be at least 20 years of age and meet the minimum standards established by North Dakota law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the following minimum standards established by the North Dakota Peace Officer Standards and Training Board (POST) (N.D.C.C. § 12-63-06; N.D.A.C. § 109-02-01-03):

- (a) Citizen of the United States or in resident alien status
- (b) High school graduate or possess a high school equivalency diploma or GED certificate
- (c) Free of any felony convictions
- (d) Free of any convictions that POST determines have a bearing on the candidate's ability to serve as a peace officer. This may include but is not limited to a conviction or plea to any of the following offenses:
 1. A crime of moral turpitude
 2. Domestic violence
 3. A violation of a domestic violence restraining order
 4. Child abuse or neglect
 5. An offense involving firearms under Title 12.1 or Title 62.1 of the North Dakota Century Code
- (e) Not be prohibited from possessing a firearm under state or federal law
- (f) Possess a valid driver's license issued in the United States
- (g) Fingerprinted by the North Dakota Bureau of Criminal Investigation and the FBI

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- (h) Submit to and pass a medical and psychological evaluation
- (i) Not have been dishonorably or administratively discharged from military service
- (j) Not be prohibited from accessing the National Crime Information Center (NCIC) Criminal Justice Information Services (CJIS) databases
- (k) Able to meet POST licensing requirements
- (l) Able to provide unimpeached, sworn courtroom testimony as related to Giglio v. United States, 405 U.S. 150

1000.8 PROBATIONARY PERIODS

The Administrative Services Division Commander should coordinate with the Dickinson Police Department Human Resources Director to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Reviewed 8/2025

Reporting of Employee Convictions

1001.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Dickinson Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1001.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and North Dakota law prohibits individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; N.D.C.C. § 62.1-02-01; N.D.A.C. § 109-02-01-03).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1001.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Any person who has pled guilty, nolo contendere, or is convicted of any felony, or is prohibited from using or possessing any firearm under state or federal law is prohibited from being a peace officer (N.D.C.C. § 62.1-02-01; N.D.A.C. § 109-02-01-03).

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1001.4 REPORTING

All members with identification cards issued by the Department shall immediately notify their supervisors in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether the matter was dropped or rejected, is currently pending, or is on appeal, and regardless of the penalty or sentence, if any.

All members with identification cards issued by the Department shall immediately notify their supervisors in writing if they become the subject of a domestic violence-related order or any court order that prevents the member from possessing a firearm or requires suspension or revocation of applicable POST-issued license.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing his/her duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or

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termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on his/her own time and at his/her own expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

All former DPD officers participating in the retired LEO concealed carry program, must notify a shift commander or the Chief of Police immediately upon any conviction or civil adjudication which directly impacts the retirees ability to legally carry and/or possess a firearm.(See The Retiree Concealed Firearms Policy).

1001.5 POLICY

The Dickinson Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

Reviewed 02/2022

Drug- and Alcohol-Free Workplace

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1002.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1002.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see Work Restrictions in this policy).

1002.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1002.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action (N.D.C.C. § 19-24.1-34).

1002.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1002.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1002.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication which could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1002.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of his/her duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death, or reportable damage to property per N.D.C.C.

1002.7.1 DISCIPLINE

An employee is subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

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1002.7.2 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1002.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1002.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy (N.D.C.C. § 44-04-18.1).

Reviewed 01/2022

Sick Leave

1003.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable employment agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

1003.2 POLICY

It is the policy of the Dickinson Police Department to provide eligible employees with a sick leave benefit.

1003.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1003.3.1 NOTIFICATION

All members should notify the current Shift Commander and their immediate supervisor or other appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than four (4) hours before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with reasonable notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1003.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

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- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1003.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

Reviewed 07/2017

Communicable Diseases

1004.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1004.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Dickinson Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1004.2 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

1004.3 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1004.4 POST EXPOSURE

1004.4.1 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

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Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Acquiring mandatory court-ordered testing under N.D.C.C. § 23-07.5-02.
- (c) The North Dakota Department of Health and Human Services disclosing test results for an exposed person (N.D.C.C. § 23-07.5-06).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

1004.4.2 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1004.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1004.4.4 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused

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- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Disease and Injury Reporting and Illness and Injury Prevention policies).

1004.4.5 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

1004.5 EXPOSURE PREVENTION AND MITIGATION

1004.5.1 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1004.5.2 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

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1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1004.6 POLICY

The Dickinson Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

Reviewed 9/2018

Smoking and Tobacco Use

1005.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Dickinson Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1005.2 POLICY

The Dickinson Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy.

1005.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Dickinson Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles (N.D.C.C. § 23-12-11).

1005.4 ADDITIONAL PROHIBITIONS

No member shall smoke within 20 feet of entrances, exits, operable windows, air intakes and ventilation systems of any City facility, office, any other public place or place of employment (N.D.C.C. § 23-12-10).

9/2018

Personnel Complaints

1006.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Dickinson Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1006.2 POLICY

The Dickinson Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and employment agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1006.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1006.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken against the accused member and no formal complaint has been initiated by the complainant.

Formal - A matter in which a supervisor/administrator determines that further action is warranted creating a need for an official investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of Police Administration, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1006.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1006.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1006.4.1 COMPLAINT FORMS

Personnel complaint forms will be accessible at the Police Department or available upon request.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

Complaint forms are located in the attachment section of this policy manual.

1006.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1006.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

1006.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1006.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a formal personnel complaint shall rest with Police Administration. The Chief of Police is the ultimate decision-maker regarding disciplinary action. The Chief of Police, or the authorized designee, may direct that another supervisor investigates any complaint.

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A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to Police Administration who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within a reasonable amount of time.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on an internal memorandum and forward the form to the Shift Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Commander and Chief of Police are notified via the chain of command as soon as practical.
- (e) Promptly contacting Police Administration for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to Police Administration who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within a reasonable time
- (h) Investigating a complaint as follows:
 - (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.

1006.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Criminal Support Division, the following applies to employees:

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- (a) Upon notification of a pending formal internal investigation and while the investigation is active, the accused employee shall not attempt to contact or discuss the matter being investigated with the complainant(s), co-conspirators, witnesses or any others possibly associated with the complaint.
- (b) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (c) Unless waived by the employee, interviews of an accused employee shall be at the Dickinson Police Department or other reasonable and appropriate place.
- (d) No more than two interviewers should ask questions of an accused employee.
- (e) Prior to any interview, an employee should be informed of the nature of the investigation.
- (f) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (g) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (h) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (i) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (j) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (k) All employees shall provide complete and truthful responses to questions posed during interviews.

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- (l) With due clause outlined in writing and with the express, written approval of the Chief of Police, employees can be compelled to submit to a deception detection device for administrative purposes only. For the purpose of this section, only administrative investigations which could result in termination of employment, matters surrounding Giglio concerns or other allegations which create exigency as determined by the Chief of Police may impel the use of a deception detection device examination. Employees may request introduction of a deception detection examination on themselves for the purpose of personal exoneration when other supporting exculpatory facts, evidence, and/or information is not available.

The following statement shall be read to the employee being investigated:

"I wish to advise you that you are being questioned as part of an official investigation of the police department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office."

"You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself."

"I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the police department."

"If you do answer, neither your statement, nor any information, nor evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges."

1006.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Investigations of personnel complaints should be detailed, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

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1006.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1006.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1006.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1006.6.7 COMPLAINT REGARDING THE USE OF A CONFIDENTIAL INFORMANT

The member conducting the investigation regarding the alleged misuse of a confidential informant in violation of N.D.C.C. § 29-29.5-01 et seq. shall comply with the investigation time frame and notification requirements of N.D.C.C. § 29-29.5-07.

1006.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1006.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

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- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, detail, or assignment, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1006.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Dickinson Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1006.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command involved in the investigation should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1006.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

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1006.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording, if completed.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1006.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1006.10 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

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- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1006.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1006.12 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any employment agreement and/or personnel rules.

1006.13 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate (see also the Temporary Modified-Duty Assignments Policy).

1006.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Files Policy.

1006.15 TERMINATION REPORTING

When an officer is terminated, notice of the nature and cause of the termination, the effective date of the termination, and a statement indicating whether or not the Department recommends denial, suspension or revocation of the officer's peace officer license, shall be forwarded to the North Dakota Peace Officer Standards and Training Board within 30 days of the termination (N.D.A.C. § 109-02-02-18).

Reviewed 08/2023

Safety Belts

1007.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (N.D.C.C. § 39-21-41.2).

1007.2 POLICY

It is the policy of the Dickinson Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1007.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (N.D.C.C. § 39-21-41.4).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a safety belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1007.4 TRANSPORTING CHILDREN

Children younger than 8 years of age shall be transported using a child restraint system unless an exemption exists due to the child's height and weight (N.D.C.C. § 39-21-41.2).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of safety belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

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1007.5 INOPERABLE SAFETY BELTS

Department vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

Department vehicle safety belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1007.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1007.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

REVIEWED 09/2025

Body Armor

1008.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers with guidelines for the proper use of body armor.

1008.2 POLICY

It is the policy of the Dickinson Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1008.3 ISSUANCE OF BODY ARMOR

The Division Commander shall ensure that body armor is issued to all officers and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

Body armor shall be issued when an officer begins service at the Dickinson Police Department and shall be replaced when the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1008.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear department-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers are not required to wear body armor when they are functioning primarily in an administrative or support capacity and would not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1008.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1008.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

Reviewed 9/2018

Personnel Records

1009.1 PURPOSE AND SCOPE

This policy governs maintenance, retention and access to personnel files.

1009.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of North Dakota (N.D. Const. art. XI, § 6; N.D.C.C. § 44-04-18.1; N.D.C.C. § 44-04-18.3).

1009.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any member response shall be attached to and retained with the original adverse comment.
 - 3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1009.4 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

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Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator, City Attorney or other attorneys or representatives of the City in connection with official business.

1009.4.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1009.4.2 RELEASE OF PERSONNEL INFORMATION

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

1009.5 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation, pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.

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- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for Department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member which may be discovered in a judicial proceeding.

1009.6 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

1009.7 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1009.8 TRAINING FILE

An individual training file shall be maintained by the Training Lieutenant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records

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may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the member's training file.

1009.9 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Administrator designated by the Chief of Police. Access to these files may only be approved by the Chief of Police or the Criminal Support Division supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1009.10 MEDICAL FILE

A confidential medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history (N.D.C.C. § 44-04-18.1). No medical information shall be kept outside the medical file. Medical file contents should include, but are not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

Reviewed 07/2017

Request for Change of Assignment

1010.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1010.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to submit a change of assignment request. The request should then be forwarded through the chain of command to the Division Commander.

1010.2.1 PURPOSE OF FORM

The change of assignment request permits employees to list their qualifications for specific assignments. All relevant experience, education and training should be included in the request.

All assignments in which an employee is interested should be listed on the request.

The change of assignment request will remain in effect until the end of the calendar year in which it was submitted. Effective January 1 of each year, employees still interested in new positions will need to submit a new change of assignment request.

1010.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall forward a recommendation to the Division Commander of the employee involved. In the case of patrol officers, the Shift Commander must make recommendations before forwarding the request to the Division Commander. If the Shift Commander does not receive the change of assignment request, the Division Commander will initial the request and return it to the employee without consideration.

Reviewed 9/2018

Fitness for Duty

1011.1 PURPOSE AND SCOPE

All employees performing public safety duties are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of their respective duties. The purpose of this policy is to ensure that employees remain fit for duty and able to perform their job functions.

1011.2 POLICY

It is the policy of the Dickinson Police Department to provide a work environment in which all employees performing public safety duties have the physical stamina and psychological stability free from physical, emotional or mental conditions that might adversely affect their ability to perform the essential functions of their positions, with or without reasonable accommodation.

1011.3 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1011.4 SUPERVISOR RESPONSIBILITIES

Each supervisor is responsible for monitoring those individuals in his/her command for any behavior that would warrant further inquiry. A supervisor observing an employee, or receiving a report of an employee who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

- (a) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem.
- (b) In all cases, a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Commander or the employee's available Division Commander, a determination should be made whether the employee should be temporarily relieved from duty.

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- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1011.5 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations submitted by the treating physician or therapist shall be part of the employee's medical file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1011.6 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in a one-day period (24 hours)
- 30 hours in any two-day period (48 hours)
- 84 hours in any seven-day period (168 hours)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

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Fitness for Duty

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1011.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

01/2023

Meal Periods and Breaks

1012.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees that has been established by the City Administrator.

1012.1.1 MEAL PERIODS

Licensed employees and dispatchers shall remain on-duty subject to call during meal breaks unless directed otherwise by a supervisor. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall notify the Dispatch Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits and shall monitor their radios unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1012.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Dispatch Center.

Lactation Breaks

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1013.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1013.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify the Dispatch Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1013.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area (N.D.C.C. § 23-12-16).

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Lactation Breaks

1013.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

Payroll Records

1014.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1014.2 POLICY

The Dickinson Police Department maintains timely and accurate payroll records.

1014.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1014.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services Division Commander established by the City payroll procedures.

Overtime Compensation Requests

1015.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime by payment of wages as agreed and in effect through an employment agreement. In order to qualify for overtime compensation, the employee must complete and submit a request for overtime compensation as soon as practicable after overtime is worked.

1015.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime compensation. If the supervisor authorizes or directs the employee to complete a request form for such a period, the employee shall comply.

1015.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit any overtime compensation request forms for verification by their immediate supervisor as soon as practicable for forwarding to Administrative Services. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1015.2.1 EMPLOYEE RESPONSIBILITY

Employees shall complete the request immediately after working the overtime and submit it to their immediate supervisor or the Shift Commander. Employees submitting an overtime request form for on-call pay when off-duty shall submit it to the Shift Commander the first day after returning to work.

1015.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made in the employee's payroll record, the overtime compensation request will be forwarded to the employee's Division Commander for final approval.

1015.2.3 DIVISION COMMANDER RESPONSIBILITIES

Division Commanders, after approving compensation, will then forward the request to the Chief of Police for review.

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Overtime Compensation Requests

1015.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the employment agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, four hours for outside overtime). The supervisor will enter the actual time worked.

1015.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	1/4 hour
16 to 30 minutes	1/5 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

1015.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which compensation is requested varies between the two, the Shift Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime compensation request.

Outside Employment

1016.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employment agreement.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Outside overtime - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1016.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved application. Unless otherwise indicated in writing on the approved application, an approved application will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

Any employee seeking approval of outside employment whose application has been denied shall be provided with a written reason for the denial of the application at the time of the denial.

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Outside Employment

1016.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the Grievance Policy or the procedure set forth in the current employment agreement.

1016.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at the Chief of Police's discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been re-established to the minimum level of acceptable competency.
- (b) If, at any time during the term of an approved outside employment application, an employee's conduct or outside employment conflicts with the provisions of department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or the City.

1016.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of department time, facilities, equipment, or supplies, the use of the department badge, uniform, prestige, or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of this department.

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- (d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1016.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer shall wear the department uniform/identification.
 - 2. The officer shall be subject to all the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services, outside employment or outside overtime shall not be subject to the employment agreement process.
 - 6. No officer may engage in outside employment as a law enforcement officer for any other public agency without prior written authorization of the Chief of Police.

1016.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1016.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime

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or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

1016.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1016.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the outside employment application. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1016.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved application, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1016.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department employees who are engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the approved application be suspended or revoked.

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In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment application, a notice of intent to revoke the employee's application will be forwarded to the involved employee and a copy attached to the original employment application. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment application while on disability status or administrative leave includes, but is not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisers.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The outside employment is not compatible with the reason the employee is on administrative leave.
- (d) The employee failed to make timely notice of his/her intentions to their supervisor.

When the disabled employee returns to full duty with the Dickinson Police Department, a written request may be made to the Chief of Police to restore the permit.

January 2023

Work-Related Disease and Injury Reporting

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases and work-related injuries.

1017.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related disease or injury - An injury by accident arising out of and in the course of hazardous employment which must be established by medical evidence supported by objective medical findings. This includes a disease caused by a hazard to which the member is subjected in the course of employment and where there is a direct causal connection between the work conditions and the disease (N.D.C.C. § 65-01-02).

1017.2 POLICY

The Dickinson Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (N.D.C.C. § 65-05-01.4).

1017.3 RESPONSIBILITIES

1017.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1017.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1017.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity and the Department of Human Resources.

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Work-Related Disease and Injury Reporting

1017.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1017.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Chief of Police, City risk management entity, and the Department of Human Resources.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1017.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1017.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

October 2022

Personal Appearance Standards

1018.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1018.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1018.2.1 HAIR

Hairstyles of all members shall be prim and proper in appearance.

Uniform officer's hair must also be arranged securely within the limit and in such a way that hats may be worn.

Only variations of a natural hair color (black, brown, blonde and red) shall be allowed.

1018.2.2 MUSTACHES

A short, neatly trimmed, prim and proper mustache may be worn.

Goatees may be worn by officers in conjunction with a mustache. A goatee is defined as a beard formed by a tuft of hair on the chin. The goatee shall be neatly trimmed, prim and proper, and in accordance with chief's approval. A goatee may not be worn without a mustache.

1018.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobe and shall be trimmed and neat.

1018.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or the authorized designee.

1018.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1018.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

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Earrings shall not be worn by uniformed licensed officers, investigators or special assignment personnel without permission of the Chief of Police or the authorized designee. Only one ring may be worn on each hand of the employee while on-duty.

1018.2.7 PERSONAL GROOMING

Employees must maintain a smart, conservative, and well-groomed appearance. All employees shall maintain appropriate hygiene practices conducive to creating a professional image and healthy workplace environment.

1018.3 TATTOOS

Officers are prohibited from having any tattoos to the head, neck, face, hands, fingers, ears or scalp, and must further conform to all other appearance standards established by department policy.

Tattoos that are visible in any department uniform or while on duty shall not exhibit:

- Inappropriate or offensive markings.
- Depicts, describes, or otherwise refers to sexual conduct, acts, or nudity.
- Depicts, describes, or refers to intolerance, or discrimination against any race, color, preference, creed, religion, gender, national origin, or it is commonly associated with any organizations or groups which advocates such intolerance or discrimination.
- Illustrations, references, symbols, acronyms that represent criminal, oppressive, or discriminatory beliefs.
- Sexually explicit or vulgar art, works, phrases, or language.
- Depictions of violence.
- Brings discredit upon the department, detracts from the professional appearance of the employee, or violates the standards of decency and morality.
- Symbols likely to elicit a strong negative reaction in the workplace or public is strictly prohibited.
- Political beliefs, political parties, or represent any organization in a negative light.
- Illustrations, references, symbols, acronyms that denigrate the United States, State of North Dakota, City of Dickinson, and the Dickinson Police Department.

The Chief of Police or his/her designee shall be the final authority in determining if a marking is considered inappropriate or offensive.

1018.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing

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- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation
- (c) Abnormal shaping of the ears, eyes, nose or teeth
- (d) Branding or scarification

Reviewed 08/2022

Uniform Regulations

1019.1 PURPOSE AND SCOPE

The Uniform Regulations policy of the Dickinson Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following policies:

- Firearms
- Department-Owned and Personal Property
- Body Armor
- Personal Appearance Standards

The department's uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual should be consulted regarding authorized uniform and equipment specifications.

The Dickinson Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's employment agreement.

1019.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All officers of this department shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not loan any portion of the uniform to others.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the department's uniform and equipment specifications manual, which is maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

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- (h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official department functions or events.
- (j) If the uniform is worn while in transit an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- (l) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or the authorized designee.
 - 1. Wrist watch
 - 2. Wedding rings, class ring or other ring of tasteful design.
 - 3. Medical alert bracelet

1019.2.1 DEPARTMENT-ISSUED UNIFORMS

The Dickinson Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency based on state law and agreed upon in City policy. Officers shall be issued a summer-weight and a winter-weight uniform that is blue in color (N.D.C.C. § 40-20-07).

1019.2.2 DEPARTMENT-ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Commander.

1019.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1019.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, ceremonies or as directed. The Class A uniform is required for all licensed personnel. The Class A uniform includes the standard issue uniform with a long-sleeve shirt and tie, and polished shoes.

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The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

1019.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short-sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white, navy blue or black crew neck undershirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform
- (e) Boots with pointed toes are not permitted.

1019.3.3 CLASS C UNIFORM

REMOVED 08/2022

1019.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units, such as the canine team, SWAT, bicycle patrol, motor officers and other specialized assignments.

1019.3.5 FOUL WEATHER GEAR

REMOVED 08/2022

1019.4 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, 3/4 inch below the shoulder seam of the shirt, and should be bisected by the crease in the sleeve.
- (b) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn in line with the top seam of the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (c) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (d) Assignment insignias (e.g., SWAT and FTO) may be worn as designated by the Chief of Police or the authorized designee.
- (e) An American flag patch of a size not to exceed 3 inches by 5 inches may be worn on the sleeve using appropriate flag display etiquette.
- (f) The department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Licensed non-uniformed personnel will

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wear or carry the badge so it is in reasonable proximity to the firearm and can be displayed whenever appropriate.

- (g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or the authorized designee may authorize exceptions.

1019.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a peace officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) A peace officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police or the authorized designee.

1019.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require wearing a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. Open-toed sandals or thongs
 - 2. Swimsuit, tube tops or halter tops
 - 3. Spandex type pants or see-through clothing
 - 4. Distasteful printed slogans, buttons or pins
 - 5. Shorts
- (e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized designee when the employee's assignment or current task is not conducive to wearing such clothing.

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- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Dickinson Police Department or the morale of the employees.
- (g) Licensed employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1019.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Dickinson Police Department members shall not engage in political activities while on-duty or in uniform (N.D.C.C. § 39-01-04; N.D.C.C. § 44-08-19).

Unless specifically authorized by the Chief of Police, Dickinson Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize the department's badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Dickinson Police Department to do any of the following:

- (a) Endorse, support, oppose or contradict any social issue, cause or religion
- (b) Endorse, support or oppose, any product, service, company or other commercial entity
- (c) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, or on any website.

1019.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the department's uniform and equipment specifications manual as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1019.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Dickinson Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the department's uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

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Dickinson Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the department's uniform and equipment specifications manual or by the Chief of Police or the authorized designee.

Reviewed 08/2022

Department Badges

1020.1 PURPOSE AND SCOPE

The Dickinson Police Department badge and uniform patch as well as the likeness of these items and the name of the Dickinson Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1020.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority. The use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1020.2.1 CIVILIAN PERSONNEL

Badges and Department Identification Cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g., parking control, dispatcher).

- (a) Civilian personnel shall not display any department badge except as a part of his/her uniform while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a licensed peace officer.

1020.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees will be offered their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

1020.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all licensed and uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and department name for all material (e.g., printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police or the authorized designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Department Badges

1020.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the express authorization of the Chief of Police or the authorized designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Dickinson Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or the authorized designee.

October 2022

Temporary Modified-Duty Assignments

1021.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, or City rules. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1021.2 POLICY

Subject to operational considerations, the Dickinson Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1021.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the North Dakota Human Rights Act shall be treated equally, without regard to any preference for a work-related injury (N.D.C.C. § 14-02.4-01 et seq.).

No position in the Dickinson Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 90 days or 515 hours in any one-year period.

1021.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

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- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Division Commander, with final approval of the Chief of Police.

1021.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1021.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- (a) Employees on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- (b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to his/her supervisor no less than once every 30 days while the employee is on modified duty.
- (c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander, with an update of the employee's current status

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and anticipated date of return to regular duty. Extensions require approval of the Chief of Police or the authorized designee.

- (d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1021.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1021.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1021.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1021.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

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- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1021.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1021.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; N.D.C.C. § 14-02.4-03).

1021.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1021.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1021.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

REVIEWED 2/2025

Employee Speech, Expression and Social Networking

1022.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1022.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file sharing sites.

1022.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Dickinson Police Department will carefully balance the individual employee's rights against the department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1022.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Dickinson Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.

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- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1022.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

- (a) All employees will take corrective action and immediately notify and submit a written report through the supervisory chain when they learn an employee committed a criminal law violation or any violation of rules, orders, or ordinances that result in property damage, injury, or death.
 1. Employees will perform duties and obligations in a competent, efficient, and attentive manner.
 2. Employees will not engage in behavior that constitutes dereliction or neglect of duty or conduct unbecoming an employee.
 - (a) Conduct unbecoming an employee includes conduct that impairs the operation or efficiency of any employee, the Department, or the City.

To meet the department's safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Dickinson Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Dickinson Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Dickinson Police Department or its employees.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Dickinson Police Department.
- (f) Counter-productive workforce behaviors include the following examples that are subject to discipline or personnel actions:

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1. Incompetent, inefficient, or inattentive performance; dereliction of duty;
2. Insubordination or discourteous treatment of the public or a fellow employee;
3. Use of abusive, violent, insulting, or provoking language;
4. Any act of omission or commission discrediting or injuring public service or any act jeopardizing the effective functioning of public service;
5. Demonstrating mental or physical unfitness for the employee's position;
6. Conviction of any felony, conviction of a misdemeanor involving conduct which shocks the conscience of a reasonable person, or a pattern of misconduct as displayed through a series of convictions of misdemeanors, infractions, or non-criminal offenses;
7. Failure to report to an appropriate competent authority - misconduct or negligence of which the employee has knowledge;
8. Failure to take corrective action regarding employees under their supervision who neglect duty or perform misconduct, when the supervisor knows, or should have known, of such dereliction;
9. Failure to implement working knowledge, observe and adhere to the rules, orders, procedures, or laws of the Department and City;
10. Failure to keep financial affairs in order and under control so that it adversely affects operations, or reflects poorly, upon the Department;
11. Engaging in personal conduct that results in justified unfavorable criticism of that employee or the Department. This includes employees involved in disturbances or police incidents to his/her discredit;
12. Publicly criticizing or ridiculing the Department or City, its policies, supervisors, political representatives, or employees in a manner that is defamatory, obscene, unlawful, or tends to impair its operation; engaging in gossiping or other communication detrimental to the Department, City, or its employees;
13. Contacting public officials on internal departmental matters except through proper utilization of the chain of command, unless the chain of command is participating in improper or illegal behavior;
14. Unless actually incapacitated - failing to aid, assist, and protect fellow citizens in time of danger, or under conditions where danger is impending. Employees shall render, or cause to render, medical assistance to any person injured, or requesting medical assistance;
15. Using, or attempting to use, their official position, badge, or credentials for personal or financial gain, advantage, or to avoid consequence for an act. Employees will not lend to another their equipment, badge, or credentials – or

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permit them to be photographed or reproduced. Without Administrative approval, employees will not use their official position in connection with commercial advertisements.

- (g) Use or disclosure, through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (h) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Dickinson Police Department on any personal or social networking or other website or web page, without the express written permission of the Chief of Police.
- (i) Accessing websites for non-authorized purposes, or use of any Personal Communications Device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours)
 - 2. During authorized breaks such usage should be limited as much as practicable to areas out of the sight of the public and shall not be disruptive to the work environment.
- (j) Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1022.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens, employees may not represent the Dickinson Police Department or identify themselves in any way that could be reasonably perceived as representing the Dickinson Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative (N.D.C.C. § 44-08-19)
- (b) Endorse, support, or oppose any product, service, company or other commercial entity.
- (c) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization is affiliated with this department, the

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employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Dickinson Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1022.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1022.6 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Reviewed 05/2017

Reviewed 05/2018

Locker Rooms

1023.1 PURPOSE AND SCOPE

Maintaining secure and private locker rooms is an important obligation for the Department to ensure each employee's rights and privacy are maintained.

1023.2 SECURITY

At no time will a person of the opposite sex be allowed into the locker room unless the locker room is empty of employees of the opposite sex. Entry of the opposite sex should be restricted to locker room or building maintenance or the gathering of property.

Employees who seek to talk to, interrogate or interview anyone inside the locker room should generally wait until after the employee has taken care of personal affairs and has exited. Situations requiring an immediate conversation regarding the safety or security of another employee, person or citizen, will require the employee to exit the locker room as soon as possible.

In critical or emergency situations where time is of the essence, an employee of the same sex may enter the locker room to obtain information from the employee.

1023.3 PRIVACY

At no time will video recording devices be used. Audio recording devices may be used only with the written permission of the Chief of Police. Situations allowing the audio recording of conversations in the locker room are generally limited to internal investigations of employee misconduct.

At no time will an employee capture, record or transfer video or audio recordings, either openly or in secret, of another employee by any means, including, but not limited to, the use of cameras, computers, Personal Digital Assistants (PDAs), tape or digital recorders, video cameras or cellular telephones.

Evaluation of Employees

1024.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1024.2 POLICY

The Dickinson Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1024.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for his/her input.

All licensed and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the annual evaluation period.

Employees who disagree with their evaluation and who desire to make a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1024.4 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary licensed personnel are evaluated daily, weekly and monthly during the probationary period.

1024.5 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with contributions from the previous supervisor.

Special - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary for other reasons, including an assessment of employee performance that appears to have become substandard. Generally, when used to demonstrate those areas of performance that appear to be substandard the evaluation would include follow-up action (e.g., action plan, remedial training, retraining). The evaluation form and any documentation shall be submitted as one package.

1024.5.1 RATINGS

The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets standards - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

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1024.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

1024.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of the ratings given.

1024.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

Anti-Retaliation

1025.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or employment agreement.

1025.2 POLICY

The Dickinson Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1025.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1025.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1025.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1025.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1025.7 WHISTLE-BLOWING

North Dakota law protects employees who report job-related violations of law, rules, regulations, ordinances, or misuse of public resources in writing to the Chief of Police, State's Attorney, Attorney General, or to an employee organization (N.D.C.C. § 34-11.1-04).

Members who believe they have been the subject of reprisal for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Criminal Support Division for investigation pursuant to the Personnel Complaints Policy.

1025.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1025.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Line-of-Duty Deaths

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Dickinson Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1026.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1026.2 POLICY

It is the policy of the Dickinson Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1026.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Commander and the Dispatch Center.
 - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

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- (c) If the member has been transported to the hospital, the Shift Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1026.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police Shift Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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- (g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting child care or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Dickinson Police Department members may be apprised that survivor notifications are complete.

1026.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1026.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1026.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1026.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

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- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-staff.
- (g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1026.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
- (b) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Department members and friends of the deceased member.
 - 3. Media personnel.
- (c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Dickinson Police Department members (except for members who may be guarding a suspect).
- (d) Arrange for survivors to receive timely updates regarding the member before information is released to others.
- (e) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (f) Stay with survivors and provide them with other assistance as needed at the hospital.
- (g) If applicable, explain to the survivors why an autopsy may be needed.
- (h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1026.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1026.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.

Dickinson Police Department

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Line-of-Duty Deaths

3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
- (c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1026.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
- (g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

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1026.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Dickinson Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1026.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Work-Related Disease and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 - 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 - 2. Social Security Administration.
 - 3. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Surviving spouse pension benefits (N.D.C.C. § 54-52-02 et seq.; N.D.C.C. § 40-45-13)
 - 2. Death benefits (N.D.C.C. § 65-05-16)
 - 3. Educational benefits (N.D.C.C. § 15-10-18.5)
 - 4. Health insurance benefits (N.D.C.C. § 54-52.1-03.5)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.

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Line-of-Duty Deaths

- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1026.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1026.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Instruct department members to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 - 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

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Line-of-Duty Deaths

- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1026.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1026.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

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Dickinson PD Policy Manual

Line-of-Duty Deaths

1026.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1026.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

REVIEWED 07/2024

Nepotism and Employment Conflicts

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between employees of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1027.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, in-laws, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child/grandchild (natural, adopted or step), sibling of any type or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, appointment, evaluation and/or performance of a subordinate employee.

1027.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions shall apply:

- (a) The Chief of Police may only appoint a spouse, son, daughter, brother or sister when approved by the City (N.D.C.C. § 11-10-25; N.D.C.C. § 40-13-13).

Dickinson Police Department

Dickinson PD Policy Manual

Nepotism and Employment Conflicts

- (b) Employees are prohibited from appointing, directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 - 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
 - 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (c) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (d) The department can modify work arrangements on all personal relationships to minimize negative outcomes.
- (e) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (f) To avoid actual or perceived conflicts of interest, employees of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (g) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1027.2.1 EMPLOYEE RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

Dickinson Police Department

Dickinson PD Policy Manual

Nepotism and Employment Conflicts

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Dispatch Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1027.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.

Reviewed 01/2022

Dickinson PD Policy Manual

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Attachments

Complaint Against Police Personnel.pdf

Complaint Against Police Personnel.pdf

Award Ribbons.pdf



Purple Heart



Valor



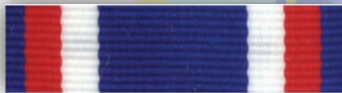
Combat Cross



Meritorious



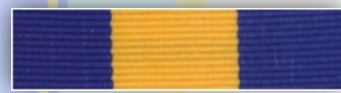
Distinguished Service



Military Service



Exemplary Service



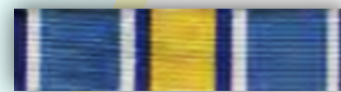
Lifesaving



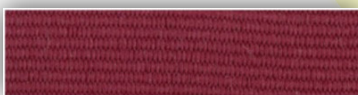
Northwestern S&C



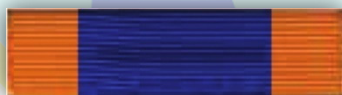
FBI National Academy



Chief's Award



Longevity



Traffic Safety



Community Service

Medal of Valor

Purple Heart



PSS – http://publicsafetyspecialties.com/civilian_cloth_ribbons.htm

G - <https://glendale.com/ribbon-slides/>

B - <https://www2.blackinton.com/products/?cat=MEDAL>



0085-PSS



1061-PSS



RBN16NVWH-G



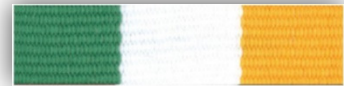
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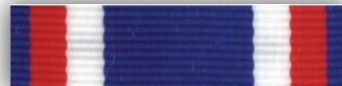
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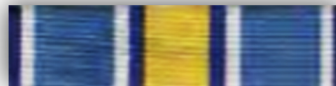
RBN16RYGORY-G



RBN16KGWHGO-G



RBN16RYRDWH-G



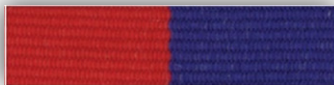
20801553-G



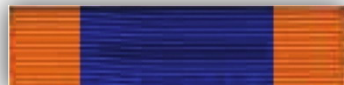
20801552-G



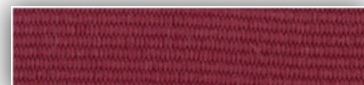
DIRECT



RBN16RYRD-G



20801121-G



RBN16MR-G

**Medal of Valor
(A8365-B)**



**Purple Heart
(A2619-B)**



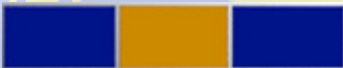
DISPATCH



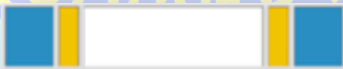
Critical Incident



Impact Award



Lifesaving



Commitment to
Excellence



Stork Award



Longevity

Style: C584
Price: \$20.00

Dimension 1.8750"W x 0.3750"H

LONGEVITY



#3

Style: SAB3_142
Price: \$20.00

Dimension 1.3750"W x 0.3750"H

STORK



#33

Style: SAB7_83
Price: \$20.00

Dimension 1.8750"W x 0.3750"H

IMPACT



#20 #28 #33 #28 #20

Style: SAB7_83
Price: \$20.00

Dimension 1.8750"W x 0.3750"H

EXCELENCE



#33 #8 #28 #8 #33

Style: C589
Price: \$20.00

Dimension 1.8750"W x 0.3750"H

CRITICAL INC.



#27 #28 #27 #1

Style: C576
Price: \$20.00

Dimension 1.8750"W x 0.3750"H

LIFESAVING



#18 #7 #18

Style: C702
Price: \$20.00

Dimension 1.8750"W x 0.3750"H



SENIOR PUBLIC SAFETY
TELECOMMUNICATOR

Style: C701
Price: \$20.00

Dimension 1.8750"W x 0.3750"H



PUBLIC SAFETY
TELECOMMUNICATOR II

Style: SAB3_330
Price: \$20.00

Dimension 1.3750"W x 0.3750"H



PUBLIC SAFETY
SUPPORT SPECIALIST

Ride Along Forms.pdf



POLICE
DICKINSON

RIDE-ALONG WAIVER FORM

AGREEMENT ASSUMING RISK ON INJURY, DAMAGE, OR DEATH WAIVER AND RELEASE OF CLAIMS; AND AGREEMENT NOT TO SUE

Whereas the undersigned, not being a sworn member, employee or agent of the Dickinson Police Department, has made a voluntary request for permission to ride as a guest or observer in a law enforcement vehicle at a time when such vehicle is operated and manned by members of the Dickinson Police Department and has further requested permission to accompany a member or members of said law enforcement agency during the active performance of their official duties as peace officers: and

Now, therefore, be it understood that the undersigned hereby agrees that THE WORK AND ACTIVITIES OF THE POLICE DEPARTMENT ARE INHERENTLY DANGEROUS INVOLVING SUBSTANTIAL RISKS including the risk of death; personal injury, and/or property damage; such risks may be generated by individuals breaking, or suspected of breaking the law; by the apprehension, or attempted apprehension, of such individuals; by motor vehicles driven by peace officers or by others; or may occur in a truly limitless variety of ways; AND THAT THE UNDERSIGNED WILL BE EXPOSED TO SUCH RISKS BY ACCOMPANYING, OR PARTICIPATING IN, THE RIDE-ALONG.

Further, knowing all these risks, the undersigned nevertheless hereby agrees to voluntarily assume all risks, both known and unknown and to release and hold harmless all of the persons and entities named herein who, through negligence or intentional conduct, might otherwise be liable for damages.

Now, therefore, be it understood that the undersigned hereby agrees that the City of Dickinson, the driver or owner of any automobile owned or operated by, or in the service of the City of Dickinson and its sureties shall not be held liable or responsible under any circumstances whatsoever by the undersigned, his or her estate, or heirs, for any death, injury, expense or loss to the person or property of the undersigned, incurred while riding as a guest or observer in any Dickinson Police Department vehicle or while accompanying a member of said department during the active performance of his official duties as a peace officer. The undersigned agrees not to sue any of the above for any possible death, injury, expense, or loss.

THE UNDERSIGNED: HAS READ THIS RELEASE AND FULLY UNDERSTANDS ITS CONTENTS; IS AWARE THAT THIS RELEASE IS A WAIVER OF LIABILITY AND HAS SIGNED THIS RELEASE VOLUNTARILY.

NOTE: THE SIGNATURE OF A PARENT OR GUARDIAN IS REQUIRED FOR THOSE GUESTS OR OBSERVERS UNDER THE AGE OF EIGHTEEN (18) YEARS, YOU MUST BE 14yoa OR OLDER TO PARTICIPATE.

SIGNATURE: _____ **DATE:** _____

PARENT/GUARDIAN: _____

ADDRESS: _____

PHONE: _____

DATE/TIME OBSERVER TO RIDE:

APPROVED BY:



POLICE
DICKINSON

RIDE-ALONG PROGRAM RULES and REGULATIONS

(Bring this form with you on your ride-along)

The Ride-Along program provides the public with an opportunity to ride with a peace officer while they perform his/her regular duties. The program is designed to enhance your understanding of law enforcement. The following rules and regulations are designed to maintain the integrity and positive nature of this program.

1. All observers shall sign a release of liability and be 14yoa or older. Observers under 18 years of age must have a parent or guardian sign the release of liability in the presence of a Dickinson Police Department employee.
2. You are not allowed to carry or bring with you any firearm or other dangerous weapon during the time you are accompanying a sworn officer or other department employee, regardless of your status or ability to otherwise lawfully possess or carry any such firearm or dangerous weapon.
3. Observers must wear appropriate attire. Business casual or professional attire is preferred. However, blue jeans, tennis-shoes, and other casual attire are acceptable as long as it is not offensive, unkempt or in disrepair. Your ride-along may be cancelled if you are inappropriately dressed.
4. Questions about procedures are welcome. However, they must be asked at the appropriate time. Observers should be careful not to interfere with the officer at any time.
5. The observer is responsible to pay for his/her own meals.
6. Observers shall obtain authorization from the assigned officer prior to talking with prisoners, suspects, witnesses or other parties contacted on official business. Observers shall not participate in police activities, unless directed to do so by the officer.
7. An observer may end his/her ride at any time simply by notifying the officer.
8. The observer will wear the ID tag provided by the Dickinson Police Department on his/her outermost garment so it is visible at all times during the ride.
9. All Ride-Alongs are limited to 4 hours in duration and to 3 sessions per calendar year.
10. If the officer feels the performance of his/her duties is being impaired in any manner by the actions of the observer, the officer has the authority to return the observer to the PSC and end the ride-along.

I have read the above rules/regulations. I understand and agree to abide by them.

Signature of Rider

Date



POLICE
DICKINSON

CONFIDENTIALITY NOTICE

USE OF CRIMINAL INFORMATION, DEPARTMENT OF MOTOR VEHICLE INFORMATION AND OTHER POTENTIALLY SENSATIVE CONFIDENTIAL INFORMATION BY RIDE-ALONG PROGRAM PARTICIPANTS WITH THE DICKINSON POLICE DEPARTMENT:

As a "Ride-Along" with an Officer of the Dickinson Police Department, you may have access to confidential criminal records, Department of Motor Vehicle record information along with other potentially sensitive confidential information which would not be available to the general public while participating in the Ride-Along Program. This confidential information is controlled by century code. Misuse of such information may adversely affect an individual's civil rights and violates the law. Violation of this law, by you, as an observer of the procedures of the Dickinson Police Department, may result in your being prosecuted in a criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING THE MISUSE OF CRIMINAL RECORD INFORMATION, DEPARTMENT OF MOTOR VEHICLE INFORMATION AND OTHER POTENTIALLY SENSATIVE CONFIDENTIAL INFORMATION.

The information on this form will be read and signed by participants in the "Ride-Along" program at the Dickinson Police Department.

SIGNATURE: _____

DATE: _____

WITNESS: _____ TITLE _____



POLICE
DICKINSON

DPD Ride-Along Check List

General Information (Must be completed by applicant 5 business days prior to ride along date)

Name of Ride-Along _____
(Please Print) LAST, FIRST, MI

Other Names/Aliases _____ DOB _____

Home Address _____

Home Phone _____ Occupation _____

(If student: list school/grade): _____

Driver's License # and State _____

In Case of Emergency Notify (To be completed by applicant):

Name.Address.Phone.Relation

Records Check (To be completed by Records Division)

DL Status _____ Warrants _____ RMS Records _____ ND CRTS _____

Date Check Completed _____ Records Clerk _____

Approval / Assignment (*To be completed by Operations Captain)

*Ride Along: Approved: _____ Denied _____

*Reason for Denial:

*Shift Commander: _____

Officer Assigned to Ride-Along: _____

Date, Time and Duration Ride-Along Completed: _____

Officer's Signature: _____

Complaint Against Police Personnel.pdf

Complaint Against Police Personnel.pdf

Complaint Against Police Personnel.pdf

*** * C O N F I D E N T I A L * ***

PIN _____

**DICKINSON POLICE DEPARTMENT
POLYGRAPH EXAMINATION
ACKNOWLEDGMENT OF RIGHTS**

I, _____, have been ordered by _____
Name & Rank Name & Rank

to submit to a polygraph examination as a condition of employment in connection with the investigation of:

(Init) I understand that my answers to such examination, as they relate to the above-referenced investigation, will not be used to prosecute me.

(Init) I understand my refusal to submit to such examination and/or to answer questions pursuant to such examination shall lead to disciplinary action which may include termination of my employment.

(Init) I understand that my responses do not constitute a waiver of my privilege against self-incrimination as it relates to criminal matters.

(Init) I understand my refusal to sign this form shall lead to disciplinary action which may include termination of my employment.

WITNESS(ES):

Signature & Date

Signature & Date

Signature & Date

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN FORM:

I, _____, hereby certify this form was presented to
_____ on this date in connection with the above-referenced investigation. That the contents of the form were made known to said individual, and that failure to sign the form was grounds for disciplinary action, including dismissal from employment.

Said _____ refused, in my presence, to sign this form.

Employee Signature & Date

Witness Signature & Date

****CONFIDENTIAL****

PIN _____

**DICKINSON POLICE DEPARTMENT
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

Complainant Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Incident Date: _____ Incident Time: _____

Incident Location: _____

Name of officer/employee against whom complaint is being filed, or other identifying marks, i.e., car number, badge number, etcetera:

Name: _____

Rank: _____ ID Number: _____ Badge Number: _____ Car Number: _____

Name(s)/Address(es)/Phone Number(s), or other identifying information concerning witness(es):

Statement of Allegation

(If further space is needed, use reverse side of sheet)

I UNDERSTAND that this statement of complaint will be submitted to the Dickinson Police Department and may be the basis for an investigation.

FURTHER, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true, to the best of my knowledge and belief.

FURTHER, I declare and affirm that my statement has been made by me voluntarily, without any persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the police department, the officer/employee against whom this complaint is filed may be entitled to request a hearing before the Civil Service Commission, if disciplinary action is warranted. By signing this complaint, I hereby agree to appear at such hearing, if one is requested by the officer/employee, and to fully cooperate with the police department, by testifying under oath concerning all matters relevant to this complaint.

[] Check Complainant Refuses to Sign

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date / Time

**** CONFIDENTIAL ****

PIN _____

**DICKINSON POLICE DEPARTMENT
COMPLAINT PROCESSING FORM**

TO BE COMPLETED BY THE OPERATIONS DIVISION COMMANDER:

Date Received: _____

Name of Complainant(s): _____

Name of Employee: _____

Investigator Assigned: _____ Date Given to Investigator: _____

Signature

TO BE COMPLETED BY INVESTIGATING OFFICER: Classification: ☐ ADMINISTRATIVE ☐ CRIMINAL

Date Received: _____

INITIAL DETERMINATION: ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to department's
expected standards of professional conduct. (Explain)

Date Investigation Completed: _____ Date Final Report Filed: _____

Signature

TO BE COMPLETED BY OPERATIONS DIVISION COMMANDER - FINAL REVIEW:

Date Received: _____ ☐ CONCUR ☐ DO NOT CONCUR

Recommendation for Discipline: _____

Comments: _____

Date of Review: _____

Signature

TO BE COMPLETED BY CHIEF OF POLICE - FINAL DETERMINATION:

Date Received: _____ ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to
Department's expected standards of professional conduct.

(Explain) _____

Final Disposition: _____

Date complainant notified of determination/disposition: _____

Date employee notified of determination/disposition: _____

Date operations commander and supervisor notified: _____

Signature

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS**

NAME _____ DATE _____ TIME _____

The Dickinson Police Department policy provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with in situations where a report of complaint against a department employee or police department personnel is formally received.

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty, and at the office of the command of the investigating officer, or at the office of the local precinct or police unit of the officer being investigated, unless circumstances dictate otherwise.
2. Before questioning the officer, he/she shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning; and, (2) the nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.
3. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
4. Before being formally charged, during an administrative investigation, no attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

Complainant(s): (1) _____ (2) _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

Signature

WITNESS(ES):

****CONFIDENTIAL****

PIN _____

**DICKINSON POLICE DEPARTMENT
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

Complainant Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Incident Date: _____ Incident Time: _____

Incident Location: _____

Name of officer/employee against whom complaint is being filed, or other identifying marks, i.e., car number, badge number, etcetera:

Name: _____

Rank: _____ ID Number: _____ Badge Number: _____ Car Number: _____

Name(s)/Address(es)/Phone Number(s), or other identifying information concerning witness(es):

Statement of Allegation

(If further space is needed, use reverse side of sheet)

I UNDERSTAND that this statement of complaint will be submitted to the Dickinson Police Department and may be the basis for an investigation.

FURTHER, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true, to the best of my knowledge and belief.

FURTHER, I declare and affirm that my statement has been made by me voluntarily, without any persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the police department, the officer/employee against whom this complaint is filed may be entitled to request a hearing before the Civil Service Commission, if disciplinary action is warranted. By signing this complaint, I hereby agree to appear at such hearing, if one is requested by the officer/employee, and to fully cooperate with the police department, by testifying under oath concerning all matters relevant to this complaint.

[] Check Complainant Refuses to Sign

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date

Time

APPENDIX 1

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
COMPLAINT PROCESSING FORM**

TO BE COMPLETED BY THE OPERATIONS DIVISION COMMANDER:

Date Received: _____

Name of Complainant(s): _____

Name of Employee: _____

Investigator Assigned: _____ Date Given to Investigator: _____

Signature

TO BE COMPLETED BY INVESTIGATING OFFICER: Classification: ☐ ADMINISTRATIVE ☐ CRIMINAL

Date Received: _____

INITIAL DETERMINATION: ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to department's
expected standards of professional conduct. (Explain)

Date Investigation Completed: _____ Date Final Report Filed: _____

Signature

TO BE COMPLETED BY OPERATIONS DIVISION COMMANDER - FINAL REVIEW:

Date Received: _____ ☐ CONCUR ☐ DO NOT CONCUR

Recommendation for Discipline: _____

Comments: _____

Date of Review: _____

Signature

TO BE COMPLETED BY CHIEF OF POLICE - FINAL DETERMINATION:

Date Received: _____ ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to
Department's expected standards of professional conduct.

(Explain) _____

Final Disposition: _____

Date complainant notified of determination/disposition: _____

Date employee notified of determination/disposition: _____

Date operations commander and supervisor notified: _____

Signature

APPENDIX 2

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS**

NAME _____ DATE _____ TIME _____

The Dickinson Police Department policy provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with in situations where a report of complaint against a department employee or police department personnel is formally received.

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty, and at the office of the command of the investigating officer, or at the office of the local precinct or police unit of the officer being investigated, unless circumstances dictate otherwise.
2. Before questioning the officer, he/she shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning; and, (2) the nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.
3. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
4. Before being formally charged, during an administrative investigation, an attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

Complainant(s): (1) _____ (2) _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

Signature

WITNESS(ES):

APPENDIX 3

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
POLYGRAPH EXAMINATION
ACKNOWLEDGMENT OF RIGHTS**

I, _____, have been ordered by _____
Name & Rank Name & Rank

to submit to a polygraph examination as a condition of employment in connection with the investigation of:

____ I understand that my answers to such examination, as they relate to the above-referenced
(Init) investigation, will not be used to prosecute me.

____ I understand my refusal to submit to such examination and/or to answer questions pursuant
(Init) to such examination shall lead to disciplinary action which may include termination of my
employment.

____ I understand that my responses do not constitute a waiver of my privilege against self-
(Init) incrimination as it relates to criminal matters.

____ I understand my refusal to sign this form shall lead to disciplinary action which may include
(Init) termination of my employment.

WITNESS(ES):

Signature & Date

Signature & Date

Signature & Date

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN FORM:

I, _____, hereby certify this form was presented to
_____ on this date in connection with the above-
referenced investigation. That the contents of the form were made known to said individual, and that failure to sign
the form was grounds for disciplinary action, including dismissal from employment.

Said _____ refused, in my presence, to sign this form.

Employee Signature & Date

Witness Signature & Date

APPENDIX 4

*** * C O N F I D E N T I A L * ***

PIN _____

**DICKINSON POLICE DEPARTMENT
POLYGRAPH EXAMINATION
ACKNOWLEDGMENT OF RIGHTS**

I, _____, have been ordered by _____
Name & Rank Name & Rank

to submit to a polygraph examination as a condition of employment in connection with the investigation of:

(Init) I understand that my answers to such examination, as they relate to the above-referenced investigation, will not be used to prosecute me.

(Init) I understand my refusal to submit to such examination and/or to answer questions pursuant to such examination shall lead to disciplinary action which may include termination of my employment.

(Init) I understand that my responses do not constitute a waiver of my privilege against self-incrimination as it relates to criminal matters.

(Init) I understand my refusal to sign this form shall lead to disciplinary action which may include termination of my employment.

WITNESS(ES):

Signature & Date

Signature & Date

Signature & Date

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN FORM:

I, _____, hereby certify this form was presented to
_____ on this date in connection with the above-

referenced investigation. That the contents of the form were made known to said individual, and that failure to sign the form was grounds for disciplinary action, including dismissal from employment.

Said _____ refused, in my presence, to sign this form.

Employee Signature & Date

Witness Signature & Date

****CONFIDENTIAL****

PIN _____

**DICKINSON POLICE DEPARTMENT
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

Complainant Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Incident Date: _____ Incident Time: _____

Incident Location: _____

Name of officer/employee against whom complaint is being filed, or other identifying marks, i.e., car number, badge number, etcetera:

Name: _____

Rank: _____ ID Number: _____ Badge Number: _____ Car Number: _____

Name(s)/Address(es)/Phone Number(s), or other identifying information concerning witness(es):

Statement of Allegation

(If further space is needed, use reverse side of sheet)

I UNDERSTAND that this statement of complaint will be submitted to the Dickinson Police Department and may be the basis for an investigation.

FURTHER, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true, to the best of my knowledge and belief.

FURTHER, I declare and affirm that my statement has been made by me voluntarily, without any persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the police department, the officer/employee against whom this complaint is filed may be entitled to request a hearing before the Civil Service Commission, if disciplinary action is warranted. By signing this complaint, I hereby agree to appear at such hearing, if one is requested by the officer/employee, and to fully cooperate with the police department, by testifying under oath concerning all matters relevant to this complaint.

[] Check Complainant Refuses to Sign

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date

Time

**** CONFIDENTIAL ****

PIN _____

**DICKINSON POLICE DEPARTMENT
COMPLAINT PROCESSING FORM**

TO BE COMPLETED BY THE OPERATIONS DIVISION COMMANDER:

Date Received: _____

Name of Complainant(s): _____

Name of Employee: _____

Investigator Assigned: _____ Date Given to Investigator: _____

Signature

TO BE COMPLETED BY INVESTIGATING OFFICER: Classification: ☐ ADMINISTRATIVE ☐ CRIMINAL

Date Received: _____

INITIAL DETERMINATION: ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to department's
expected standards of professional conduct. (Explain)

Date Investigation Completed: _____ Date Final Report Filed: _____

Signature

TO BE COMPLETED BY OPERATIONS DIVISION COMMANDER - FINAL REVIEW:

Date Received: _____ ☐ CONCUR ☐ DO NOT CONCUR

Recommendation for Discipline: _____

Comments: _____

Date of Review: _____

Signature

TO BE COMPLETED BY CHIEF OF POLICE - FINAL DETERMINATION:

Date Received: _____ ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to
Department's expected standards of professional conduct.

(Explain) _____

Final Disposition: _____

Date complainant notified of determination/disposition: _____

Date employee notified of determination/disposition: _____

Date operations commander and supervisor notified: _____

Signature

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS**

NAME _____ DATE _____ TIME _____

The Dickinson Police Department policy provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with in situations where a report of complaint against a department employee or police department personnel is formally received.

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty, and at the office of the command of the investigating officer, or at the office of the local precinct or police unit of the officer being investigated, unless circumstances dictate otherwise.
2. Before questioning the officer, he/she shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning; and, (2) the nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.
3. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
4. Before being formally charged, during an administrative investigation, no attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

Complainant(s): (1) _____ (2) _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

Signature

WITNESS(ES):

*** * C O N F I D E N T I A L * ***

PIN _____

**DICKINSON POLICE DEPARTMENT
POLYGRAPH EXAMINATION
ACKNOWLEDGMENT OF RIGHTS**

I, _____, have been ordered by _____
Name & Rank Name & Rank

to submit to a polygraph examination as a condition of employment in connection with the investigation of:

(Init) I understand that my answers to such examination, as they relate to the above-referenced investigation, will not be used to prosecute me.

(Init) I understand my refusal to submit to such examination and/or to answer questions pursuant to such examination shall lead to disciplinary action which may include termination of my employment.

(Init) I understand that my responses do not constitute a waiver of my privilege against self-incrimination as it relates to criminal matters.

(Init) I understand my refusal to sign this form shall lead to disciplinary action which may include termination of my employment.

WITNESS(ES):

Signature & Date

Signature & Date

Signature & Date

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN FORM:

I, _____, hereby certify this form was presented to
_____ on this date in connection with the above-referenced investigation. That the contents of the form were made known to said individual, and that failure to sign the form was grounds for disciplinary action, including dismissal from employment.

Said _____ refused, in my presence, to sign this form.

Employee Signature & Date

Witness Signature & Date

****CONFIDENTIAL****

PIN _____

**DICKINSON POLICE DEPARTMENT
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

Complainant Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Incident Date: _____ Incident Time: _____

Incident Location: _____

Name of officer/employee against whom complaint is being filed, or other identifying marks, i.e., car number, badge number, etcetera:

Name: _____

Rank: _____ ID Number: _____ Badge Number: _____ Car Number: _____

Name(s)/Address(es)/Phone Number(s), or other identifying information concerning witness(es):

Statement of Allegation

(If further space is needed, use reverse side of sheet)

I UNDERSTAND that this statement of complaint will be submitted to the Dickinson Police Department and may be the basis for an investigation.

FURTHER, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true, to the best of my knowledge and belief.

FURTHER, I declare and affirm that my statement has been made by me voluntarily, without any persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the police department, the officer/employee against whom this complaint is filed may be entitled to request a hearing before the Civil Service Commission, if disciplinary action is warranted. By signing this complaint, I hereby agree to appear at such hearing, if one is requested by the officer/employee, and to fully cooperate with the police department, by testifying under oath concerning all matters relevant to this complaint.

[] Check Complainant Refuses to Sign

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date

Time

**** CONFIDENTIAL ****

PIN _____

**DICKINSON POLICE DEPARTMENT
COMPLAINT PROCESSING FORM**

TO BE COMPLETED BY THE OPERATIONS DIVISION COMMANDER:

Date Received: _____

Name of Complainant(s): _____

Name of Employee: _____

Investigator Assigned: _____ Date Given to Investigator: _____

Signature

TO BE COMPLETED BY INVESTIGATING OFFICER: Classification: ☐ ADMINISTRATIVE ☐ CRIMINAL

Date Received: _____

INITIAL DETERMINATION: ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to department's
expected standards of professional conduct. (Explain)

Date Investigation Completed: _____ Date Final Report Filed: _____

Signature

TO BE COMPLETED BY OPERATIONS DIVISION COMMANDER - FINAL REVIEW:

Date Received: _____ ☐ CONCUR ☐ DO NOT CONCUR

Recommendation for Discipline: _____

Comments: _____

Date of Review: _____

Signature

TO BE COMPLETED BY CHIEF OF POLICE - FINAL DETERMINATION:

Date Received: _____ ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to
Department's expected standards of professional conduct.

(Explain) _____

Final Disposition: _____

Date complainant notified of determination/disposition: _____

Date employee notified of determination/disposition: _____

Date operations commander and supervisor notified: _____

Signature

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS**

NAME _____ DATE _____ TIME _____

The Dickinson Police Department policy provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with in situations where a report of complaint against a department employee or police department personnel is formally received.

1. Any questioning of the officer shall take place at a reasonable time and place as designated by the investigating officer, preferably when the officer under investigation is on duty, and at the office of the command of the investigating officer, or at the office of the local precinct or police unit of the officer being investigated, unless circumstances dictate otherwise.
2. Before questioning the officer, he/she shall be informed of (1) the name and rank of the investigating officer and of any individual to be present during the questioning; and, (2) the nature of the investigation.

Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
2. Refusal to answer all questions pertaining to the allegations made by the complainant, either orally or in writing, shall be grounds for disciplinary action and may result in dismissal from the department.
3. The answers given do not constitute a waiver of your privilege against self-incrimination as related to criminal matters.
4. Before being formally charged, during an administrative investigation, no attorney will be permitted to be present.

Accordingly, you are hereby advised that the following allegations have been directed to you:

Complainant(s): (1) _____ (2) _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

Signature

WITNESS(ES):

*** * C O N F I D E N T I A L * ***

PIN _____

**DICKINSON POLICE DEPARTMENT
POLYGRAPH EXAMINATION
ACKNOWLEDGMENT OF RIGHTS**

I, _____, have been ordered by _____
Name & Rank Name & Rank

to submit to a polygraph examination as a condition of employment in connection with the investigation of:

(Init) I understand that my answers to such examination, as they relate to the above-referenced investigation, will not be used to prosecute me.

(Init) I understand my refusal to submit to such examination and/or to answer questions pursuant to such examination shall lead to disciplinary action which may include termination of my employment.

(Init) I understand that my responses do not constitute a waiver of my privilege against self-incrimination as it relates to criminal matters.

(Init) I understand my refusal to sign this form shall lead to disciplinary action which may include termination of my employment.

WITNESS(ES):

Signature & Date

Signature & Date

Signature & Date

CERTIFICATE TO BE COMPLETED IN EVENT OF REFUSAL TO SIGN FORM:

I, _____, hereby certify this form was presented to
_____ on this date in connection with the above-referenced investigation. That the contents of the form were made known to said individual, and that failure to sign the form was grounds for disciplinary action, including dismissal from employment.

Said _____ refused, in my presence, to sign this form.

Employee Signature & Date

Witness Signature & Date

****CONFIDENTIAL****

PIN _____

**DICKINSON POLICE DEPARTMENT
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

Complainant Name: _____

Address: _____

Home Phone: _____ Work Phone: _____

Incident Date: _____ Incident Time: _____

Incident Location: _____

Name of officer/employee against whom complaint is being filed, or other identifying marks, i.e., car number, badge number, etcetera:

Name: _____

Rank: _____ ID Number: _____ Badge Number: _____ Car Number: _____

Name(s)/Address(es)/Phone Number(s), or other identifying information concerning witness(es):

Statement of Allegation

(If further space is needed, use reverse side of sheet)

I UNDERSTAND that this statement of complaint will be submitted to the Dickinson Police Department and may be the basis for an investigation.

FURTHER, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true, to the best of my knowledge and belief.

FURTHER, I declare and affirm that my statement has been made by me voluntarily, without any persuasion, coercion, or promise of any kind.

I understand that, under the regulations of the police department, the officer/employee against whom this complaint is filed may be entitled to request a hearing before the Civil Service Commission, if disciplinary action is warranted. By signing this complaint, I hereby agree to appear at such hearing, if one is requested by the officer/employee, and to fully cooperate with the police department, by testifying under oath concerning all matters relevant to this complaint.

[] Check Complainant Refuses to Sign

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date / Time

**** CONFIDENTIAL ****

PIN _____

**DICKINSON POLICE DEPARTMENT
COMPLAINT PROCESSING FORM**

TO BE COMPLETED BY THE OPERATIONS DIVISION COMMANDER:

Date Received: _____

Name of Complainant(s): _____

Name of Employee: _____

Investigator Assigned: _____ Date Given to Investigator: _____

Signature

TO BE COMPLETED BY INVESTIGATING OFFICER: Classification: ☐ ADMINISTRATIVE ☐ CRIMINAL

Date Received: _____

INITIAL DETERMINATION: ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to department's
expected standards of professional conduct. (Explain)

Date Investigation Completed: _____ Date Final Report Filed: _____

Signature

TO BE COMPLETED BY OPERATIONS DIVISION COMMANDER - FINAL REVIEW:

Date Received: _____ ☐ CONCUR ☐ DO NOT CONCUR

Recommendation for Discipline: _____

Comments: _____

Date of Review: _____

Signature

TO BE COMPLETED BY CHIEF OF POLICE - FINAL DETERMINATION:

Date Received: _____ ☐ Unfounded ☐ Exonerated ☐ Not Sustained ☐ Sustained
☐ Exonerated as to specific allegations, but behavior did not conform to
Department's expected standards of professional conduct.

(Explain) _____

Final Disposition: _____

Date complainant notified of determination/disposition: _____

Date employee notified of determination/disposition: _____

Date operations commander and supervisor notified: _____

Signature

**** C O N F I D E N T I A L ****

PIN _____

**DICKINSON POLICE DEPARTMENT
ADMINISTRATIVE PROCEEDINGS RIGHTS
NOTIFICATION OF ALLEGATIONS**

NAME _____ DATE _____ TIME _____

The Dickinson Police Department policy provides that whenever an investigation by an agency focuses on matters which could lead to the dismissal, demotion, suspension, or transfer for punitive reasons of a law enforcement officer, the following conditions shall be complied with in situations where a report of complaint against a department employee or police department personnel is formally received.

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Departmental policy provides that:

1. You are entitled to read the complaint lodged by the complainant.
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Complainant(s): (1) _____ (2) _____

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him and his rights as pertaining to administrative proceedings.

Signature

WITNESS(ES):

Ribbon Placement.pdf



Dickinson PD Policy Manual

Dickinson PD Policy Manual

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