

# **BURLEIGH COUNTY SHERIFF'S DEPARTMENT**



## **POLICY MANUAL**

*Sheriff Kelly Leben*

# INDEX

## **SECTION 1**                    **DEPARTMENTAL ORGANIZATION**

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1. Organization Structure and Span of Control
2. Enforcement Division – Patrol Section
3. Enforcement Division – Investigations Section
4. Operations Division
5. Detention Division
6. On Call Process
7. Chaplain Service
8. Overtime and Holiday Pay

## **SECTION 2**                    **PROFESSIONAL CONDUCT**

---

9. Code of Conduct
10. Professional Conduct Standards
11. Employee Commendation
12. Social Media

## **SECTION 3**                    **DEPARTMENT LIAISON**

---

13. Community Relations
14. Media Relations
15. Relationships With Other Agencies

## **SECTION 4**                    **RECRUITMENT/SELECTION/PROMOTION/TRANSFER**

---

16. Recruitment
17. Internship Program
18. Selection Process – Civilian and Sworn Personnel
19. Civilian Personnel
20. Internal Personnel Transfer
21. Promotional Process

## **SECTION 5**                    **UNIFORM/APPEARANCE**

---

22. Uniform/Appearance
23. Clothing Allowance

## **SECTION 6**                    **RESPONSE TO RESISTANCE/ARRESTS/WEAPONS**

---

24. Response to Resistance
25. Arrest Procedures/Alternative to Arrest/Use of Discretion
26. Off-Duty Power of Arrest
27. Deputy Involved in Shooting Incident/Post Shooting Incident/Post Traumatic Stress Disorder (PTSD) Recognition
28. Weapons/Ammunition Standards/Use and Care of Weapons/Qualifications/Off-Duty and Backup Weapons
29. Courtroom Weapons
30. Line of Duty Death

**SECTION 7                      VEHICLE OPERATIONS/PURSUIITS**

---

- 31. Operation of Department Vehicles
- 32. Vehicular Pursuit
- 33. Vehicle Inspections
- 34. Video and Still Image Recordings and Equipment

**SECTION 8                      DOMESTIC VIOLENCE**

---

- 35. Domestic Violence
- 36. Deputy/Law Enforcement Officer/Employee Involved Domestic Violence

**SECTION 9                      MISSING PERSONS/JUVENILE**

---

- 37. Missing Persons
- 38. Missing Children
- 39. Juveniles

**SECTION 10                    PRISONER TRANSPORT/OFFENDER REGISTRATION/HIV/BAND IT  
RESTRAINT DEVICE**

---

- 40. Transportation of Prisoners
- 41. R-E-A-C-T System/Band It Restraining Device
- 42. Sex Offender and Offender Against Children Monitoring and Public Notification
- 43. Communicable Diseases

**SECTION 11                    EVIDENCE HANDLING/VEHICLE IMPOUNDMENTS/HOUSE CHECKS/  
ALARMS/RECORDS**

---

- 44. Evidence Handling
- 45. Motor Vehicle Impoundment
- 46. House Check Program
- 47. Alarms

**SECTION 12                    K9**

---

- 48. K9 Unit

**SECTION 13                    SPECIAL ORDERS**

---

- 49. Naloxone Treatment Procedure
- 50. Drug Recognition Expert
- 51. Unmanned Aerial System (UAS)
- 52. Court Holding Facility
- 53. Peer Support-Officer Wellness
- 54. Alcohol and Controlled Substances
- 55. Avel eCARE
- 56. Take Home Vehicle Program

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Organization Structure and Span of Control**

### **I. POLICY**

In order to provide employees with an understanding of the formal organizational structure of the Burleigh County Sheriff's Department, the Department is divided into three main divisions: the Enforcement Division, the Operations Division and the Detention Division.

### **II. PURPOSE**

The purpose of this order is to describe the organizational structure of the Department and includes the general responsibilities thereof.

### **III. PROCEDURE**

#### **A. Organization**

1. The three main divisions of the Department are grouped basically by function. The Enforcement Division is generally considered a line function. The Operations Division is considered a staff function. The Detention Division houses inmates. Positions not requiring sworn personnel are specified as civilian positions and staffed accordingly.
2. The Enforcement Division encompasses the Patrol Section and the Investigations Section components of the Department. The Division is commanded by a Major who reports to the Sheriff.
3. The Operations Division encompasses the Civil Service Section, the Criminal Section, the Transport Section, the Court Security Section, the Training Section, the 24/7 Section and the Administrative Section. The Division is commanded by a Major who reports to the Sheriff.

#### **B. Major Functions**

1. The Enforcement Division is responsible for the following functions:
  - a) Patrol – The primary responsibility of the Patrol Section is the preservation of life and property through the enforcement of statutes.
  - b) Investigations – The Investigations Section primarily is responsible for the follow-up of cases reported to the Department. The Investigations Section also initiates pro-active investigations.
2. The Operations Division is responsible for the following functions:
  - a) Civil – The primary function of the Civil Section is to conduct civil process and act at the direction of the court.
  - b) Criminal – The Criminal Section is responsible for the process of criminal warrants/summons & complaints that are issued by the court.

- c) Transportation – The Transportation Section's primary responsibility is the movement of inmates in a safe and secure manner.
  - d) Court Security – The primary responsibility of the Court Security Section is to ensure the safety and security of the public and employees within the Burleigh County Courthouse.
  - e) Training – The primary responsibility of the Training Section is the training of deputies and civilian employees, along with crime prevention and maintenance of equipment and vehicles for the Department.
  - f) 24/7 Program – The primary responsibility of the 24/7 Program is the administering of the pre- and post- conviction drug and alcohol programs.
3. The Detention Division is responsible for the following functions:
    - a) Responsible for the protection, life and property of inmates within the Detention Center.
    - b) Process and release inmates, assess and respond to the needs of all inmates including special populations.
    - c) Conduct audio and visual surveillance.
    - d) Gather information in criminal and administrative investigations. Prepare investigative reports and determine criminal charges and/or disciplinary action.
    - e) Perform searches of all people, cells and property.
    - f) Transport and escort inmates to court and emergency medical appointments within facility.
  4. The Administrative Section has the responsibility of maintenance and retrieval of records and reports.
  5. When employees of two or more sections are involved in a single operation, a supervisor or commander will be designated by the Sheriff or Division Commander having functional authority over the operation. Situations may arise in which personnel of lesser rank are designated due to their expertise or assignment to a specialized section.
  6. Each employee, in order to carry out the responsibilities of his/her job, must be given the appropriate authority to allow execution of those responsibilities. Any employee who has questions concerning his/her delegated authority should bring such questions to the attention of his/her immediate supervisor or the next person in the chain of command for prompt resolution.
  7. Once employees are aware of their authority and responsibilities in carrying out the necessary functions of their job, they will be held accountable for the use or failure to use the delegated authority. Any gross or improper use of authority or failure to accept authority will be reported to the employee's immediate supervisor.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
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## **Burleigh County Sheriff's Department Policy and Procedure Enforcement Division – Patrol Section**

### **I. POLICY**

All activities of the Patrol Section are designed to protect persons, prevent crime and to provide services to the public.

### **II. PURPOSE**

The purpose of this policy is to establish the organizational structure of the section, list the major functions of the section performs and to provide guidelines concerning the handling of calls for service.

### **III. PROCEDURE**

#### **A. Organization**

The Patrol Section is part of the Enforcement Division. A Major, who also commands the Investigations Section of the Enforcement Division, commands the Enforcement Division.

The Enforcement Division Lieutenant supervises the daily activities of the Patrol Section.

#### **B. Major Functions**

The major functions of the Patrol Section are designed to protect persons, prevent crime and provide services to the public by:

1. Preventative patrol oriented toward prevention of crimes and accidents.
2. Maintenance of public order.
3. Discovery and investigation of crimes, offenses, incidents and dangerous conditions, including arresting offenders.
4. Discovery of hazards.
5. Response to calls for service.
6. Crash investigations.
7. Provision of emergency services.
8. Prompt and accurate reporting of occurrences and incidents.
9. Developing positive relationships between citizens and the Department.

#### **C. Handling Calls**

Certain calls for services are of such a nature that they present safety, tactical or procedural concerns which require the presence of more than one deputy/law enforcement officer. The following situations involve concerns which recommend that at least two law enforcement officers respond to:

1. Domestic situations.
2. Crimes in progress.
3. Felony or violent misdemeanor arrests.
4. Calls involving weapons.
5. Calls of a suspicious or unknown nature.
6. Alarm calls.
7. Calls involving the mentally ill or persons under the influence of alcohol or drugs.

#### D. Call Prioritization

The Department receives emergency and non-emergency calls for service or assistance. Calls will be prioritized as follows:

1. Immediate response is required in all life-threatening situations. Examples of life-threatening situations include but are not limited to:
  - a) Injury accidents/crashes.
  - b) Violent crimes in progress.
  - c) Fire (inhabited structures).
  - d) Health hazards (i.e. chemical leaks, explosions, etc.).
2. Priority response is required in calls involving a non-violent crime in progress, alarms or other serious incidents. Examples of priority response situations include but are not limited to:
  - a) Intrusion alarms.
  - b) Disturbances in progress.
  - c) Thefts and burglaries in progress.
  - d) Medical calls of a non-life threatening nature.
3. Regular responses are those calls assigned to available deputies. They include situations which require a deputy to meet with persons at the scene. Examples of regular response calls include but are not limited to:
  - a) Property theft reports.
  - b) Burglaries not in progress.
  - c) Vandalisms.
  - d) Motor vehicle crashes involving property only.
  - e) Personal crimes such as threatening/harassing telephone calls, assault reports, suspicious person reports.
  - f) Other non-priority requests for service.

#### E. 9-1-1 Hang Up Calls

All 9-1-1 hang up calls shall be assumed to be life-threatening situations and responses will be immediate. Depending on information gathered by Dispatch, fire and ambulance should be dispatched also.

Deputies should coordinate their response with fire and ambulance with the utmost concern being for the safety of all. In unknown situations it is recommended that two law enforcement officers respond and check the location for hazards prior to allowing fire and ambulance personnel into the scene. Should the incident involve potential chemical, biological, nuclear, incendiary or explosives, appropriate assistance shall be summoned to the scene. Initially responding deputies in those situations are responsible for establishing a safety perimeter and designating a location for additional responding units.

#### F. Supervisor Responsibilities

The seriousness and complexity of certain situations or circumstances necessitates the response and presence of supervisory personnel. Supervisory personnel shall assume command of such situations as appropriate and shall remain in command until the situation is resolved or a higher ranking deputy or other person designated as responsible for the situation assumes command. The following are examples of situations/incidents that necessitate the presence of supervisory personnel:

1. Felonies in progress.
2. Incidents involving weapons/possible/unknown.
3. Major crime scenes.
4. Situations involving fatalities.
5. Situations involving an injury to a deputy.
6. Situations involving injury or property damage resulting from law enforcement action.

#### G. Health Hazard Prevention

The safety of Department personnel is the most important consideration and this includes the need to protect its employees from infectious diseases. Employees dealing with the public can minimize the risk of infection on health hazard situations by adhering to standard universal precaution methods. Employees are encouraged to wear disposable protective gloves when there is a potential for contact with blood or body fluids of another person.

#### H. Reporting Process

Deputies shall complete reports detailing the circumstances of actions taken. Depending on the nature of the action/assignment the appropriate form (i.e. UCR, call for service, crash report, etc.) shall be utilized for this reporting process. It is the responsibility of the deputy filling the report to be accurate, complete and detailed so those reviewing the report are able to understand the nature of the assignment, what actions if any were taken and what the disposition was.

These reports shall be reviewed by supervisory personnel who signify their approval of the report by placing their initials on the report form. Should the report be inaccurate, incomplete or incorrect, the report will be returned for correction to the deputy who authored the report.

#### I. Patrol Follow Up

The Sergeant of the Investigative Section will review reports and determine if follow up is necessary and if such follow up is appropriate for the deputy who initially responded/handled the call to conduct. There cannot be an established set of criteria that can be utilized as a guide as to this follow up assignment process. A general guideline will be to assign patrol deputies to conduct follow up on reports which initially should not entail a significant devotion of time. In the event that the follow up initiated by the patrol deputy develops into a complex or time consuming effort/case, the patrol deputy will return the report and any follow up supplemental reports detailing the follow up completed to that point to the Investigations Section.

After reviewing the initial report and determining patrol follow up is appropriate, the Investigations Section will forward a copy of the report to the Sergeant of the Patrol

Section who supervises the deputy being requested to conduct the follow up. The Investigations Section will attach an explanation/suggestion to the report.

The assigned deputy will conduct the necessary follow up and complete the necessary supplemental reports. These supplemental reports will be attached to the follow up copy.

Sheriff \_\_\_\_\_  
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**Burleigh County Sheriff's Department  
Policy and Procedure  
Enforcement Division – Investigations Section**

**I. POLICY**

The Investigations Section is established to provide complete and thorough investigation of reports of criminal activity.

**II. PURPOSE**

The purpose of this policy is to establish the organizational structure of the section, case management, investigator responsibilities and reporting requirements.

**III. PROCEDURE**

**A. Organization**

The Investigations Section is part of the Enforcement Division. The Enforcement Division also consists of a Patrol Section that is commanded by the Major.

The Enforcement Division Lieutenant supervises the daily activities of the Investigations Section.

**B. Case Management**

1. The major functions of the Investigations Section are:

- a) Conduct follow up investigations of crimes after a preliminary investigation conducted by the Patrol Section which meets the necessary criteria involving leads, physical evidence and/or suspect information.
- b) Receive and conduct preliminary investigations of certain crimes as practical or necessary.
- c) Assist other law enforcement entities as necessary.
- d) Assist other entities when required by statute or there is a compelling need in order to maintain public order and/or for safety concerns of the public.
- e) Assist other sections and/or divisions of the Department.
- f) Receive and document intelligence information and forward to appropriate law enforcement agency, other government entity or other entity which is entitled to such information.
- g) Develop positive relationships between citizens and the Department.

2. Case assignments are the responsibility of the Sergeant. The Sergeant reviews all completed reports designated to be forwarded to the Investigations Section. The Sergeant should consider the following factors when assigning cases to an investigator:

- a) The overall level of experience of the investigator.

- b) Prior experience in investigating similar types of cases.
  - c) Specialized training or knowledge.
  - d) Existing workload of the investigator.
3. Case screening is performed with the purpose of reducing investigative efforts expended on unproductive cases. It is necessary to prioritize and devote more resources to more serious crimes, high profile cases and cases which have information/evidence that may lead to the successful prosecution of violators. Case screening means a mechanism for making a decision on whether or not to continue an investigation based on the information obtained during the initial or preliminary investigation. The Sergeant shall compare the information in the initial/preliminary report with the following solvability factors:
- a) Can a suspect be located?
  - b) Can a suspect be named?
  - c) Can a suspect be identified?
  - d) Can a suspect be described?
  - e) Was there a witness to the crime?
  - f) Can a suspect's vehicle be described?
  - g) Is the stolen property traceable/identifiable?
  - h) Is there significant physical evidence?
  - i) Is there a modus operandi present?
  - j) Is there any other significant reason to believe the crime may be solved with a reasonable amount of investigative effort or do the circumstances justify further investigation?

#### C. Investigator Responsibilities

1. The investigator is responsible for maintaining the case file in an orderly fashion. The file shall be maintained on/in the investigator's work area or desk in such a manner that allows access to the file by other investigative personnel or Command Staff who may need to locate the case file. Other investigators may need the case file in the event further leads develop or information relating to the case is required and the assigned investigator is not available.
2. The investigator is responsible for maintaining the investigative report of cases assigned to him/her. The investigative report needs to provide details regarding all relevant aspects of the investigation. The investigator has much discretion in deciding the relevancy of information to include in the investigative report. The investigator must establish and maintain his/her credibility by documenting his/her investigative efforts in an objective and impartial manner. Any and all information that may incriminate or exonerate an individual as a suspect in a crime will be reported and/or documented in the investigative report.
3. The investigator shall forward the completed investigative report to the Sergeant for review. The Sergeant shall review the report to verify that all leads have been investigated and all necessary investigative procedures have been employed. Investigative reports are due as follows:
  - a) Initial report – Immediately.
  - b) First follow up – 30 days.
  - c) All subsequent reports – Every 30 days.
  - d) If a case cannot be closed within 30 days, the Sergeant may grant an extension. Every 30 days a new extension will need approval from the Sergeant.
4. Prior to a case being filed inactive or closed, the Sergeant shall determine that:

- a) There are no further viable leads.
  - b) The current availability of investigative resources precludes further investigation.
  - c) The seriousness of the case justifies no further investigative effort.
5. The victims of crimes being investigated by the Investigative Section shall be notified by the investigator to which the case has been assigned any time the status of their case changes.
6. If the Sergeant determines that additional investigative efforts are required or justified, the investigative report will be returned to the assigned investigator for further follow up activity. If the Sergeant determines the case has been fully and properly investigated, the Sergeant will determine the case disposition and file the investigative report. The following dispositions are utilized:
- a) Cleared by Arrest – Includes all reports concluded with an arrest (includes signing of a complaint) or issuance of a juvenile citation and are thereby completed for investigative purposes. The case is considered “closed”.
  - b) Inactive – All current investigative leads are exhausted and there are no further suspects, other information or conclusions to be reached. The investigation would be “suspended”.
  - c) Unfounded – The case is found to be untrue or mistaken. The case is “closed”.
  - d) Exceptionally Cleared – The investigation develops a suspect but, due to a lack of prosecution or transfer to another jurisdiction, no arrest is made by the Department. Also pertains to those cases in which no criminal action is justified after the investigation is complete. The case is “closed”.
  - e) Pending – The investigation is “open” or “active” but no investigation efforts are being or can be conducted because information/reports/decisions are anticipated.

#### D. Reporting Requirements

1. The investigator assigned to investigate a case shall maintain a case file/case report/investigative report which includes:
- a) A copy of all preliminary investigative reports and documents.
  - b) Copies of any documentation of initial follow up activities.
  - c) Records of statements.
  - d) Results of examinations of physical evidence.
  - e) Any other reports, records or documents pertaining to the case.

Sheriff \_\_\_\_\_  
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## **Burleigh County Sheriff's Department Policy and Procedure Operations Division**

### **I. POLICY**

The Operations Division of the Burleigh County Sheriff's Department provides service to the public by the service of court papers, movement of individuals and enforcing state and federal law.

### **II. PURPOSE**

The purpose of this policy is to define the organizational structure and outline the major functions performed by the Division.

### **III. PROCEDURE**

#### **A. Organization**

The Operations Division is commanded by a Major. The Operations Division is made up of the Criminal Section, the Civil Section, the Transport Section, the Training Section, the Administrative Section, the 24/7 Section, and the Court Security Section.

The Operations Division has a Lieutenant, three Sergeants, a Corporal, and an Office Manager who supervise the daily activities of all the sections within the Division.

The Deputies assigned to this Division each have individual primary duties but are able to perform other duties as assigned.

#### **B. Major Functions**

The primary function of the Criminal/Civil/Transport Sections is the execution of orders of the court, enforcing federal and state law and serving the public.

##### **1. Criminal Section**

- a) Deputies assigned to the Criminal Section are responsible for the service of criminal papers including, but not limited to: Warrants of Arrest, Criminal Summons, Juvenile Pick Up and Hold Orders, Mental Health actions, etc.
- b) Assist other sections of the Operations Division as necessary.

##### **2. Civil Section**

- a) Deputies assigned to the Civil Section are responsible for the service of civil papers including, but not limited to: Service of Levy and Executions including Special Executions, Civil Subpoenas, Order or Repletion, Notices of Court Order, Citations, Small Claims, Evictions, Notices of Hearing and other Mesne Process, court security and transport as needed.
- b) Assist other sections of the Operations Division as necessary.

3. Transport Section
  - a) Deputies assigned to the Transport Section are responsible for the movement of people in their custody outside the Burleigh Morton Detention Center. This includes, but is not limited to: transporting prisoners to other detention facilities, individuals to court, medical appointments, juvenile hearings and detention and mental health hearings, etc.
  - b) Assist other sections of the Operations Division as necessary.
  - c) Deputies assigned to the Transport Section also have Criminal Section duties.
4. Training Section
  - a) Deputies assigned to the Training section are responsible for:
    - i. Coordinating Department training.
    - ii. Maintaining Department training records and certifications for all staff.
    - iii. Manage the Department vehicle fleet.
    - iv. Develop and maintain the information technology systems of the Department.
    - v. Acquire equipment and uniforms.
    - vi. Maintain an inventory of Department equipment/uniforms.
    - vii. Coordinate and/or conduct public education tasks.
  - b) Assist other sections of the Operations Division as necessary.
5. Administrative Section
  - a) Personnel assigned to the Administrative Section are responsible for:
    - i. Daily administrative operations of the main office.
    - ii. Maintaining and retrieving records.
  - b) The Administrative Section Sergeant is responsible for:
    - i. Recruitment, retention and conducting interviews of current and prospective employees.
    - ii. Conduct background and internal investigations.
    - iii. Coordinate the Field Training Program
  - c) Assist other sections of the Operations Division as necessary.
6. Court Security Section
  - a) Deputies assigned to the Court Security Section are responsible for the security of the courthouse. This includes, but is not limited to: monitoring and observing everyone who enters the courthouse, inspecting containers brought into the courthouse, attending court hearings and assisting in the escorting of prisoners to and from court.
  - b) Monitor the entrance screening device to detect contraband that may attempt to be brought into the courthouse.
  - c) Assist other sections of the Operations Division as necessary.
7. 24/7 Section
  - a) Personnel assigned to the 24/7 Section are responsible for:
    - i. Managing the 24/7 Sobriety Program with data collection from daily breath testing, drug patch testing, and SCRAM bracelet testing.
    - ii. Communicate with the courts to establish participants to be on the 24/7 Sobriety Program.
    - iii. Register new participants, log test results, collect fees, write violation reports, and prepare monthly/yearly statistical reports.
  - b) Assist other sections of the Operations Division as necessary.

Sheriff \_\_\_\_\_  
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## **Burleigh County Sheriff's Department Policy and Procedure Detention Division**

### **I. POLICY**

All activities of the Detention Division are designed to protect inmates and to maintain the safety and security of the facility.

### **II. PURPOSE**

The purpose of this policy is to establish the organizational structure of the Detention Division, list major functions this division performs and to provide guidelines concerning the handling of inmates and the functions of the Detention Center.

### **III. PROCEDURE**

#### **A. Organization**

The Detention Division is a division within the Sheriff's Department. The Sheriff is the Jail Administrator. A Major is the Assistant Jail Administrator.

The Detention Division has a Captain, Lieutenant, five Sergeants, eight Corporals, two programs staff, three support personnel, three nursing staff, and a behavior health coordinator.

The Detention Center maintains 24 hours a day service to inmates and to law enforcement agencies making arrests. The Detention Center supervisors shall ensure the Detention Center is properly staffed at all times.

#### **B. Major Functions**

The major functions of the Detention Division are to protect inmates and maintain the safety and security of the Detention Center.

1. Responsible for the protection, life and property of inmates within the Detention Center.
2. Process and release inmates, determine the appropriate classification of inmates, assess and respond to the needs of special populations.
3. Conduct visual and audio surveillance of the detention center.
4. Prepare investigative reports and determine probable cause to recommend disciplinary action.
5. Perform searches of inmates, property and living quarters.
6. Transport and escort inmates to court and emergency medical appointments within the facility.
7. Perform duties as assigned including passing medication, serving meals and cleaning.

Sheriff \_\_\_\_\_  
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## **Burleigh County Sheriff's Department Policy and Procedure On Call Process**

### **I. POLICY**

To ensure the Burleigh County Sheriff's Department is prepared for situations which require adequate and qualified personnel to respond to and mitigate the immediate concerns, the Department has established on call teams.

### **II. PURPOSE**

To assist on duty personnel in situations that are beyond the capabilities of on duty staff and/or requires skills/knowledge/abilities necessary to mitigate the situation.

### **III. PROCEDURE**

- A. Deputies assigned to positions, that have for a majority of the time working hours of 0800 hrs to 1700 hrs Monday through Friday, will be assigned to an on call team.
- B. The team will be comprised of a Team Leader (a designated ranking deputy), an investigator, a Detention Center supervisor, two detention officers, and at least one additional deputy.
  1. There will be a leader for each on call team and all other team members will be accountable to that Team Leader during their on call time for any on call assignments.
  2. A deputy either assigned to the Investigations Section or who has extensive investigative experience will be assigned to a team.
  3. A Detention Center supervisor will be assigned to each team. The Detention Center supervisor will maintain a Detention Center on call rotation to ensure two detention officers are available to respond at all times to meet Detention Center minimum staffing requirements. The Detention Center supervisor will have detention related inquiries directed to them. The Detention supervisor may consult with the Team Leader, and if assistance from other team members is needed will make such requests to the Team Leader. The Team Leader will make the final determination on how to handle situations.
- C. Teams will be on call every six weeks starting Monday at 0800 hrs and ending at 0800 hrs the following Monday.
- D. While on call, team members will have available a Department issued cellular telephone and must be able to be contacted by cellular telephone if the team member cannot be contacted at his/her residence telephone number.

- E. When contacted the team member will follow the instructions provided. Team members have 60 minutes to respond to the Department if so requested. Responding to other locations may require additional time depending on the circumstances. If for any reason a team member is unable to respond in 60 minutes, that team member is responsible to contact the Team Leader to provide an explanation.
- F. Team members may switch/trade on call duties for valid reasons which must be approved by that member's Team Leader. The person replacing the team member must hold a similar position as the person being replaced (i.e. investigator with an investigator, detention designee with detention designee, etc.)
- G. Team members while on call will not consume any alcoholic beverages. Team members while on call will be fit for duty and able to respond to law enforcement or Detention Center situations.
- H. Team Leaders receiving notifications of serious incidents involving employees shall consider notifications to the Division Commander and Sheriff as necessary.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Chaplain Service**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes the need for specialized guidance, counseling and assistance that law enforcement chaplains can provide. It is the policy of the Department to participate in the Bismarck Law Enforcement Chaplaincy Program.

### **II. PURPOSE**

The purpose of this policy is to provide information regarding the duties/expectations of chaplains assigned to the Department.

### **III. PROCEDURE**

- A. Chaplains are available to the Department at all times. The duties of the chaplain include, but are not limited to:
1. Accompanying deputies to assist with notifications of any suicide, death or serious injury.
  2. Working with deputies to assist in any kind of crisis situation where the presence of a trained chaplain could be helpful.
  3. Counseling Department members in response to stress or family crisis situations. All such assistance will be privileged and confidential between the deputy and chaplain involved.
  4. Visiting with sick or injured members of the Department.
  5. Help organize Department ceremonies as appropriate.
  6. Offering prayers at special occasions and meetings.
  7. Assisting the Department in the performance of appropriate ceremonial functions.
  8. Providing practical assistance to victims.
  9. Assisting at suicide incidents.
  10. Making regular visits to the Department to get acquainted with Department employees. Chaplains shall be granted "ride along" privileges for this purpose.
- B. The Bismarck Law Enforcement Chaplaincy shall be operated by the board of the Bismarck Law Enforcement Chaplaincy. The Bismarck Law Enforcement Chaplaincy has established bylaws and policies which govern their duties, the manner in which they are utilized and limitations of their authority.
- C. Members of the Bismarck Law Enforcement Chaplaincy do not have sworn peace officer status and are not normally involved in the delivery of law enforcement services. Chaplains will not be assigned to any duties requiring sworn officer status/authority.

- D. No chaplain shall release any information on any investigation or activity to anyone. All information coming to the attention of any chaplain shall be held in the strictest of confidence.
- E. Chaplains shall in no way interfere with the deputies in the performance of their duties.

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## **Burleigh County Sheriff's Department Policy and Procedure Overtime and Holiday Pay**

### **I. POLICY**

It is the policy of the Burleigh County Sheriff's Department to effectively manage the use of overtime and holiday pay and that of each employee to use overtime and holiday pay in a responsible and judicious manner.

### **II. PURPOSE**

The purpose of this policy is to provide structure for monitoring, managing and controlling the use of overtime and holiday pay.

### **III. PROCEDURE**

The Sheriff's Department/Detention Center work period consists of a biweekly pay plan; one 14 day work period or 80 hours of work. Hours worked in excess of 80 will be paid at the overtime rate.

#### **A. Extra Duty Events**

Those who choose to work extra duty events (i.e. seatbelt enforcement, saturation patrol, other grants, special assignments, etc.) will be compensated at the overtime rate of pay.

#### **B. Holidays**

Employees will receive all holidays designated by the County.

Personnel assigned to the Patrol Section and Detention Division will receive one of the following on recognized holidays:

1. If scheduled to work, may receive the day off (administrative off) at the discretion of the Division Commander (or designee) or Sheriff.
2. If not scheduled to work such holiday, but gets called into work (emergency overtime) will receive the overtime rate (1.5 the hourly regular rate-hour for hour).
3. If scheduled to work and does actually work such holiday, will be compensated at the overtime rate (1.5 the hourly rate-hour for hour).
4. If a holiday falls on a normally scheduled day off for Patrol or Detention personnel the compensation will be 8 hours of additional pay at the regular hourly rate.

#### **C. Training**

Personnel who are assigned to attend training on scheduled days off will have their days off rescheduled, work schedule adjusted or be paid for such hours.

#### D. Court Appearances

Any deputy sheriff or other staff member who is subpoenaed to appear in any municipal, state or federal court, on behalf of this county, shall be compensated in accordance with this policy.

Exception: If the deputy sheriff or staff member is in court less than two hours, the deputy or staff member may elect to retain the subpoena/witness fees or be compensated in accordance with this policy. Documentation of time spent in court on the time sheet/time card is required.

If a deputy sheriff or staff member is scheduled to appear in court while on duty, such deputy or staff member shall notify their respective supervisor to make arrangements so their duties are covered while they are in court/hearing. Any subpoena fees received will be signed over to Burleigh County and submitted to the appropriate division commander. The fees will be deposited with the Burleigh County Auditor/Treasurer.

If a deputy sheriff or staff member is scheduled to appear in court, while off duty, such deputy sheriff shall notify their respective supervisor of required appearances in advance. The Scheduled Overtime Section of this policy applies. The deputy sheriff or staff member may elect to adjust another shift hour for hour for the time spent in court within the work schedule pay period with prior approval of the employee's supervisor.

#### E. Administrative Hearings

Any deputy sheriff who receives notification that they are requested to appear at an administrative hearing shall notify their respective supervisor. If the deputy is considered off duty at the time of the hearing, the deputy shall place the amount of time spent at the hearing on their time sheet/time card so compensation can be provided. The Scheduled Overtime Section of this policy applies. The deputy sheriff or staff member may elect to adjust another shift hour for hour for the time spent in the administrative hearing within the work schedule pay period with prior approval of the employee's supervisor.

#### F. Shift Continuation

Hours above the normal work schedule that were not previously scheduled will be paid at the overtime rate.

#### G. Shift Modification

The overtime rate of pay will be paid to employees who modified their regularly scheduled shift by working an extended shift to accommodate the Department.

Example: An employee scheduled to work an 8 hour shift agrees to stay and work a 12 hour shift due to circumstances (i.e. another employee calls in sick).

#### H. Emergency Overtime

The overtime rate of pay will be paid to those employees who are called out after hours for emergency reasons. A minimum of two hours will be paid if the call out was less than two hours otherwise the actual number of hours worked when called out will be paid at the overtime rate of pay. A call out is considered to be when an employee comes into work when needed and therefore it is possible to be called out more than once in a day.

Each time an employee is called out the emergency overtime stipulation takes effect.

Example: Female jail staff is called out to search a female prisoner then goes off duty but is called back to conduct another female prisoner search, this would be considered two call outs. However, if the female jail staff is called out to conduct a search and while at the Department another female prisoner is brought in and a search conducted this would be considered one call out. An employee must physically leave and be called back in for it to be considered as multiple call outs.

Sheriff \_\_\_\_\_  
 Effective Date \_\_\_\_\_  
 Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Code of Conduct**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes and understands the need for formulating rules and regulations regarding officer/employee disciplinary (misconduct) action. Society in general, along with the courts, has held law enforcement officers and Sheriff's Department employees to a higher standard of conduct than is required of other professions. It is the Department's objective to inform employees of the general rules of conduct and procedures regarding conduct in an attempt to provide guidelines that are fair to both the employee and the Department and to encourage professional conduct.

### **II. PURPOSE**

The purpose of this policy is to inform employees of the rules and regulations regarding improper conduct. Within this chapter civilians are defined as non-sworn employees of the Burleigh County Sheriff's Department.

All employees of the Department are governed by the general rules of conduct. Each and every act that may constitute improper conduct is not and will not be listed. In addition, there are certain acts that are absolutely prohibited and, upon thorough investigation, if the information or alleged act is in fact substantiated, employees will be subject to disciplinary action, up to and including termination.

### **III. GENERAL RULES OF CONDUCT**

1. Conformance to Law – Employee will obey the laws of the United States and any state and local jurisdiction in which the employee is present. Violations of criminal statutes will result in disciplinary action, up to and including termination.
2. Conformance to Traffic Laws – Employee will obey all traffic laws of the state and any local jurisdictions in which the employee is present.
3. Reporting Arrest, Citation or Investigation – All employees will inform their supervisor in writing if they are arrested or charged with a violation of criminal law. Written notification shall include the name of the investigating agency and/or violation alleged. Traffic violations must be verbally reported to the employee's supervisor.

In addition, employees shall follow this procedure if they have been questioned, interviewed, or detained regarding a criminal incident by another law enforcement agency. Written notification is not necessary if the Department requests the outside

agency to conduct the investigation, or if the Department has already been notified by the outside agency. Written notification must be made within a reasonable time period, such as the next scheduled work period. Supervisors receiving such information shall forward it through the chain of command to the Sheriff.

4. Disobedience of Orders
  - a) Employees shall promptly obey lawful orders of a supervisor or any order relayed from a supervisor by an employee of the same or lesser rank.
  - b) Employee shall obey all County and Department rules, regulations and orders.
5. Conduct Unbecoming – Conduct unbecoming is any conduct which adversely affects the morale, operations or efficiency of the Department or any conduct which has a tendency to adversely affect, lower or destroy public respect and confidence in the Department or in any deputy or employee. Conduct unbecoming also includes any conduct which brings the Department or any deputy or employee into disrepute or brings discredit upon the Department or any deputy or employee. Deputies and employees shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably upon the Department.
6. Abuse of Position
  - a) Employee shall not use his/her official position, identification card or badge for personal or financial gain to obtain privileges not available to them except in the performance of their duty.
  - b) Employee shall not lend or give to another person his/her identification card or badge unless it is in the performance of his/her duties or with the approval of the Sheriff.
  - c) Employee will not authorize the use of his/her name, photograph or official title, which identifies him/her as an employee of the Department, in connection with testimonials or advertisement without the approval of the Sheriff.
7. Unsatisfactory Performance – Employee shall maintain sufficient competency to properly perform the duties and assume the responsibility of his/her position and shall perform his/her duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Incidents of unsatisfactory performance include, but are not limited to: a lack of knowledge of the application of laws required to be enforced, unwillingness or inability to perform assigned tasks, failure to take appropriate action on an occasion of a crime, disorder or other conditions deserving law enforcement attention. In addition, other indications of unsatisfactory performance are repeated poor evaluations or a record of repeated violations of rules, regulations, directives or orders of the Department.
8. Disrespect and Courtesy
  - a) Employee shall not, through gestures or defamatory statements, be disrespectful to fellow employees, supervisors or the public.
  - b) Employee shall conduct himself/herself in a manner that will foster cooperation among members of this agency, showing respect, courtesy and professionalism in dealing with one another.
  - c) Employee shall be courteous and tactful in the performance of his/her duties and shall not use abusive language or inappropriate gestures in dealing with the public.

9. Treatment of People – Employee shall not mistreat people in the performance of his/her duties and shall handle persons in accordance with the law and Department procedures.
10. Neglect of Duty – Employee shall not engage in activities or personal business, which would cause him/her to neglect or be inattentive to duties.
11. Security and Care of Property
  - a) Employee will not alter, repair or convert for private use Department equipment, including vehicles, uniforms, and weapons unless specifically authorized to or in accordance with Department procedures.
  - b) Employee will utilize Department equipment only for its intended purpose and in accordance with established procedures and shall not abuse, damage or lose Department equipment. All equipment issued to employees shall be maintained in proper condition.
  - c) Employee shall report lost or damaged equipment to his/her immediate supervisor who shall coordinate with the Training Sergeant for repair or replacement.
12. Reports – Employee shall submit necessary reports on time and the reports shall be truthful and complete. No employee shall knowingly enter or cause to be entered any inaccurate, false or improper information.
13. Assistance to an Officer or Citizen – Deputies will assist another law enforcement officer or citizen in distress.
14. Telephone and Address Information – All employees shall be reachable and provide current information regarding their address and phone numbers to their respective supervisors and the Sheriff. The Department will maintain a list of all employees, their addresses and phone numbers for immediate contact if necessary. The list will be available to all Department personnel. Any changes in address or phone number should be forwarded by memorandum to the appropriate supervisor.
15. Release of Employee Information – Employee shall not release telephone and address information to unauthorized individuals. Authorized individuals include other employees, courts and other law enforcement agencies. When unsure, a supervisor should be contacted.
16. Residency – All employees of the Department must maintain a residence that will allow them to respond and arrive at the Department within 60 minutes after being contacted. The deputies assigned to communities within Burleigh County may report for duty by radio.
17. Absent without Leave – Employee will not be absent from duty without proper authorization. If an employee will be absent due to illness, the employee will immediately notify the officer in charge.
18. Reporting for Duty or Court – Employee shall report for duty at the time and place required by assignment or orders and shall be fit to perform those duties. He/she shall be properly equipped and aware of the information required for the proper performance of said duties. Employee will attend court as required. Employee will be properly dressed

when appearing in court. Uniformed employee is to wear the current Class A dress uniform or appropriate civilian attire. Employee wearing civilian clothes will follow the same guidelines as Investigators while appearing in court. Proper court attire will consist of business attire.

19. Leaving Duty Post or Work Station – Employee shall not leave his/her assigned post during tour of duty unless authorized by policy, procedure or supervisor approval.
20. Use and Operation of Department Vehicles – Employee shall operate Department vehicles in prudent and lawful manner in accordance with Department/County policy. (Burleigh County Personnel Policy Manual and Handbook, Chapter 12). The Sheriff or designee may approve ride along requests from employees. Approved ride alongs must complete the applicable liability waiver form.
21. Use of Weapons
  - a) Employee shall not unlawfully or unnecessarily use or display a weapon.
  - b) Whenever a firearm is discharged by an employee in the performance of his/her duties, proper procedure in accordance with Burleigh County Response to Resistance Policy will be followed.
22. Property, Evidence and Department Auctions – Property and evidence which has been discovered, gathered or received in connection with Department responsibilities shall be processed in accordance with established procedures. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other law enforcement action, except in accordance with established Department procedures. A property record shall be completed by the deputy having possession of property that is seized, recovered or received in connection with duties or held as evidence. Confiscated property shall be returned to lawful owners only upon court order or satisfactory proof of ownership. A receipt on a supplement report shall be made by the releasing deputy, signed by the receiver and shall be attached to the original report.
23. Use of Tobacco Products – The use of tobacco products may be offensive to others. The use of tobacco products in the Sheriff’s Department offices and Department vehicles is prohibited. Tobacco products can be used in designated areas on breaks.
24. Dissemination of Information – Employee shall treat official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with established Department procedures. Employee may only remove or copy official records or reports in accordance with procedure. Employee shall not divulge the identity of persons giving confidential information except as authorized by procedure or proper authority.
25. Public Statements and Appearances – Employee shall not publicly criticize or ridicule the Department, its policies or other members by speech, writing or other expression, where such speech, writing or expression is defamatory, obscene, unlawful, interferes with the maintenance of discipline or is made with reckless disregard for truth or is false.

26. Financial Disclosure – Upon order of the Sheriff or designee, employee shall submit financial disclosure statements in accordance with Department procedures in connection with a complaint in which the information is material to the investigation. These statements shall be maintained by the Sheriff and shall not be available to the public. Information in these reports would be utilized for administrative purposes only.
27. Interference with Investigations
- a) Employee shall not interfere with cases being handled by other members of the Department or by any other governmental agency unless:
    - i. Ordered to intervene by a supervisor; or
    - ii. The intervening member reasonably believes that a manifest injustice would result from failure to take immediate action.
    - iii. In addition, employee shall immediately notify his/her supervisor and follow up with a memorandum.
  - b) A deputy shall not undertake any investigation or official action, not part of his/her regular duties, without obtaining permission from his/her supervisor, unless the circumstances of the situation require immediate law enforcement action.
28. Identification – A deputy, while on duty, shall carry his/her badge and identification card on his/her person, except when impractical or dangerous to his/her safety. Deputy shall furnish his/her name and unit number to any person requesting that information when he/she is on duty or while representing himself/herself in an official capacity, except when withholding such information is necessary for the performance of law enforcement duties or is authorized by proper authority.
29. Fictitious Illness or Injury Reports – Employee shall not feign illness or injury, falsely report himself/herself ill or injured or otherwise deceive or intend to deceive the Department concerning the condition of his/her health.
30. Meals – A deputy shall be permitted to suspend patrol or his/her assigned activity, subject to immediate recall at any time, for the purpose of having meals during his/her hours of duty, but only for such period of time and at such time as established by Department procedures.
31. Refusal to Work – Employees are prohibited from engaging in a strike, work stoppage or slowdown.
32. Associations and Recommendations – Employee shall avoid regular or continuous associations or dealings with persons under criminal investigation or indictment, or who have a reputation in the community or Department for involvement, past or present, in felonies or criminal behavior, except as necessary for the performance of his/her official duties, or when unavoidable because of personal relationships. Nor shall employee while on duty recommend to subjects who have been arrested or are under investigation any professional services such as attorneys, bondsmen, detectives or physicians. No employee shall furnish bail or assist in furnishing bail for any prisoner or persons arrested.
33. Outside Employment
- a) Employee may engage in outside employment with approval of the Sheriff.

- b) Employee will not utilize equipment or property of the Department in association with outside employment.
  - c) Employee will carry only Department authorized/issued communication devices (i.e. cellular phones, beepers) while on duty and may carry off duty. Employee will not carry other employer's communication devices while on duty.
  - d) The outside employment must not interfere with the employee's duties related to employment with the Department.
34. Political Activity – Employee shall not engage in political activities as defined in N.D.C.C. Section 39-01-04 while on duty.
35. Financial Obligations – Employee shall avoid incurring financial obligations which are beyond his/her ability to reasonably satisfy.
36. Assigned Lockers – Deputies who are provided with lockers for the purpose of storing Department issued equipment may store items necessary for the maintenance of issued property as well as for the personal grooming of deputies. Lockers remain the property of the Department and are subject to inspection at any time.
37. Assigned Offices – Employees of the Department are at times assigned offices or desks from which to do their job. The offices or desks should be maintained in a professional manner and are open to inspection at any time. Only authorized employees shall enter an office and/or desk that have been assigned to another employee.
38. Physical Fitness – All employees should maintain a satisfactory level of general health and physical fitness.
39. Alcohol – Employee shall not, except as authorized in the performance of his/her official duties:
- a) Consume or ingest alcoholic beverages while on duty.
  - b) Purchase alcohol while in uniform
  - c) Consume alcohol within 8 hours prior to reporting for duty or other assignments or within the offices of the Department.
  - d) Report to duty intoxicated.
  - e) In situations where an employee is called to report for special duty and he/she has been drinking, he/she must notify the officer in charge. Employees of the Department shall not operate a vehicle that is owned/leased/rented by the Department within 8 hours of consuming alcoholic beverages unless such consumption is required in the performance of official duties.
40. Drugs – Employee will not ingest in any manner illegal or illegally obtained drugs. Lawful and prescribed medications may be administered, but it is the employee's responsibility to insure that the medication does not prevent proper performance of assigned duties. If medications being taken impair the performance of assigned duties, sick leave must be utilized. Usage of drugs that are in violation of federal law such as marijuana are not permitted with or without a prescription. Usage of cannabidiol (CBD) is not permitted with or without a prescription. Employee who uses drugs illegally/illegal drugs will be subject to disciplinary action, up to and including termination. When there

is a reasonable suspicion of drug or alcohol usage in violation of policy, employee will be required to submit to drug and/or alcohol testing when requested by a supervisor.

41. Sexual Harassment – Employee will not sexually harass other employees or persons as defined in the Burleigh County Personnel Manual, Chapter 6, Page 71.
42. Domestic Violence – In order to comply with the 1997 amendment to the 1968 Federal Gun Control Act, any employee who has been convicted of “qualifying felony or misdemeanor crime of domestic violence” will not be able to lawfully possess or receive firearms or ammunition for any purpose, including performance of official duties. Employee subject to this disability must immediately dispose of all firearms and ammunition in his/her possession.
43. Standard of Conduct – Specific rules of conduct cannot be established that will govern every employee’s action or behavior. Any act or omission contrary to good order, discipline, professional standards or accepted social practice may subject an employee to disciplinary action up to and including termination.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Professional Conduct Standards**

### **I. POLICY**

The Burleigh County Sheriff's Department encourages citizens and staff to bring forward legitimate concerns regarding misconduct by employees. Department members shall receive concerns courteously and handle them efficiently. All employees are obligated to explain to inquiring citizens the procedures involved in processing their concerns.

### **II. PURPOSE**

The integrity and reputation of the Burleigh County Sheriff's Department depends upon the manner in which the employees of the Department perform varied and difficult duties. The Burleigh County Sheriff's Department is committed to maintaining a positive relationship with the community and employees. It is important that the Department thoroughly investigate complaints of wrong doing to protect both the citizens and the employee.

### **III. DEFINITIONS**

Misconduct –

1. Any behavior that is in violation of federal, state or local laws or ordinances.
2. Any behavior that is in violation of Departmental policy/procedural directive, rule, regulation, order, established practice or duty.
3. Any behavior that will reflect unfavorably upon the Department.
4. Any behavior that can be the basis for a criminal, civil or disciplinary action.

Concerns – Statements which are made to a Department member in writing, in person or by any other means (i.e. telephone, fax, etc.) which alleges misconduct by a Department employee.

Misfeasance – The performance of a lawful act in an unlawful or culpable manner.

Malfeasance – The performance of an act that is wrongful or that one has specifically contracted not to perform.

Nonfeasance – The nonperformance of an act that one is legally bound to perform.

Investigation – The process of obtaining information and/or evidence that attempt to determine the truth of a matter.

Conclusion – The end product of the investigation. There are five conclusions possible in an administrative investigation:

1. Substantiated – Evidence/information is sufficient to prove the concern.
2. Non-Sustained – Insufficient evidence/information to either prove or disprove the concern.
3. Unfounded – The concern is false or not factual.
4. Exonerated – The concern expressed occurred but was lawful or proper.
5. Policy Failure – Flaw in policy caused the concern.

Reporter – The person expressing the concern to the Department.

Supervisor – Deputies holding the rank of Sergeant or above.

Administrative Leave – When an employee is temporarily relieved of duties/responsibilities and continues to receive regular pay and benefits.

Conduct Unbecoming – Any conduct which adversely affects the morale, operations or efficiency of the Department or any conduct which has a tendency to adversely affect, lower or destroy public respect and confidence in the Department or any deputy or employee. Conduct unbecoming also includes any conduct which brings the Department or any deputy or employee into disrepute or brings discredit upon the Department or any deputy or employee. Deputies and employees shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably upon the Department.

#### **IV. PROCEDURE**

- A. Concerns against employees or the Department may come from a variety of sources, mostly:
  1. Citizens.
  2. Other employees.
  3. Supervisors.
  4. Command Staff.
- B. Concerns involving the provision of law enforcement services, or lack thereof, and misconduct of employees will be investigated and handled by the Sheriff or his designee. The Sheriff will decide whether the administrative investigation should be handled internally or by an outside agency depending upon the particular circumstances of the concern.

#### **V. CONCERN PROCESSING PROCEDURE**

- A. Concerns may be received by any Department employee. A supervisor shall be notified and handle the concern. If supervisor deems appropriate, a report will be initiated utilizing the following:
  1. Name of reporter and all contact information.
  2. Name of other identifying information to determine which employee(s) was involved.
  3. The location of the incident.
  4. Date and time of the incident.
  5. Description of the incident/concern (i.e. what was said and/or done to initiate the concern.)
  6. List of all witnesses including their contact information.

7. What action, if any, the reporter is seeking.
- B. A supervisor will be notified as soon as possible about the concern. The reporter should be invited to speak to a supervisor or be provided the name, office telephone number and next available date the supervisor can be contacted. If the concern is of sufficient gravity, the Sheriff or officer-on-call shall be notified regardless of the time of day or night.
  - C. The concern received by the employee shall be deemed to be confidential and will be forwarded to a supervisor as soon as possible. Confidential information will not be discussed with anyone except the supervisor(s). A violation of this policy will warrant disciplinary measures.
  - D. Many concerns are the result of unrealistic expectations of law enforcement authority or the unfamiliarity with the Department/law enforcement procedures. Supervisors will attempt to resolve these concerns by informing the report of law enforcement functions and/or procedures. If the concern is of such a nature and handled accordingly by the supervisor, the supervisor will supplement the report appropriately.
  - E. All concerns are reviewed by the Sheriff or his designee and an initial determination will be made as to whether the concern warrants a formal investigation. The Sheriff/designee may meet with the reporter, accused employee(s) or witness(es) if deemed appropriate and will not jeopardize any subsequent investigation. If the Sheriff/designee decides an investigation is not warranted, the reporter and accused employee(s) will be notified of this decision.
  - F. If the Sheriff/designee determines an investigation is warranted, the case will be assigned to the Administrative Sergeant. In cases determined to warrant special attention by the Sheriff may refer such cases to a member of the command staff. Pending the outcome of the investigation the Sheriff may place the employee on Administrative Leave.
  - G. Criminal investigations of concerns shall take priority over administrative investigations but both of the investigations may be conducted simultaneously.
  - H. Employees who are being questioned as part of an official Department investigation will be asked questions specifically related to the performance of their duties, fitness for office and conduct. The employee must answer questions truthfully during an Internal Investigation. Failure to answer truthfully would result in additional disciplinary actions up to and including termination.
  - I. Employees may be ordered to submit to examinations, including medical, laboratory, Intoxilyzer, polygraph, photo lineups and financial disclosure. The results of the tests, lineups or disclosures cannot be utilized in any subsequent criminal procedure. Any employee who refuses to subject themselves to the above tests when ordered to do so will be subject to additional disciplinary action up to and including termination. The information will be used for administrative purposes only.
  - J. The conclusion of the administrative investigation will be reviewed by the Sheriff/designee and appropriate disciplinary measures imposed. The following factors will be taken into consideration prior to issuance of any disciplinary action:

1. Employee motive.
2. Past and present performance.
3. Commendations or other awards.
4. Degree of culpability (blame).
5. Truthfulness.
6. Disciplinary history.
7. Severity of infraction/violation.
8. Acknowledgement of error/mistake by the employee.
9. Other pertinent and relevant factors relative to the situation.

The purpose of discipline is to correct inappropriate behavior; however, dependent upon the circumstances, other measures such as counseling and/or remedial training may be imposed.

The following disciplinary measures may be utilized and include, but are not limited to, any one or combination of the following:

1. Reprimand (written or verbal).
2. Suspension.
3. Demotion.
4. Placement on Performance Improvement Plan.
5. Termination.

- K. An employee may pursue the Employee Grievance Procedure as outlined in Chapter 8 of the Burleigh County Policy Manual if he/she disputes any disciplinary action rendered against them.

NOTE: The following acts are prohibited by policy/practice/order, etc., but should not be construed as a complete list of prohibited acts. The Sheriff may determine for the orderly and efficient operation of the Department that an act or acts are detrimental to this operation and such act or acts may not be included on the list.

## **VI. PROHIBITED ACTS**

- A. Criminal violations of federal, state or local laws/ordinances.
- B. Insubordination or disrespect toward a supervisor.
- C. Any breach of discipline.
- D. Neglect or disobedience of lawful order/directive.
- E. Unnecessary or excessive use of force.
- F. Neglect of duty.
- G. Abuse/misuse of authority.
- H. Any conduct unbecoming or inappropriate for an employee of the Department.
- I. Violations of written policy.

## **VII. SPECIFIC PROHIBITED ACTS**

- A. Criminal Misconduct
  1. Any misdemeanor arrest and/or conviction.
  2. Any criminal misconduct whether charged or not.
  3. Any felony arrest and/or conviction.
  4. Any criminal traffic violations (off duty).
  5. Ordinance convictions.

B. Insubordination

C. Breach of Discipline

D. Disobedience of Lawful Orders/Directives

1. Disrespect to a supervisor.
2. Failure to obey orders/directives.
3. Refusal to obey orders/directives.
4. Failure to follow instructions.

E. Unnecessary or Excessive Force

1. Excessive force used in relation to resistance encountered.
2. Physically abuse suspect, prisoner or others.
3. Improperly striking another person.
4. Improper or unnecessary use of force.
5. Domestic violence.
6. Child abuse.

F. Neglect of Duty

1. Failure to report for duty/training.
2. Absent without leave/abandonment.
3. Improper use of sick leave.
4. Tardiness.
5. Abandon assigned area.
6. Non-submittal of reports.
7. Failure to appear for court appearances.
8. Failure to take appropriate action or provide emergency medical assistance.
9. Inattention to duty; sleeping on duty.
10. Conduct unauthorized business on duty.
11. Failure to respond to dispatcher/call for service.
12. Depart from jurisdiction without authorization.
13. Excessive meal breaks.
14. Improper care or control of county property.
15. Improper care of prisoner.
16. Improper or failure to collect, preserve, inventory or control evidence.
17. Failure to properly supervise.
18. Failure to carry out supervisory, management or executive duties and responsibilities adequately and promptly.
19. Failure to disseminate orders, information, etc. to subordinates.
20. Failure to report known violations of law or policy.
21. Failure to report to a supervisor the use of any substances taken for any reason which could adversely impact the employee's judgment or performance when reporting for duty or prior to commencing work.
22. Failure to report misconduct of another employee.
23. Failure to follow Division procedures or practices.
24. Failure to wear seat belt.
25. Failure to report on duty altercation.
26. Failure to report lost/damaged/misused/stolen/altered County property.

#### G. Abuse/Misuse of Authority

1. Intimidation of or recrimination toward a citizen involved in any capacity with the Department.
2. Improper search.
3. Improper arrest.
4. Illegal search.
5. Improper/illegal seizure or retention of property.
6. Political utilization of official position.
7. Utilizing position to gain remuneration or other favors.
8. Accepting gratuities. (Refer to County Policy, Chapter 13, Section 5)
  - a) According to Burleigh County Policy, Chapter 13, Section 5, anything of value is defined as anything which exceeds worth of \$50.00 in value.
  - b) In addition to Burleigh County Policy, any Sheriff's Department/Detention Center member who receives anything of value with a worth of \$50.00 or less must notify the Sheriff in written form of receipt of anything. The written form must identify the item received, by whom received, from whom received, date of receipt and purpose/reason received.
  - c) If at any time the Sheriff determines the item received is not appropriate, the item will be returned to the giver.
  - d) If at any time the Sheriff determines that any one member of the Department has received an inordinate number of items, the Sheriff has the right to return items and advise the member of the Department that they may not accept any items again.
9. Soliciting gratuities.
10. Accepting bribes or received favors.
11. Accepting rewards or gifts.
12. Discriminatory practices.
13. Sexual harassment.
14. Sexual misconduct (non-criminal).
15. Attempting to convert on duty contact into social relationship.
16. Intimidation of Department employees.
17. Abusive or insulting language or conduct which is derogatory of a person's race, religion, sex, national origin or sexual preference.
18. Conduct which violates a person's civil rights.

#### H. Conduct Unbecoming or Inappropriate for Employees

1. Violation of the Code of Conduct.
2. False representation of the facts (lying) while on duty or during the course of an administrative investigation.
3. Contract a debt under false or fraudulent pretenses.
4. Association with known criminals.
5. Improper use of equipment.
6. Failure to obey tobacco restrictions.
7. Discourteous or insulting to citizens.
8. Profanity to citizens.
9. Disrespect toward fellow employees.
10. Uncooperative/interferes with any traffic, criminal or administrative investigation.
11. Publicly condemn or humiliate the Department or other employees.

12. Untruthful written report/statement/form.
13. Untruthful oral report/information.
14. Give false, incomplete, erroneous, or improper information.
15. Provoke fight during duty hours.
16. Abuse of prescription medication.
17. On-duty alcohol use.
18. Report for duty with alcohol on breath.
19. Possession of unauthorized narcotics, drugs or alcohol.
20. Involvement in altercation (off duty).
21. Release confidential report/records/information to unauthorized persons.

I. Violations of Written Policy

1. Violations of uniform/appearance/grooming/hygiene policies.
2. Failure to maintain valid North Dakota Operators License.
3. Violation of Ride Along Policy.
4. Violation of Firearms Policy.
5. Willful violation of safety rules, laws and practices endangering self or others.
6. Failure to maintain P.O.S.T. License.

### **VIII. EXPECTATION OF PRIVACY ON COUNTY PROPERTY**

Employees should be aware that equipment assigned to the employee for work purposes remains the property of Burleigh County. This includes lockers, desks, briefcases, cabinets, computers, e-mail and phones. Employees are discouraged from storing personal items in or on County equipment. Any item(s) stored on the County's property is at your own risk.

Any equipment provided by this Department is subject to entry, search and inspection by supervisor(s) and/or investigative personnel without further notice. Any privately owned property contained in such equipment (including the contents of closed or sealed items and containers) may also be opened and examined without further notice or permission.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Employee Commendation**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes that situations occur in which employees will distinguish themselves by performing above and beyond normal expectations. When employees perform in this manner, official recognition will be given.

### **II. PURPOSE**

It is the purpose of this policy to establish a uniform system for recognizing and honoring outstanding employee performance.

### **III. PROCEDURE**

#### **A. Awards Committee**

The Department shall have an Awards Committee for evaluating recommendations for awards. The Awards Committee shall consist of seven members of the Department. The make-up of the committee shall be a chairperson, three deputies (one assigned to patrol, one assigned to the office, and one at-large), two detention officers and a civilian employee. The chairperson shall hold the rank of Corporal or above and shall be appointed by the Sheriff. All other members shall be elected by the Department.

1. The chairperson shall serve until replaced by the Sheriff.
2. All other members shall serve a two-year term with half the committee being replaced on even numbered years and the other half being replaced on odd numbered years.
3. Employees interested in serving or nominating another employee shall inform the chairperson.
4. The chairperson shall organize and conduct the election of committee members. Election of committee members shall take place in February of each year.

#### **B. Nominations**

Any member of this Department may nominate another employee for recognition by submitting a written recommendation to the Awards Committee. The written recommendation shall be as detailed as possible and should include a copy of any applicable documentation such as case reports, if available. The written recommendation should also include the award being requested. The recommendation shall be forwarded to the Awards Committee chairman on the Department Employee Commendation Nomination Form.

#### **C. Committee Meetings**

The Awards Committee will meet quarterly as needed to evaluate recommendations for awards. The chairperson shall be responsible for coordinating and conducting these meetings.

1. Four members of the Awards Committee shall constitute a quorum.
2. Any member of the Committee who misses two consecutive meetings without justification shall be removed from the committee and replaced. The replacement will be appointed by the Sheriff and chairperson.
3. The recommendation of the Awards Board shall be made and forwarded to the Sheriff for review. The Sheriff shall notify the nominator and the nominee of the nomination and outcome.
4. All awards will be presented at a Department Awards Ceremony.

#### D. Department Awards

1. Legion of Honor Award – An employee, while performing above and beyond the call of duty, that voluntarily distinguishes themselves by an extraordinary act of heroism or bravery that knowingly places him/her at extreme risk of injury or death shall be eligible for this award. The Legion of Honor Award shall consist of a Legion of Honor Ribbon and a Legion of Honor Plaque.
2. Legion of Valor Award – An employee, while performing in the line of duty that distinguishes themselves by an act of bravery that knowingly places him/her at serious risk of injury, shall be eligible for this award. The Legion of Valor Award shall consist of a Legion of Valor Ribbon and a Legion of Valor Plaque.
3. Knight of Justice Award – An employee, while performing above and beyond the call of duty, selflessly exemplifying himself/herself in such a manner as to bring great credit upon his/her character, this Department, and the law enforcement profession, shall be eligible for the Knight of Justice Award. The Knight of Justice Award shall consist of a Knight of Justice Ribbon and a Knight of Justice Plaque.
4. Sheriff's Cross Award – An employee that suffers substantial injury or death in the performance of his/her duty under honorable circumstances shall be eligible for this award. The Sheriff's Cross Award may be received in addition to any other awards the employee may receive for his/her reactions that led to his/her injury or death. The Sheriff's Cross Award shall consist of a Sheriff's Cross Ribbon and a Sheriff's Cross Plaque.
5. Combat Star Award – An employee that, in the performance of their duty, engages in personal combat with an adversary, who places the employee at great risk of injury/death and/or requires substantial force to overcome, shall be eligible for this award. The Combat Star Award shall consist of a Combat Star Ribbon and a Combat Star Plaque.
6. Gold Retirement Award – An employee meeting the official retirement rule and having 25 years or more of honorable service with the Burleigh County Sheriff's Department, shall be eligible for this award. The Gold Retirement Award shall consist of their department issued badge the employee wore in the performance of their duties, a personalized Gold Retirement Award Plaque and their name inscribed on the Department's Gold Retirement Award Perpetual Plaque.
7. Retirement Award – An employee meeting the official retirement rule shall be eligible for this award. The Retirement Award shall consist of their department issued badge the employee wore in the performance of their duties, and a personalized Retirement Award Plaque.

8. Dedicated Service Award – An employee with 20 years or more of dedicated service with the Burleigh County Sheriff’s Department leaving employment without meeting the official retirement rule shall be eligible for this award. The Dedicated Service Award shall consist of a personalized Dedicated Service Award Plaque, recognizing the 20 or more years of service.
9. Life Saving Award – An employee that by his/her actions significantly contributes to the saving of a human life shall be eligible for this award. The Life Saving Award shall consist of a Life Saving Ribbon and Life Saving Award Plaque.
10. Employee of the Year – Any employee who has distinguished himself/herself throughout the year in both his/her professional and personal conduct and is selected by the Awards Committee to represent the Department. The Employee of the Year Award shall consist of an Employee of the Year Ribbon and an Employee of the Year Plaque along with the nomination letter. All other employees nominated for this award shall receive an “Employee of the Year Nominee” certificate. An Employee of the Year shall be selected from both the Sheriff’s Department and Detention Center. Employees receiving a transfer during the year will be eligible in the assignment of majority service.
11. Employee Service Award – An employee who has been employed by the Burleigh County Sheriff’s Department for a period of 5 years or more shall be eligible for this award. The Employee Service Award shall consist of an Employee Service Award ribbon for deputies and detention officers. A Service Award pin shall be given to administrative staff. Each Service Award shall be updated in 5 year increments.
12. Certificate of Excellence – An employee that selflessly performs an act or deed that contributes greatly to the pursuit of justice, the betterment of this Department or extraordinary volunteer service to the community(s) we serve shall be eligible for this award. This award shall consist of a Certificate of Excellence Certificate.
13. Certificate of Recognition – An employee that shows a high degree of initiative, motivation or dedication to duty in the performance of his/her assigned tasks shall be eligible for this award. This award shall consist of a Certificate of Recognition Certificate.
14. Safe Driving Award – An employee that routinely operates a Department vehicle as part of his/her daily duties shall be eligible for this award if he/she have not been found to be the direct or contributing cause of an accident for a three-year period (three year increments following the receiving of a Safe Driving Award). This award shall consist of a Safe Driving Award Certificate.

E. Additional Recognition

Throughout the year, employees may receive recognition for work-related achievements at various events. It is in the best interest of this Department that recognition is given to those employees at a Department Awards Ceremony. Any employee having knowledge of such honors is requested to notify the chairperson of the Awards Committee.

F. Awards Committee Duties

In addition to reviewing and making recommendations on awards, the Awards Committee may be tasked with other duties at the discretion of the Sheriff. These duties may include, but are not limited to:

1. Planning and conducting Department Awards Ceremonies.
2. Coordinating the notification of honored guests at the request of the Honoree.

3. Submitting the name(s) of employee(s) to additional organizations for appropriate recognition.
4. Planning and conducting Department social activities.

#### G. Community Awards

In order for law enforcement to be effective in deterring crime and maintaining a safe community the support of the public is necessary. The Department realizes that many times the assistance the public provides is crucial and may go beyond what is expected of them. It is the goal of this Department to recognize members of the community when they have distinguished themselves as outstanding members of this community.

1. Guardian Angel Award – A member of the public that, without regard for his/her own safety, assists in a dangerous situation with a serious risk of injury or death shall be eligible for this award. The person must be assisting law enforcement in a matter critical to this Department and must not be a party to the action. This award shall consist of a Guardian Angel Plaque.
2. Golden Citizen Award – A member of the public that goes above and beyond what is expected of a citizen to assist law enforcement in a matter critical to this Department shall be eligible for this award. This award shall consist of the Golden Citizen Certificate.
3. The Sheriff's Appreciation Award – An agency or a member of another agency whom assist(s) the Burleigh County Sheriff's Department or any of its members with a vital/critical task which goes above and beyond what would be expected of them. This award shall consist of the Sheriff's Appreciation Certificate.

#### H. Recognition from the Sheriff

The Sheriff may award a member of this Department with the Sheriff's Star Award. This award is given at the discretion of the Sheriff for actions that have brought great credit and honor upon the employee/Department. This award shall consist of a Sheriff's Star Plaque.

These awards, when given, shall be presented at a special Awards Ceremony that is arranged as needed. Every effort will be taken to conduct this ceremony in the same manner and with the same professionalism as the Department Awards Ceremony.



Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Social Media**

### **I. POLICY**

Social media provides a new and potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The Department also recognizes the role that these tools play in the personal lives of some Department personnel. The personal use of social media can have bearing on Departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by Department personnel.

### **II. PURPOSE**

The Department endorses the secure use of social media to enhance communication, collaboration, and information exchange, streamline processes and foster productivity. This policy establishes this Department's position on the utility and management of social media and provides guidance on its management, administration and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

### **III. DEFINITIONS**

Blog – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for “web blog”.

Page – The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post – Content an individual shares on a social media site or the act of publishing content on a site.

Profile – Information that a user provides about himself or herself on a social networking site.

Social Media – A category of internet-based resources that integrate user-generated content and user participation.

Social Networks – Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape or related forms of communication.

Web 2.0 – The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki – Web page(s) that can be edited collaboratively.

#### **IV. ON-THE-JOB USE**

##### **A. Department Sanctioned Presence**

###### **1. Determine Strategy**

- a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b) Where possible, the page(s) should link to the Department's official website.
- c) Social media page(s) shall be designed for the target audience(s) such as youth or potential police recruits.

###### **2. Procedures**

- a) All Department social media sites or pages shall be approved by the Sheriff or his designee and shall be administered by the Sheriff's designee.
- b) Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
- c) Social media content shall adhere to applicable laws, regulations and policies, including all information technology and records management policies.
  - i. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
  - ii. Content must be managed, stored and retrieved to comply with open records laws and e-discovery laws and policies.
- d) Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.
  - i. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments and personal attacks.
  - ii. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

###### **3. Department Sanctioned Use**

- a) Department personnel representing the Department via social media outlets shall do the following:
  - i. Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.
  - ii. Identify themselves as a member of the Department.

- iii. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities or work-related assignments without express written permission.
- iv. Not conduct political activities or private business.
- b) The use of Department computers by Department personnel to access social media is regulated by Burleigh County Policy, Chapter 12, Computer Usage.
- c) Department personnel use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without express permission.
- d) Employees shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to electronic media.

## B. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about:
  - a) Missing persons.
  - b) Wanted persons.
  - c) Gang participation.
  - d) Crimes perpetrated online (i.e. cyberbullying, cyberstalking).
  - e) Photos or videos of a crime posted by a participant or observer.
2. Social media can be used for community outreach and engagement by:
  - a) Providing crime prevention tips.
  - b) Offering online reporting opportunities.
  - c) Sharing crime maps and data.
  - d) Soliciting tips about unsolved crimes (i.e. CrimeStoppers, Text-A-Tip).
3. Social media can be used to make time sensitive notifications related to:
  - a) Road closures.
  - b) Special events.
  - c) Weather emergencies.
  - d) Missing or endangered persons.
4. Persons seeking employment and volunteer positions use the internet to search for opportunities, and social media can be a valuable recruitment mechanism.
5. This Department has an opportunity to include internet-based content when conducting background investigations of job candidates.
6. Persons authorized to search internet-based content should be deemed as holding a sensitive position.
7. Search methods shall not involve techniques that are a violation of existing law.
8. Vetting techniques shall be applied uniformly to all candidates.
9. Every effort must be made to validate internet-based information considered during the hiring process.

## V. PERSONAL USE

### A. Precautions and Prohibitions

Department personnel shall abide by the following when using social media:

1. Department personnel are free to express themselves as private citizens on social medial sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the

- performance of duties, impair discipline and harmony among coworkers or negatively affect the public perception of the Department.
2. As public employees, Department personnel are cautioned that speech on or off duty, made pursuant to their official duties (that is, that owes its existence to the employee's professional duties and responsibilities) is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this Department.
  3. Department personnel shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Sheriff or his designee.
  4. For safety and security reasons, Department personnel are cautioned about disclosing their employment with this Department and shall not post information pertaining to any other member of the Department without their permission. As such, Department personnel are cautioned about doing the following:
    - a) Displaying Department logos, uniforms or similar identifying items on personal web pages.
    - b) Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a member of this Department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.
  5. When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's code of conduct is required in the personal use of social media. In particular, Department personnel are prohibited from the following:
    - a) Speech containing obscene or sexually explicit language, images or acts and statements or other forms of speech that ridicule, malign, disparage or otherwise express bias against any race, any religion or any protected class of individuals.
    - b) Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
  6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.
  7. Department personnel may not divulge information gained by reasons of their authority; make any statements, speeches, appearances and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization.
  8. Department personnel should be aware that they may be subject to civil litigation for:
    - a) Publishing or posting false information that harms the reputation of another person, group or organization (defamation).
    - b) Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern and would be offensive to a reasonable person.
    - c) Using someone else's name, likeness or other personal attributes without that persons' permission for an exploitative purpose.
    - d) Publishing the creative work of another, trademarks or certain confidential business information without the permission of the owner.

9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
10. Department personnel should expect that any information created, transmitted, downloaded, exchanged or discussed in a public online forum may be accessed by the Department at any time without prior notice.
11. Reporting violations – Any employee becoming aware of or having knowledge of a posting or any website or web page in violation of the provision of this policy shall notify his/her supervisor immediately for follow up action.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Community Relations**

### **I. POLICY**

A progressive law enforcement-community relations program is essential to the successful operation of the Burleigh County Sheriff's Department. A citizen's encounter with a deputy can be a frightening and emotional experience. As a result, the potential for misunderstanding often exists. The minimization of this potential must be dealt with in every public contact made by members of the Department. All personnel will follow policies concerning law enforcement-community relations in order to promote a climate in which they may perform their duties with the acceptance, understanding and approval of the public.

### **II. PURPOSE**

The purpose of this policy is to establish a community relations unit and provide a policy for promoting positive community relations.

### **III. PROCEDURE**

- A. Establishment of the community series unit, establishing and promoting positive law enforcement-community relations is the responsibility of all Department personnel; however, the Training Section of the Department is specifically responsible for developing and promoting programs and plans designed to improve law enforcement-community relations.
- B. Department Community Relations Plan – The Training Section shall perform law enforcement-community relations services to include, but not limited to, the following:
1. Establish and maintain liaison with existing formal community organizations and other community groups and help to establish groups in areas where they are needed.
  2. Develop law enforcement-community relations policies for the Department as they relate to new programs or plans initiated by the Training Section in relation to crime prevention.
  3. Publicize objectives, problems and successes of the Department as related to the area of community relations.
  4. Obtain input from citizens' organizations and utilize this input to improve Departmental law enforcement relations practices.
  5. Attempt to identify training needs in the area of law enforcement-community relations based on citizens' grievances or comments on the actions, practices or attitudes of Department personnel.

- C. Position Responsible for the Community Relations Function – The supervisor of the Training Section is responsible for carrying out this function.
- D. Any Department member may inform the supervisor of the Training Section of any relevant information as it applied to community concerns and/or potential or existing problems. This information shall be distributed to those within the Department who have a need for or would benefit from such information.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Media Relations**

### **I. POLICY**

The Burleigh County Sheriff's Department must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal. This media relations policy establishes guidelines regarding media relations and the release of information to the public through the news media.

No employee shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial or violate the law. It shall be the policy of this Department to cooperate with the news media and to maintain an atmosphere of open communication. A positive working relationship with the media is mutually beneficial. To this end, information shall be released to the news media in an impartial, accurate and timely fashion. It shall be the responsibility of each employee to abide by this philosophy of cooperation.

### **II. PURPOSE**

To provide for an efficient, timely and accurate flow of information between the Department and the news media.

### **III. RESPONSIBILITIES IN RELEASING INFORMATION**

It is ultimately the responsibility of the Sheriff to release information to the public. That responsibility may be delegated to the following personnel:

- A. Public Information Officers (PIO) or PIO Designee – The PIO is the primary contact for the news media. PIOs are the Majors and/or designee.
- B. Supervisors – Supervisors with responsibility for a specific case or incident may be the secondary contact for the news media in the absence of the PIO.
- C. Other Employees – The Sheriff, PIOs or supervisors may direct other employees to respond to media inquiries.

### **IV. ORGANIZATION OF PUBLIC INFORMATION OFFICE/FUNCTION**

The PIOs function shall support the Department and its personnel in matters involving the news media. To accomplish this, the PIO shall be available during normal business hours. The shift supervisors shall be responsible for ensuring that the PIO is informed of major incidents and all other events that may generate media interest.

### **V. PROCEDURE**

- A. Media Inquiries – The Department shall respond to all media inquiries in a timely and professional manner. During normal business hours, media inquiries shall be directed to a PIO.
- B. Interviews – The PIOs shall be responsible for assisting the news media by conducting interview himself/herself or coordinating interviews with other qualified Department personnel. Employees contacted directly by the media shall notify the PIO of any interview requests. All conversations with members of the news media should be considered “on the record” and subject to being quoted.
- C. News Releases – News releases shall be (written if appropriate) disseminated to the media on major incidents and events of community interest or concern.
- D. News Conferences – News conferences shall be held only in connection with major events of concern to the community. The Sheriff shall be informed of all news conferences. A PIO shall facilitate the news conference.
- E. Access to Crime Scenes and Critical Incidents – Department personnel shall be courteous to news media representatives at crime and critical incident scenes.
  - 1. At such scenes, Department personnel shall ensure that the media respect the established perimeter. Members of the media shall receive no more or less access to an incident scene than members of the general public.
  - 2. A PIO, with approval of the scene commander, may grant closer access to media personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
  - 3. No member of this Department shall prohibit the media from news gathering practices, including photography and interview, outside the established perimeter.
  - 4. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the scene commander shall advise the media representative of the danger and allow the media representative to make the decision to enter on his/her volition.
  - 5. Only the PIO or scene commander shall release information to the news media at crime and critical incident scenes.
  - 6. Department personnel may release information to news media inquiries regarding:
    - a) Nonfatal/serious injury crashes.
    - b) Fires involving property damage.
    - c) Weather related condition.
    - d) Refer to Information Release Guidelines.
  - 7. At critical incident scenes, a PIO or scene commander shall establish a media briefing area as close to the scene as safety and operational requirements allow.
  - 8. At critical incident scenes, members of the Department shall work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.
- F. Public Records – This Department and its members shall abide by all local, state and federal laws governing the release of public records.

G. Access to Suspects – No member of this Department shall pose any suspect or accused person in custody or make him/her available for media interviews. Media interviews may be allowed with guidance from the defendant’s counsel.

H. Joint Investigations or Operations Involving another Agency – In a multijurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. A PIO or designee for the lead agency shall share that information with all involved agencies in advance of public dissemination.

## **VI. INFORMATION RELEASE GUIDELINES**

The release of information is subject to restrictions placed by applicable local, state and federal laws. No member of this Department shall release any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons.

A. Department members can release the following information:

1. Basic information about a crime or incident.
2. Basic information about victims, except as excluded by law.
3. Description of suspect(s).
4. Basic description of weapons and vehicles used.
5. Basic description of stolen items.
6. Basic description of injuries and condition of victims.
7. The name, age (not DOB), address and other basic information about arrestees and the charges against them (upon formally being charged).
8. Information contained in arrest affidavits and other applicable crime or incident reports.
9. Booking photographs (upon formally being charged).

B. Department members shall not release the following information:

1. Names, addresses and any other information that would identify the victim of a sex offense, child abuse or any other crime where the privacy of the victim is protected by law.
2. Names, addresses and basic information about juvenile arrestees, as governed by state law.
3. Active criminal investigative information, active criminal intelligence information and surveillance techniques.
4. Names of informants and information provided by them.
5. Supplemental or investigative reports until such time as the case is closed or the lead investigator deems it permissible.
6. Grand jury testimony and proceedings.
7. Active internal affairs investigations, as governed by state law.
8. Names of witnesses, unless required by state law.
9. The identity of critically injured or deceased persons prior to notification of next-of-kin. (N.D.C.C. 39-08-10.1)
  - a) N.D.C.C. 39-08-10.1 – Investigating Agency Responsible to Notify Immediate Family:
    - i. In the event of serious injury to or death of any person, under circumstances leading to the notification of a law enforcement agency, the investigating law enforcement agency shall, upon positive identification of the person or persons involved, be responsible for immediately notifying the immediate

family of the person or persons seriously injured or deceased, or making arrangements to have the immediate family notified by clergy or other suitable person.

- ii. The investigating law enforcement agency may not release to the public the identity of the person or persons seriously injured or deceased until the first of the following events occur:
  - 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 has elapsed from the time positive identification was made.
- iii. For purposes of this section, “immediate family” means spouse, parent, child, sibling or any person who regularly resides in the household of the seriously injured or deceased person.

10. Home address, telephone numbers, and familial information of law enforcement personnel.

11. Names of undercover personnel.

12. Any other information that could jeopardize the successful conclusion of an investigation and prosecution.

13. Any other information prohibited by state law from public disclosure.

## **VII. MEDIA RIDE ALONGS**

Media ride alongs allow members of the media to accompany law enforcement officers as they perform their duties. Employees shall not permit members of the media to accompany them onto private property nor shall they assist in securing permission for access from property owners. Deputies must be aware of surroundings for the safety of all.

## **VIII. TRAINING**

This Department is committed to providing proper training for its public information officers, supervisors, line officers and other personnel who interact with the media.

## **IX. ETHICS**

It is the policy of this Department to treat members of the media professionally and ethically. It is expected that the media will respond in a like manner and follow ethical guidelines established by their profession. Members of the Department who believe they were treated unethically should contact a PIO.

## **X. MEETINGS WITH THE MEDIA**

Reaffirming this Department’s commitment to positive media relations, the Sheriff and/or a PIO shall meet on a regular basis with media representatives. Proposed or anticipated changes in Department policy or procedures dealing with the media also shall be addressed with the media prior to implementation.

## **XI. LIVE COVERAGE AGREEMENTS**

Live coverage agreements establish voluntary guidelines for the broadcast of live pictures or information emanating from critical incident scenes such as hostage situations, barricaded subjects and similar ongoing crises.

## **XII. MEDIA CREDENTIALS**

This Department acknowledges representatives from recognized media organizations who carry and display photographic identification issued by their employer.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Relationships with Other Agencies**

**I. POLICY**

The Burleigh County Sheriff's Department recognizes the need to maintain liaison with other law enforcement agencies which provide assistance to the public. Such liaison will improve the quality of service provided to the citizens of our community.

**II. PURPOSE**

To establish means and procedures for establishing and maintaining liaison with other law enforcement agencies, other components of the criminal justice system, local agencies which provide social services or public assistance and other government agencies which perform duties related to the law enforcement function.

**III. PROCEDURE**

A. The Sheriff, the Division/Section Commanders or their designees shall establish and maintain liaison with outside components, agencies or groups according to their respective areas of responsibility. The liaison can be through regular contacts with individuals, attendance at group meetings or conferences or other appropriate and/or necessary means of establishing liaison.

B. A representative of the Department should attempt to attend the following meetings:

1. Bismarck-Mandan Law Enforcement meetings.
2. South Central Crime Conference.
3. North Dakota Peace Officers Convention.
4. North Dakota Peace Officers Working Drug Committee.
5. Bismarck-Mandan Gang Task Force.
6. Other committees and groups with the goal of community safety or crime prevention that the Sheriff determines Department participation would be beneficial.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Recruitment**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes and understands that a positive recruitment program provides for a lower rate of personnel turnover, higher morale, improved community relations, fewer discipline problems and more effective and efficient services. The Department has an active recruitment program in order to identify the best possible candidate for employment with the Department.

### **II. PURPOSE**

The purpose of this general order is to set forth the recruitment program within the Department and employ the best possible candidates.

The Department performs recruitment activities in an attempt to identify the best qualified candidates for employment.

The Department participates in and is involved with all aspects of the recruitment process. The Administrative Sergeant coordinates the recruitment process with the Burleigh County Human Resources Department.

The Department encourages all employees to actively seek out and refer all eligible applicants for employment to the Administrative Sergeant and/or to the Burleigh County Human Resources Department.

The Burleigh County Human Resources Department representatives may speak at local and regional organization/groups on recruitment and related areas whenever the opportunity arises. Requests for speakers shall be coordinated through the Administrative Sergeant.

The Department does have a student internship program. The Administrative Sergeant will coordinate the intern program.

Personnel attending a career fair, speaking engagement, or performing other recruitment activities shall, upon completing the activity, forward a memorandum to the Administrative Sergeant describing the event or activity.

Selection process information for a position may be advertised by listing with Job Service of North Dakota, sending out job opening announcements to colleges/universities, fraternal and service organizations publicized in the media and on the Department website.

Burleigh County will advertise “Equal Opportunity Employer” in all employment applications and recruitment advertisements.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Internship Program**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes a need for an internship program for college/university students. This program is designed to assist college/university students in their education and understanding of the duties of a deputy sheriff or detention officer.

### **II. PURPOSE**

The purpose of this order is to help students integrate classroom theory with real life practices and to encourage students to consider a career as a member of the Burleigh County Sheriff's Department. To provide students with valuable work experience and education with a Sheriff's Department.

### **III. PROCEDURE**

#### **A. Persons eligible to participate in the Department's Internship Program**

1. A full-time continuing second year college or fourth year university student, with preference given a student whose major or minor course of study is Criminal Justice.
2. An applicant is considered a sophomore if he/she will have completed freshman credits (30 or more semester hours) and a junior if he/she will have completed all sophomore credits (60 or more semester hours) by the time the internship begins.
3. In good academic standing with an accredited institution and maintain a minimum 2.0 cumulative grade point average (GPA).
4. The accredited institution must have a current internship agreement with the Department at the time of application.
5. Internships are limited to deputy sheriff and/or detention officer internships.

#### **B. Duties of an Intern**

1. Students will be assigned to a variety of sections within the Department for the purpose of observing the operations of the Department.
2. Duties and assignments will be based upon the internship program.

#### **C. Length of Internship**

1. The Department will provide internships for deputy sheriff and/or detention officer interns.
2. Internships are normally one semester in length coinciding with the students' college fall, spring or summer schedule.
3. The student is responsible for transportation for the duration of the internship.

4. Hours are flexible and will be set by a supervisor and the intern.

D. Salary and Benefits

Internships are unpaid. Interns are provided Workforce Safety coverage while participating in the Internship Program. Many educational institutions grant academic credit for internships.

E. How Interns are Selected and Notified

1. The Operations Division Sergeant (Internship Program Coordinator) receives applications by the deadline and reviews them for completeness and ensures all eligibility criteria have been met.
2. The Internship Program Coordinator may convene an Internship Selection Panel if necessary. The panel will interview and make the internship selection.
3. Students will be notified verbally of interview date, time and location. Those who are not selected for an interview will be notified by mail.
4. Applicants tentatively selected (pending background investigation and drug testing) by the Selection Panel will be notified verbally of the selection. Those that are not selected for an internship will be notified electronically or by mail. So that we may contact applicants as soon as possible, applicants should ensure that all changes of phone number and/or address changes after they apply are submitted immediately to the Internship Program Coordinator.

F. Background Investigation Process

Students tentatively selected for the Internship Program must undergo a background investigation.

G. Identification Waiver and Confidentiality Waiver

Students selected for the Internship Program must sign the Identification Waiver and confidentiality Agreement.

H. Drug Testing

All subjects selected to participate in the Internship Program will be subject to a drug test at a Department approved facility and will be responsible for costs of such testing.

I. Official Offer of Internship

After all procedures are completed and clearance obtained, interns will be contacted by the Internship Program Coordinator with reporting instructions.

J. Internship Application Instructions

The application package must consist of:

1. The completed background investigation form.
2. Resume (1 to 2 pages).
3. Statement of interest (1 page) that describes objectives and motivation in seeking an internship and explains your academic courses and other experiences that relate to the field.
4. A copy of most recent college transcript.
5. Internship questionnaire.
6. Original letter of recommendation by college advisor outlining the applicant's year of study, qualifying major and minor and recommendation for the internship.

7. A completed application package must be delivered to the Department in care of the Administrative Sergeant. Faxes will not be accepted.

K. Application Process Timetable

The following chart is provided to help students applying for the internship to track their application during the selection process. Please be patient and follow the guidelines. Retain this form for future reference.

<b>ACTIVITY</b>	<b>WHEN</b>
Instructions distributed to Colleges and Universities	January and August
Application Deadline: (Deadline is the listed month <i>before</i> the start of the semester in which the Internship will take place)	Fall Semester: May 1 <sup>st</sup> Spring Semester: October 1 <sup>st</sup> Summer Semester: March 1 <sup>st</sup>
Review Applicant's Qualifications	May/October/March
Internship Selection Panel Convenes	May/October/March
Applicants selected for interview notified verbally/ Applicants not selected for interview notified in writing	May/October/March
Interviews held	May/October/March
Security Clearances Performed	November/April
Cleared Interns notified and given reporting instructions	November/April
Internship starts	August/January/May
Internship ends on or about	December/May/August

L. Internship Rules and Regulations

1. Required clothing during the program is business attire. Participants must comply with Department appearance policy.
2. Interns will be under the supervision and direction of the person within the section they have been assigned to. That supervision individual has the authority to restrict the intern's involvement in the program while assigned to them.
3. Interns are not sworn peace officers and are not employees of the Burleigh County Sheriff's Department. Interns have no authority as a deputy sheriff, detention officer or employee/agent of the Burleigh County Sheriff's Department. Interns do not have arrest powers and cannot take any enforcement actions or carry any weapons.
4. Interns are expected to act in a professional manner when dealing with the public and other professionals. Interns represent the Department because of their affiliation through the Internship Program.
5. In the event that interns are exposed to any information of a confidential or investigatory nature during their internship, they are expected to maintain the confidentiality of such information so as not to endanger the safety of anyone or jeopardize any investigation.
6. The Department reserves the right to terminate an internship for any and all unacceptable behavior and/or conduct.
7. All releases from the internship are final.
8. In the event that an intern will not be able to make their assignment, they are to give notification to the Internship Program Coordinator and the individual whom they are to report to.
9. Interns must be at least 18 years of age.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Selection Process  
Civilian and Sworn Personnel**

**I. POLICY**

It is the objective of the Burleigh County Sheriff's Department to utilize a job related, useful, fair and non-discriminatory selection process to hire the most qualified applicants.

**II. PURPOSE**

The purpose of this policy is to inform current and prospective employees of the selection process utilized by the Department for the hiring of personnel for civilian and sworn position openings.

**III. PROCEDURE**

The Department will follow Burleigh County Personnel Policy Manual & Handbook (Chapter 2) policy on Hiring for Positions.

The Operations Division Administrative Sergeant has been designated by the Sheriff as having the responsibility and authority to coordinate and administer the selection process for entry level positions.

Entry level testing for positions with the Department may be held as needed to develop an employment list. The following are the different phases of the entry level testing process utilized by the Department.

**A. Posting Job Opening**

The Burleigh County Human Resources Department will list the position. Applicants will be screened on a matrix to measure the applicants' qualifications that are job related.

**B. Oral Interview**

Applicants selected to participate in the oral interview process will be notified as to when and where to report for their interview. The purpose of the oral interview is to determine the personal character and/or traits of the individual. Such traits cannot be adequately determined by other means, such as written tests. A series of prepared questions are asked by board members. Uniform questions and standardized forms will be utilized. Any board member may recommend not hiring any applicant based on an articulate reason.

**C. Background Investigations**

Applicants who have successfully completed the written exam and the oral interview process are subjected to a background investigation. The purpose of the background investigation is to ensure that the applicant has been truthful in their responses regarding education, employment, character, criminal and traffic information.

D. Medical Examinations

Applicants on the hiring list who have been offered conditional employment must successfully pass a medical examination. Such examinations includes, but is not limited to, the following: pulmonary function, blood screening, blood pressure, vision, hearing, height, weight, body composition and range of motion. A medical doctor must be utilized in making a written recommendation regarding the applicant's general health and fitness to perform the duties of a deputy sheriff/detention officer. A drug screen will also be part of the medical examination.

E. Psychological Tests

Applicants who have been offered conditional employment are also given psychological tests that have been developed by trained professionals. Such tests are utilized to assist in determining and measuring intellectual ability, personality, occupational interests and ambition. These tests are also utilized to assist in determining if applicants are emotionally and mentally able to perform law enforcement activities.

F. Official Hiring

The Human Resources Department will send the applicant a written employment offer that includes a starting date and salary.

The Burleigh County Human Resources Department retains the original records of the hiring process.

The Burleigh County Human Resources Department will notify all qualified applicants of the complete selection process.

G. Probationary Period

Evaluations and performance evaluations conducted by supervisors will determine if the probationary employee successfully completes the probationary period or whether the period is extended or employment is terminated.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Civilian Personnel**

### **I. POLICY**

The efficiency and effectiveness of the Burleigh County Sheriff's Department is enhanced when sworn and non-sworn personnel are appropriately utilized to perform these functions that are best suited to their special knowledge, skills and abilities. Therefore, the Department shall employ civilians for selected functions that do not require the authority of sworn personnel.

### **II. PURPOSE**

The purpose of this policy is to establish the Burleigh County Sheriff's Department's commitment to and procedures for hiring and utilizing civilian personnel.

### **III. PROCEDURE**

#### **A. Civilian Position Classifications**

The Department has approved a number of functions a suitable for civilian placement. In conjunction with the development of the annual budget, staff will assess which additional positions, if any, should be authorized for civilian employment. Current civilian-designated functions include, but are not necessarily limited to, the following:

1. Public Service Technician.
2. Records.
3. Programs Coordinator.

#### **B. Authorized Duties**

Duties and responsibilities of civilian employees shall be defined in job descriptions maintained in the Burleigh County Human Resources Policy Manual. In addition, the following shall be observed with respect to civilian employees:

1. Civilian employees shall not be requested to perform duties and responsibilities for which a commission as a sworn law enforcement officer is required.
  - a) However, in urgent circumstances when a female officer is not available, a female civilian employee may:
    - i. Temporarily act as a matron during the care or detention of a female or act as a witness during the photographing of a female crime victim.
2. Civilian personnel shall not use their employment with the Department as authority for or responsibility to enforce the law. Civilian employees have no authority to take enforcement actions beyond those authorized for any citizen under the laws of this state.

### C. Applicant Screening

1. Procedures for screening applicants for civilian positions shall conform to agency policy for sworn officers unless otherwise specified by the personnel job description.
2. All civilian employees assigned or having access to criminal history records, fingerprint files, investigative records, tactical information, emergency communications or other assignments or materials of a sensitive nature shall undergo a background investigation to include a criminal history check prior to employment.

### D. Identification

1. All civilian employees shall be issued a Department identification card containing an up-to-date photo.
2. Department identification cards will not be used to gain any privilege or special consideration.
3. Department identification cards are to remain in the possession of the employee to whom it was issued.
4. Any Department identification card that is lost or missing must be reported as soon as possible to the employee's supervisor.

### E. Training

1. Civilian personnel of this agency shall be provided with the following:
  - a) Pre-service training, as required, that will prepare them for their job assignments and integrate them as productive members of this Department.
  - b) In-service training that will maintain basic skills and develop new knowledge, skills and abilities for career development.
2. All newly appointed civilian personnel will receive an orientation program introducing them to the Department.

### F. Performance Appraisals

Civilian employees are subject to periodic performance appraisals in conformance with schedules and procedures established by the Department.

### G. Volunteers

Civilian volunteers serving without pay are a valuable asset to the Department and may be utilized in a variety of functions that will promote the Department's efficiency, effectiveness, mission and goals.

1. Civilian volunteers are subject to the same provisions and restrictions which civilian employees are defined by in this policy.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Internal Personnel Transfer**

### **I. POLICY**

Duty assignments available in this agency vary widely with regard to required skills, knowledge and abilities, job demands and desirability, as well as the potential for advancement and achievement of related personal career objectives. Considering these and related factors, it is the policy of this Department to provide a fair and impartial system for the transfer of personnel.

### **II. PURPOSE**

To define the requirements, conditions and process for the transfer of duty assignments. Transfers will be considered between the Operations, Enforcement and Detention Division of the Department to provide the most qualified personnel for any vacant position.

### **III. DEFINITIONS**

Lateral Transfer (non-supervisory personnel) – Lateral movement of personnel within the Department that does not change the employee's classification, salary or benefits.

Lateral Transfer (supervisory personnel) – Lateral movement of supervisory personnel within the Department will be based on qualifications and needs of the Department. Qualifications include but are not limited to experience, training and education commensurate with the duties, skills, responsibilities and functions necessary to perform the assignment.

### **IV. PROCEDURE**

#### **A. General**

1. Nothing in this policy restricts the Sheriff from assigning or transferring any employee to a duty assignment that is deemed to be in the best interest of the Department.
2. Transfers between patrol shifts or within the same section that can be affected administratively are exempt from this policy.

#### **B. Vacancies**

1. Supervisors shall notify the Operations Division Administrative Sergeant and/or the Sheriff as soon as position vacancies occur or are anticipated.
2. A notice will be posted to announce job vacancies. The notice shall include information on opening and closing dates for submission, minimum qualifications for applicants, job description and responsibilities.

3. Candidates must agree to the job responsibilities and working conditions before being considered for filling the vacant position.
4. The Operations Division Administrative Sergeant is responsible for:
  - a) Preparing and disseminating the position vacancy announcements.
  - b) Accepting applications for transfer.
  - c) Screening applicants for minimum qualifications.
  - d) Notifying unqualified applicants and candidates that are not selected prior to Departmental announcement of the results.
  - e) Forwarding candidate applications and qualifications to the selection committee, where applicable.
  - f) Ranking eligible candidates.

#### C. Transfer Procedures

1. Employees requesting transfer are responsible for completing and submitting a letter of intent and any accompanying information to the Operations Division Administrative Sergeant before the application closing date.
2. In the event that a sufficient number of qualified applicants are not received, the Operations Division Administrative Sergeant may issue additional announcements for the vacancy.
3. Applicants may be required to participate in an interview process as part of the selection process.
  - a) The interview board may consist of both internal and external members.
  - b) The questions utilized in the interview shall be job related.
  - c) Members of the interview board may recommend that an applicant not proceed further in the selection process. If it is recommended that an applicant not proceed further, a reason must be listed.
  - d) Applicants will be allowed to review their scores and written comments of the interview board at Human Resources.
  - e) Applicants will be ranked based on their interview score and a list will be submitted to the Sheriff.
  - f) The Sheriff will have the final authority as to which applicant will be selected and may reject any or all applicants.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Promotional Process**

### **I. POLICY**

The Burleigh County Sheriff's Department administers all aspects of the promotion process for sworn positions within the Department. Promotions will be conducted fairly and are based on each candidate's ability, skills and merits.

### **II. PURPOSE**

The purpose of this policy is to set forth guidelines for the promotion process. The Sheriff is the appointing authority for the Department and has the authority to fill vacancies, including promotions within the Department.

The Administrative Sergeant is responsible for the administration and coordination of the promotion process within the Department.

It is the Department's intent to establish a fair and efficient promotion process.

### **III. PROCEDURE**

- A. Written announcements will be provided to all employees prior to commencement of any promotion process. The announcements will describe all facts of the process including: position description, scheduling times and location of the test(s), eligibility requirements and process utilized in determining eligibility lists and numerical weight factors.
- B. The Department's promotional process may include the following:
  1. Written Tests – Written tests will be job related. Candidates who do not achieve score placing them among the top six will not proceed further in the promotion process.
  2. Oral Interviews – Candidates will be presented job related questions. Standardized forms are used by the interview board for scoring the candidates' responses. The interview board may consist of Department staff members and members from other entities affiliated with the Department.
  3. Policy Testing – Candidates will be presented questions that are specific to Burleigh County and/or Burleigh County Sheriff's Department policy.
  4. Scenario Based Survey – Candidates will be presented job-related scenarios. Candidate responses will be evaluated by a board. The board may consist of Department staff members and members from other entities affiliated with the Department.
  5. Accomplishment Survey – Candidates will be presented job-related categories to identify their accomplishments. Candidate responses will be evaluated by a board.

The board may consist of Department staff members and members from other entities affiliated with the Department.

6. One-on-One Interview – Oral interview conducted with the Sheriff or the Sheriff's appointed designee.

C. Current Promotional Process:

1. Corporal – This will consist of a policy test and an oral interview (5 person oral board). The policy test will be worth 25% and the oral interview will be worth 75% of overall score.
2. Sergeant – This will consist of a scenario based survey (5 person scenario board) and an oral interview (5 person oral board). The scenario based survey and the oral interview will both be weighted at 50% of the overall score.
3. Lieutenant – This will consist of an accomplish survey (5 person accomplishment board) and an oral interview (5 person oral board). The accomplishment survey and the oral interview will both be weighted at 50% of the overall score.
4. Major – This will consist of an oral interview (5 person oral board and/or a one-on-one with the Sheriff).

D. Numerical weight or percentages assigned to components of the process will be announced at the job opening.

E. At the completion of the promotion process and in accordance with the written announcements, a list will be developed. The list will then be forwarded to the Sheriff from which the Sheriff will make promotions. In the event a candidate is offered a promotion and declines to accept, the candidate's name will be removed from the promotion list.

F. The probation period for a newly promoted candidate shall follow Burleigh County policy.

G. Upon completion of the promotion process, candidates who have participated in the process within the Department may review the materials utilized in the process. This includes reviewing test questions and answers, oral interview reports and any other part of the promotional process. Employees who feel they have a legitimate reason for contesting the process may do so by following the Burleigh County Personnel Manual grievance procedures. Participants passed over for promotion may reapply.

H. Security of the promotional materials is crucial to the integrity of the promotion process. Therefore, the Administrative Sergeant and the designee of Burleigh County Human Resources shall be responsible to ensure that access to the written test materials is highly restricted and unavailable to employees of the Burleigh County Sheriff's Department.

Sheriff \_\_\_\_\_  
 Effective Date \_\_\_\_\_  
 Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Uniform/Appearance**

### **I. POLICY**

The members of the Burleigh County Sheriff's Department are required to wear a uniform so as to be recognizable as law enforcement officers and present a professional image of the Department.

### **II. PURPOSE**

The Department is a para-military organization and its deputies must be readily identifiable to the citizens as law enforcement officers. The uniform is a symbol of the deputy's authority to enforce laws and detain citizens. The manner in which the uniform is worn and the appearance of the deputy is reflective of the professionalism of this Department.

### **III. DEFINITION**

A uniform is a regulation dress specifically designed to conform to North Dakota Century Code for Sheriff's Department uniform. All articles of clothing worn by members of this organization are to be alike with no exception to color or style.

### **IV. DUTY UNIFORMS**

#### **A. Duty Uniforms**

1. Duty pants.
2. Short-sleeved shirt or long-sleeved shirt, to include nameplate, badge, collar brass, qualification badge and any other Department issued uniform items.
3. Black shoes or boots. (If lower quarter shoes are worn, black socks are required.)
4. Department approved gun belt and accessories.
5. Department issued rain gear may be worn during inclement weather.
6. If the external vest and carrier is worn, the Department issued badge and appropriate nametag shall be worn on the carrier.
7. Internal vest system must be worn with appropriate uniform shirt if not wearing an external vest.
8. Deputies may wear a Department issued hat. A personal stocking cap may be worn in lieu of a Department issued hat, but the stocking cap shall be black in color and free of excessively offensive markings.
9. Deputies may wear a Department issued coat or snowmobile suit.
10. Personal gloves may be worn, but shall be functional and professional in appearance.
11. In situations of extreme weather, deputies may deviate from this policy for safety reasons, but every effort shall be made to remain identifiable and professional.

## B. Class A Uniform

1. Uniform dress pants.
2. Long-sleeved shirt with necktie, to include issued nameplate, badge, collar brass, commendation ribbons, qualification badge and any other Department issued uniform items.
3. Black shoes or boots. (If lower quarter shoes are worn, black socks are required.)
4. Black leather belt.
5. Deputies holding the rank of Lieutenant or above shall wear the Department issued white shirt.

## C. Investigations Section

1. Investigators shall wear appropriate dress or business casual clothing unless conditions or investigations dictate otherwise.
2. Dress and business casual clothing includes, but is not limited to, the following:
  - a) Suits.
  - b) Sport coats.
  - c) Collared long- and short-sleeved shirts that can be accented with a tie.
    - i. Females – appropriate blouse.
  - d) Collared long- and short-sleeved polo-style shirts.
  - e) Sweaters or jacket coordinates.
  - f) Dress slacks or business casual pants (i.e. Dockers or other such brands).
    - i. Females – appropriate dress slacks or business casual pants.
  - g) Neckties.
3. Footwear must conform to the attire worn.
4. Department issued law enforcement equipment to include, but not limited to: sidearm, handcuffs, badge and extra ammunition. Deputies may wear personal gear with Division Commander's approval.
5. Clothing must be serviceable and clean.

## D. Administrative Section

1. Personnel shall wear dress, business casual or Department issued attire.
2. Dress clothing includes, but is not limited to, the following:
  - a) Suits.
  - b) Sport coats.
  - c) Skirts/dresses that are appropriate for a professional office setting and are approximately knee length when standing.
  - d) Collared long- or short-sleeve dress shirts that can be accented with a tie.
  - e) Blouses/tops that are appropriate for a professional office setting and for dealing with the public.
  - f) Dress slacks/pants to include dress capri pants.
3. Business casual clothing is clothing that is professional in appearance and includes, but is not limited to, the following:
  - a) Sweaters or jacket coordinates.
  - b) Long- or short-sleeve shirts/blouses/tops appropriate for a professional office setting and dealing with the public.
  - c) Business casual pants (i.e. Dockers or other such brands).
4. Footwear
  - a) Footwear must be worn.

- b) Footwear must be appropriately coordinated and compatible with the style of attire worn. Dress type sandals that meet standards are acceptable.
- 5. Hair must be clean and neatly groomed.
- 6. Jewelry and makeup are allowed as long as it is not distracting, offensive or a safety concern.

**NOTE:** Current local area professional standards and generally accepted standards for the duty assignment shall serve as the basis for determining dress code appropriateness. Supervisory staff will have authority in determining dress code standards.

E. Operations Sections

- 1. Personnel assigned to these sections shall wear duty uniform that consists of the Department issued long- or short-sleeved shirt tucked in duty pant or dress/business casual clothing.
- 2. Dress/business casual clothing is clothing as described under the Investigations section.
- 3. Footwear must conform to attire worn.
- 4. Field deputies must carry Department issued law enforcement equipment to include, but not limited to: sidearm, handcuffs, badge and extra ammunition. Deputies may wear personal gear with the Division Commander's approval.
- 1. Clothing must be serviceable and clean.

**V. UNIFORM REQUIREMENTS**

A. Uniform Pants

- 1. Serviceable and clean.
- 2. No frayed edges around the pockets or hem.

B. Uniform Shirts

- 1. Serviceable and clean.
- 2. All approved insignia must be worn in the proper manner.
- 3. Visible t-shirts must be white or black in color.

C. Jacket

- 1. A sew-on star shall be displayed on the left breast area of the jacket.
- 2. Deputies with rank of Corporal and above shall display the rank sewn on the epaulets of the jacket.

D. Gun Belt and Accessories

- 1. All equipment will be kept clean and/or polished.
- 2. Faded portions will be re-dyed to the black color.
- 3. Only Department issued or approved equipment and/or accessories will be worn.

E. Footwear

- 1. Footwear will be supplied upon completion of probation.
- 2. All footwear must be maintained and in good repair.

F. Outer Vest Carrier

- 1. Outer vest carrier to be issued with pouches, nameplate and Sheriff panel.
- 2. Any additional pouches must be approved by the appropriate Division Major.

Employees attending court to testify shall wear the Department Class A uniform or a suit (or sport coat and dress pants) and a tie. Females shall wear comparable style of dress clothing or the Class A uniform.

Exception: Uniformed employees on duty who are required to testify in court may wear the appropriate uniform to court.

Casual Day for Charity – The Sheriff may designate days when casual attire can be worn. Employees participating are expected to donate money for this privilege. On these selected days employees must be cognizant that their duties and responsibilities require contact with the public and other professionals therefore all items of clothing must be clean, non-offensive and not in need of repair. Supervisory staff will have authority in determining dress code standards.

The varied duties of law enforcement require the employee to alter his/her attire to adapt to various tasks. Each Section Supervisor may alter the uniform policy to allow the employee to adapt to various situations. Alterations in issued uniforms require administrative approval.

Department issued uniform items will not be worn or displayed while off duty.

## **VI. UNIFORM ACCESSORIES**

### **A. Breast Star**

1. Worn on the left side of the uniform shirt in the appropriate area.

### **B. Sergeant and Corporal Chevrons**

1. Mounted ¼ inch below the Department patch on both sleeves.

### **C. Command Staff Rank**

1. Will wear insignia on both collars.
2. Centered and one inch above the lower edge of each collar.

### **D. Collar Brass**

1. Worn horizontal on the left collar.
2. ¼ inch above the bottom edge of the collar and ¼ inch from the outside edge of the collar.

### **E. Qualification Badge**

1. Centered on the left breast pocket flap.
2. Top of the qualification badge must be in line with the top of the pocket flap.

### **F. Nametag**

1. Centered on the right breast pocket flap.
2. Top of the name tag must be in line with the top of the pocket flap.

### **G. Flag Pin**

1. The flag pin may be worn on the duty uniform or the Class A uniform if no other commendation ribbons are worn.
2. It shall be worn ¼ inch above the nametag and centered.

### **H. Commendation Ribbons**

1. ¼ inch above the nametag and centered.
2. Three ribbons shall constitute a complete row.
3. Ribbons shall be worn in ascending order of importance from the wearer's left to right.
4. Slide holders shall be used when wearing commendation ribbons.
5. Commendation ribbons shall only be worn on the Class A uniform.

## **VII. COMMENDATION RIBBONS**

The commendation ribbons for the Burleigh County Sheriff's Department are listed below in order of merit.

- A. Legion of Honor – The Legion of Honor Ribbon shall be red, white and blue in color.
- B. Legion of Valor – The Legion of Valor Ribbon shall be blue, silver and red in color.
- C. Knight of Justice – The Knight of Justice Ribbon shall be yellow, white and blue in color.
- D. Sheriff's Cross – The Sheriff's Cross Ribbon shall be burgundy in color with a centered, gold Maltese cross.
- E. Combat Star – The Combat Star Ribbon shall be black and white in color with a centered, gold star.
- F. Life Saving – The Life Saving Ribbon shall be blue in color with a centered, gold heart.
- G. Employee of the Year – The Employee of the Year Ribbon shall be white, blue and green in color.
- H. Water Rescue and Recovery Team – The Water Rescue and Recovery Team Ribbon shall be red and white in color. All current and former members are authorized to wear this ribbon.
- I. SWAT Team – The SWAT Team Ribbon shall be black and gold in color. All current and former members are authorized to wear this ribbon.
- J. FTO – The FTO Ribbon shall be blue and gold in color with a centered, gold circle inscribed with the initials FTO. All current and former FTO's are authorized to wear this ribbon.
- K. K9 Unit – The K9 Unit Ribbon shall be black and silver in color with centered, gold K-9 initials inscribed on the ribbon. All current and former K9 handlers are authorized to wear this ribbon.
- L. Drone Team – The Drone Team Ribbon shall be black, gray, and white in color. All current and former members are authorized to wear this ribbon.
- M. National Academy – The FBI National Academy Ribbon shall be dark blue and light blue with yellow, white and red in the center. The ribbon will have FBI and NA on the sides. The Northwestern University School of Police Staff and Command Ribbon shall be blue, white and maroon in color with a centered school emblem. All National Academy graduates are authorized to wear their respective National Academy's ribbon.
- N. Years of Service – The Years of Service Ribbon shall be blue and silver in color. Each 5 year period of service will be recognized by a star on the ribbon.
- O. Service – The Service Ribbon shall be a replica of the United States flag. All department members are authorized to wear this ribbon.

## **VIII. SOFT BODY ARMOR**

Burleigh County issues soft body armor to all deputies. The body armor and/or external vest carrier is issued for the deputies' protection and safety. It is the policy of this Department that all deputies wear their issued armor while on duty, with the following exceptions:

- 1. While in court as a witness.
- 2. While attending training.
- 3. Those deputies assigned to Administration, Investigations, and Warrants/Civil.
- 4. If medical condition exists that is not conducive to wearing armor and is verified by a doctor's order.
- 5. When wearing the Class A uniform for official ceremonies.
- 6. When performing River Patrol.

Deputies assigned to those divisions listed under the exceptions shall wear body armor when:

1. Temporarily working Patrol.
2. Executing search warrants.
3. Serving criminal or civil papers when information is available indicating it is advisable to wear soft body armor.
4. Participating in any SWAT operation.
5. Directed to by a supervisor.

All soft body armor issued by this Department shall be maintained according to the manufacturer's instructions.

No deputy shall allow any alteration to their issued body armor without obtaining the permission of their Division Commander.

## **IX. PERSONAL APPEARANCE**

### **A. Male Deputies/Detention Officers**

1. Hair
  - a) Must be clean, neat, combed and maintain a professional image.
  - b) Shall not be longer than the back of the shirt collar or the top of the ears and must be tapered on the back and sides of the ears.
  - c) Cannot be worn in ducktails, braids, buns, ponytails, Mohawk, Afro or any other bulky hairstyle.
  - d) Wigs and hairpieces are permitted if they conform to this standard.
  - e) Sideburns cannot extend past the earlobe and must be neatly trimmed, rectangular in shape and maintain a professional image.
2. Facial Hair
  - a) All facial hair must maintain a professional image, and shall not give the appearance of being ragged, unkempt or extreme in appearance. This includes but is not limited to designs, patterns and/or any unprofessional configurations.
  - b) Must be neatly trimmed away from the mouth and must not extend more than halfway from the point of the chin to the Adam's apple.
  - c) All facial hair must not exceed more than 1/2 inch in length.
  - d) Intermittent shaving (ie, not shaving and with no intention to grow facial hair) is prohibited
3. Jewelry
  - a) Any necklace worn shall be worn inside of the uniform.
  - b) Rings can be worn as long as they are not distracting or interfere with the normal performance of duty.
  - c) No visible piercings, including tongue piercings, will be allowed due to safety issues.

### **B. Female Deputies/Detention Officers**

1. Hair
  - a) Shall not be longer than the bottom of the shirt collar at the back of the neck unless hair is pulled back into a ponytail and off of the neck.
  - b) Hair shall be worn off of the face so as to maintain unobstructed vision.
  - c) Wigs and hairpieces are permitted as long as they conform to the above standards.
2. Make-up
  - a) Make-up is allowed, but must be used with discretion.

- b) Bright or distracting colors or extreme amounts shall not be used.
- 3. False Eyelashes
  - a) Shall not be permitted.
- 4. Jewelry
  - a) Any necklace worn shall be worn inside of the uniform.
  - b) Rings can be worn as long as they are not distracting or interfere with the normal performance of duty.
  - c) No visible piercings, including tongue piercings, will be allowed due to safety issues.

#### C. Tattooing

Appearance and imaging is a vital component for law enforcement when building respect and rapport with the public. Although tattoos have become more visible in American culture, certain types of tattooing are still not widely accepted and can have a negative impact on building community relationships. Because of this negative perception that can affect working relationships with the public, the Burleigh County Sheriff's Department adheres to the following standard:

Face tattoos and/or head tattoos that are not covered by hair so as to be completely indiscernible are not allowed.

Employees may not display offensive tattooing. If an employee has tattooing that is determined to be offensive, that employee shall be required to cover the tattooing. Covering may be accomplished by clothing or skin colored make-up or patches.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Clothing Allowance**

**I. POLICY**

The Burleigh County Sheriff's Department provides a clothing allowance for those sworn personnel who do not wear uniforms due to effectiveness in carrying out their duties.

**II. PURPOSE**

The purpose of this order is to establish the method in which deputies, assigned to positions that require the wearing of plain clothes, will be compensated.

**III. PROCEDURE**

N.D.C.C. 11-15-29 establishes a uniform allowance standard for deputy sheriffs.

Department sworn personnel who do not wear uniforms due to the nature of their assignment, with the approval of the Sheriff, will receive a clothing allowance. These personnel are issued at least one Department regulation uniform for special purposes/events when the wearing of a uniform is appropriate.

The Sheriff, in the interest of equity and fairness, can provide these sworn personnel with a clothing allowance not to exceed \$325.00 dollars in any one calendar year. The funds will be provided to the approved Deputies in the amount of \$325.00 after six months of service in the assigned position.

Those personnel who receive this uniform allowance are restricted as to what may be purchased with this allowance. Deputies are allowed to purchase pants, shirts or blouses, suits, sports coats and neckties as established by policy for the section/division to which the deputy is assigned. Deputies must produce receipts for reimbursement.

In order to receive the full allowance amount, the deputy must have been or will be assigned to their position for at least six months. In the event the deputy has not been or will not be in his/her position for that period of time, the deputy will either receive a pro-rated allowance amount or may not receive a clothing allowance dependent upon the length of time the deputy will be or is anticipated to be in that position.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Response to Resistance**

### **I. POLICY**

It is the policy of the Burleigh County Sheriff's Department to authorize personnel the ability to use force in the execution of their duties. This authority is derived from legal precedence and resulting training requirements. Use of force has always been a necessary part of law enforcement. Deputies may employ only that level of force that is reasonably necessary to control hostile situations. It is not possible to envision every circumstance that may develop in which a deputy may be justified or not in using force.

### **II. PURPOSE**

To provide familiarization as to type of force options, the force continuum and specific procedures of certain uses of force. It is also the purpose of this policy to implement the Response to Resistance Report when force is used.

### **III. DEFINITIONS**

Force – Physical action (N.D.C.C. 12.1-01-04(11)), threat or menace against another including confinement.

Use of Force – The amount of effort required by personnel to compel compliance from a person.

Physical Force – Use of any part of a deputy's/detention officer's body to compel compliance.

Chemical Force – Use of any CN, CS, Mace or OC aerosol or foam spray to compel compliance.

Choke Hold – A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

Impact Force – Use of any object (i.e. baton, flashlight, body shield, etc.) as a less lethal weapon to compel compliance.

Electronic Force – Use of any electronic equipment (i.e. electronic control device, etc.) to compel compliance.

Firearms Force – The discharge of a firearm of any type to compel compliance (exception: less lethal weapons and munitions are considered to be a hard intermediate weapon).

Deadly Force – Means force which a person uses with the intent of causing, or which he/she knows creates a substantial risk of causing, death or serious bodily injury. A threat to cause death or serious bodily injury by the production of a weapon or otherwise, so long as the actor's intent is limited to creating an apprehension that he/she will use deadly force if necessary, does not constitute deadly force (N.D.C.C. 12.1-05-12).

Reasonable Belief – When facts or circumstances within a deputy's knowledge, and of which he/she has reasonable trustworthy information, are sufficient to warrant a person of reasonable caution in believing an event has or is about to occur (N.D. vs. Dorendof).

Exception: Staff actions not included in the above definitions are the usage of handcuffs when utilized as a restraint device in arrest and transport activities, transport by vehicle, physical removal of peacefully resisting demonstrators, display of weapon (unholstering or brandishing of firearm), staff issuance of tactical commands (i.e. verbal judo).

#### **IV. LEVELS OF CONTROL/LEVELS OF RESISTANCE**

##### **A. Force Continuum**

The Department utilizes the following use of force continuum as developed by PPCT Management Systems, Inc. The use of force continuum is divided into levels of control and levels of resistance.

##### **1. Levels of Control**

- a) Officer Presence – Identification of authority.
- b) Verbal Direction – Commands of direction or arrest.
- c) Soft Empty Hand Control – Techniques that have minimal chance of injury.
- d) Hard Empty Hand Control – Techniques that have a probability of injury.
- e) Intermediate Weapon – Impact weapon strikes, chemical agents, electronic control device.
- f) Deadly Force – Deadly force actions.

##### **2. Levels of Resistance**

- a) Psychological Intimidation – Non-verbal cues indicating subject's attitude, appearance and physical readiness.
- b) Verbal Non-Compliance – Verbal responses indicating unwillingness or threats.
- c) Passive Resistance – Physical actions that do not prevent deputy's attempt of control.
- d) Defensive Resistance – Physical actions which attempt to prevent deputy's control, but never attempts to harm the deputy.
- e) Active Aggression – Physical actions of assault.
- f) Aggravated Active Aggression – Deadly force encounter.

#### **V. INTERMEDIATE WEAPONS**

The use of intermediate weapons is justified when empty hand control has failed or the deputy believes that empty hand control will be insufficient to establish control and the use of lethal force is not justified.

##### **A. Intermediate Weapon – Chemical Force, Pepper Ball Launcher**

The Department trains and authorizes personnel on the use of a Pepperball Launcher System. The Department has provided the Pepperball Launcher System for use by employees with additional use of force options for gaining compliance of resistant or aggressive subjects in enforcement situations. Employees may use the Pepperball Launcher System when warranted but only in accordance with their training along with the guidance set forth:

1. Authorization
  - a) Only employees who have completed the prescribed course of instruction on the use of the Pepperball Launcher System are authorized to utilize this force option.
2. Usage Criteria
  - a) Deployment of the Pepperball Launcher System is considered use of force and shall be employed in a manner consistent with the Department's Response to Resistance Policy.
  - b) The Pepperball Launcher System may be deployed when:
    - i. Verbal dialogue has failed to bring about the subject's compliance.
    - ii. The subject has signaled his/her intention to actively resist the deputy's efforts to perform his/her duties.
  - c) An employee may use lethal force to protect himself/herself from the use or threatened use of the Pepperball Launcher System when the employee reasonably believes that deadly force will be used against him/her if he/she becomes incapacitated.
3. Employee Response
  - a) Employees shall deploy the Pepperball Launcher System in the manner in which they were trained.
  - b) The effects of the Pepperball Launcher System vary among individuals. Therefore, all subjects shall be restrained (handcuffed) after deployment of the Pepperball Launcher System. Also, an employee should be prepared to employ other means to control the subject to include, if necessary, other force options consistent with Department policy if the subject does not respond sufficiently to the Pepperball Launcher System and cannot be subdued.
  - c) The employee shall be alert to any indications that the individual needs medical care. This includes, but is not limited to: breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or other medical problems or if the subject requests medical assistance, the employee shall immediately summon emergency medical aid. No subject who has been exposed to the pelargonyl vanillylamide powder (PAVA) shall be denied medical care if it is requested.
  - d) Subjects that have been exposed to PAVA shall be monitored continuously for indications of medical problems until cleared by Detention nursing staff.
  - e) An employee may begin decontamination procedures as soon as practical.
  - f) Assistance shall be offered to any individual accidentally exposed to the PAVA powder who feels the effects of the agent. All such incidents shall be reported to the administration, DOCR and medical personnel as soon as possible.
4. Reporting Procedures
  - a) Accidental discharges as well as intentional uses of the Pepperball Launcher System against a subject in an enforcement capacity shall be reported to the officer's immediate supervisor as soon as possible.
  - b) A Response to Resistance Report documenting the use of the Pepperball Launcher System shall be completed following all discharges of the Pepperball Launcher

System except during testing, training, malfunction or accidental discharge. This report will include details of the incident, what areas of the individual were exposed to the PAVA powder, how the individual responded to the PAVA powder, what decontamination procedures were used and any other relevant information concerning the PAVA powder exposure.

5. Replacement

- a) All Pepperball Launcher Systems shall be maintained in an operational and charged state by assigned personnel.
- b) The high pressure air (HPA) tank shall be maintained by assigned personnel. Empty HPA tanks shall be filled by assigned personnel.
- c) All Pepperball Launcher Systems and HPA tanks shall be available for inspection by supervisory personnel.
- d) All equipment will be stored in the Administrative Section.

B. Intermediate Weapon – Electronic Force

The Burleigh County Sheriff's Department trains and authorizes personnel on the use of Taser. The Department has issued Tasers to provide authorized employees with additional use of force options for gaining compliance of resistant or aggressive subjects in arrest or other enforcement situations. Authorized employees may use a Taser when warranted, but only in accordance with their training along with the guidelines set forth:

1. Authorization

- a) Only authorized employees who have completed the prescribed course of instruction on the use of Taser and have been exposed to the Taser are authorized to carry and utilize this force option.
- b) Authorized employees shall carry only Department issued Tasers in a support side carry.

2. Usage Criteria

- a) Taser is considered a use of force and shall be employed in a manner consistent with the Burleigh County Sheriff's Department's Response to Resistance Policy.
- b) Taser may be deployed when:
  - i. Verbal dialogue has failed to bring about the subject's compliance.
  - ii. The subject has signaled his/her intention to actively resist the authorized employee's efforts to perform his/her duties.
- c) An authorized employee may use lethal force to protect himself/herself from the use or threatened use of Taser when the authorized employee reasonably believes that deadly force will be used against him/her if he/she becomes incapacitated.

3. Authorized Employee Response

- a) Authorized employees shall deploy Taser in the manner in which they were trained.
- b) The effects of Taser vary among individuals. Therefore, all subjects shall be restrained (handcuffed) during/after a Taser deployment. Also, an authorized employee should be prepared to employ other means to control the subject to include, if necessary, other force options consistent with Department policy if the subject does not respond sufficiently to the Taser and cannot otherwise be subdued.
- c) The authorized employee shall be alert to any indications that the individual needs medical care. This includes, but is not limited to: breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or other

medical problems, the authorized employee shall immediately summon emergency medical aid. No subject shall be denied medical care if it is requested.

- d) Subjects shall be monitored for indications of medical problems and shall not be left alone while in custody. Detention personnel shall be informed by the authorized employee what use of force was employed and what post-deployment steps were taken.
  - e) All such incidents shall be reported to the authorized employee's supervisor as soon as possible.
  - f) Authorized employees shall remove probes from the subject in accordance with the training they received. Medical personnel must remove probes from soft tissue areas (i.e. head, neck, eyes and groin).
  - g) Authorized employee will collect expended air cartridge, probes and several AFID ID tags after deployment. These items will be sealed as evidence and placed into evidence.
4. Reporting Procedures
- a) Accidental discharges as well as intentional uses of Taser against a subject in an enforcement capacity shall be reported to the authorized employee's immediate supervisor as soon as practical.
  - b) A Taser Use Report documenting the use of Taser shall be completed following all discharges of Taser except during testing, training, malfunction or accidental discharge. This report will include details of the incident, what areas of the individual were exposed to the Taser, how the individual responded to the Taser and any other relevant information concerning the Taser exposure.
5. Replacement
- a) Authorized employees will replace any damaged cartridge as soon as practical. Damaged cartridges will be returned to the Training Section.
  - b) Authorized employee will replace expended air cartridges as soon as possible. Training and Division supervisors will have replacement cartridges for their staff.

C. Intermediate Weapon – Impact Force

1. The use of any impact weapon shall conform to the force continuum utilized by the Department.
2. Training and periodic refresher training will be provided to those deputies carrying a baton.
3. Under no circumstances shall a deputy leave a baton in a place where it may fall into the possession of prisoners or person not authorized to use the baton.
4. A Response to Resistance Report will be completed whenever an impact weapon is used.

D. Intermediate Weapon – Impact Force – Less Lethal Weapons

1. Hard Intermediate Weapon (extended range impact weapons)
  - a) Less Lethal Weapons and Munitions
2. Procedures
  - a) Authorization  
Less lethal weapons and munitions may be used in place of conventional weapons when deadly force is authorized. Less lethal weapons and munitions are intended to only momentarily incapacitate a subject.

Deputies must be trained by a less lethal weapons and munitions instructor.

This force option will be used only by deputies who have had specific training regarding the use of less lethal weapons and munitions.

b) Usage Criteria

Deputies should not sacrifice their own safety or that of another in an attempt to use less lethal weapons. The Department has established priorities as follows:

1. Hostages.
2. Involved non-subject civilians.
3. Sheriff's deputies.
4. Involved subjects.

A subject is defined as the person(s) who is the focus of the Department's operation.

Less lethal weapons may be employed in a variety of circumstances to include, but not limited to:

1. Riot or demonstration incidents.
2. Control of aggressive animals.
3. Destruction of lighting which may endanger the Department's operations.
4. Detention riots or disturbances.
5. Disarming of subjects armed with knives or clubs where the standoff distance is great enough to present no immediate threat to deputies.
6. The apprehension and control of aggressive subjects that fail to respond to verbal commands/directives.
7. Individual's intent on causing harm to one's self.
8. To support tactical operations.

Deputies must have a contingency plan to employ in the event that the less lethal weapon and munition malfunctions or fails to have the desired effect on the target subject.

If a less lethal weapon malfunctions or becomes inoperable, deputies may transition to a conventional Department issued shotgun for less lethal use. When transitioning to a conventional Department shotgun, the following procedures must be adhered to:

1. Two deputies must be present.
2. One deputy will remove and secure the conventional ammunition from the weapon to include all rounds stored in the speed feed stock or any other storage device.
3. The second deputy will then inspect the firearm to ensure all ammunition has been removed.
4. The second deputy will inspect each less lethal round and hand each round to the first deputy.
5. The first deputy will inspect each round to ensure that it is the desired less lethal munition prior to inserting the munition into the firearm.

Deputies should take the following factors into account while making their decision to use less lethal weapons and munitions:

1. Level of threat the subject present.
2. The presence of at least two deputies.
3. Deputy safety requirements:
  - i. Training.
  - ii. Distance to the threat.
  - iii. Reaction time to the threat.
  - iv. Available lethal cover for deployment.
4. The desired target areas of the subject that is exposed/presented.

c) Usage Procedures

Deputies will use only Department issued weapons and less lethal munitions.

All Deputies at the scene will be notified of the intended use of less lethal weapons. The discharge of a less lethal weapon may sound similar to gunfire. This warning is to reduce the risk of contagious fire from other deputies who may assume the gunfire is coming from the target subject.

The desired effect is blunt trauma resulting in momentary incapacitation. The primary target areas of the body will include the buttocks, thighs and calves. Secondary target areas will include the shoulders, arms and abdominal area. Intentional impact(s) to the head/neck will be avoided unless the use of deadly force is justified.

d) After Action Procedures

Whenever a deputy uses less lethal weapons and munitions, the deputy will, as soon as possible, determine the extent of injury, render first aid as required and request emergency medical assistance for the injured, if necessary. If the subject does not require emergency transportation by ambulance, a deputy shall transport the subject to a medical facility for examination.

The deputy and/or immediate supervisor shall notify the officer-on-call. The officer-on-call will determine the extent of the investigation concerning the use of the less lethal force option based on the subject's injuries. Upon review, the Sheriff may order further investigation.

Photographs will be taken of the subject struck by the munition(s) to include the point(s) of impact.

If possible, the projectile(s) should be recovered and placed into evidence.

Deputies shall complete a Response to Resistance Report. The report must include the deputy who fired the munition(s), the number of rounds expended, a description of the location(s) of the impact(s) to include the impact of any projectile(s) that missed, medical attention given to the subject and whether or not the projectile(s) was secured as evidence.

As in all critical incidents, the Critical Incident Stress Debriefing program is available to personnel.

In the event an investigation of the incident involving less lethal weapons and munitions is conducted, the investigation will be done in an objective and expeditious manner in order to minimize the potential emotional/psychological effects of being involved in a use of force incident. If necessary, further investigation into the use of force may consist of:

1. An administrative investigation to determine compliance with agency standards and policies; and/or
2. A criminal investigation conducted by an outside law enforcement agency to determine compliance with applicable state or federal statutes.

e) **Approved Less Lethal Weapons and Munitions**

A shotgun will be dedicated for the use of deploying less lethal munitions. This shotgun will be marked with white-colored reflective tape on both the fore-end and the stock.

The less lethal munitions shotgun will be clearly marked and stored in a case which is marked "Less Lethal".

Each marked case will contain five bean bag rounds.

At no time will there be any shotgun ammunition other than the bean bag shotgun rounds stored in the dedicated less lethal bean bag shotgun case.

A designated deputy will be responsible for the inventory and rotation of less lethal munitions.

## **VI. LETHAL FORCE**

A deputy may only use lethal force against a subject:

- A. When a deputy reasonably believes that such action is necessary to defend himself/herself or others from death or serious bodily injury from another person, and that the use of a lesser degree of force would subject the deputy or others to unnecessary and substantial risk of death or serious bodily injury; or
- B. Deputies may use lethal force to affect the arrest or prevent the escape of a subject who has committed or attempted to commit a felony involving the infliction or threatened infliction of serious bodily injury when the deputy has knowledge based on facts, that the person's escape may pose a direct threat to the life or safety of others. A fleeing felon should not be presumed to pose an immediate threat to life in the absence of actions that would lead one to believe otherwise, such as previously demonstrated threat to or wanton disregard for human life.
- C. The use of deadly force against a fleeing felon must meet the requirements for the use of deadly force as listed above.
- D. The use of a choke hold shall only be used in situations where the use of deadly force is authorized.
- E. Whenever a deputy uses deadly force in the line of duty he/she shall:
  1. Immediately determine the physical condition of any injured person(s) and render aid when appropriate and safe to do so.

2. Secure prisoner(s) as necessary.
3. Request necessary emergency medical aid.
4. Notify Dispatch of the incident and location if not already done.
5. Remain on scene (unless deputy is injured) until the arrival of supervisory personnel/investigators. However, if the circumstances are such that the continued presence of the deputy at the scene might cause a more hazardous situation to develop (violet crowd, etc.) the ranking deputy at the scene shall have the discretion to instruct the deputy to respond to another, more appropriate location.
6. Protect his/her weapon(s) for examination and submit said weapon to the appropriate investigation personnel.
7. Not discuss the case with anyone at the scene except supervisory and assigned investigative personnel.

## **VII. DUTY TO INTERVENE**

- A. An officer who directly observes an unreasonable, excessive, or illegal use of force, in violation of the Department's use of force policy and/or state or federal law, shall:
  1. Act to intervene and stop the use of force by another officer;
  2. Contact a supervisor as soon as practical
- B. An officer who has knowledge of excessive, unreasonable, or illegal use of force against a person shall notify a supervisor.
- C. Retaliation against any officer who intervenes against excessive use of force, reports misconduct, or cooperates in an internal investigation is prohibited.

## **VIII. USE OF FORCE REVIEWS**

A Response to Resistance review committee will review all use of force by Department personnel. The committee will be four employees comprised of sworn and non-sworn personnel. Three of the committee members will be members of the Department with instructor level training in the force options available to the Department. The fourth committee member will serve as a chairman and be a ranking member of the Department with experience in conducting internal investigations, appointed by the Sheriff. The chair of the committee will determine the level of review of each incident. Minor incidents may be reviewed by a committee member with experience in the area of force used. All other incidents will be reviewed by the committee with a quorum. A quorum shall be reached with three members present.

All completed written reviews shall be forwarded to the Enforcement Division Major.

**BURLEIGH COUNTY SHERIFF'S DEPARTMENT  
RESPONSE TO RESISTANCE REPORT**

**SUBJECT:** \_\_\_\_\_

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

**CASE NUMBER:** \_\_\_\_\_

Indicate, in order, levels of resistance by subject:

\_\_\_\_\_ Psychological Intimidation – nonverbal cues indicating subject's attitude, appearance and physical readiness.

\_\_\_\_\_ Verbal Non-Compliance – verbal responses indicating unwillingness or threats.

\_\_\_\_\_ Passive Resistance – physical actions that do not prevent deputy's control, but never attempts to harm the deputy.

\_\_\_\_\_ Defensive Resistance – physical actions which attempt to prevent deputy's control, but never attempts to harm the deputy.

\_\_\_\_\_ Active Aggression – physical actions of assault.

\_\_\_\_\_ Aggravated Active Aggression – deadly force encounter.

**METHODS OF RESPONSE/CONTROL:**

- 1. DEPUTY PRESENCE**
- 2. VERBAL DIRECTION**
- 3. SOFT EMPTY HAND CONTROL**
- 4. HARD EMPTY HAND CONTROL**
- 5. INTERMEDIATE WEAPON**
  - 5A. AEROSOL CHEMICAL WEAPON**
  - 5B. IMPACT WEAPON**
  - 5C. LESS LETHAL WEAPON**
  - 5D. ELECTRONIC CONTROL DEVICE**
- 6. DEADLY FORCE**
  - 6A. FIREARMS**
  - 6B. OTHER**

METHOD \_\_\_\_\_

\_\_\_\_\_ Fully Effective                      \_\_\_\_\_ Subject Surrendered  
\_\_\_\_\_ Moderately Effective                \_\_\_\_\_ Subject Overwhelmed  
\_\_\_\_\_ No Observed Effects                \_\_\_\_\_ Changed Tactics to \_\_\_\_\_

METHOD \_\_\_\_\_

\_\_\_\_\_ Fully Effective                      \_\_\_\_\_ Subject Surrendered  
\_\_\_\_\_ Moderately Effective                \_\_\_\_\_ Subject Overwhelmed  
\_\_\_\_\_ No Observed Effects                \_\_\_\_\_ Changed Tactics to \_\_\_\_\_

METHOD \_\_\_\_\_

\_\_\_\_\_ Fully Effective                      \_\_\_\_\_ Subject Surrendered  
\_\_\_\_\_ Moderately Effective                \_\_\_\_\_ Subject Overwhelmed  
\_\_\_\_\_ No Observed Effects                \_\_\_\_\_ Changed Tactics to \_\_\_\_\_

**INJURY OR COMPLAINT OF INJURY:**

DEPUTY                      \_\_\_\_\_ YES                      \_\_\_\_\_ NO  
SUBJECT                    \_\_\_\_\_ YES                      \_\_\_\_\_ NO

**CONTRIBUTING FACTORS:**

SUBJECT

SIZE and CONDITION \_\_\_\_\_  
EXPRESSED INTENTIONS \_\_\_\_\_  
PROXIMITY TO WEAPONS \_\_\_\_\_  
HISTORY AND URGENCY OF CONTROL \_\_\_\_\_  
MULTIPLE SUBJECTS/CROWD \_\_\_\_\_

DEPUTY

SIZE and CONDITION \_\_\_\_\_  
WEAPONS AVAILABLE \_\_\_\_\_  
DEFENSIVE TACTICS ABILITY \_\_\_\_\_  
AVAILABLE ASSISTANCE \_\_\_\_\_  
FATIGUE \_\_\_\_\_

**NARRATIVE:**

**Complete the narrative explaining factors leading to the response used. If injuries occurred, describe, including medical attention given. If the methods of response/control had "no observed effect", explain why.**

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Arrest Procedures  
Alternative to Arrest  
Use of Discretion**

**I. POLICY**

To ensure equity of enforcement and protection of individual rights, all sworn personnel of the Burleigh County Sheriff's Department shall reasonably enforce laws of the State of North Dakota to the best of their ability in accordance with the North Dakota Century Code. They shall not knowingly violate the limits of the law enforcement authority prescribed by law and judicial edict. The discretion used by sworn personnel will be within the limits of the policies of this Department, the training they have received and the guidance of their supervisors.

**II. PURPOSE**

To provide guidance in arrest procedures and the use of discretion.

**III. DEFINITIONS**

Types of Offenses (N.D.C.C 12.1-32-01) – Infraction, class B misdemeanor, class A misdemeanor, felony.

Types of Enforcement Action Engaged in by a Deputy –

- A. Determine there is no offense and take no enforcement action.
- B. Issue a verbal warning. When the offense is of a minor nature, a verbal warning or other direction may be given.
- C. Issue a written warning.
- D. File a written report.
  - 1. For information purposes.
  - 2. To provide the documentation for possible future enforcement action.
- B. Issue a North Dakota Uniform Complaint and Summons (Traffic Citation)
- C. Make an arrest.

**IV. PROCEDURE**

Deputies are allowed to use discretion in the performance of their duties however deputies are also held accountable for their decisions and actions. It is the role of supervisors to establish reasonable and acceptable practices based on the particular circumstances of each situation and deputies will be expected to adhere to practices established by their supervisors. Deputies failing to adhere to such practices are subject to disciplinary action.

In certain cases the most appropriate course of action may include not making an arrest even when probable cause exists to support an arrest. In such cases, deputies may forego the arrest so as long as they can articulate why such course of action was taken.

A. Traffic Infraction

1. The deputy shall:
  - a) Issue a verbal warning.
  - b) Issue a written warning.
  - c) Issue a North Dakota Uniform Complaint and Summons.

B. All Misdemeanor Offenses

1. Traffic criminal offense witnessed by a deputy. The deputy will:
  - a) Make an arrest if probable cause exists and issue a North Dakota Uniform Complaint and Summons; or
  - b) File a report providing documentation for possible enforcement action pending further investigation.
2. Traffic criminal offense not witnessed by a deputy. The deputy will, based on the particular circumstances, follow the current procedure for obtaining criminal complaints. A complaint must be obtained prior to arrest.
  - a) For offenses discovered during the course of an accident (crash) investigation, the deputy will, based on the particular circumstances, make an arrest if probable cause exists and issue a North Dakota Uniform Complaint and Summons; or
  - b) File a report providing documentation for possible enforcement action pending further investigation.
3. Non-traffic criminal offense witnessed by a deputy. The deputy will, based on the particular circumstances:
  - a) Make an arrest if sufficient probable cause exists. If an arrest is made, the current procedure for obtaining a complaint must be followed.
  - b) File a report providing documentation for possible enforcement action pending further investigation.
4. Non-traffic criminal offense not witnessed by a deputy. A report is filed and upon completion of an investigation which establishes sufficient probable cause and a decision to prosecute is made, a complaint must be obtained prior to arrest.

C. Felony

On all felonies the deputy will make an arrest if sufficient probable cause exists, or file a written report providing documentation for possible enforcement action in the future pending further investigation, adhering to all procedures and guidelines established by the Burleigh County State's Attorney's Office and the Department.

**V. COMPLAINT PROCESS**

Deputies seeking to obtain a criminal complaint will follow the procedure established.

Deputies will provide the Burleigh County State's Attorney information regarding an offense and if the State's Attorney determines that an offense was, in all probability, committed by a person(s), the State's Attorney may issue a complaint. The complaint is a written statement of the essential facts constituting the offense charged and is the initial charging document for all criminal offenses.

Should the Burleigh County State's Attorney issue a complaint, any deputy may provide sworn testimony to a District Judge concerning the facts/evidence of the investigation. The District Judge may or may not determine probable cause from the facts/evidence provided.

The Department may use the affidavit process to obtain criminal complaints from the Burleigh County State's Attorney. The charging deputy shall complete an affidavit for all applicable offenses. Any deputy may sign the affiant portion of the affidavit during the notary process. Should the Burleigh County State's Attorney issue a complaint, any deputy may sign the complaint and present it along with the affidavit signed before a notary to the District Judge for their signature upon finding of probable cause.

## **VI. PROPERTY OF ARRESTEE**

In most cases the local detention centers will only accept property of an arrestee that is a certain size and/or a certain weight limit. These detention centers also do not accept weapons or dangerous items.

Any property that is not accepted at the local detention centers must be transported and stored at the Burleigh County Sheriff's Department. The arrestee will complete a Burleigh County Sheriff's Department property release form that lists every item of the property that is going to be stored at the Sheriff's Department as well as the person the arrestee wishes the property to be given to. This completed form will be attached to the arrestee's property. The arrestee will be informed that if the property is not retrieved from the Sheriff's Department in two (2) weeks that the property will be destroyed. The arrestee's property and property release form will be placed in the designated storage area of the Sheriff's Department.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Off Duty Power of Arrest**

### **I. POLICY**

Off duty deputies are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off duty deputies and confusion for those on duty law enforcement officers arriving at the scene attempting to correctly assess the facts. It is the policy of the Department to determine and regulate these situations and locations to within the extent of which a sworn member is permitted to make an arrest while off duty.

### **II. PURPOSE**

The purpose of this policy is to provide guidelines to deputies regarding acceptable criteria for affecting an off duty arrest.

### **III. DEFINITION**

**Personally Involved** – A deputy is deemed personally involved when the off duty deputy, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other person connected with the incident. This does not apply to situations where the deputy is the victim of a crime.

### **IV. PROCEDURE**

#### **A. Liability Protection**

Deputies of this Department have liability protection for on and off duty performance of official duties. This protection does not extend to acts intended to cause injury or damage, or to those actions that the deputy knew or reasonably should have known were in conflict with the law or the established policies of this Department.

#### **B. Permitted Off Duty Arrests**

When off duty and within the legal jurisdiction of Burleigh County, a deputy may make an arrest only when:

1. The arresting deputy is not personally involved in the incident underlying the arrest.
2. There is an immediate need to prevent a crime or apprehend a suspect.
3. The crime would require a full custodial arrest.
4. The arresting deputy possesses appropriate law enforcement identification.

#### **C. Off Duty Responsibilities**

1. While off duty, the deputy is responsible for immediately reporting any suspected or observed criminal activities to on duty authorities when possible or practical.

2. Except as allowed by this policy, off duty deputies should not enforce minor violations such as harassment, disorderly conduct or other nuisance offense. On duty personnel shall be contacted to respond to the situation where an off duty deputy becomes aware of such violations.

D. Prohibited Off Duty Arrests

1. When the arresting deputy is personally involved in the incident underlying the arrest.
2. When engaged in off duty employment of a non-law enforcement nature and the deputy's actions are only in furtherance of the interests of the private employer.
3. When the arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that a deputy has law enforcement powers and responsibilities 24 hours a day throughout the jurisdiction, the off duty deputy should not enforce minor traffic regulations.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Deputy Involved in Shooting Incident  
Post Shooting Incident  
Post-Traumatic Stress Disorder (PTSD) Recognition**

**I. POLICY**

A set of consistently applied guidelines regarding deputy involved shooting incidents will serve to diminish Department, media and public criticism of the manner in which such incidents are investigated and documented. The Sheriff/designee will solicit the assistance of an outside investigatory agency whenever a deputy involved shooting incident occurs. The Burleigh County Sheriff's Department will take action as soon as practicable following such incidents to safeguard the continued good mental health of all involved personnel.

**II. PURPOSE**

The purpose of this policy is to provide guidelines that shall be uniformly applied following any deputy involved shooting incident.

**III. DEFINITIONS**

Deputy Involved Shooting Incident – A line-of-duty incident where shooting (discharge of weapons) causes death or serious bodily injury to a deputy or other person.

Supervisor – Deputies holding the rank of Corporal or above.

Outside Investigatory Agency – A law enforcement agency that has jurisdictional authority to investigate criminal activity and is not under the command of the Burleigh County Sheriff.

Post-Traumatic Stress Disorder (PTSD) – An anxiety disorder that can result from exposure to short term sever stress or the long term buildup of repetitive and prolong milder stress.

**IV. DEPUTY INVOLVED IN SHOOTING INCIDENT**

A. Whenever a deputy is involved in a shooting incident, he/she shall:

1. Immediately determine the physical condition of any injured person(s) and render aid when appropriate and safe to do so.
2. Secure prisoner(s) as necessary.
3. Request necessary emergency medical aid.
4. Notify Dispatch of the incident and location, if not already reported, and request that a supervisor/officer-on-call be notified of the incident.

5. Remain at the scene (unless injured) until the arrival of supervisory personnel. However, if the circumstances are such that the continued presence of the deputy may cause a more hazardous situation to develop (violent crowd, etc.), the supervisor at the scene shall have the discretion to instruct the deputy to respond to another more appropriate location.
6. Protect his/her weapon(s) for examination and submit said weapon to the supervisor on scene.
7. Not discuss the incident with anyone at the scene except supervisory and/or assigned investigative personnel.

B. Supervisory Responsibilities:

1. A supervisor shall be dispatched to the scene of the incident and shall assume primary responsibility in caring for involved personnel and securing/preserving the scene. The supervisor will have the authority to solicit any and all assistance necessary to accomplish this responsibility.
2. The supervisor shall make appropriate arrangements for all necessary medical treatment.
3. During any period where the involved deputy(s) is required to remain on the scene but has no immediate duties to fulfill, the deputy(s) should be taken to a quiet area away from the scene of the incident. A chaplain, supportive friend or non-involved deputy should remain with the deputy(s) but should be advised not to discuss details of the incident.
4. The supervisor should arrange for the deputy(s) directly involved in the incident to leave the scene as soon as possible and be taken to a quiet, secure setting.
5. Where possible, the supervisor shall briefly meet with the involved deputy(s):
  - a) No caffeine or other stimulants should be given to the deputy(s) unless administered by medical personnel.
  - b) Only minimal preliminary questions should be asked regarding the incident. The deputy(s) should be advised that a more detailed interview will be conducted at a later time by an outside investigatory agency. If it is suspected that the deputy(s) may have violated the law, he/she must be advised that he/she is suspected of committing a criminal offense and must be advised of his/her constitutional rights.
  - c) The deputy(s) should be advised that he/she may seek legal counsel and have such counsel present during these interviews.
  - d) The deputy(s) should be advised not to discuss the incident with anyone except a personal or Departmental attorney, association/union representative, assigned Departmental investigator, if applicable, and investigative personnel assigned by the outside investigative agency conducting the follow up investigation, until the conclusion of the preliminary investigation.
6. The supervisor shall determine whether the circumstances of the incident require that the deputy(s)'s duty weapon(s) be taken for laboratory analysis. When the duty weapon(s) is taken, the supervisor shall:
  - a) Take custody of the deputy(s)'s weapon(s) in a discrete manner and, if possible, out of view of the public.
  - b) Replace the duty weapon(s) as soon as possible after the preliminary on scene investigation is completed or advise the deputy(s) that it will be returned or replaced at a later time, as appropriate.
7. Involved deputies should notify their families regarding the incident as soon as possible. If a deputy is unable to do so, a Departmental Official shall personally

notify the deputy's family and, if necessary, arrange for their transportation to the medical center in the event the involved deputy is injured.

8. At all times, when at the scene of the incident, the supervisor should handle the deputy and all involved personnel in a manner that acknowledges the stress caused by the incident.

## **V. POST SHOOTING INCIDENT**

- A. Involved personnel shall be removed from line duties pending evaluation but shall remain available to the outside investigatory agency or for any necessary administrative investigation (refer to Professional Conduct Standards Policy).
- B. In all cases of deputy involved shootings, the involved deputy(s) and his/her spouse/child(ren) will have available to them the services of a mental health professional. The purpose is to provide the deputy and/or his/her spouse/child(ren) with a source of professional consultation to aid them in dealing with the potential psychological after effects of such an incident. The costs shall be borne by the County.
- C. The services of a chaplain are also available to the deputy and his/her family to aid the deputy and/or his/her family in coping with the moral and ethical after effects of the incident.
- D. All deputies directly involved in the shooting incident shall be required to contact a Department designated specialist for counseling and evaluation as soon as practical following the incident. Involved support personnel should also be encouraged to contact such specialists after a shooting incident. Following the counseling sessions, the specialist shall advise the Department:
  1. Whether it would be in the deputy's best interest to be placed on administrative leave or light duty and for how long. The Sheriff/designee shall place deputy(s) directly involved in the incident on administrative leave pending the recommendation of the specialist.
  2. What will be the best continued course of counseling.
  3. If an employee is placed on a leave of absence, it may be a qualified medical leave under the Family Medical Leave Act. Human Resources would need to be notified so that the proper paperwork could be sent to the employee and/or provider.
- E. The Department will brief members concerning the incident so that rumors are kept to a minimum. Department members are encouraged to show the involved deputies their concern.
- F. All personnel involved in a shooting incident should be advised that they are not permitted to speak with the media about the incident. Deputies shall refer inquiries from the media to a designated Department spokesperson, unless otherwise authorized to release a statement pertaining to the incident.
- G. In order to protect against harassing or abusive calls, deputies should be advised to have telephone calls answered by another person for several days if the deputy's name is released to the public.

- H. Deputies directly involved in the shooting incident shall be required to requalify when practical.
- I. A Department investigation of the incident shall be conducted as soon as practical. The Department's policy on Professional Conduct Standards shall be utilized. The Department's investigations shall evaluate the:
  - 1. Drawing and exhibiting of the weapon.
  - 2. Use of the weapon.
  - 3. Tactics prior to drawing and use; and
  - 4. Tactics during and following use.

In addition, the scope of any interview of the deputies involved in the incident must relate to the issues or statements made and must relate to the matter at hand. Prior to interviewing the involved deputy, he/she must be informed of the name of the deputy in charge of the investigation and the name of the deputy conducting the interview. Additionally, before interviewing, the involved deputy must be informed that Department regulations and case law require that he/she cooperate in an internal affairs (administrative) investigation. In an administrative investigation, the deputy must answer all questions and do so truthfully. A refusal to do so is grounds for disciplinary action up to and including dismissal. The involved deputy, prior to being interviewed, must be advised if he/she is suspected of misconduct, which, if sustained, could be grounds for disciplinary action by the Sheriff. The involved deputy shall, upon request, be provided a copy of any statement given by him/her, and a detailed report will be submitted to the Sheriff by the Internal Affairs Officer/designee.

## **VI. POST-TRAUMATIC STRESS DISORDER (PTSD) RECOGNITION**

- A. Post-Traumatic Stress Disorder (PTSD) is a delayed reaction to an event beyond the normal range of human experience that threatens a person's sense of self, safety or security. The symptoms of PTSD rarely become apparent during trauma. While symptoms can appear soon after an event, they can also appear months or even years later. A victim of PTSD may experience:
  - 1. Loss of Self Esteem – Victims of trauma often feel powerless or helpless. They may blame themselves for not preventing the incident(s) or think they should have been able to remedy the problem(s).
  - 2. Loss of Safety and Security – After a traumatic event, a victim may feel unsafe and afraid to be alone. Places that once represented safety may feel uncomfortable or unsafe.
  - 3. Loss of Relationships – The incident may be traumatic enough to erode and ultimately destroy close relationships since experiencing a trauma causes feelings of distrust and blame that may be directed towards friends and family members.
  - 4. Loss of Identity – After extreme personal trauma a PTSD sufferer may lose his or her sense of self. Reactions and behaviors may be altered and cause the victim to feel confusion and doubt.
- B. The most common symptoms of PTSD are:
  - 1. Nightmares and sleep disturbances.
  - 2. Difficulty concentrating.
  - 3. Emotional instability.
  - 4. Memory loss.

5. Hyper vigilance.
  6. Increased stress in personal relationships.
  7. Startling easily.
- C. The symptoms of PTSD can greatly impair a Department member's ability to be productive and reliable, but symptoms such as difficulty concentrating and emotional instability can have tragic consequences when experienced by a law enforcement officer placed in a potentially violent situation. Allowing an employee to enter a dangerous environment or carry a weapon before he/she is able to cope with the trauma suffered is a tremendous disservice to the employee, his/her family and the Department. It can also lead to civil liability.
- D. Sometimes the greatest emotional stress facing a deputy involved in a shooting is the return to work and the need to cope with second guesses and criticism by coworkers after experiencing a very traumatic life-altering event. Law enforcement officers, even if they have not faced violent situations, tend to internalize their problems and not show their emotions. No employee involved in a traumatic incident of any kind will be allowed to return to work without counseling and/or evaluation by a Department recognized mental health professional. Traumatic incidents include but are not limited to:
1. Deputy involved in shootings.
  2. Line of duty deaths.
  3. Serious line of duty injuries.
  4. Emergency worker suicides.
  5. Disasters.
  6. Unusually tragic deaths to children.
  7. Significant events in which the victims are relatives or friends.
  8. Events that attract excessive media attention.
  9. Events that seriously threaten the lives of responders.
- E. Employees shall be required to complete a Release of Records form with the sole purpose of determining the employee's fitness for duty. All information obtained in this process will be considered privileged and confidential, with the following exceptions:
1. If a participant poses an immediate threat to himself/herself or others.
  2. If a participant admits to the commission of a felony crime.
  3. The cost of such counseling/evaluation shall be borne by the County.
- F. Understanding the consequences of a traumatic event will equip employees to better cope with it. There are certain emotions an employee can expect to feel after involvement in a violent/traumatic event and these have been previously listed. There are actions a person should take who has PTSD:
1. Maintain as normal a schedule as possible.
  2. Acknowledge that he/she will be operating below normal efficiency levels for a time.
  3. Structure his/her time. Retain lists of important tasks and double check important work for accuracy.
  4. Maintain control of his/her life; make decisions.
  5. Spend time with others and not withdraw or avoid contact with family and friends.
  6. Allow time for recovery and be prepared for relapses that sometimes occur.
  7. Avoid walling off the pain. Allow family and friends to be understanding and supportive.

## **VII. PROCEDURE**

### **A. Initial Response**

1. First supervisor on scene is responsible for securing the scene, assume command and ensure all immediate needs are addressed.
2. If the deputy is injured and taken to a hospital, a Department supervisor will respond the appropriate hospital and stand by.

### **B. Scene Secured**

1. Contact the BCSD Officer on Call.
2. Supervisor to secure the deputy's weapon that was fired during the incident. Obtain weapon away from the scene if possible. Remember to replace the weapon as soon as possible if applicable.
3. Confirm with Officer on Call and contact investigating agency which in most cases will be ND Bureau of Criminal Investigation.
4. Supervisors on scene should keep questions to a minimum during contact with deputy(s) involved.
5. Separate the involved deputy(s) and assign someone to remain with the deputy(s).
6. BCSD to assign an Investigative Liaison to the investigating agency (ND BCI).
7. Advise the deputy(s) they may consult with legal counsel.
8. Have the deputy(s) involved contact their immediate family. If the deputy is unable to do so a Department official will notify their immediate family and assist as needed.
9. The deputy involved in the shooting is removed from the area and taken back to a secure location such as the main office for a blood draw. An on-call SANE nurse will be utilized for the blood draw.
10. The blood draw kit will be treated as evidence and ultimately transferred to the crime lab.
11. The investigating agency will be provided the opportunity to obtain basic information to include photos of the deputy involved and a Department staff member will be present.

### **C. Employee Needs**

1. The deputy will be advised of the following:
  - a) They are being placed on Administrative Leave, pending results of the investigation.
  - b) They are advised there will be a criminal investigation and an internal investigation.
  - c) They must remain available between 0800 and 1700 hrs. Monday through Friday.
  - d) They will be provided a Department liaison to assist with any needs.
  - e) They will be kept advised of the status of the investigation.
  - f) They will be informed there will be a debrief scheduled at a later date.
  - g) They will be required to conduct a fit for duty evaluation with a mental health professional.
2. The deputy will be advised to obtain at least two sleep cycles before any interview or statements are given. If the deputy wishes, they can complete their own narrative with assistance from their legal counsel.
3. Provide the deputy a ride home

### **D. Department Needs**

1. Department Liaison to remain in contact with deputy on administrative leave.

2. Inform the entire staff of the incident.
3. Work with media and release approved information. First release within 24 hrs.
4. Schedule the Critical Incident Stress Debrief with assistance from the Chaplains. This is scheduled for after the criminal investigative interview has been completed.
5. Investigative Liaison will continue to work with investigating agency as needed.
6. Complete Internal Investigation.
7. Schedule a fit for duty evaluation for the deputy with a certified mental health professional. This is completed in accordance with Department policy.
  - a) This should be scheduled by someone not involved in the internal investigation.
  - b) May return to “modified duty” status under the following conditions:
    - i. Fit for duty evaluation is completed and deputy is cleared.
    - ii. Approval from the Sheriff.
    - iii. The internal investigation does not need to be completed for “light duty”.
    - iv. The criminal investigation does not need to be completed for “light duty”.
    - v. No clearance from the prosecuting attorney is needed for “light duty”.
  - c) During light duty status, all efforts will be made by the Department to ease the deputy back into law enforcement duties, this will include but not limited to:
    - i. Range time with a certified range officer, this may include a re-qualification.
    - ii. Assist with Department duties as allowed.
    - iii. Attend training as allowed.
    - iv. Participate in Department events as allowed.
    - v. Supervisors monitor the overall wellbeing of the deputy.
8. Provide support to the deputy’s family as needed.

#### E. Returning to Full Duty

1. The deputy may return to “full duty” once the following are met:
  - a) Mental health evaluation is complete and the deputy is cleared for duty.
  - b) Internal investigation is complete.
  - c) Criminal investigation is complete.
  - d) Approval from the Sheriff.
  - e) Verbal or written clearance from the State’s Attorney reviewing the criminal case.
2. Supervisors should remain cognizant of the deputy’s incident and continue to monitor.
3. Monitor the deputy’s involvement in other high stress incidents.
4. Any concerns or issues arise, notify chain of command.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Weapons Policy**

### **I. POLICY**

Burleigh County Sheriff's Department personnel whose duties are primarily enforcing laws, arresting/transporting subjects and conducting investigations shall be armed while on duty, whether in uniform or civilian attire. Exceptions can waive this requirement if the assignment dictates such.

### **II. PURPOSE**

The most important function of law enforcement is the protection of human life and property. In order to implement this function the potential use of weapons may be necessary. This policy provides guidelines and equipment specifications/standards regarding weapons utilized by Department personnel.

### **III. DEFINITIONS**

**Authorized Weapon** – A weapon that meets Department specifications. Deputies are trained in proficiency and safety related to handling authorized weapons. No alterations may be made to authorized weapons without approval of a Department or qualified Armorer. Special/custom grips for sidearms are the exception. The Department's standard issue sidearm is the Sig Sauer P225-A1 and P226 both chambered in 9 millimeter. The standard issued shotgun is the 12 gauge. The standard issued patrol rifle is the M 16 .223 caliber rifle.

**Weapons** – For purpose of this policy the term weapon is used to describe the type of handgun (sidearm), rifle and/or shotgun utilized by qualified Department personnel.

**Cold Shoot** – The first course of fire the deputy fires that day.

**Approved Ammunition** – Commercial quality manufactured ammunition that is intended for official use on duty or off duty.

**Training Ammunition** – Reloaded or factory manufactured ammunition intended for range/training purposes or special purposes (i.e. disposal of injured animals, etc.) and is not authorized for standard duty issue/use.

### **IV. AMMUNITION STANDARDS**

The following types of ammunitions are Departmentally approved:

A. Sidearm:

1. 158 Grain JHP .357 Magnum Ammunition

2. 125 to 135 Grain JHP .38 Special Ammunition + P
3. 185 to 230 Grain JHP .45 ACP Ammunition
4. 150 to 180 Grain JHP .40 Smith and Wesson Ammunition
5. 115 to 147 Grain JHP 9mm Ammunition
6. 124 to 150 Grain JHP .357 Sig Ammunition

B. Shotgun:

1. 9 Pellet 00 Buckshot 12 Gauge 2¾ inch Ammunition
2. 1 ounce Rifled Slug 12 Gauge 2¾ inch Ammunition

C. Rifle:

1. 55 to 80 Grain JSP/JHP/FMJ .223 Caliber Ammunition

Deputies will be required to certify with ammunition type issued or required for specific situations. The Sheriff or designee may authorize additional approved ammunition based on request or need as may apply.

**V. USE AND CARE OF WEAPONS**

A. The use of weapons by Department personnel is dictated by this Department's Response to Resistance Policy and all applicable statutes. Department personnel are not authorized to draw or display their weapons, except during training at the firearms range or when circumstances create a reasonable believe that it may be necessary to use weapons in the performance of duty. Department personnel, during the course of routine maintenance and cleaning, are authorized to complete such tasks based on training and when the weapon is rendered safe (unloaded).

B. General Provisions/Regulations

Department personnel are not authorized to discharge their weapons:

1. To fire warning shots.
2. If it appears likely that an innocent person might be injured.
3. At a moving vehicle, unless it is absolutely necessary to do so to protect against imminent threat to the life of law enforcement personnel or others. A deputy should not:
  - a) Remain in the path of an oncoming vehicle rather than discharge his/her weapon.
  - b) Intentionally remain in the path of an oncoming vehicle and attempt to disable the vehicle by discharging weapon.

C. Department personnel are authorized to discharge their weapons:

1. To protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.
2. Prevent escape of a fleeing felon who the deputy has probable cause to believe will pose a significant threat to human life if escape should occur; the justification must be clear and immediate.
3. Justifiably kill an animal:
  - a) In self-defense.
  - b) To prevent substantial harm to a deputy or another individual.
  - c) When an animal is badly injured and humane treatment requires its relief from further suffering.

#### D. Care of Weapons

Department personnel will keep their issued/authorized weapons in clean and serviceable conditions at all times. It is recommended that deputies clean their weapons and issued magazines at a minimum of once a month as well as anytime the weapon is fired (with the exception of a deputy involved shooting when the weapon is needed for evidence or ballistic testing) or anytime it otherwise becomes necessary to clean the weapon.

#### E. Authorized Weapons (Sidearms)

Department approved sidearm intended for official on duty or off duty use by any deputy of this Department must meet the following criteria:

1. The sidearm must be recognized and commonly accepted by law enforcement professionals as being of quality manufacture. The sidearm is to be in acceptable mechanical condition to ensure safe and reliable operation.
2. The Department approved sidearms are to be chambered in .38, .357, 9mm, .357 Sig, .40 or .45 calibers. The sidearm must be from a qualified manufacture. All sidearms must be loaded with Department approved ammunition.

#### F. Carrying/Storage Requirements

1. Deputies will carry their duty sidearm loaded including the chamber and secured in a Department approved holster.
2. Shotguns are stored in the vehicle trunk in a case or in the gun rack in the passenger compartment of the vehicle. If circumstances dictate the ready availability of the shotgun it may be carried in the passenger compartment of the vehicle. Shotguns are stored in the vehicle in the patrol carry manner: the chamber is empty, hammer in the forward position, safety on and the magazine is loaded with three 00 Buck and the rest of the ammunition is loaded on the sidesaddle.
3. The patrol rifles, if so equipped, are stored in the vehicle trunk in a case or in the gun rack in the passenger compartment of the vehicle. If circumstances dictate the ready availability of the rifle it may be carried in the passenger compartment of the vehicle. Rifles are stored in the vehicle in the patrol carry manner: unloaded, closed bolt, weapon on safe with a magazine inserted into the magazine well (right magazine first if coupled). Each magazine contains 25 rounds of ammunition.

## **VI. QUALIFICATIONS (CERTIFICATIONS)**

Sworn deputies are required to:

- A. Renew their duty sidearm qualification semi-annually. This semi-annual qualification shall be conducted in accordance with requirements and standards established by the North Dakota Peace Officers Standards and Training Board.
- B. Deputies must be able to achieve a minimum qualification score of 80%. This qualification score must be attained on the Department certified shooting course. The deputy will only be allowed one qualification attempt per range day. This qualification attempt must be a cold shoot (the first course of fire the deputy fires that day).
- C. In the event a deputy fails to attain the minimum qualification score of 80% on the sidearm qualification courses, the following shall apply:
  1. In the event a deputy fails to attain the required 80% qualification score on two consecutive attempts (on two different days), the Training Section shall coordinate

- required remedial training with the deputy. Remedial training shall consist of a four hour block of basic marksmanship.
2. After successfully completing the remedial training, if the deputy again fails to attain the required 80% score on a qualification course the deputy will be referred to the Sheriff for administrative action and will not carry a firearm until authorized by the Sheriff.
- D. If a deputy fails to maintain current certification through the Office of the Attorney General, notification of such shall be forwarded to the Sheriff.
- E. Accidental discharge of a sidearm will mandate remedial training and requalification of the deputy involved.
- F. The Department has established award categories related to qualification scores attained. These awards and scoring ranges are:
1. Marksman Award – Score average between 80% and 86%.
  2. Sharpshooter Award – Score average between 87% and 93%.
  3. Expert Award – Score average between 94% and above.
- G. Any license deputy who does not shoot a qualifying score on his/her 1<sup>st</sup> attempt of the qualification period will receive a marksman award upon qualification.

## **VII. OFF DUTY AND BACKUP WEAPONS (SIDEARMS)**

- A. Off duty deputies are not required to carry a sidearm unless the off duty deputy is operating an official marked squad vehicle. The sidearm must be a Department issued or authorized sidearm. The carrying of sidearms while off duty shall be at the discretion of the deputy.
- B. If a need for law enforcement services arises when an off duty deputy is present, he/she shall request that on duty law enforcement respond. The following personnel are prohibited from carrying sidearms while off duty:
1. Personnel under suspension; and
  2. Those failing to qualify consistent with Department standards.
- C. It is the Department's recommendation that off duty deputies who consume alcoholic beverages not carry Department issued sidearms on their person. Any Department member found to be intoxicated and carrying a Department issued sidearm on their person may be subject to disciplinary action. Off duty deputies who use deadly force while exercising their law enforcement powers shall be subject to all provisions of Department policy regarding use of force.
- D. Whenever a deputy is carrying a sidearm, on or off duty, he/she should be in possession of his/her official badge and identification card, unless exempted by supervisory order for a special assignment or while engaged in lawful hunting or recreational shooting activities. When a deputy carries a Department issued or authorized sidearm, he/she shall also carry Department authorized/issued ammunition.
- E. Backup sidearms are allowed; however, backup sidearms must be carried concealed and must have Department authorization. The serial number of any backup sidearm must be

on file with the Training Section. The use of backup sidearms must follow the Department's Response to Resistance Policy. A backup sidearm may only be used if the primary sidearm is lost, inaccessible or non-functional.

- F. Deputies shall only carry Department issued ammunition with Department issued weapons.
- G. Non-Department issued sidearms shall be carried with Department approved ammunition, at the deputy's own expense.
- H. When practical, firearms carried off duty should be worn in such a manner that they not be exposed to the public. Care must be used to prevent accidental discharge, seizure by another person or loss.
- I. All deputies requesting to carry a non-Department issued sidearm, for on duty backup or off duty shall follow the established process to obtain final approval/authorization from the Sheriff. Deputies shall submit their request utilizing the Department "Backup / Off Duty Sidearm Authorization form". Deputies shall present the identified sidearm to a Department certified weapons instructor. The weapons instructor shall determine that the sidearm is functional for qualification and is accepted by law enforcement professionals as being of quality manufacture. The deputy shall demonstrate proficiency, passing a qualification course approved by the North Dakota Peace Officer Standards and Training Board. The authorization form shall be completed and returned to the Sheriff for final authorization.
- J. Deputies shall qualify once annually with any/all sidearms carried for off duty use or backup use if the weapon is not Department issued.
- K. Requests for approval of backup off duty weapons must be submitted on the Department "Backup / Off Duty Sidearm Authorization form" and approved by the Sheriff. Approved forms will be recorded with the Training Section.
- L. Deputies who carry sidearms when off duty shall abide by any State or Federal laws/regulations which supersede this Department policy.

### **VIII. LAW ENFORCEMENT OFFICER SAFETY ACT**

- A. In accordance with the Law Enforcement Officer's Safety Act (LEOSA), the Burleigh County Sheriff's Department will facilitate retired Department sworn personnel meeting the requirements of this act and N.D.C.C. 62.1-01-01 for concealed carry.
- B. Acts the Department may take are the issuance of retired credentials, annual qualification and a Department letter for qualification. In addition to the provisions of LEOSA, the Burleigh County Sheriff's Department defines retired sworn officers as those officers meeting:
  - 1. North Dakota Public Employees Retirement System (NDPERS) requirements or separated after 20 years of sworn law enforcement service with the Burleigh County Sheriff's Department.
  - 2. If there is a separation of service the employee must be in good standing at the time of separation and eligible for re-hire.

3. All employees seeking credentials are subject to the Burleigh County Sheriff's Department Code of Conduct policy and their privileges can be revoked due to violations of the policy.
4. All credential approvals are at the discretion of the Sheriff. Acts on behalf of the Burleigh County Sheriff's Department are only efforts to fulfill the provisions of LEOSA and do not indicate an employer-employee relationship.

**Burleigh County Sheriff's Department**  
**Backup / Off-Duty Sidearm Authorization**

I \_\_\_\_\_, **Sheriff** of Burleigh County, do hereby authorize

**Deputy** \_\_\_\_\_, a member of the Burleigh County Sheriff's Department, to carry the below described handgun.

**Make:** \_\_\_\_\_

**Model:** \_\_\_\_\_

**Caliber:** \_\_\_\_\_

**Serial #:** \_\_\_\_\_

I certify that on \_\_\_\_ / \_\_\_\_ / \_\_\_\_, **Deputy** \_\_\_\_\_ has completed the appropriate, Departmentally recognized training course and has demonstrated proficiency with the above listed handgun.

**Deputy Firearms Instructor** \_\_\_\_\_

I, **Deputy** \_\_\_\_\_ do hereby understand that I can carry the above listed handgun for handgun for the following purposes,

**On duty back up** \_\_\_\_\_

**Off duty** \_\_\_\_\_

I understand that I must be certified and follow all Departmental policies pertaining to the use of this handgun.

\_\_\_\_\_  
**Deputy, Burleigh County Sheriff's Department**

\_\_\_\_\_  
**Sheriff, Burleigh County**

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Courtroom Weapons**

**I. POLICY**

It is the policy of the Burleigh County Sheriff's Department that deputies will have their own discretion as to whether or not to be armed during testimony. Deputies assigned to courtroom security and/or prisoner escorts shall be armed unless resources and/or security precautions dictate the need for unarmed deputies. In any case, at least one deputy will be armed when providing courtroom security and/or prisoner escorts. Deputies wearing uniforms while providing courtroom security and/or prisoner escorts are authorized to display duty gear including weapons. Deputies wearing plain clothes and assigned to courtroom security and/or prisoner escorts will conceal their weapons when practicable.

**II. PURPOSE**

The purpose of this policy is to provide Department personnel guidance as to what equipment is appropriate while in the courtroom.

The Sheriff is responsible for the security and safety of all courthouse visitors. There will always be the need to evaluate each situation based upon the particular facts and circumstances presented/known.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Line of Duty Death**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes that deputies frequently confront situations that could cost them their lives. In the event that a deputy is slain in the line of duty, the Department recognizes the responsibility of ensuring that the surviving family will receive the utmost care, assistance and support from this Department.

### **II. PURPOSE**

To provide the Department with guidelines in the event that a deputy loses his/her life in the line of duty and to ensure deputies that their immediate family will be provided with the utmost in care, assistance and consideration in the event that such a tragedy should occur.

### **III. DEFINITION**

Line of Duty Death – Any action, whether felonious or accidental, such as an automobile or training accident, which claims the life of a Burleigh County deputy who was performing law enforcement functions while on or off duty.

Immediate Family – Spouse, children, parents, fiancée.

Benefits – Include, but not limited to: death benefit insurance policies from federal, state and county governments; fraternal, professional and benevolent organizations; workers compensation, pension and Social Security.

In the event that an officer is killed in the line of duty, the Department has a number of responsibilities that must be carried out. The criminal and other related investigations are of serious importance but, the immediate family and their needs, along with employees' and coworkers' needs, must and will not be forgotten.

### **IV. PROCEDURE**

A. Death Notification – The name of the slain deputy will not be released until members of the immediate family living in the area are notified.

1. Notification should be made in person by the Sheriff. Others such as chaplains and close Department friends may be present to provide assistance.
2. If specific information is known regarding the death, as much of this information can be relayed without jeopardizing the investigation should be released to the family.
3. If family members want to go to the hospital, transportation should be provided by the Department. If transportation is provided, transporting employees should notify

the hospital and be aware that radio messages regarding the incident may be overheard by the family.

4. Surviving parents of the slain officer who are living in the area should also receive personal notification.
5. A deputy should be designated to stay with the family to provide information and support.
6. If the immediate family is from outside the area, the personal death notification should come from the law enforcement agency where they reside. Arrangements should be made to ensure that the family will receive immediate assistance. It is advisable that telephone contact be made with the family by the Sheriff as soon as possible.

**B. Assisting the Family at the Hospital**

1. The ranking officer at the hospital should meet with hospital staff to ensure that:
  - a) Appropriate separate waiting facilities are available for both family and officers.
  - b) Medical staff relay available information.
  - c) All medical bills accumulated from the officer's injuries and/or death are to be sent to Workforce Safety Insurance, not the family, in an attempt to coordinate compensation and insurance benefits.
2. The deputy at the hospital should be with the family the entire time they are at the hospital to ensure that the family is provided current information and to assist with any additional needs that arise.

**C. Wake and Funeral Arrangements – A Liaison deputy should be appointed to assist the family during funeral services. This deputy should know the deceased but not be so emotionally involved that he/she would be ineffective.**

1. Liaison Deputy's Duties:
  - a) Attempt to ensure that the needs of the family come before the Department's.
  - b) Assist the family in making funeral arrangements.
  - c) Inform the family of what the Department can offer. The family has the final say regarding whether or not a law enforcement funeral will be provided.
  - d) Be updated on any continuing investigation in order to answer questions or provide information to the family.
  - e) Provide assistance regarding hotel and travel arrangements for family from outside the area.
  - f) Ensure that parents are afforded recognition and proper placement during funeral and related ceremonies.
  - g) Ensure that the family is aware of alternative and final funeral arrangements. Remember that the final decisions rest with the surviving family.
  - h) Assist in screening calls and making arrangements for visitors.
  - i) Coordinate police vehicle transportation for the family during funeral and other ceremonies.
  - j) Attempt to arrange contact with other families that have had similar experiences.
2. Media Release Deputy – The Department should designate a commanding officer as media release officer during this ordeal to coordinate timely releases regarding the incident and the investigation. In the unlikely event that the surviving family accepts an interview with media representatives, the media officer should attempt to screen questions.

3. Family Assistance and Information – The Department will continue to provide information and assistance to the family to ensure that their needs are met, to include:
  - a) Providing emotional and psychological assistance through the Employee Assistance Program, insurance carrier, or other support groups.
  - b) Providing in-depth grief services and follow up.
  - c) Making routine checks/contacts such as calls or visits to the family for a minimum period of one year.
  - d) The Department will continue to observe the officer's death date by sending flowers and a card to the appropriate family member during National Law Enforcement Memorial week. A formal invitation to attend any memorial service held during that week shall be extended to the family members. This shall be done for two years following the death.
  - e) Encourage close coworkers to visit the family.
  
4. Trial and Court Proceedings – The Department maintains the responsibilities of keeping the family informed of any court or legal proceedings regarding the slain officer by:
  - a) Continuing to utilize a liaison officer to keep the family abreast of legal proceedings, details of the investigation and security during such proceedings.
  - b) Encouraging the family and deputies to be present at court.
  - c) Following any court or legal proceeding, have prosecutors and deputies involved available to answer family questions.
  
5. Continued Support – Throughout the tragic ordeal of the loss of a deputy in the line of duty, the Department will deal with the surviving family, employees, and coworkers in a responsible and compassionate manner. The Department will provide emotional support not only to the surviving family but also to all Department employees and coworkers through support assistance and Department debriefing and meetings.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Operation of Department Vehicles**

**I. POLICY**

The Burleigh County Sheriff's Department requires all Department personnel to operate County owned vehicles in a safe manner. Department personnel shall exercise due caution while operating Department or County owned vehicles. No task, call for service or incident justifies disregard of public safety. Burleigh County Personnel Policy Manual and Handbook on vehicle use shall be adhered to (Chapter 12, Section 12).

**II. PURPOSE**

The purpose of this policy is to provide guidance for personnel who drive County owned vehicles and establish a process to follow should personnel be involved in an incident where there is damage to County owned vehicles in either a crash or accident.

**III. PROCEUDRE**

Personnel who become involved in a crash or accident while operating or having under their control a Department vehicle will:

- A. Determine if any person is injured and render necessary aid/assistance and/or summon medical assistance.
- B. Prevent further crashes/accidents/injuries by making sure the scene is safe and secure.
- C. Summon any necessary assistance.
- D. Contact/notify a supervisor, if no supervisor is available the officer on call will be contacted/notified and informed that the staff member was involved in a crash/accident involving a Department vehicle.
- E. When an event involves only County property (vehicles, buildings, fixtures, etc.) and minor damage resulted, a supervisor may investigate the event and complete appropriate reports and document the event as necessary (i.e. photographs, video, etc.). The supervisor may request the assistance of personnel within the Department or from an outside agency who have the expertise/training necessary to complete the necessary report(s) and investigate the event.
- F. In the event a Department vehicle is involved with someone else's property, the event involved an injury to any extent and/or there could be legal action (traffic citation, criminal and/or civil proceedings) based on the circumstances/facts that are apparent at

the time of the investigation another law enforcement agency will be requested to assist and/or investigate the event. If the event took place in the city boundaries the Bismarck Police Department will be requested to assist/investigate. When the event takes place outside the boundaries of Bismarck, the North Dakota Highway Patrol will be requested to assist/investigate. If the Bismarck Police Department or North Dakota Highway Patrol are not available to assist/investigate the event the supervisor/officer on call shall make a determination on how the event will be investigated.

- G. The staff member/operator of any Department vehicle involved in a crash/accident will complete a detailed report on a department Damaged Vehicle Report form. If the staff member/operator is unable to complete such form the supervisor will complete the form to the best of their ability. All events involving Department vehicles will be reported on the Damaged Vehicle Report form no matter the extent or amount of damage. Other reports may be necessary to be completed (i.e. Crash Reports, Incident reports, etc.) based on the specific circumstances presented.
- H. Events that occur involving Department vehicles where there is no damage to County property or the property of others but involves safety concerns such as but not limited to driverless vehicles, leaving the roadway, striking/running over objects/animals/birds in which there appears to be no apparent damage must be reported in written form to their sergeant.
- I. If a member of the general public has had property damaged in an event involving a Department vehicle and the damage to such property is minimal and that public member wants to depart the scene of the event the staff member/operator must obtain all pertinent information concerning the operator, passenger(s) and vehicle. This information will be documented on the Damaged Vehicle Report form.
- J. The Damaged Vehicle Report form and any other reports/documentation will be filed. This will allow the appropriate Division Commander to be notified of the event and the details of the circumstances involved.
- K. The reports submitted will be reviewed by the Division Commander.
  - 1. The review will include the following concerns:
    - a) Details of how the event happened, when it happened, where it happened and who was involved.
    - b) Extent of injuries of those involved.
    - c) Extent of damage to property involved.
    - d) Determination of responsibility of the event.
    - e) Determine whether the event could have been avoided or prevented.
    - f) Determine if training issues may be involved.
    - g) Driving habits/patterns/record of staff member/operator.
  - 2. Staff involved in the review process shall determine the appropriate remedy which may include requiring the staff member/operator to enroll and successfully complete any remedial training measures. If such training involves a cost, that cost, including the payment of wages if necessary, shall be borne by the Department. The remedy may also include the implementation of the policy regarding citizen complaints/internal affairs investigations if the circumstances dictate such implementation is appropriate.

3. Personnel who operate Department vehicles are required to comply with all traffic laws and regulations. Under emergency conditions law enforcement officials are authorized to disregard traffic laws and regulations (N.D.C.C. 39-10-03). This does not release personnel and/or the Department/County from civil liability for failure to use reasonable care/caution while operating an emergency vehicle.
4. Safeguarding the Department vehicle is the responsibility of the staff member/operator. Ignition keys will be removed from the ignition when the staff member/operator exits the vehicle for extended periods of time. If it is practical, prudent and/or promotes safety the ignition key(s) must be kept in the ignition, such circumstances include, but are not limited to: crash investigation scenes, traffic stops/citation issuance, community caretaker duties or extreme weather conditions. The staff member/operator must evaluate the particular circumstances and utilize reasonable judgment as to the proper safeguarding of Department vehicles.
5. Safety is the primary responsibility of the staff member/operator of a Department vehicle. This Department recognizes that seat belts have proven to be effective in reducing injuries and preventing deaths in traffic crashes. Therefore, all Department employees and other persons operating or riding in a Department vehicle shall be required to use the seat belts when the vehicle is in motion, except for those vehicles not equipped with seat belts and for prisoners who are offering resistance. Promoting prisoner safety while not jeopardizing the deputy's safety requires comparing the risks and benefits of utilizing seat belts for prisoners who may pose a hazard. All employees are also encouraged to utilize seat belts at all times including such use in the employee's personally owned vehicles. Department personnel who may be approaching a scene of an incident where it is prudent from a tactical standpoint and officer safety/survival measure to release the seat belt such action is justified to facilitate rapid departure/exit from the vehicle. Those individuals who do not adhere to this policy are subject to disciplinary action.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Vehicular Pursuit**

### **I. POLICY**

The mission of law enforcement is to protect lives. An acceptable balance must be obtained between the capture of fleeing suspects and the responsibility of law enforcement to protect the general public from unnecessary risks. Vehicular pursuits of fleeing suspects present a danger to the lives of the deputies, subjects involved in the pursuit and at times the general public. It is the responsibility of the Burleigh County Sheriff's Department to guide deputies in the safe performance of their duties. To fulfill these obligations, it shall be the policy of the Burleigh County Sheriff's Department to regulate the manner in which vehicular pursuits are undertaken and performed.

### **II. PURPOSE**

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuits.

### **III. DEFINITIONS**

Pursuit – An event that is initiated when a law enforcement officer operating an authorized emergency vehicle gives notice to stop (either through the use of visual or audible emergency signals or a combination of emergency devices) to a motorist whom the officer is attempting to apprehend and that motorist fails to comply with the signal by either increasing speed or taking other evasive action to elude the officer's continued attempts to stop the motorist. A pursuit is terminated when the motorist stops or when all efforts to apprehend are discontinued.

Authorized Emergency Vehicle – A marked patrol vehicle of the Burleigh County Sheriff's Department equipped with external, operable emergency equipment and a paint scheme and markings making it easily identifiable as a patrol vehicle.

Unmarked Unit/Vehicle – Those vehicles that are typically operated by Investigators, Civil/Warrants deputies, Transport deputies and Administration that are not conspicuously marked to easily discern them as a Class A authorized emergency vehicle.

Primary Unit – The law enforcement unit (vehicle) that initiates a pursuit or any unit that assumes control of the pursuit.

Secondary Unit – Any law enforcement unit that becomes involved as a backup to the primary unit and follows the primary unit at a safe and reasonable distance.

Affiliated Agency – Those agencies that have an agreement of Memorandum of Understanding with the Department and whose employees are considered to be working or on duty at the time they are participating in the ride along experience. These employees are covered under their respective agencies' worker's compensation policy during the ride along.

Authorized Personnel – For the purpose of this policy, the personnel authorized to be present in a Burleigh County Sheriff's Department vehicle involved in a pursuit are: BCSD/BMDC employees, sworn law enforcement officers, employees of affiliated agencies and Burleigh County Sheriff's Department interns.

#### **IV. PROCEDURE**

The guidelines established are designed to offer direction for conducting vehicular pursuits. Components of the policy include:

1. Initiations of Pursuits.
2. Pursuit Operations.
3. Supervisory Responsibilities.
4. Termination of the Pursuit.
5. Interjurisdictional Pursuits.
6. Special Consideration.

##### **A. Initiation of the Pursuit**

The decision to initiate pursuit must be based on known facts and the pursuing deputy's conclusion that the immediate danger to the deputy, the public and public/private property created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Any deputy who has been given initial and periodic update training in the Department's pursuit policy and in safe driving tactics in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. In deciding whether to initiate pursuit, the deputy shall take into consideration:

1. The seriousness of the offense.
2. Road conditions (dry/wet/gravel).
3. Weather conditions (dry/wet/snow/ice).
4. Population density (location/county/housing development/city).
5. Other environmental conditions.
6. Vehicular traffic (traffic controls/cross traffic/amount of traffic).
7. Pedestrian traffic (pedestrians in area/location with pending pedestrian traffic).
8. Speed zones (25/35 vs. 55/65).
9. The relative performance capabilities of the pursuit vehicle and vehicle being pursued.
10. The presence of unauthorized personnel in the emergency vehicle.
11. The time of day or night and location.

##### **B. Pursuit Operations**

1. Upon engaging in a pursuit, the deputy shall activate appropriate emergency (warning) equipment. When engaged in pursuit, deputies shall not drive with reckless disregard for the safety of other road users. Deputies shall not pursue a vehicle toward oncoming traffic in a divided highway or roadway. The deputy should parallel the pursued vehicle on the correct side of the highway or roadway. Deputies in a pursuit

may proceed past stop signals and signs but only after slowing down/stopping as may be necessary for safe operations. The speed limit may be exceeded so long as it does not endanger life or property. Movement regulations may be disregarded if done so in a safe manner.

2. Upon engaging in pursuit, the deputy shall notify Dispatch of the location, direction and speed of the pursuit, the description of the pursued vehicle and the initial purpose of the stop. The deputy shall keep Dispatch updated on the pursuit. Information provided to Dispatch should include the following:
  - a) Reason for the pursuit.
  - b) Complete description of vehicle being pursued.
  - c) If possible, the number and description of occupants.
  - d) Location.
  - e) Direction of pursuit.
  - f) Speed of vehicle being pursued.
  - g) Advise assisting units of any possible hazards.
3. Unless circumstances dictate otherwise, a pursuit shall consist primarily of two law enforcement authorized emergency vehicles. The deputy initiating the pursuit shall be the primary vehicle and, if safe to do so, shall maintain radio contact with Dispatch. If, for safety reasons, the primary vehicle cannot maintain communications, the secondary vehicle will then become responsible for communicating with Dispatch. Other law enforcement vehicles shall avoid the urge to caravan the pursuit or drive in a reckless manner to keep up. Additional law enforcement units should strive to parallel the pursuit in an attempt to position themselves for the opportunity to deploy the tire spike system. Intentional contact using an authorized emergency vehicle to stop a fleeing vehicle is prohibited, except when the possibility of injury to law enforcement personnel or citizens would be eliminated or greatly reduced by such action, and failing to apprehend the fleeing subject would increase the risk.

#### C. Supervisory Responsibilities

The Field Supervisor shall monitor the pursuit and direct secondary units to assist as necessary. Where possible, supervisory personnel shall respond to the location where a vehicle has been stopped following a pursuit. The Field Supervisor or supervisor on duty at the time shall have the authority to order termination of the pursuit at any time. All deputies involved in the pursuit shall submit a complete report detailing their actions throughout the situation. All completed pursuit reports shall be directed to the Enforcement Division Lieutenant for review. This review shall be used to ensure policy compliance, identify training concerns or equipment deficiencies. The Enforcement Division Lieutenant shall issue a memorandum of findings to the Major of the Enforcement Division.

#### D. Termination of the Pursuit

1. Termination by Order – The primary pursuing unit shall continually re-evaluate and assess the pursuit situation, including all of the initiation factors, and terminate the pursuit whenever they believe the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension. Because of the high risk associated with pursuits, any unit involved in the pursuit may order a termination of the pursuit at any time. All deputies involved in the pursuit shall immediately comply when ordered to terminate the pursuit. No deputy will be disciplined for discontinuing a pursuit. If the suspect's identity has been determined,

- immediate apprehension is not necessary to protect the public or law enforcement officers and, if apprehension at a later time is feasible, the pursuit shall be terminated.
2. Termination by Stop – When a pursuit ends with the stopping of the suspect vehicle, all deputies involved need to be aware of the continued risks. Effort should be made to conduct the apprehension in compliance with acceptable law enforcement practices. The secondary unit, if practical, will direct the apprehension efforts.
  3. Termination by Conditions – Throughout the pursuit, the likelihood is very real that conditions may change requiring a termination of the pursuit. As with the decision to initiate a pursuit, supervisors and involved units must constantly monitor the following conditions to determine whether to continue the pursuit:
    - a) The seriousness of the offense – The deputy will immediately consider the seriousness of the offense, prior to engaging in the pursuit and it shall be considered in totality with all other factors during the pursuit.
    - b) Road conditions – Evaluating the road conditions includes whether or not the road is dry, wet, ice covered, snow covered or even if the suspect goes “off road”. Roadway type is also to be considered when comparing asphalt, gravel and established trails. These are some of the considerations with regard to road conditions.
    - c) Weather conditions – This would include, but is not limited to: rain, fog, snow, ice and any other adverse weather condition that can pose a risk.
    - d) Population density – This is taking into consideration city versus rural, housing developments and other areas that can have an increased amount of innocent bystanders that are put at risk in the event of a pursuit. The higher the population density, the higher the risk.
    - e) Other environmental conditions – Considering the area the pursuit is taking place and the potential areas the pursuit could end up. Environmental conditions include, but are not limited to: road construction, road geometry, areas of limited visibility like wooded areas, fields or areas that limit vehicle access.
    - f) Vehicle traffic – This is considering the amount of traffic in the area, cross traffic, traffic controls or even the type of traffic (truck, farm, school). These are just some examples when considering vehicle traffic.
    - g) Pedestrian traffic – Considering the amount of pedestrian traffic in the area is crucial. This includes, but is not limited to: schools, business areas, public access areas, parks, neighborhoods and any other areas where the general public could be at risk.
    - h) Speed zones and speeds driven – Speed zones being driven in with a direct comparison to the speeds being driven shall be considered and constantly evaluated.
    - i) The relative performance capabilities of the pursuit vehicle and the suspect vehicle – This is evaluating the performance capabilities of the vehicles involved and determining the likelihood of apprehension based on these capabilities. Examples would include, but are not limited to: suspect vehicles being motorcycles, ATV’s, snowmobiles, performance automobiles and other specialty vehicles that would hinder a normal patrol vehicle from keeping up with a suspect vehicle.
    - j) The time of day or night and location – Things like known peak traffic times and general visibility are just some examples relative to the time of day or night. Some examples of location considerations include, but are not limited to: rural,

city, school zones, business areas and neighborhoods as well as considering “on roadway” or “off roadway”.

- k) The amount of known information – The amount of known information with regard to the fleeing subject is to be considered when determining whether to continue to pursue or even engage in the pursuit. If the fleeing subject does not pose an immediate danger to others or the deputy has reason to believe that the operator or occupants have not committed a criminal offense involving violence or injury, then this known information is to be considered. This would include, but is not limited to: the identity of the driver or occupants, the license plate of the vehicle or other crucial information that could lead to apprehension at a later time.

#### E. Interjurisdictional Pursuits

1. A pursuit shall not go beyond the County borders unless the violation is one that presents an immediate danger to others or the deputy has a reason to believe that the operator or occupants have committed a criminal offense involving violence or injury. A pursuit of a suspected felon(s) may extend beyond the state borderline, but the pursuit shall be relinquished as soon as possible to law enforcement personnel of the entered state.
2. Any pursuit that appears to be leaving the County will require permission of supervisory deputy and/or officer-on-call.
3. When it is likely that a pursuit will continue into a neighboring jurisdiction, the pursuing deputy shall notify Dispatch and supervisory personnel. The pursuing deputy shall request that Dispatch notify the neighboring jurisdiction that the pursuit is entering their jurisdiction. This notification should be given with as much advance notice as possible.
4. The pursuing deputy may be unfamiliar with the roadways in the neighboring jurisdiction and the neighboring jurisdiction’s policy/protocol may prevent them from assisting with the pursuit. This must be taken into consideration during the pursuit and the decision whether to continue pursuing.
5. If the neighboring jurisdiction has compatible radio communication abilities, the pursuing deputy should communicate with the neighboring agency/personnel regarding the pursuit.
6. When a pursuit enters Burleigh County, the actions of deputies shall be governed by Department Policy and N.D.C.C. 29-06-05 and 29-06-07.
7. Deputies shall not initiate a pursuit and/or join into a pursuit for another agency without supervisor approval.

#### F. Special Circumstances

1. Unmarked Vehicles – May only be utilized to follow the suspect vehicle in cases of extreme emergency for remaining in visual contact with the suspect vehicle. When a marked authorized emergency vehicle becomes involved, the unmarked vehicle shall disengage. An extreme emergency is such where there is immediate danger to the public if law enforcement personnel would allow the suspect to remain at large.
2. Intervention Tactics – The Department utilizes a vehicle disabling device known as the tire spike system. The following guidelines have been instituted in the use of the tire spike system:
  - a) Deputies may use the spike system when attempting to stop a fleeing motorist.
  - b) Only those deputies trained in the use of the tire spike system will be authorized to use it.

- c) The safety of oncoming traffic, the general public, law enforcement officers and that of the fleeing motorist will be considered when determining the feasibility of using the tire spike system.
- d) Prior to using the tire spike system, all law enforcement officers involved in the pursuit will be alerted as to the intended use of the tire spike system, to include the location of the anticipated stop.
- e) A complete report will be submitted in each instance where a tire spike system was used.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Vehicle Inspections**

### **I. POLICY**

The Burleigh County Sheriff's Department shall have a vehicle inspection program for Department vehicles. Department vehicles shall be inspected on an established schedule and shall cover the vehicle and all assigned equipment. Inspections shall be coordinated by a corporal in the section the vehicle is assigned.

### **II. PURPOSE**

Serviceable vehicles and equipment play a vital role in a deputy's ability to perform their duties to the highest standard. Vehicles and equipment that are substandard not only hinder a deputy's ability, but also present a safety hazard. Established inspections ensure that equipment and vehicles are serviceable and being maintained.

### **III. PROCEDURE**

- A. All vehicles in the fleet of the Department shall be assigned to employees for accountability and serviceability.
- B. Vehicles and equipment shall be inspected by the employee responsible for that vehicle along with the Training Section.
- C. The inspection shall be in accordance with and documented on the Department Vehicle Inspection Form.
- D. Completed inspection forms shall be filed with the Training Section.
- E. All deficiencies shall be noted on the inspection form. If the deficiency is of the nature that the employee can correct, the employee shall correct the deficiency and properly document it on the inspection form. If the deficiency cannot be corrected a vehicle work order shall be completed and turned into the Training Section.
- F. The Training Section will review work orders and inspection forms to determine if the work shall be performed. All deficiencies shall continue to be documented even if they have previously been reported.
- G. All vehicles of the Department may be used by all employees in the performance of their duties. In order to maintain excellent condition of vehicles, each operator is responsible to report deficiencies with any vehicle. The assigned employee has overall responsibility for maintenance, but should not be held accountable for another's wrong doing.
- H. If a Department vehicle is not maintained properly every effort will be taken to determine which employee failed to properly maintain the vehicle. Such employee will be held accountable for their actions or lack of action.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Video and Still Image Recordings and Equipment**

### **I. POLICY**

Mobile video and still image documentation has been demonstrated to be of value in the prosecution of traffic violations and criminal offenses. This documentation assists in the evaluation of deputy performance and with deputy training. In order to maximize the utility of this equipment in these and related areas, deputies shall follow the procedures set forth in this policy.

### **II. PURPOSE**

It is the purpose of this policy to provide deputies with guidelines for the use of film and digital image recording equipment.

### **III. PROCEDURE**

#### **A. Program Objectives**

This Department has implemented the use of in-car audio/video recording systems to accomplish several objectives, including:

1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents. This will enhance deputy reports, collection of evidence and courtroom testimony.
2. Enhancement of this Department's ability to review probable cause for arrest, deputy actions, deputy/violator interaction, evidence for investigative purposes and for deputy evaluation and training.
3. All in-car capture system digital video and audio recording are subject to Open Records Law.

#### **B. Operating Procedures**

Deputies operating vehicles equipped with Mobile Video Recording Equipment shall use this equipment and adhere to the following procedures:

1. Deputies will prepare and functionally check mobile video equipment as soon as practical at the beginning of each tour of duty. Deputies will confirm that the audio and video capabilities are working, including the external microphone.
2. If deputies determine that their assigned Mobile Video Recording Equipment is not functioning properly, they shall submit a work order to the Training Section.

#### **C. Recording**

Mobile Video Recording Equipment will automatically activate when the vehicle's emergency warning devices are in operation. Once activated, deputies should allow the

system to record until the enforcement action or incident is complete. Some circumstances may dictate that the recording equipment be shut off. Deputies may be required to justify this action. Mobile Video Recording Equipment shall be used in the following circumstances:

1. Upon initial observation of a traffic violation, when driving in emergency mode or during a pursuit.
2. Accident investigations if a recording of the scene would be beneficial to the investigation.
3. During roadside or other investigations where the camera can capture the searching, discovery and seizure of evidence and contraband.
  - a) Although it may not always be feasible to record video, deputies shall remain aware of the beneficial use of the audio recording capability.
  - b) In situations involving multiple deputies, each deputy with recording capabilities shall activate their equipment provided it does not interfere with the primary deputy.
4. During field contacts and community care-taking functions.
5. When there is a potential for liability concerns for the Department and/or deputy.
6. Mobile Video Recording Equipment may be deactivated during non-enforcement activities.
7. Deputies should position their vehicle with the highest regard for the safety of the deputy, involved subjects and the general public. Unless it can be done safely, deputies shall not alter the normal positioning of their squad cars for the sole benefit of capturing a scene, event or incident on video.
8. Digital video recorders equipped with crash sensors will automatically begin recording when impact is sense within the vehicle.

#### D. Digital Video

1. The mobile video recording system records, stores and automatically uploads digital media wirelessly to a secure server. Captured and stored digital media including video, audio and video still images may only be reproduced and utilized for official purposes only.
2. Immediately upon completion of recording, all digital media captured with the Mobile Video Recording System will labeled/marked as “evidence”, “30 day hold” or “testing/training”.
3. When digital media is deemed “evidence”, deputies will properly label/mark an appropriate case number within the digital evidence management system.
4. Digital media designated as evidence will be maintained in a manner to protect their integrity pending appeal, retrial or civil claims based on the amount of time determined by criminal sentences of law.
5. Any reproduced copies of digital media are to be utilized for official purposes only.
6. A digital video shall be considered evidence if any of the following apply:
  - a) The digital video file depicts one or more elements of the commission of a crime.
  - b) A digital video system that is activated during any portion of the commission or testing process of a DUI.
  - c) The digital video system’s audio portion has recorded incriminating statements, a witness’ account of a serious offense or contains a suspect’s confession or statements made regarding a criminal offense.
  - d) The digital video system has recorded the scene of a serious crime or serious accident and the use of the tape would be beneficial to the investigation.

- e) The digital video system has recorded an unidentified person and identifying that person will be a necessary part of the investigation.
- 7. Digital videos that are not identified as evidence shall be maintained by the evidence custodian for a period of 30 days from the date of submission. At the expiration of the 30 day period, the digital video files shall be deleted by the evidence custodian.
- 8. Authorization to delete digital video is limited to the Systems Manager or designee.
- 9. Following capture, digital images shall not be deleted, adjusted or manipulated in any way. Any digital files tampered with, destroyed or erased, except as outlined in the policy, shall be considered a violation of this policy and subject to disciplinary action.
- 10. All requests for digital videos held in evidence shall be directed to the evidence custodians.
- 11. Deputies shall document in the UCR synopsis and the report narrative when digital video evidence was obtained.

#### E. Training and Evaluation

Recorded law enforcement activities provide a valuable tool to assist with evaluating deputy performance and to identify and aid in future training.

- 1. Deputies are encouraged to notify their chain of command if they feel that a recorded event may be beneficial to future training. Approval must be obtained from the Enforcement Division Commander prior to using the recording.
- 2. Patrol supervisors are directed to periodically review the recordings of their assigned patrol deputies to assist them in evaluating deputy's performance and to identify training/safety issues.

#### F. Still Digital Photography

- 1. Each deputy will be responsible for the custody and control of his/her assigned camera and removable media cards utilized in the performance of their duties. Cameras containing evidence photos will be treated as evidence.
- 2. Deputies shall download their evidence photos to the Department server creating the master copy. A working copy or copies of the master images may be made and shall be identified as "working copies". Working copy images may be modified or adjusted to enhance the visibility, clarity or other aspects of the images. Any working copy designated as evidence shall have adjustments documented. Working copies must be stored separately from the master copies.
- 3. Digital still photos will be purged once prosecutor(s) have deemed that the case is closed.
- 4. All requests for digital photos held in evidence shall be directed to the evidence custodians.

#### G. Use of Personal Recording Devices

- 1. The use of personal recording devices while engaged in official duties will be prohibited.
- 2. Personal recording devices defined:
  - a) Audio, video and camera modes and or settings on personal cellphones or other electronic devices. Examples include: iPads, laptops, MP3 players, cameras and other such devices capable or recording audio, video or still images.
  - b) Any personal cameras or recording devices not issued by the Department.

Sheriff \_\_\_\_\_  
 Effective Date \_\_\_\_\_  
 Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Domestic Violence**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes domestic violence is a serious crime against individuals and the community. N.D.C.C. 14-07.1-14 requires law enforcement agencies to develop and implement domestic violence policies and it is the intent and policy of the Department to establish and follow operational guidelines as set forth in this policy when responding to incidents of domestic violence.

### **II. PURPOSE**

The purpose of this policy is to establish procedures for handling matters of domestic violence and abuse and to implement the most effective strategies for dealing with perpetrators of domestic violence. The establishment of these procedures seeks to assure a consistent and effective response. This policy also strives to:

1. Prevent future incidents of domestic abuse by establishing arrest as the preferred initial law enforcement response.
2. Reaffirm law enforcement responsibility and authority to make arrest decisions in accordance with state law and establish probable cause standards.
3. Document allegations of domestic violence so there can be meaningful prosecution and delivery of victim services.
4. Assist in making determinations of the most immediately significant aggressor and utilizing investigation techniques to prevent dual arrest if possible.
5. Optimize and coordinate available resources to assist victims and to collaborate with other agencies to enhance victim safety and ensure accountability for the suspect.

### **III. DEFINITIONS**

Bodily Injury – “Any impairment of physical conditions, including physical pain”. N.D.C.C. 12.1-01-04(4)

Dependent Child – “An individual under the age of eighteen (18) years”. N.D.C.C. 12.1-35-01(1)

Domestic Violence – “Includes physical harm, bodily injury, sexual activity compelled by physical force, assault or the infliction of fear or imminent physical harm, bodily injury, sexual activity compelled by physical force or assault, not committed in self-defense, on the complaining family or household members”. N.D.C.C. 14-07.1-01(2)

Domestic Violence/Sexual Assault Organization – “A private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four hour crisis lines, advocacy, supportive peer counseling, community education and referral services for victims of domestic violence and sexual assault”. N.D.C.C. 14-07.1-01(3)

Family or Household Member – “A spouse, family member, former spouse, parent, child, individuals related by blood or marriage, individuals who are or were in a dating relationship, individuals who are presently residing together or who have resided together in the past, and individuals who have a child in common regardless of whether they are or have been married or have lived together at any time.” N.D.C.C. 14-07.1-01(4)

Foreign Protection Order – “A protection order issued by a tribunal of another state”. N.D.C.C. 14-07.4-01(1)

Immediately Significant Aggressor – In the absence of self-defense, the family or household member who has engaged in the most immediately significant aggression by considering certain factors, including the comparative severity of injuries involved and the likelihood of future harm. N.D.C.C. 14-07.1-10(2)

Intimidation – Unlawful coercion which is compulsion by physical force or threat of physical force. Coercion is intended to restrict another’s freedom of action by: (1) threatening to commit a criminal act against that person, (2) threatening to accuse that person of having committed a criminal act, (3) threatening to expose a secret that either would subject the victim to hatred, contempt, or ridicule or would impair the victim’s credit or goodwill, or (4) taking or withholding official action or causing an official to take or withhold action. It also includes conduct that constitutes the improper use of economic power to compel another to submit to the wishes of one who wields it. (Black’s Law Dictionary, 2000)

Law Enforcement Officer – “A public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigation of violations of law”. N.D.C.C. 14-07.1-01(5)

Probable Cause – To justify an arrest means facts and circumstances within the officer’s knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit (in the case of a threat) a crime. Probable cause is frequently referred to in cases and statutes as “reasonable grounds”. (Black’s Law Dictionary, 2000)

Protection Order – “An injunction or other order, issued by a tribunal under the domestic violence or family violence laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual”. N.D.C.C. 14-07.4-01(5)

Self-defense – “A person is justified in using force upon another person to defend himself against danger of imminent unlawful bodily injury, sexual assault, or detention by any such other person”. N.D.C.C. 12.1-05-03 “A person is justified in using force upon another person in order to defend anyone else if the person defended would be justified in defending himself”. N.D.C.C. 12.1-05-04 and N.D.C.C. 12.1-05-04(1)

State – “A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes Indian tribe or band that has jurisdiction to issue protection orders”. N.D.C.C. 14-07.4-01(7)

Victim – “A person who suffers direct or threatened physical, financial or psychological harm as a result of the commission of a criminal or delinquent act”. N.D.C.C. 12.1-34-01(10)

## **IV. PROCEDURES**

### **A. Initial Response and Investigation**

1. Deputy safety should guide all responses to domestic violence calls.
2. Obtain all available information concerning the domestic violence call from Dispatch before or upon arrival at the scene.
3. Scene Approach:
  - a) A minimum of two law enforcement officers should respond to domestic violence calls.
  - b) A silent approach to the scene of a domestic violence call is preferred.
  - c) Plan the approach in such a manner so as not to be observed from the location of the call.
  - d) Observe and listen. Listen and look in any window(s) to obtain additional information such as floor plans, number of people involved, weapons, etc. All officer safety skills, tactics and alertness must be employed.
4. On Scene Response:
  - a) Identify selves as deputy sheriffs.
  - b) Explain the reason for law enforcement presence.
  - c) Request entry into the location.
  - d) Ascertain identity of complainant and request to see complainant.
    - i. If entry is refused, deputies must explain their need to ensure there are no injured persons inside.
    - ii. Refusal of entry or no response may require a forced entrance to check on the safety of people inside.
    - iii. Law enforcement may conduct a search of the premises if consent has been given to do so. Although a consent search eliminates a need for a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership or possession of a place or thing, either one may give a valid consent. \*A spouse can consent to the search of premises used jointly by husband and wife. This is also true if a man and a woman are only cohabitants. If one of them exercises sole control over part of the premises, the other cannot give valid consent to search that part. Deputies must abide by the U.S. Supreme Court decision in Georgia v. Randolph. The ruling states in “a situation in which two persons have equal use and control of the premises to be searched, we conclude the consent to conduct a warrantless search of a residence given by one occupant is not valid in the face of the refusal of another occupant who is physically present at the scene to permit a warrantless search”.
    - iv. Law enforcement may also make a warrantless entry to conduct a search if emergency/exigent circumstances exist. Law enforcement must have a reasonable belief that such an emergency does exist (i.e. if law enforcement

believes that someone is in distress and in need of assistance.) Exigent circumstances are defined as:

- a. Lives are threatened.
- b. Property and/or evidence is about to be destroyed.
- c. Suspect's escape is imminent.

#### B. Scene Entry

1. Physically separate the parties involved in domestic violence to prevent any further immediate contact between the parties.
2. Take control of all weapons used or threatened to be used in the crime.
3. Assess the need for medical attention and seek the same if indicated.
  - a) If a party appears minimally injured and yet refuses medical assistance, document all observed injuries as well as the refusal of medical treatment.
  - b) If a party appears severely injured, medical personnel shall be called with or without the consent of the party. Always attempt to obtain a medical records release signed by the victim/suspect at the scene.
4. Document all parties at the scene.
5. Interview all parties separately and preferably away from the line of sight and hearing of the suspect. Deputy safety concerns will dictate if separation is prudent according to the circumstances. When possible, document direct quotes related to fears and concerns expressed.
6. Document the condition of the scene and evidence. The use of photographs and diagrams to depict the conditions and locations of damages and/or evidence is important.
7. Decide if a crime occurred.

#### C. Preliminary Investigation

1. Interview all parties present in a place separate from others to ensure safety and privacy. Deputy safety concerns will determine if this is prudent.
2. After the parties have provided their statements, deputies should ask about details for clarification and summarize the stated account which allows the parties to point out anything that might be misrepresented.
3. Determine if there is a need for interpreter/translator for any of the parties. Be cautious about using children as translators.
4. Be aware that parties may make excited utterances which may have evidentiary value. Record these utterances when practical and note them in reports.

#### D. Interviews

If possible, recorded interviews are recommended.

1. Victim
  - a) Determine what happened.
  - b) Ascertain if anyone has any injuries, who caused them and what weapons or objects were used to perpetrate the violence.
  - c) Ascertain victim's relationship to the suspect.
  - d) Ascertain if any threats were made against the victim or others, particularly children.
  - e) Ascertain if any property was damaged or if any pets were hurt.
  - f) Ascertain if there was any forced sexual contact against the victim's will.

- g) Determine if there are any court cases pending against the suspect or if there are any protective orders in effect.
  - h) Determine if the suspect is on probation or parole.
  - i) Document victim's condition and demeanor in report.
  - j) Photograph and document in report: damaged clothing while on the victim, smeared makeup, evidence of injury (use diagram) and condition of crime scene (photographs – close-up and full scene pictures).
  - k) Obtain contact information and alternative contact information (name, address, telephone numbers of close friends or relatives of the victim who will know the victim's whereabouts 6 to 12 months from the time of the investigation and document this in a separate record if the victim will be seeking to hide from the abuser).
  - l) Arrange with the Investigations Section for follow up photographs of the victim in order to demonstrate the extent of any injuries that may later become more obvious.
  - m) The deputy shall not advise the victim of domestic violence that he/she can "press" charges or "drop" charges. The decision to prosecute is made by the State's Attorney. The victim and suspect will be advised that once a crime report is taken, he/she has no control over the decision to arrest and/or prosecute.
  - n) Document any presence or use of alcohol and/or drugs.
2. Suspect
- a) Determine what happened.
  - b) Any injuries, who caused them and what weapons or objects were used to perpetrate the violence.
  - c) Document suspect's condition and demeanor.
  - d) Photograph and document in report: damaged clothing while on the suspect, torn or damaged clothing, smeared makeup, evidence of injury (use diagram).
  - e) Document any presence or use of alcohol and/or drugs.
  - f) Arrange with the Investigations Section to determine the suspect's domestic violence and criminal history and supplement the report.
3. Witnesses
- a) Interview any witnesses to the incident (children, other family members, neighbors, etc.) as soon as possible.
  - b) Remember witnesses may be experiencing significant trauma. This trauma may affect their recall abilities and may produce varying versions of events. This does not diminish the credibility of their description of events.
  - c) If witnesses provide information about prior assaults, document them to assist in establishing a pattern of abuse.
  - d) Interview EMS witnesses, ER personnel and/or Dispatch for corroborating evidence.
4. Children
- a) Children should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma or abuse should be noted in the report (use diagrams to depict injury location).
  - b) Children should be questioned in an age appropriate manner and interviewed without leading questions. The interview should be done away from the other parties, without parental influence.
  - c) Document children's full names, ages, dates of birth and relationship to the parties.

- d) Document the children’s demeanor.
- e) If a child is present at the scene of a domestic call or is the victim of domestic abuse, the deputy should determine whether the child has been subject to physical abuse, sexual abuse or neglect and comply with the requirements of N.D.C.C. 50-25.1 (Mandatory Reporting). If the child has been physically injured, the deputy shall ensure the child receives appropriate medical attention.
- f) If the legal parent or guardian of a child can no longer provide care, the deputy should consult with the legal guardian or parent on determining the disposition of the child and should make a good faith attempt to follow the request of the legal guardian or parent. If the deputy reasonably believes that the child’s immediate surroundings or conditions endanger the child’s health and welfare, the deputy shall take the child into immediate custody pursuant to N.D.C.C. 50-25.1. When children are present, deputies shall document the basic circumstances surrounding their exposure to the incident in the case report and forward a referral to Child Protective Services as required by law.
- g) The Department utilizes the services of the Dakota Children’s Advocacy Center. The center provides forensic interviewing and medical examination services. Unless circumstances require deputies to conduct an in-depth child interview, the case will be followed up by Investigations personnel and the Dakota Children’s Advocacy Center.

E. Supervisor Responsibilities

Supervisors will review domestic violence and domestic related incident reports to ensure proper referrals and follow up investigations are conducted.

Domestic violence and domestic related reports are also assigned to the Department’s domestic violence investigator to ensure appropriate follow up is completed.

V. **ARREST**

A. Arrest

Deputies will make an arrest when probable cause and legal authority exist to make an arrest. Field release and referral to court is not recommended in domestic violence cases when grounds for an arrest are present.

N.D.C.C. 14-07.1-10(1) – “If the law enforcement officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the offense is a felony or a misdemeanor, and whether or not the crime was committed in the presence of the officer, the law enforcement officer shall presume that arresting the person is the appropriate response.”

B. Arrest without a Warrant

N.D.C.C. 14-07.1-11(1) – “A law enforcement officer may arrest an individual without a warrant if the arrest is made within 12 hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined 14-07.1-01, whether or not the assault took place in the presence of the officer.” AFTER 12 HOURS HAVE ELAPSED, THE DEUPTY MUST SECURE AN ARREST WARRANT BEFORE MAKING AN ARREST. A deputy may not arrest a person without first

observing that there has been recent physical injury to, or impairment of physical condition of the victim.

1. Making the Arrest

- a) If the suspect is present, the arrest will take place. Deputies will utilize appropriate officer safety techniques such as searching the suspect for weapons, apply necessary restraint devices (i.e. handcuffs, etc.) and in the event the suspect resists, deputies are authorized to use necessary force to control the suspect and maintain order. Deputies must be familiar with the Department's Response to Resistance Policy. The arrestee will be transported to the Detention Center or other facility as appropriate (i.e. medical treatment facilities, etc.).
- b) If the suspect is absent and the victim wishes or needs, deputies will make the necessary arrangements to transport the victim and/or children to a safe shelter or other appropriate place. Deputies will contact Dispatch to have a "Be on the Lookout (BOLO)" message broadcast for the suspect.

C. Factors not Considered in Making an Arrest

1. Marital status, sexual orientation, race or cultural, social, political or professional position.
2. Ownership, tenancy rights of either party or the fact that the incident occurred in a private place.
3. Belief that the victim(s) will not cooperate with criminal prosecution or that the arrest may not lead to a conviction.
4. Verbal assurances that the abuse will stop.
5. Disposition of previous law enforcement calls involving the same victim or suspect.
6. Past law enforcement calls to assist at residence.
7. Denial by either party that the abuse occurred when there is evidence of domestic abuse.
8. Lack of a court order restraining or restricting the suspect.
9. Adverse financial consequences which might result from the arrest.
10. Chemical dependency or intoxication of the parties.
11. Who made the call – whether it's the neighbor, victim, suspect or child.
12. If investigating the violation of an Order for Protection, it does not matter who initiated the contact between parties.

D. Arrest when Two or More Complaints are Received

N.D.C.C. 14-07.1-10(2) – A deputy investigating a crime involving domestic violence may not threaten, suggest or otherwise indicate, for the purpose of discouraging requests for law enforcement intervention, that the family or household members will be arrested. When the complaints are received from two or more family or household members, the deputy shall evaluate each of the complaints separately to determine if either party acted in self-defense as defined in N.D.C.C. 12.1-05-03. If self-defense is not a factor, to determine whether to seek an arrest warrant or to pursue further investigation, the deputy shall consider which party has engaged in the most immediately significant aggression by considering certain factors, including comparative severity of injuries involved and the likelihood of future harm.

E. Predominant Aggressor

N.D.C.C. 14-07.1-10 – If self-defense is not a factor, to determine whether to seek an arrest warrant, make an arrest or to pursue further investigation, the deputy shall consider which party was the predominant aggressor by considering certain factors including:

1. Comparative severity of injuries involved.
2. Likelihood of future harm/injury to any party.
3. History of domestic violence.
4. Any other violent acts that the deputy can reasonably ascertain.
5. The relative size, bulk and strength of the parties involved.
6. Location or nature of injuries (offensive vs. defensive injuries).
7. Existence of corroborating evidence or witnesses.

**THIS POLICY STRONGLY DISCOURAGES DEPUTIES FROM MAKING DUAL ARRESTS.**

**NOTE: SELF-DEFENSE DOES NOT INCLUDE ACTS INFLICTED TO PUNISH OR RETALIATE.**

**F. Self-Defense**

A person is justified in using force upon another person to defend himself against danger of imminent unlawful bodily injury, sexual assault or detention by such other person except that:

1. A person is not justified in using force if:
  - a) He intentionally provokes unlawful action by another person to cause bodily injury or death to such other person; or
  - b) He has entered into a mutual combat with another person or is the initial aggressor unless he is resisting force which is clearly excessive in the circumstances. A person's use of defensive force after he withdraws from an encounter and indicates to the other person that he has done so is justified if the latter nevertheless continues or menaces unlawful action.

**G. Law Enforcement Immunity:**

N.D.C.C. 14-07.1-11(2), 12.1-31.2-02(5) – A law enforcement officer may not be held criminally or civilly liable for making an arrest if the officer acts in good faith on probable cause and without malice.

## **VI. COURT ORDERS**

**A. Order for Protection**

N.D.C.C. 14-07.7-18(1) – A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a protection order under N.D.C.C. 14-07.7-03(1), whether or not the violation was committed in the presence of the officer. NOTE: The law requires an arrest whether or not the excluded party was invited back to the residence.

1. If a deputy determines that an otherwise valid protection order cannot be enforced because the respondent has not been notified or served with the order, the deputy 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 deputy shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

2. Unless otherwise terminated by the court, an ex parte temporary protection order remains in effect until an order (permanent) issued under section N.D.C.C. 14-07.7-07 is served.
3. Deputies should pay attention to and assess the lethality of each respondent when serving protection orders (see accompanying Lethality Assessment Worksheet).

#### B. Surrender of Weapon(s)

A respondent may be required in a protection order to surrender for safe keeping any firearm or other specified dangerous weapons, as defined in N.D.C.C. 12.1-01-04(6), in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display or threaten to use the firearm or other dangerous weapons in any further act of violence. If so ordered, the respondent shall surrender the weapon(s) to the Sheriff or the Sheriff's designee, of the county in which the respondent resides. Deputies cannot arrest the respondent for refusal to surrender weapons, however the respondent may be in contempt of a court order or disobedience of a court order if such can be determined.

NOTE: For the safety of both parties, if it is not required in a protection order, a deputy still may suggest the respondent surrender weapons to law enforcement for a temporary period of time.

1. Individuals, including law enforcement officers, are prohibited from possessing or transferring (returning) a firearm while subject to a protection order. Individuals cannot possess ammunition either. EXCEPTION: Law enforcement officers are exempt from these prohibitions for official duty firearms only [18 USC 925 (a)(1)]. 18 USC 922 (g)(8), 18 USC 922(d)(8).
2. Individuals, including law enforcement officers, are prohibited from possessing or transferring (returning) a firearm if that person has been convicted of a misdemeanor crime of domestic violence. No exception is made for law enforcement officers. 18 USC 922 (g)(9), 18 USC 922(d)(9).
3. Forfeiture of Weapon(s) – Any firearm or dangerous weapon used or possessed while in the commission of a felony or misdemeanor involving violence or intimidation must be seized. N.D.C.C. 62.1-01-02

#### C. Order Prohibiting Contact

N.D.C.C. 12.1-31.2-02(5) – A law enforcement officer shall arrest an individual without a warrant if the officer determines there is probable cause that the person has committed the offense of violating an order prohibiting contact under this section, whether or not the violation was committed in the presence of the officer. NOTE: This law requires an arrest whether or not the excluded party was invited back to the residence.

#### D. Sexual Assault Restraining Order

N.D.C.C. 14-07.7-09, 14-07.7-18 – A law enforcement officer shall arrest the respondent without a warrant and take the respondent into custody if the law enforcement officer has probable cause to believe the respondent has violated an order issued under above cited laws.

1. If a law enforcement officer determines that an otherwise valid sexual assault 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.

E. Disorderly Conduct Restraining Order

N.D.C.C. 14-07.7-05, 14-07.7-18 – A law enforcement officer shall arrest the respondent without a warrant and take the respondent into custody if the law enforcement officer has probable cause to believe the respondent has violated an order issued under above cited laws. NOTE: The law allows an arrest whether or not the excluded party was invited back to the residence.

1. If a law enforcement officer determines that an otherwise valid disorderly conduct 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.

F. Foreign Orders (Full Faith and Credit)

1. N.D.C.C. 14-07.4-03(1) – A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of the protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. The protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.
2. N.D.C.C. 14-07.4-03(2) – If the protection order is not presented, deputy may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.
3. N.D.C.C. 14-07.4-03(3) – If a law enforcement 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.
4. N.D.C.C. 14-07.4-03(4) – Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order.

G. Law Enforcement Immunity

N.D.C.C. 14-07.4-05 – A law enforcement officer is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission is done with good faith.

## **VII. REPORTS**

N.D.C.C. 14-07.1-12

A. Required Reports

A law enforcement officer shall make a written report of the investigation of any allegation of domestic violence regardless of whether an arrest was made. If the officer

determines through the course of an investigation that one of the individuals has engaged in the most immediately significant aggression, the report must include the name of that individual and a description of the evidence that supports the findings. The officer shall submit the report to the officer's supervisor or to any other person to whom the officer is required to submit similar reports.

1. The investigating deputy shall prepare an investigation report regarding the incident in accordance with existing Departmental policy. Any domestic violence call handled by this Department shall have the initial report completed before the deputy goes off duty. The initial report will contain sufficient information to be able to relate to a District Judge for a probable cause hearing and/or for others to understand the situation and start additional follow up at that point.

#### B. Documentation

The following should be documented within the report:

1. The victim's and suspect's exact word/excited utterances.
2. Elements of all crimes investigated.
3. Any visible injuries and/or complaints of pain. Documentation should include a description in the law enforcement report, as well as photographs and medical reports, if medical treatment was obtained.
4. Whether either party was photographed.
5. Whether alcohol and/or drugs were present or used in the incident.
6. Department records personnel will be requested to determine if any past domestic violence reports are on file and copies will be attached to the current/active report.
7. Note if any weapons were present and/or are possessed by the suspect.
8. Any court orders currently or previously in place.
9. Any restraining order violations.
10. List the phone number of the victim's residence along with alternative contact information where messages can be left if the victim decides to leave the residence for safety reasons. Also, if possible, record name, address and phone numbers of two close friends or relatives of the victim who will know his/her whereabouts 6 to 12 months from the time of the investigation. NOTE: If the victim will be seeking to hide from the suspect, keep a separate record of the address and phone number where the victim will be located.
11. If the parties do not speak English, please note what language spoken for future follow up contacts. Use objective interpreters (non-family members or a percipient witness) to obtain statements and/or tape recorded statements.

#### C. Lethality Assessment and Screening

Deputies should provide information regarding a suspect's dangerousness/lethality to the State's Attorney for use at arraignment, and to service providers to improve services provided to victims. To accomplish this, deputies responding to any domestic violence calls for service where it is determined that an assault occurred must complete the "Domestic Violence Worksheet" and "Domestic Violence Lethality Screening".

#### D. Documentation in Non-Arrest Cases

In addition to the previously stated considerations, in cases in which an arrest is not made for domestic violence, stalking or related crime, the incident still must be documented. In these cases, deputies should note in the incident report:

1. What referral information was provided.

2. Why no arrest was made nor any warrant sought.

E. Inter-Agency Cooperation

The Department will provide one copy, at no cost, of the domestic violence lethality assessment to domestic violence/sexual assault organizations.

## **VIII. VICTIM ASSISTANCE**

- A. Deputies will complete an incident report whether an arrest is made or not. If the victim requests a copy of the incident report, it will be provided when available and this would be done absent good cause not to do so. The victim will be informed of procedure (who/where to call) to obtain a copy of the report.
- B. Advise the victim of the importance of preserving evidence.
- C. Explain to the victim about protective orders and how to obtain them.
- D. If the victim wants to leave the premises to ensure safety, remain at the scene while the victim packs essentials. Advise the victim to take only personal items plus important documents (i.e. bank account numbers, social security cards, passports, birth certificates, etc.)
- E. If the victim needs a ride at the time of the incident, the deputy may assist by transporting the victim to the Department to wait for someone to pick up the victim (Domestic Violence Advocate, family member, friend, etc.) or a deputy may transport the victim to the local domestic violence abuse shelter.
- F. Provide the victim with the telephone numbers of the local domestic violence center and/or shelter.
- G. Advise the victim that the case may be presented even if the victim later recants and/or chooses not to cooperate with prosecution.
- H. Inform the victim that he/she can begin criminal proceedings at a later time. Provide information about how to file a criminal charge, including time, location and case number if available.
- I. Deputies shall assure the victim that they will assist in future emergencies, explain measures for enhancing the victim's safety and offer assistance in filing charges at a later time.
- J. Deputies shall refer victims of domestic violence to appropriate community resources. Domestic violence resources in Burleigh County include the Abused Adult Resource Center (222-8370 or 1-800-472-2911) and West Central Service Center (328-8888).
- K. Deputies shall inform victims of the procedure for contacting Detention Center staff in order to determine when the suspect may be released from custody. Additionally, law enforcement shall provide victim contact information to Detention Center staff who will notify the victim before the suspect's release. In the event detention staff are unable to contact the victim, the arresting agency will be contacted and informed of this. It will

then be the responsibility of the arresting agency to notify the victim that the suspect has been released from custody.

- L. Investigations Section deputies shall contact the local domestic violence advocacy center as soon as practical or at least the next business day in situations involving arrests in domestic related crimes to enable advocacy centers to make contact with the victim in order to:
  - 1. Provide information concerning the court process and available services.
  - 2. Elicit victim's input into the court process.
  - 3. Ascertain the victim's wishes regarding conditions of release.
  - 4. Offer or facilitate accompaniment throughout the court process.

## **IX. TRAINING**

- A. All licensed peace officers in the Department shall abide by training programs adopted by the North Dakota Peace Officer Standards and Training Board.
- B. The Department in collaboration with local domestic violence advocacy organizations and state domestic violence coalitions shall provide training in accordance with an acceptable domestic violence training curriculum as adapted by the North Dakota Peace Officer Standards and Training.
- C. The domestic violence policy will be reviewed in the same manner and fashion as other Department policies and necessary revisions and implemented.

# BURLEIGH COUNTY SHERIFF'S DEPARTMENT

## Domestic Violence Worksheet

CR #:	_____
960 Form:	_____

### Officers Involved:

Victims Name: \_\_\_\_\_

Alternative Contact for Victim (Name, Address, and Phone): \_\_\_\_\_

Suspect Name: \_\_\_\_\_

**The Victim/Suspect displayed the following emotional and physical behaviors:**

<b>Victim:</b>		<b>Suspect:</b>	
<input type="checkbox"/> Angry	<input type="checkbox"/> Claimed Strangulation	<input type="checkbox"/> Angry	<input type="checkbox"/> Claimed Strangulation
<input type="checkbox"/> Crying	<input type="checkbox"/> Complained of Pain	<input type="checkbox"/> Crying	<input type="checkbox"/> Complained of Pain
<input type="checkbox"/> Fearful	<input type="checkbox"/> Abrasion(s)	<input type="checkbox"/> Fearful	<input type="checkbox"/> Abrasion(s)
<input type="checkbox"/> Hysterical	<input type="checkbox"/> Minor Cut(s)	<input type="checkbox"/> Hysterical	<input type="checkbox"/> Minor Cut(s)
<input type="checkbox"/> Calm	<input type="checkbox"/> Laceration(s)	<input type="checkbox"/> Calm	<input type="checkbox"/> Laceration(s)
<input type="checkbox"/> Afraid	<input type="checkbox"/> Fracture	<input type="checkbox"/> Afraid	<input type="checkbox"/> Fracture
<input type="checkbox"/> Irrational	<input type="checkbox"/> Concussion	<input type="checkbox"/> Irrational	<input type="checkbox"/> Concussion
<input type="checkbox"/> Threatening	<input type="checkbox"/> Under Influence of Alcohol/Drugs	<input type="checkbox"/> Threatening	<input type="checkbox"/> Under the Influence of Alcohol/Drugs
<input type="checkbox"/> Nervous	Alcohol/Drugs	<input type="checkbox"/> Nervous	Alcohol/Drugs
<input type="checkbox"/> Other, Explain:		<input type="checkbox"/> Other, Explain:	

<b>Relationship between Victim and Suspect:</b>	<b>Length of Relationship:</b> <input type="checkbox"/> Present <input type="checkbox"/> Past	
<input type="checkbox"/> Spouse	<input type="checkbox"/> Former Spouse	____ Months ____ Years
<input type="checkbox"/> Dating Relationship	<input type="checkbox"/> Child in Common	Date relationship ended: _____
<input type="checkbox"/> Parent and Child	<input type="checkbox"/> Emancipated Minor	
<input type="checkbox"/> Family Member	<input type="checkbox"/> Residing Together	

<b>Medical Treatment:</b>	Ambulance Unit#: _____	
<input type="checkbox"/> None	<input type="checkbox"/> Self-Administered	Hospital where treated: _____
<input type="checkbox"/> Paramedics	<input type="checkbox"/> Will Seek Own Doctor	Medical Release Signed: _____
<input type="checkbox"/> Hospital	<input type="checkbox"/> Refused Medical Aid	(Attached Copy)

<b>Domestic Violence Arrest Made:</b>	<b>Domestic Violence Charges Pending:</b> _____
<b>Protection/Restraining Order/No Contact Order:</b> _____	
<i>(Attach Copy if Violated)</i>	
<b>Other Charges: Suspect:</b> _____	<b>Charges:</b> _____
<b>Victim:</b> _____	<b>Charges:</b> _____

<b>Photos Taken of Crime Scene:</b> _____	<b>Photos Taken of Victims Injuries:</b> _____
<b>Photos Taken of Suspects Injuries:</b> _____	<b>Follow-up Photos Needed:</b> _____
<b>911 Recording:</b> _____	<b>Copy Requested by:</b> _____
<b>Evidence Collected from:</b> <input type="checkbox"/> Crime Scene <input type="checkbox"/> Hospital <input type="checkbox"/> Victim	<b>*Evidence Stored in:</b> _____
<b>Statements Provided by:</b> <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Witness(s) <input type="checkbox"/> Children	
<b>Indication or Evidence of Sexual Assault:</b> _____	

<b>Current Charges:</b>	<input type="checkbox"/> Simple Assault	<input type="checkbox"/> Aggravated Assault	<input type="checkbox"/> Assault
	<input type="checkbox"/> B Misdemeanor	<input type="checkbox"/> A Misdemeanor	
<b>Prior Domestic Violence Arrest (Suspect):</b> _____	(If yes, attach criminal history)		
<b>Prior Domestic Violence Arrest (Victim):</b> _____	(If yes, attach criminal history)		

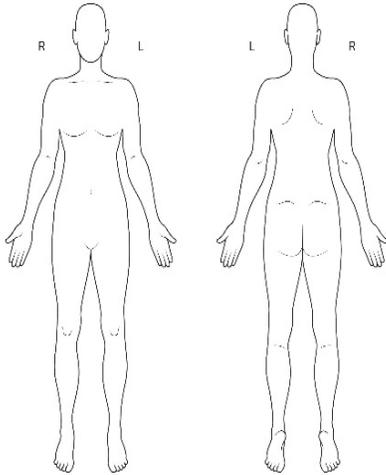
<b>Weapons:</b>	Suspect: _____	Type of Weapon Used: _____
	Victim: _____	Type of Weapons Used: _____
	Weapons Confiscated: _____	Firearms Confiscated: _____

**Children Present during Domestic Violence Incident:**

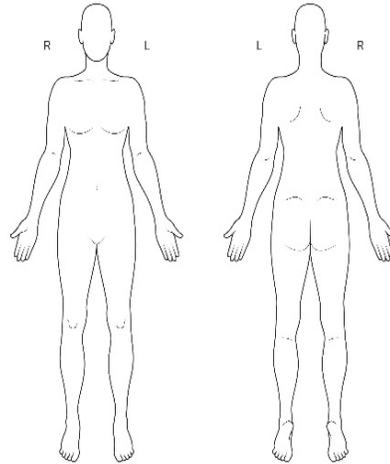
(Enter Name & DOB)


**Mark the locations of any injuries on the diagram  
(Describe what the injuries are)**

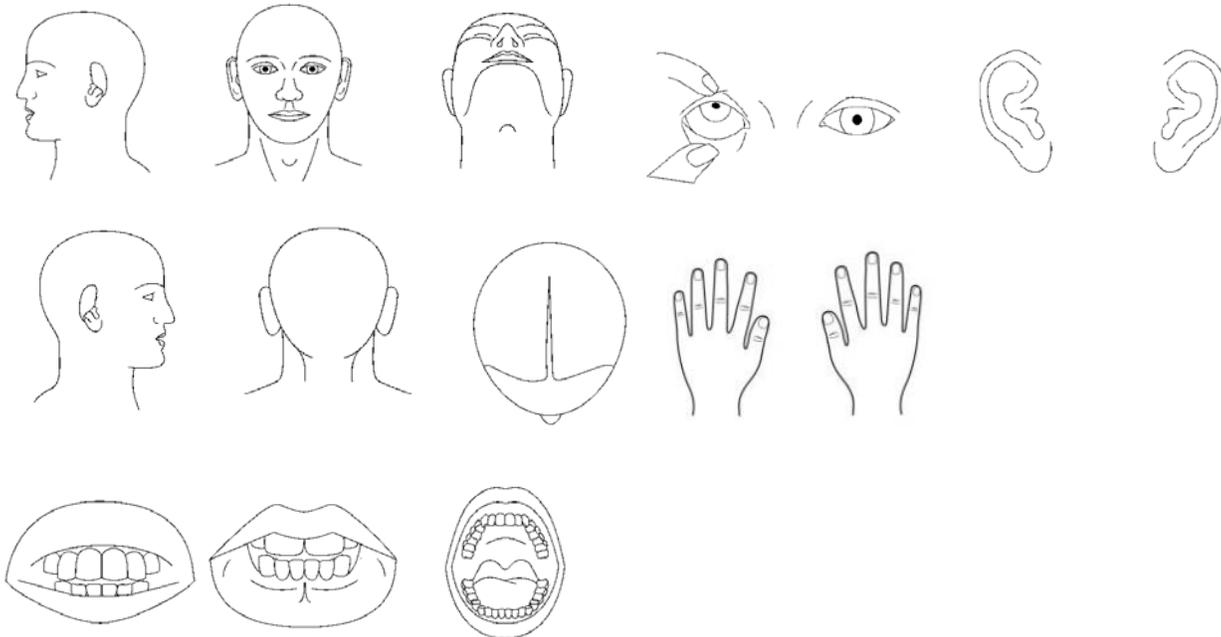
Suspect  or Victim



Suspect  or Victim



**PLEASE MARK OR NOTATE ALL AREAS THAT WERE REPORTED BY THE VICTIM OR OBSERVED BY THE REPORTING OFFICER**



Breathing Changes	Voice Changes	Swallowing Changes	Behavioral Changes	Other
Difficulty Breathing: <input type="checkbox"/>	Raspy Voice: <input type="checkbox"/>	Trouble Swallowing: <input type="checkbox"/>	Agitation: <input type="checkbox"/>	Dizzy: <input type="checkbox"/>
Hyperventilation: <input type="checkbox"/>	Hoarse Voice: <input type="checkbox"/>	Painful to Swallow: <input type="checkbox"/>	Amnesia: <input type="checkbox"/>	Headache: <input type="checkbox"/>
Unable to Breathe: <input type="checkbox"/>	Coughing: <input type="checkbox"/>	Neck Pain: <input type="checkbox"/>	PTSD: <input type="checkbox"/>	Fainted: <input type="checkbox"/>
Other: <input type="checkbox"/>	Unable to Speak: <input type="checkbox"/>	Nausea: <input type="checkbox"/>	Hallucination: <input type="checkbox"/>	Urination: <input type="checkbox"/>
		Vomiting: <input type="checkbox"/>	Combative: <input type="checkbox"/>	Defecation: <input type="checkbox"/>

Face	Eyes & Eyelids	Mouth	Neck	Under Chin/Behind Ears
Red or Flushed: <input type="checkbox"/>	Eyeball Petechiae	Bruising / Bleeding: <input type="checkbox"/>	Redness / Swelling: <input type="checkbox"/>	Abrasions: <input type="checkbox"/>
Pinpoint Red Spots: <input type="checkbox"/>	L or R: <input type="checkbox"/>	Swollen Tongue: <input type="checkbox"/>	Scratch Mark: <input type="checkbox"/>	Bruising (Ears): <input type="checkbox"/>
Scratch Mark: <input type="checkbox"/>	Eye Lids Petechiae	Swollen Lips: <input type="checkbox"/>	Hand Prints: <input type="checkbox"/>	Scratch Marks: <input type="checkbox"/>
Bruising: <input type="checkbox"/>	L or R: <input type="checkbox"/>	Cuts / Abrasions: <input type="checkbox"/>	Bruise(s): <input type="checkbox"/>	Redness: <input type="checkbox"/>
Other: <input type="checkbox"/>	Blood Red Eyes: <input type="checkbox"/>	Other: <input type="checkbox"/>	Ligature Marks: <input type="checkbox"/>	Other: <input type="checkbox"/>
	Other: <input type="checkbox"/>			

**Strangulation (Mechanism/Intent/Symptoms)**

What was used to apply pressure? \_\_\_\_\_ Where was pressure applied? \_\_\_\_\_.

How were your bodies when pressure was applied? \_\_\_\_\_.

Estimate level of pressure (check one)     0    1    2    3    4    5    6    7    8    9    10

How long did it seem to last? \_\_\_\_\_ During the assault, were there multiple incidents? \_\_\_\_\_.

What, if anything, did you do to stop the strangulation? \_\_\_\_\_.

Were you shaken or your head hit against a surface or an object? \_\_\_\_\_.

Has the suspect ever:    Held you face in water/liquid?    Poured water/liquid over your face?

What if anything, did the suspect say during the strangulation? \_\_\_\_\_.

What caused the suspect to stop? \_\_\_\_\_ Has suspect strangled you before? \_\_\_\_\_ # of times \_\_\_\_\_.

How did your body feel? \_\_\_\_\_ How did your head feel? \_\_\_\_\_.

Any change or loss to vision? \_\_\_\_\_ Any change or loss to hearing? \_\_\_\_\_.

Are there any gaps in your memory? \_\_\_\_\_.

Loss of consciousness? \_\_\_\_\_.

Please describe any other symptoms/behavior observed by the officer: \_\_\_\_\_.

Are you pregnant?  no    yes # of weeks \_\_\_\_\_ Is the suspect aware of pregnancy?  yes    no

**RECORDS SECTION COMPLETE THE FOLLOWING:** (Prior 10yrs for misdemeanor arrests / 15yrs for felony)

Prior history of domestic violence (Suspect): \_\_\_\_\_ Yes \_\_\_\_\_ No   If yes, Number of prior incidents: \_\_\_\_\_

Of the SUSPECT prior incidents, how many resulted in SUSPECT arrests (give number): \_\_\_\_\_

Prior history of domestic violence (victim): \_\_\_\_\_ Yes \_\_\_\_\_ No   If yes, Number of prior incidents: \_\_\_\_\_

Of the VICTIM prior incidents, how many resulted in VICTIM arrests (give number): \_\_\_\_\_

\_\_\_\_\_  
**Deputy Signature**

\_\_\_\_\_  
**Unit #**

\_\_\_\_\_  
**Report Date**

\_\_\_\_\_  
**Supervisor**



**DOMESTIC VIOLENCE LETHALITY**  
Screen for First Responders



Case No:	Date:	Deputy:	
Victim:	Victim Phone Number: _____	Victim Address: _____	
Ask Victim, if they consent to the Burleigh County Sheriff's Department in releasing their contact information to the Abused Adult Resource center.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If victim screened in: After advising her/him of high danger assessment, did the victim speak with the hotline advocate?		<input type="checkbox"/> Yes <input type="checkbox"/> Victim Declined	
<input type="checkbox"/> Check here if victim did not answer any of the questions.			
A "yes" response to any of questions 1 - 4 automatically triggers the protocol referral.			
1. Has your partner ever used a weapon against you or threatened you with a weapon?	Yes	No	Not answered
2. Has your partner threatened to kill you or your children?	Yes	No	Not answered
3. Do you think your partner might try to kill you?	Yes	No	Not answered
4. Has your partner ever tried to choke (strangle) you?	Yes	No	Not answered
If yes, has your partner done it more than once?	Yes	No	Not answered
"No" response to questions 1 - 4, but a "Yes" response to at least four of questions 5 - 12, trigger the protocol referral.			
5. Does your partner have a gun or can they get one easily?	Yes	No	Not answered
6. Has the physical violence gotten worse over the past year?	Yes	No	Not answered
7. Is your partner violently or constantly jealous or do they control most of you daily activities?	Yes	No	Not answered
8. Have you left your partner or separated after living together or being married?	Yes	No	Not answered
9. Is your partner unemployed?	Yes	No	Not answered
10. Has your partner ever tried to kill themselves?	Yes	No	Not answered
11. Do you have a child that they know is not your partner's?	Yes	No	Not answered
12. Does your partner follow or spy on you or leave threatening messages?	Yes	No	Not answered
A Deputy may trigger the protocol referral if not already triggered above, as a result of the victim's response to the below question, or whenever the Deputy believes the victim is in a potentially lethal situation. Is there anything else that worries you about your safety? If "yes" What worries you?			
Check One:	<input type="checkbox"/> Victim screened in according to the protocol. <input type="checkbox"/> Victim screened in based on the belief of the Deputy. <input type="checkbox"/> Victim did not screen in.		
<b>Abused Adult Resource Center phone numbers:</b> <b>ADVOCATE ON CALL - (701) 202-7760      (Do not release this number)</b> <b>Daytime 8 AM to 4 PM Monday - Friday - (701) 222-8370</b> <b>After hours and weekends - 866-341-7009</b>			

Adapted from the Maryland Network against Domestic Violence, 2012.

Updated January 2021.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Deputy/Law Enforcement Officer/Employee  
Involved Domestic Violence**

**I. POLICY**

Public confidence in law enforcement is vital to the Burleigh County Sheriff's Department's ability to maintain public safety. The public trusts that law enforcement employees are held to the standards of the law regarding domestic violence. Therefore, the Department will:

1. Promptly respond to allegations of domestic violence by an employee according to this policy and all applicable laws.
2. Give primary consideration to protection of the victim of domestic violence and enforcement of the laws.
3. Respect the due process rights of all employees according to applicable legal precedent.
4. Expeditiously report and conduct thorough investigations into any allegation of a law enforcement employee involved in domestic violence.
5. Train employees and seek to educate their families about intimate violence and avenues for assistance.

**II. PURPOSE**

The purpose of this policy is to establish procedures, protocols and actions for investigating, reporting and responding to domestic violence involving Department employees and law enforcement officers from other agencies and to thereby discourage and reduce acts of domestic violence by Department employees and law enforcement personnel. The development and implementation of this policy underscores the Department's commitment to creating and maintaining a work environment that does not tolerate domestic violence.

**III. DEFINITIONS**

Bodily Injury – means “any impairment of physical condition, including physical pain”.  
N.D.C.C. 12.1-01-04(4)

Dependent Child – means “an individual under the age of eighteen (18) years”. N.D.C.C.  
12.1-35-01(1)

Domestic Violence – includes “physical harm, bodily injury, 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, on the complaining family or household members”. N.D.C.C. 14-07.1-01(2)

Domestic Violence/Sexual Assault Organization – means “a private, non-profit organization whose primary purpose is to provide emergency housing, twenty-four (24) hours crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault”. N.D.C.C. 14-07.1-01(3)

Family or Household Member – means “a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under N.D.C.C. 14-07.1-02”. N.D.C.C. 14-07.1-01(4)

Foreign Protective Order – means “a protection order issued by a tribunal of another state”. N.D.C.C. 14-07.4-01(1)

Immediately Significant Aggressor – means “in the absence of self-defense, the family or household member who has engaged in the most immediately significant aggression by considering certain factors, including the comparative severity of injuries involved and the likelihood of future harm.” N.D.C.C. 14-07.1-10(2)

Intimidation – means unlawful coercion which is compulsion by physical force or threat of physical force. Coercion is intended to restrict another’s freedom of action by: (1) threatening to commit a criminal act against that person, (2) threatening to accuse that person of having committed a criminal act, (3) threatening to expose a secret that either would subject the victim to hatred, contempt, or ridicule or would impair the victim’s credit or goodwill, or (4) taking or withholding official action or causing an official to take or withhold action. It also includes conduct that constitutes the improper use of economic power to compel another to submit to the wishes of one who wields it. Black’s Law Dictionary, 2000

Law Enforcement Officer – means “a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigation of violations of law”. N.D.C.C. 14-07.1-01(6)

Probable Cause – to justify an arrest means facts and circumstances within the law enforcement officer’s knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit (in the case of a threat) a crime. Probable cause is frequently referred to in cases and statutes as “reasonable grounds”. Black’s Law Dictionary, 2000

Protection Order – means “an injunction or other order, issued by a tribunal under the domestic violence or family violence laws of issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual”. N.D.C.C. 14-07.4-01(5)

Self-Defense – means “a person is justified in using force upon another person to defend himself against danger or imminent unlawful bodily injury, sexual assault, or detention by another person”. N.D.C.C. 12.1-05-03 “A person is justified in using force upon another

person in order to defend anyone else if the person defended would be justified in defending himself”. N.D.C.C. 12.1-05-04, 12.1-05-04(1)

State – means “a state of the United States, the District of Columbia, Puerto Rico, the United State Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes Indian tribe or band that has jurisdiction to issue protection orders”. N.D.C.C. 14-07.4-01(7)

Victim – means “a natural person who has suffered direct or threatened physical or emotional harm where there is probable cause to believe that the harm has been caused by the commission of a criminal act”. N.D.C.C. 12.1-34-01(8)

#### **IV. PROCEDURE**

##### **A. Department Actions**

1. Provide pre-hire screening procedures reasonably calculated to disclose whether an applicant for any Department position has a history of domestic violence or child abuse allegations or has been subject to a protection order as defined in N.D.C.C. 14-074-01(5)
2. Maintain ongoing and meaningful relationships with domestic violence/sexual assault organizations in the community.
3. Provide training to Departmental employees as prescribed in N.D.C.C. 14-07.1-14.
4. In response to observed behavior or at the request of the employee, the Department will provide information on programs related to domestic violence causes/prevention, anger-aggression programs or any other referral resource that could mitigate the effects of domestic violence behavior. If domestic violence is suspected, referral to a domestic violence specialist and/or treatment provider is critical.
5. Any employee who becomes aware of domestic violence committed by a Department employee must immediately report that allegation to the commander of the division to which the alleged perpetrator employee is assigned. The reporting employee will treat their information as sensitive and confidential and will not discuss or disclose their information with anyone other than prescribed by policy or in the event of an emergency or the unavailability of the division commander, a supervisor.
6. Employees who disclose that they have personally engaged in criminal acts of domestic violence are not entitled to confidentiality. Such acts shall be investigated in separate administrative and criminal investigations as appropriate.
7. In the event a law enforcement officer from another law enforcement agency is involved in a domestic violence situation, the Department will provide information to the employing law enforcement agency as soon as practical after receipt of a domestic violence or domestic dispute report involving the sworn officer from the employing agency.
8. Provide information on this domestic violence policy to employees and make it available to employee families and the public.
9. Provide victims of domestic violence by Department employees a Department point of contact to assist the victim through the investigation process. Consideration will be given to selecting a point of contact at least one rank higher than the alleged perpetrator employee and the point of contact will not be the investigating deputy.
10. Provide victims of domestic violence by Department employees contact information about public and private nonprofit domestic violence services and information regarding relevant confidentiality policies related to the victim’s information.

11. Respond to Department employees who are known by the Department to be victims of violence. Provide a point of contact and review safety concerns and domestic violence services information with the victim employee.
12. Provide for an impartial administrative investigation and appropriate criminal investigation of all acts of domestic violence allegedly committed by an employee and implement appropriate sanctions when it is found that an employee has committed an act of domestic violence. Administrative investigations may be conducted by the Department or through agreements with other law enforcement entities.
13. Consider whether to relieve a sworn employee of Department issued weapons, equipment and identification, as well as suspending law enforcement powers pending resolution of an investigation.

#### B. Employee Actions

1. Employees are entitled to seek assistance through the Employee Assistance Program, chaplains and/or mental health professionals; however, in situations where family/domestic violence is indicated a referral to a domestic violence specialist/treatment provider is critical.
2. Employees with knowledge or information about any Department employee in violation of this policy must report in writing to the division commander to which the alleged perpetrator employee is assigned as soon as possible.
3. Employees who are victims of domestic violence are encouraged to request assistance.
4. Employees should be alert to the likelihood of victim or witness intimidation and shall immediately take appropriate action. This action will include but is not limited to a report to the appropriate division commander.
5. Employees are expected to fully cooperate with the investigation of allegations under this policy as requested by a supervisor, assigned investigator(s) or by court subpoena.
6. When a law enforcement agency responds to a call in which an employee is alleged to have been involved in a domestic dispute or committed an act of domestic violence, the involved employee must immediately report that law enforcement response to their supervisor. A written report must follow within 24 hours of the time the employee is made aware of the allegation of domestic violence.
7. When an employee becomes the subject of an investigation for child abuse or neglect or becomes subject to an order under N.D.C.C. 14-01.1 or 12.1-31.2 or any equivalent order issued by another state or tribal court, that employee must immediately report the fact to their supervisor.

#### C. Supervisor Actions

1. Supervisors should strive to be aware of behaviors and signs in their subordinates that could be indicative of domestic violence and properly process their observations of such behavior.
2. All Department supervisors are required to see that domestic violence incidents are properly recorded and processed according to this policy.

#### D. Incident Response Protocols

1. Notification of an incident of domestic violence involving any law enforcement officer requires:

- a) A prompt response.
  - b) Full and complete investigation.
  - c) A detailed written report by the Department.
  - d) Notification to the employing agency.
2. Patrol responses to the scene of domestic violence involving law enforcement officers require on scene supervisory presence.
  3. All incidents of domestic violence by Department employees require notification through the chain of command to the Sheriff.
  4. Incidents of domestic violence by other law enforcement agency sworn employees requires notification to the agency head of the employing agency.
  5. In the event of a report of domestic violence alleged to have been committed by the Department head, prompt notification will be made to the Burleigh County State's Attorney.

## **V. PATROL RESPONSE**

- A. Patrol deputies responding to an incident described as domestic violence involving a law enforcement officer will request a supervisory response to the scene.
- B. Deputies will conduct a thorough investigation, which may include, but is not limited to:
  1. Photographs of the crime scene and any injuries identified.
  2. Statements from all witnesses, including children, if any.
  3. Seizure of any weapons used or referred to in the crime.
  4. Signed medical release.
  5. Dispatch records and 911 recordings, if applicable.
  6. Statement of victim.
  7. Statement of subject, if possible.
- C. Deputies shall explain the process for seeking a court order for removal of firearms and/or dangerous weapons as prescribed in N.D.C.C. 14-07.1-02.
- D. The report of such domestic violence situations will be completed prior to the responding deputies going off duty during the shift that the incident happened.
- E. Patrol deputies responding to suspicious circumstances, compelling third party accounts of incidents, unexplained property damaged, etc. or other troubling events involving law enforcement officers will complete written reports of the incident.

## **VI. PATROL SUPERVISOR RESPONSE**

- A. A patrol supervisor shall respond to the scene of any domestic violence incident involving a sworn law enforcement employee regardless of the employing jurisdiction. Supervisors will coordinate information and offer assistance to the employing agency to provide a complete investigation. The officer-on-call shall be notified if there is no patrol supervisor on duty.
- B. The patrol supervisor shall coordinate the investigation, applying appropriate resources and ensuring command notification.
- C. The patrol supervisor will write a report on all incidents whether deemed criminal or not, and route it through the chain of command.
- D. If a Department sworn deputy is arrested, the on scene supervisor will contact the officer on call. The division commander will order the surrender of the arrested deputy's

Department issued weapons and identification. Voluntary surrender of personal weapons for safekeeping may be considered.

- E. If an officer from another law enforcement agency is arrested, the supervisor shall contact that jurisdiction as soon as practical.
- F. The supervisor will endeavor to provide a good faith effort to locate the suspect if there is probable cause for an arrest.
- G. The supervisor will explain to the victim the process for obtaining protection orders and any applicable criminal investigatory and/or administrative investigation process.
- H. The supervisor will provide contact information for domestic violence/sexual assault organizations that provide victim services. The supervisor will also provide a Department point of contact to the victim.

## **VII. ON CALL LEAD**

- A. The on call lead who is notified of an incident covered by this policy will ensure that the Sheriff is notified promptly of such incident.
- B. For incidents involving Department employees:
  - 1. The on call lead should respond to the scene if the situation dictates command presence.
  - 2. The on call lead will order the surrender of the involved employee's duty weapon and identification.
  - 3. These decisions will be forwarded to the Sheriff for review and further action.
- C. For other law enforcement agencies:
  - 1. The on call lead involved will verify command notification of the employing agency.
  - 2. The on call lead will verify that the patrol supervisor has offered assistance with removing weapons and identification.
  - 3. The on call lead will see that the Department provides appropriate reports and any other requested documentation to the employing agency.

## **VIII. ADMINISTRATIVE PROCESS**

- A. The Department will observe and abide by other appropriate policies and procedures generally applicable to the investigation of alleged deputy or employee misconduct. The Department will respect the rights of the accused employee under applicable statutes and/or case law.
- B. Administrative investigations will be conducted by the Administrative Sergeant or designee or by an outside agency as directed by the Sheriff.
- C. Where sufficient information/evidence exists, the Department will make appropriate restrictions to assignments, law enforcement powers, building and records access and consider administrative assignment and/or leave.
- D. Department employees may be ordered to undergo a fitness for duty evaluation or assessment by a qualified and license mental health professional prior to any disposition.

## **IX. VICTIM SAFETY AND NOTIFICATIONS**

- A. Working with community domestic violence/sexual assault organizations, the Department shall make available to the victim:
  - 1. Information on how to obtain protection orders.
  - 2. Assistance with obtaining such orders in coordination with domestic violence/sexual assault organizations.

- B. The Department should coordinate victim notification regarding criminal and administrative investigation processes in order to assist with victim safety and in accordance with N.D.C.C. 12.1-34.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Missing Persons**

### **I. POLICY**

Many missing person reports involve individuals who have voluntarily left home for personal reasons, while other reports are often unfounded or quickly resolved. However, there are many instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The role of the initial responding deputy is critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of the Burleigh County Sheriff's Department that (1) all reports of missing persons be given full consideration and attention by members of this Department to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy, and (2) that particular care be exercised in instances involving missing children and those who may be mentally or physically impaired or others who are insufficiently prepared to take care of themselves.

### **II. PURPOSE**

The purpose of this policy is to establish responsibilities and guidelines for the investigation of missing persons.

### **III. PROCEDURE**

#### **A. Reporting/Classification of missing persons**

1. There is no waiting period for reporting a missing person. Missing person reports shall be taken in person or by telephone in conformance with the criteria of this policy and the criticality of the incident. Reports of people missing from other jurisdictions shall be documented, with the report being forwarded to the proper jurisdiction.
2. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time that is regarded by knowledgeable parties as highly unusual or suspicious in consideration of the subject's behavior patterns, plans or routines.
3. An individual shall be considered "missing-high risk" if their whereabouts are not currently known and the circumstances indicate that the individual may be at risk of injury or death. In addition an individual may be considered "missing-high risk" who meets the foregoing criteria and who, among other possible circumstances:
  - a) May be the subject of foul play;
  - b) Because of age (young or old), may be unable to properly safeguard or care for himself/herself;

- c) Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;
  - d) Is a patient of a mental institution and is considered potentially dangerous to himself/herself or others;
  - e) Has demonstrated the potential for suicide; or
  - f) May have been involved in a boating, swimming or other sporting accident or natural disaster.
4. Reports of juveniles who have voluntarily left home (i.e. runaways) should be classified as such only after thorough investigation.
  5. Based on outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of law enforcement response.
  6. If a person is classified “missing-high risk” the Bureau of Criminal Investigations shall be notified.

#### B. Initial Report Taking

Missing Person reports made to this agency must be received and reported in accordance with N.D.C.C. 12-68-01.

1. The initial report taker must gather as much pertinent information as possible in order to properly classify a missing person report and initiate proper response. This includes the following information:
  - a) Name, age and physical description of the subject and relationship of the reporting party to the missing person.
  - b) Time and place of last known location and identity of anyone accompanying the subject.
  - c) The extent of any search for the subject.
  - d) Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans.
  - e) Whether the individual 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.
  - f) The current physical condition of the subject and whether the person is currently on prescription medication.
2. If the missing person is a child, inquiry should also determine if the child:
  - a) Is or may be with any adult who could cause him/her harm.
  - b) May have been the subject of a parental abduction.
  - c) Has previously run away from home, has threatened to do so or has a history of unexplainable absences for extended periods of time.
3. A supervisor shall be notified upon classification of a report as “missing-high risk”.

#### C. Preliminary Investigation

The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and location of a missing person. This includes gathering the following types of information and materials:

1. Complete description of the subject and a recent photograph.
2. Details of any physical or emotional problems identified in items B-1-e and f of this policy.

3. Identity of the last person(s) to have seen the subject as well as friends, relatives, coworkers or associates who were or may have been in contact with the subject prior to disappearance.
4. Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance.
5. Indications of missing personal belongings, particularly money and other valuables.
6. Any suggestions of foul play or accident.
7. In the case of missing children, deputies shall be particularly cognizant of information that may suggest the potential for parental abduction or the possibility of stranger abduction as well as:
  - a) The presence of behavioral problems;
  - b) Past instances of running away;
  - c) Signs of an abusive home environment or dysfunctional family situation;
  - d) Whether the child is believed to be with adults who may pose a danger; and
  - e) The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.
8. When possible, deputies should gain permission to search a missing child's home and school locker, as appropriate.
9. Upon verification of a missing person, a missing person report shall be completed and appropriate entries made in state and national information databases in accordance with established procedures (e.g. NCIC and the National Center for Missing and Exploited Children).
10. In the case of persons designated as "missing-high risk", a deputy will direct that:
  - a) The dispatcher broadcast all information necessary to identify the missing person, and
  - b) Request additional resources for an area search.

#### D. Ongoing Investigation

Ongoing investigations of missing persons should include, but should not be limited to, the following actions and activities:

1. Request release of dental records and any fingerprints available.
2. Contact hospitals and the coroner's office as appropriate for injured or deceased persons fitting the description of the missing person.
3. Thoroughly check the location at which the missing person was last seen and conduct interviews an appropriate with persons who were with the individual or who may work in or frequent the area.
4. Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors and social case workers, as appropriate, to explore the potential for foul play, voluntary flight or, in the case of juveniles, parental kidnapping or running away.
5. Provide identification and related information to other law enforcement agencies and, if parental or stranger-to-stranger abduction is suspected, the FBI.
6. Decisions to use local media to help locate missing persons shall be made with the approval of the Sheriff and the missing person's family.
7. The lead investigator shall maintain routine on-going contact with the missing person's closest relative concerning progress of the investigation. These and other relevant individuals shall be informed that they must notify the lead investigator as soon as any contact is made with the missing person.

#### E. Recovery of Missing Persons and Case Closure

1. Competent adults, having left home for personal reasons, cannot be forced to return home. Deputies locating such individuals shall:
  - a) Advise them that they are the subject of a missing person investigation.
  - b) Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts.
  - c) Make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.
2. In all cases, reporting parties shall be informed of the well-being of located missing persons. Unless criminal matters necessitate other action, desires of missing persons not to reveal their whereabouts shall be honored.
3. Missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.
4. In cases involving juveniles, deputies shall ensure that:
  - a) The juvenile receives medical attention if necessary in a timely manner;
  - b) Initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible and/or whether an abusive or negligent home environment was a contributory factor; and
  - c) Parents, guardians and/or the person reporting the missing youth are notified in a timely manner.
5. Upon location of a missing person, all agencies and information systems previously contacted for assistance will be notified or updated.
6. Where indicated, follow up action shall include filing of an abuse and neglect report with Burleigh County Social Services.
7. The case report shall include a complete report on the whereabouts, actions and activities of children while missing.
8. Where indicated, criminal charges shall be filed with the Burleigh County State's Attorney's Office.

#### F. Recovery of Unidentified Person/Human Remains

1. All scenes involving deceased unidentified persons and/or human remains will be processed as a death scene.
2. After performing any death scene investigation deemed appropriate under the circumstances, custody of the human remains will be transferred to the North Dakota State Medical Examiner's Office.
3. The North Dakota State Historical Society may become involved in certain cases where it is reasonably certain the human remains may be related to Native American burial sites.

#### G. Silver Alert Activation Criteria

The Silver Alert System's purpose is to locate an individual identified as a disabled adult, a vulnerable elderly adult or a minor who has a developmental disability and has been reported to law enforcement authorities as missing.

Upon the request of a law enforcement agency that is investigating a missing person. To activate a Silver Alert, this missing person report must meet the following criteria:

1. The missing person involves a disabled or vulnerable elderly adult who has been reported to law enforcement as missing; or

2. The missing person involves a minor who has developmental disabilities who has been reported to law enforcement as missing; and
3. There is descriptive information about the minor or adult and/or motor vehicle involved, to assist with the safe recovery of the person; and
4. There is enough usable information about the person and/or vehicle to believe an immediate broadcast will provide the public with enough descriptive information to help locate the person or vehicle.

#### H. Blue Alert Activation Criteria

The purpose of the Blue Alert Notice System, as documented in N.D.C.C. 54.12.32, is to establish a quick response and notice that is issued after an individual 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 or the officer has been abducted or is missing while on duty and the individual has left the scene of the offense.

Upon the request of a law enforcement agency that is investigating an offense against a law enforcement officer, the Bureau of Criminal Investigation shall activate a Blue Alert public notice to aid in the apprehension of an individual who is a suspect in an offense if:

1. An individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
2. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
3. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and
4. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.

#### I. Amber Alert Activation Criteria

The Amber Alert is a partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Broadcasters use the Emergency Alert System (EAS), formerly called the Emergency Broadcast System, to air a description of the abducted child and suspected abductor.

1. The abduction involved a child or children 17 years of age or younger.
2. Confirmation by local law enforcement of a stranger or a family abduction in which the child is believed to be in grave danger of serious bodily harm or death; and
3. Descriptive information about the child, the abductor and/or suspect's vehicle to assist with the safe recovery of the victim and/or the apprehension of the suspect.
4. Is there enough information about the child, suspect and/or suspect's vehicle to believe an immediate broadcast alert will help?

Sheriff \_\_\_\_\_  
 Effective Date \_\_\_\_\_  
 Revised \_\_\_\_\_

## Burleigh County Sheriff's Department Policy and Procedure Missing Children

### I. POLICY

It is the policy of the Burleigh County Sheriff's Department to expeditiously respond to and thoroughly investigate all reports of missing children. Reports of missing children from other jurisdictions shall be documented, with the report being forwarded to the proper jurisdiction. A child who is missing under "unusual circumstances" shall be considered "at risk" until sufficient information to the contrary is confirmed.

### II. PURPOSE

The purpose of this policy is to establish responsibilities and guidelines for this Department's response to reports of missing children.

### III. DEFINITIONS

**Missing Child** – This term refers to a person who is (1) younger than 18 years of age and (2) whose whereabouts is unknown to his or her parents, guardians or responsible party under circumstances that are uncustomary for the child or that would cause reasonable concern.

**Unusual Circumstances** – For purposes of this policy, the term "unusual circumstances" refers to a missing child whose disappearance involves circumstances that would cause a reasonable person to conclude that the child should be considered at risk. Those circumstances include the child being:

1. Out of the zone of safety for his/her age and developmental state;
2. Mentally incapacitated (e.g. developmentally disabled or emotionally disturbed);
3. Medically dependent (e.g. insulin dependent);
4. Drug involved;
5. A potential victim of foul play or sexual exploitation;
6. In a life threatening situation;
7. Reported to law enforcement as missing after a delay on the part of the parents, guardians or other responsible person;
8. Believed to be with adults or older juveniles who could endanger his/her welfare; and/or
9. Absent under circumstances inconsistent with established patterns of behavior.

**Zone of Safety** – The distance a child could travel from the location where last seen before he/she would most likely be at risk of injury or exploitation based on the child's age, developmental stage and related matters.

## **IV. PROCEDURE**

### **A. The First Responder**

The deputy assigned as the first responder to the incident should prioritize and perform as appropriate the following tasks:

1. Unless acting in direct response to the child's safety, respond directly and promptly to the individual who made the initial report.
2. Irrespective of any search that may have been conducted previously by parents or others, verify that the child is missing by conducting a consensual search of the house and grounds to include places where a child could be hiding, trapped or asleep.
3. Conduct interviews with parents or other persons who made the initial report in order to gain insight into the circumstances surrounding the disappearance and gather information needed to conduct an initial assessment of the case.
4. Obtain a detailed description of the missing child, several recent photographs and any recent video tapes as available.
5. Confirm the child's custody status, whether a custody dispute or similar problem exists between the parents, whether a restraining order is in effect or if the child has expressed an interest in living with the non-custodial parent.
6. Determine when, where and by whom the child was last seen; interview those who last saw the child and treat the location as a crime scene.
7. Secure and safeguard the incident scene or place last seen as a potential crime scene. Where possible, take photographs and/or videotape of the incident scene and ensure that personnel do not tamper with potential evidence.
8. Identify any areas of the incident scene or the home that have been disrupted since the child's disappearance. In particular, the child's bedroom, bed, clothing, and related areas and items should be secured and protected until evidence and identification materials such as hair, fingerprints, or bite marks can be collected.
9. Identify the zone of safety for the child's age and developmental stage.
10. Based on available information, make initial determination of the type of case, the need for additional resources and whether the incident should be initially classified as "unusual" as defined in this policy.
11. If the child was abducted, obtain a description of the abductors if available, the mode of travel, vehicle description, and related information and transmit to Dispatch. If the abductor is a family member, obtain photographs of the suspect.
12. Determine the correct NCIC Missing Person File category (disability, endangered, involuntary, juvenile or catastrophe) and request that Dispatch or other authorized personnel promptly enter this into the NCIC File. Family abductions are normally entered as "involuntary" and non-family abductions are entered as "endangered".
13. Fully identify and separately interview anyone at the scene of the disappearance.
14. A thorough home search should be conducted even if the child's disappearance occurred elsewhere. Obtain written permission to conduct the search and, with the assistance of additional personnel, search the residence, out buildings and other structures, vehicles and related property.
15. Prepare a chronological account of actions taken and information obtained from point of contact to relief.

### **B. Supervisor Responsibilities**

Where a child is missing under unusual circumstances, a supervisor will ensure that the following measures are taken:

1. Obtain a briefing from the first responder and other Department personnel at the scene sufficient to determine the scope and complexity of the case and develop an appropriate response. Conduct the briefing away from family, friends and other involved individuals.
2. Ensure that first responder responsibilities, as outlined in the foregoing section, have been fully and properly carried out.
3. Determine if additional personnel and resources are needed to assist in the investigation to include activation of inter-agency response protocols.
4. If necessary, establish a command post (away from the child's residence) to assist in field management of the search and investigation.
5. Appoint a search operations coordinator to organize search efforts. Determine whether tracking dogs are available and if they are appropriate for use under the immediate circumstances.
6. Appoint a media liaison deputy if not yet on hand to deal with media inquiries and, if deemed appropriate, solicit media assistance in locating the missing child.
7. Ensure that all required notifications have been made to include other law enforcement agencies and available community resources.
8. Establish a liaison with the family who can explain law enforcement efforts and work with the family to uncover any information useful to the investigation.
9. Assess the need for additional services and contact the state clearinghouse (State Radio Communications) and the NCMEC to determine what services, if any, can be provided.

#### C. Investigator's Responsibilities

Where a case involves unusual circumstances as defined in this policy, the assigned investigator shall ensure that the following measures are taken:

1. Obtain a briefing from agency personnel at the scene.
2. Verify the accuracy of all descriptive information concerning the child, being alert to facts or statements that may conflict with those obtained by the first responder or supervisor.
3. Canvas the neighborhood as soon as possible to identify and interview residents and others within the "abduction zone". Identify all vehicles parked within the neighborhood.
4. Obtain a general history of recent family dynamics from family members, neighbors, classmates, teachers, school counselors and other persons who may have had close personal interaction with the child and/or family.
5. Conduct in-depth fact finding interviews with all witnesses, friends or relatives of the missing child, teachers, classmates or others who knew and/or routinely interacted with the child, placing particular emphasis on identifying any conflicting information offered by these or other individuals.
6. Review any records generated about the family or child from the Department, social service agencies, schools and related organizations or agencies.
7. Reassess the need for additional resources and specialized services to include specialized search and rescue operations, state resources (e.g. state missing children's clearinghouses), and federal agencies such as the FBI and the National Center for Missing and Exploited Children.
8. If the case is not resolved promptly, update descriptive records and those entered into state and federal missing persons' databases to include dental characteristics, scars,

marks and tattoos, fingerprints and additional articles of clothing, jewelry or possessions not previously itemized.

9. Determine whether a polygraph examination is warranted and request such an examination where indicated for parents, guardians or other persons as appropriate.
10. Monitor media relations to include review of all Department releases to the media to ensure that information is not released that will compromise the investigation.
11. Provide the family with whatever support is possible and appropriate.

#### D. Unidentified Children

A deputy who is assigned to the report of an unidentified person who appears to be a child, whether living or deceased, is responsible for completion of the following tasks, among other responsibilities:

1. Obtain a complete description of the individual.
2. Enter the child's description into the NCIC Unidentified Person File.
3. Utilize available resources to identify the child, to include:
  - a) The National Center for Missing and Exploited Children;
  - b) State missing and exploited children clearinghouse; and
  - c) State medical examiner's office.
4. Once identification has been made, cancel all notifications.

#### E. Recovery and/or Case Closure

A deputy assigned to the recovery or return of a missing child shall complete the following tasks, among his/her other responsibilities:

1. Verify the identity of the returned child as the missing child while assessing the child's safety and gathering available information about possible predators.
2. During the verification process, determine whether intervention services are needed to ensure that the child can safely remain in the homes and ensure that arrangements are made for delivery of these services. These include, but are not limited to: mental health and/or physical health examinations and arrangements for family counseling.
3. Complete designated supplemental reports and cancel all outstanding notifications to include any NCIC Missing Person File entry and the state clearinghouse. Supplemental reports should describe the child's activities while missing and the circumstances of the recovery/return.

#### F. Amber Alert (America's Missing: Broadcast Emergency Response) Alert System

The Department supports the Amber Alert System as developed by the North Dakota Highway Patrol. The attached Amber Alert Activation Procedures details the utilization of the system.

## NORTH DAKOTA AMBER ALERT ACTIVATION PROCEDURES

The following information is the AMBER Alert criteria and activation procedures:

### **Criteria:**

1. Abduction involves a child 17 years of age or younger
2. Confirmation by law enforcement of a stranger or a family abduction in which the child is believed to be in grave danger of serious bodily harm or death; and
3. Descriptive information about the child, the abductor, and/or suspect's vehicle
4. Is there enough information about the child, suspect, and/or suspect's vehicle to believe an immediate broadcast will help?

**(AMBER Alert is not for missing, runaway, or children not home on time, etc. when the above criteria are not met. The above criteria are not just for North Dakota but are fairly universal/similar across the nation with variances on the age of the child. It is stressed nationwide that the criteria be closely followed.)**

### **What should you do, as it pertains to AMBER Alert, if you have a suspected child abduction:**

- When your agency receives the initial report of a suspected child abduction – notify State Radio by phone (328-9921). This early notification helps expedite the process of activating the AMBER Plan should you determine that a child has been abducted.
- If you have a suspected abduction that you believe meets the criteria: Complete the AMBER Alert Request Form and fax to State Radio (328-9926) also phone State Radio (328-9921). **The request form is available on the internet. Go to [discovernd.com](http://discovernd.com) and click on AMBER Alert.** This form is fillable and when completed, simply print and fax to State Radio. It may be beneficial to have a blank form in all squad cars so it is available quickly for field officers if it is ever needed. NOTE: Discard all old activation forms and use only the form now available on the internet.
- An agency from the Bureau of Criminal Investigation will contact the requesting agency to verify or obtain additional information.
- If your request meets the criteria for AMBER Alert, the alert will be issued in Bismarck at the Emergency Operations Center. The alert will go statewide (bordering states and Canada will be notified) through fax and email to the media, use of the Emergency Alert System (EAS), National Weather Service, DOT electronic message signs, 511 System, and state lottery terminals.
- The State Emergency Operations Center will be activated when AMBER is activated. It has the capability, through a bank of 16 phones, to receive tips/leads from the public (toll free number). This is available upon your request. It is still your option to receive tips/leads at your agency or location of your choosing. The EOC is available as an option to assist your agency. The phones at the EOC would be operated by BCI and NDHP personnel with leads and tips forwarded to your agency.
- The State EOC will have representatives from state agencies available to provide assistance and resources from the state level to your agency.

- During an actual AMBER Alert, a photograph of the child, if available, will be posted as soon as possible on the AMBER Alert website at [discovernd.com](http://discovernd.com) (click on Amber Alert).
- If an abducted child is located or for other reasons AMBER Alert is no longer needed, the requesting agency must contact State Radio to cancel the AMBER Alert.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Juvenile Operations**

### **I. POLICY**

To ensure the preservation of public safety, order and to protect the individual liberties of juvenile offenders/non-offenders, deputies of the Burleigh County Sheriff's Department shall use the most reasonable alternative when dealing with juveniles, based on their discretion and the policies and procedures of the Department.

### **II. PURPOSE**

The purpose of this policy is to establish procedures concerning juvenile operations.

### **III. DEFINITIONS**

Juvenile Citation/Referral – As used herein shall mean a Burleigh County Sheriff's Department Juvenile Court "Juvenile Citation Form".

Delinquent Act – As used herein shall mean an act designated as a crime under law, including local ordinances or resolutions of this state or of another state if the act occurred in that state or under federal law and the crime is neither a status offense nor a minor traffic offense.

Juvenile – A person under the age of 18 years.

Child – A person under the age of 18 years and is neither married nor cohabitating with spouse, nor in the military service of the United States.

Police Youth Bureau (PYB) – The Burleigh County Sheriff's Department provides annual funding to PYB to provide diversion type programs.

Status Offense – An offense applicable only to a child, such as runaway or any unruly act as indicated by the North Dakota Century Code.

### **IV. PROCEDURE**

#### **A. Juvenile Contact/Arrest/Citation Process**

Deputies dealing with juvenile offenders shall use the least restrictive among reasonable alternatives, consistent with preserving public safety, order and individual liberty. Based on the circumstances of the specific situation the following are the methods in which youthful offenders/non-offenders shall be dealt with:

1. Release at the scene with a warning.

2. Release to parental guardians while informing them of the juvenile offender's actions with no formal citation issued.
3. Release of juvenile with a report being filed documenting the incident for further investigation or follow up.
4. Referral to PYB.
5. Juvenile is taken into custody in accordance with state law as follows:
  - a) Pursuant to the laws of arrest, a juvenile citation may be issued and the matter referred to Juvenile Court.
  - b) Pursuant to a court order.
  - c) For protective custody.
6. Non-cited juveniles may also be referred directly to PYB by:
  - a) Deputies who believe the juvenile's case is best handled informally.
  - b) Parents or family members.
  - c) Other agencies.

#### B. Juvenile Release Procedures

When a juvenile has been taken into custody, the following shall apply:

1. The juvenile in custody shall only be released to a parent, legal guardian or other responsible adult in accordance with state law.
2. If the deputy is unable to contact the juvenile's parent, legal guardian or other responsible adult, the PYB youth workers on call shall be contacted and will be responsible for coordinating any intervention, placement and/or detention procedure.
3. A PYB youth worker is available to assist the Department on a 24 hour a day basis for crisis intervention.
4. Situations that require the assistance of PYB include, but are not limited to:
  - a) Crisis is evident.
  - b) Juvenile refuses to go home.
  - c) Juvenile is uncooperative.
  - d) Juvenile is a runaway.
  - e) Parent/legal guardian cannot be located.
  - f) Placement is necessary, to include detention.
  - g) Immediate follow up is necessary.
  - h) An abusive situation exists where questions may be raised in regard to contacting the Burleigh County Social Services Child Protection Unit.
  - i) Juvenile is arrested for a felony violation.
  - j) Juvenile is a suspect in a violent misdemeanor situation.
5. For situations requiring detention, PYB shall be called to assist. This includes juveniles from outside Burleigh County.
6. Between 0800 to 1700 hours on Monday through Friday (excluding holidays) all juveniles may be brought directly to PYB's office located in the Bismarck Police Department (700 South 9<sup>th</sup> Street) if assistance is required. The youth worker on call shall be contacted for situations occurring at other hours.

#### C. Citation/Referral/Detention Procedures

1. If sufficient probable cause exists and the juvenile is at least 10 years old and under 18 years of age, a juvenile citation/referral shall be issued for all delinquent offenses, status offenses and traffic offenses as defined in N.D.C.C. 27-20-02. The juvenile may be eligible for diversion based on criteria established by Juvenile Court.

2. When a deputy encounters a juvenile whom it is believed committed a status offense, delinquent offense, traffic offense or is in need or protective custody, the following procedure shall be adhered to:
  - a) Status, delinquent or traffic offenses – the deputy shall exercise one of the alternatives listed in Section IV of this policy.
3. A juvenile who has been detained or taken into custody and cited for an offense may be released at the scene:
  - a) If the offense is a non-criminal traffic citation and the juvenile possesses a valid operator's license or permit, or has possessed a valid operator's license or permit in the past; or
  - b) If the subject is 14 to 21 years old and violates N.D.C.C. 12.1-31-03(2) regarding tobacco prohibitions by minors, the deputy may issue a Uniform Traffic Complaint and Summons. The violation is entitled "underage tobacco possession" and the statutory fee is \$25.00. The North Dakota Century Code section is 12.1-31-03(2). The court date is 14 days from violation date and the option to forfeit the statutory fee or contest the citation will be explained to the juvenile by the citing deputy. The juvenile may elect to forfeit the \$25.00 fee by paying the District Court Clerk within the 14 day time period. The juvenile may wish to contest the violation by informing District Court of their intention within the 14 day time period. The deputy who cited the juvenile is responsible for notifying the juvenile's parents or legal guardians. This is accomplished by completing the Parent Notification Form. This form is then sent to the parents or legal guardians by the citing deputy. If subject is 18-20 years old a letter does not need to be sent to parents/legal guardian. School notifications are completed by forwarding a copy of the citation to PYB. In situations where the juvenile is under the age of 14 years, they may be released to their parents/legal guardians or school officials, whichever is applicable. A deputy may issue a juvenile citation for "underage tobacco possession" to any minor between the ages of 7 to 13 who violates N.D.C.C. 12.1-31-03(2).
  - c) If the violation is a class B misdemeanor and the following criteria are met:
    - i. The juvenile has a form of identification.
    - ii. The juvenile is being cooperative; and
    - iii. The juvenile's parents/legal guardians are present and cooperative.
4. Juveniles who are not released at the scene shall be taken into custody according to the following:
  - a) The arresting deputy shall check NCIC status of the arrested juvenile, and the juvenile may only be questioned in accordance with the procedures outlined later in this policy.
  - b) The juvenile shall be transported to the Department or other facility without delay for intake procedures except for the following situations:
    - i. The juvenile is in need of emergency medical treatment; or
    - ii. A court order exists for immediate placement at a licensed detention or placement facility or psychological facility.
  - c) The juvenile's parent(s) or legal guardian(s) shall be contacted as soon as possible upon arrival at the Department or other facility as listed above to notify them of the fact the juvenile is in custody. The parents/legal guardians shall be requested to respond to the Department or other facility to assume custody of the juvenile as necessary; or

- d) The juvenile shall receive a juvenile citation for the offense (a separate citation must be issued for each offense). The juvenile and his/her parent(s) or legal guardian(s) shall be informed that the citation and report will be routed to Juvenile Court and the Court shall notify them of the appearance date or whether the case will be handled by PYB.
5. A deputy may encounter situations where there is child abuse, neglect or other cause for immediate intervention due to the following:
- a) The child was physically or sexually abused;
  - b) The child appears to be too young or immature to be left unsupervised or alone;
  - c) The child is too young or not capable of properly supervising other younger children that he/she was placed in charge of;
  - d) During the investigation of a domestic disturbance the deputy assesses some concern for the safety of the children in the home; or
  - e) Any other situation where a deputy feels intervention may be necessary to ensure a child's safety.
    - i. If a situation where immediate intervention is deemed necessary due to the existence of a situation as listed above, the investigating deputy shall contact and advise a supervisor or officer on call of the facts and circumstances of the situation and that intervention is necessary. The deputy shall also advise if he/she feels immediate removal of the child(ren) is necessary based on observations at the scene. Burleigh County Human Service Zone will be contacted and in such situations their assistance will be requested. The supervisor and/or officer on call shall also authorize immediate removal of the child(ren) if conditions are such that the child(ren) is in immediate danger from the surroundings (N.D.C.C. 27-20-13(1)(c)). If removed, the child(ren) shall be immediately transported to the Department of Social Services. Social Services is then responsible for protective custody procedures concerning the child(ren).
    - ii. Photographs and evidence collection are the responsibility of the investigating deputy.
    - iii. The investigating deputy will complete a report and also a Suspected Child Abuse and Neglect Report (SF960) concerning this case. Confidentiality of these reports shall be maintained in accordance with state law (N.D.C.C. 50-25.1-11) and copies of these reports will be routed to Burleigh County Social Services.

#### D. Custodial Interview Process

It is often necessary to conduct custodial interviews of juveniles who are suspected of having involvement in a criminal offense. In such situations the following shall apply:

1. The juvenile may only be interviewed while a parent or legal guardian is present.
2. The interviewing deputy shall confer with the parent(s) or legal guardian(s) prior to the interview and out of the presence of the juvenile if possible and explain the circumstances of the case and why the juvenile is being interviewed concerning the case.
3. The interviewing deputy shall advise the juvenile of his/her Constitutional Rights (Miranda Warning) and the juvenile and his/her parent(s) or legal guardian(s) must waive those rights before the juvenile may be interviewed. The Statement of Rights Form or audio recording device of the Miranda Warning should be utilized to ensure understanding and provide necessary documentation.

4. Only one deputy/investigator shall interview a juvenile at any one time. If it is necessary and appropriate for an additional deputy/investigator to assist with an interview, deputies shall consult with a supervisor or officer on call. At no time shall more than two deputies/investigators interview a juvenile at the same time. Deputies shall also take into consideration the following factors that shall be used to determine the length of the interview:
  - a) The age of the juvenile.
  - b) The juvenile's maturity level.
  - c) The time of the day/night.
  - d) The personal needs of the juvenile (i.e. use of restrooms, access to food/water).
  - e) The nature and/or number of offenses.
  - f) The type of interview.
  - g) The concerns of the parent(s)/legal guardian(s).
5. The interviewing deputy shall explain the Department and juvenile justice system procedures that will apply to the case of the juvenile who is being interviewed.

E. Restrictions/Confidentiality Issues

1. Fingerprints and photographs – N.D.C.C. 27-20-53 establishes specific requirements and restrictions on the collection and retention of fingerprints and photographs of juveniles. All deputies/personnel of this Department will comply with these requirements and restrictions.
2. Other forms of identification which includes physical samples from the suspect such as hair, blood, urine, nails, breath or handwriting samples may at times be needed in an investigation. These forms of identification shall be obtained in compliance with the requirements established for collection of such from adults.
3. The following restrictions and special requirements shall apply concerning the collection, dissemination and retention of records pertaining to juveniles:
  - a) Law enforcement records and files concerning juveniles shall be kept separate from records and files of arrests of adult subjects as required by N.D.C.C. 27-20-52.
  - b) Records pertaining to juveniles will be sealed upon orders of the court as specified in N.D.C.C. 27-20-54.
  - c) Those juvenile records of a juvenile who has reached adult age shall continue to be retained in the separate juvenile records files and will be sealed upon receipt of a court order as specified in N.D.C.C. 27-20-54.
  - d) Access to juvenile records is on a need to know basis only and is further restricted to only certain parties as specified in N.D.C.C. 27-20-51.

F. Lost or Runaway Children

Lost or runaway children shall be entered into NCIC as soon as practical. NCIC criteria for a juvenile is a person under the age of 18 who is believed to be, or a high probability exists that he/she is lost, or a runaway child and/or a missing person. Follow up will commence immediately in an effort to recover and return the child(ren). If additional resources are needed a supervisor or officer on call will be contacted, the situation explained and a determination made.

G. Emergency Detention/Temporary Placement

1. Requests for transportation of juveniles for emergency detention by parents, legal guardians and/or a human services professional to help transport a juvenile to

emergency detention or psychiatric placement in accordance with N.D.C.C. 25-03.1-25, the following procedures will be utilized:

- a) The transportation for Emergency Detention Form must be completed and signed.
  - b) Parents, guardians and/or other involved professionals must be informed of transport protocol to ensure that appropriate methods of transportation will be used to provide for the security and safety of those involved (i.e. use of restraint devices).
  - c) Transport or assist in the transport to the designated facility.
2. When a juvenile is taken into custody and a determination is made that there is a need for temporary placement the following procedures should be followed:
- a) The Police Youth Bureau will be contacted and will assist in the coordination of placement. The deputy shall complete the Juvenile Court Placement Checklist.
  - b) Ensure the necessary forms/reports are completed.
  - c) Involved or transporting deputy will ensure that juveniles have been searched and attempt to ensure the safety of those involved (i.e. use of restraining devices).
  - d) Transport to the appropriate facility.
  - e) Release procedures will be directed/determined by the Police Youth Bureau and/or Juvenile Court.

#### H. Pick Up and Hold Orders Required

At times 18 year olds or older subjects remain under the authority of the Division of Juvenile Services. These older subjects cannot be entered into NCIC as a runaway. An attempt to locate (ATL) message can be sent via teletype but only a welfare check can be completed and under no circumstances a detention will occur. Deputies handling cases involving 18 year olds or older who fail to comply with formal restrictions (curfew, etc.) and who under DJS authority will advise DJS that a Pick Up and Hold Order will be required prior to detaining such subjects. The Pick Up and Hold Order will allow law enforcement to detain subjects and a complete report will go to the Burleigh County State's Attorney for review.

## **Juvenile Contact – Statutory References**

N.D.C.C. 27-20-02	Definitions
N.D.C.C. 12.1-31-03	Sale of Tobacco/Use by Minors
N.D.C.C. 27-20-13	Taking Into Custody
N.D.C.C. 50-25.1-11	Confidentiality
N.D.C.C. 27-20-51	Inspection of Court Files and Records
N.D.C.C. 27-20-51.1	Disclosure of Information Needed to Apprehend Juvenile
N.D.C.C. 27-20-52	Law Enforcement and Correctional Facility Records
N.D.C.C. 27-20-53	Children's Fingerprints/Photographs
N.D.C.C. 25-03.1-25	Detention or Hospitalization – Emergency Procedure

**PARENTAL REQUEST FOR TRANSPORTATION FOR EMERGENCY DETENTION**

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

I, \_\_\_\_\_, request the \_\_\_\_\_  
(Parent, Legal Guardian and or/Human Service Professional) (Law Enforcement Agency)

to take \_\_\_\_\_, DOB \_\_\_\_/\_\_\_\_/\_\_\_\_, into custody and assist in  
(Juvenile)

transporting to \_\_\_\_\_  
(Facility Address City State)

for Emergency Detention in accordance to NDCC 25-03.1-25 and whereby the parent/legal guardian believes that the juvenile may cause serious physical injury to self and/or others if not immediately detained.

REASON FOR REQUEST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_ authorize the \_\_\_\_\_  
(Parent, Legal Guardian and/or Human Service Professional) (Law Enforcement Agency)

To transport in accordance to Department Policy and to use appropriate methods to secure the safety of all those involved.

REFERRING HUMAN SERVICE PROFESSIONALS: NAME \_\_\_\_\_  
Physician ADDRESS \_\_\_\_\_  
Psychiatrist \_\_\_\_\_  
Psychologist PHONE \_\_\_\_\_  
Mental Health Professional \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
(Parent(s), Legal Guardian, Human Service Professional)

\_\_\_\_\_ Date \_\_\_\_\_  
(Witness)

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Transportation of Prisoners**

### **I. POLICY**

Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of the Burleigh County Sheriff's Department to take the precautions necessary while transporting prisoners to protect the lives and safety of the public, deputies and detention officers and the person in custody.

### **II. PURPOSE**

To establish Department procedures that will provide for the safety and security of the public, deputies/detention officers and the person in custody.

### **III. DEFINITIONS**

Prisoner – For the purposes of this policy, prisoner shall mean any person that has been arrested, detained or taken into protective custody.

Transport Vehicle – For the purposes of this policy, a transport vehicle shall be any vehicle authorized by the deputy/detention officer to provide transportation to prisoners.

Department – The Burleigh County Sheriff's Department and/or Burleigh Morton Detention Center.

Transport Officer – Any deputy or detention officer providing custody during movement of prisoners.

### **IV. PROCEDURE**

#### **A. Searching Prisoners and Vehicles**

1. All arrested persons will be thoroughly searched by the transport officer(s) prior to being placed in the transport vehicle.
2. While a same-sex search is ideal, that is not always possible or practical. Ensuring the safety of both transport officers and the public outweighs gender concerns at an arrest. A transport officer of either sex may search a subject of either sex. This search will be conducted in a professional manner. If a deputy of the same sex is not available, the deputy will pat search using the back of his/her hand while searching the genital areas of males and females, and the breast area of the female. Whenever it is believed that a prisoner is concealing a weapon or contraband on his/her person, a search should be made regardless of gender. The reasonableness of the deputy's

conduct in searching a prisoner of the opposite sex depends on the exigency warranting the search and the intrusiveness of the search.

3. Department vehicles being used for transport will be thoroughly searched for contraband by the transport officer prior to placing prisoners inside the vehicle. The vehicle shall be searched again after the prisoner has been delivered to his/her destination.

#### B. Transportation

1. Department vehicles equipped with a protective security screen shall be utilized for transport of prisoners.
2. Under unusual circumstances, a vehicle not equipped with a protective security screen may be used for transport of prisoners. When a non-screened vehicle is utilized to transport prisoners, two transport officers should be utilized, if possible.
3. Transport officers shall not engage in unrelated enforcement activities while transporting prisoners unless failure to act would risk death or serious bodily injury to another. In non-life threatening yet serious situations, transport officers may call for backup and may remain on hand until such assistance has arrived.

#### C. Control of Prisoners

1. For safety concerns, prisoners must be under constant observation. Except for normal operations of vehicles, transport officers should maintain sight of the prisoner under their control.
2. Transport officers shall remain with and not lose sight of the prisoner unless the prisoner has been secured in a suitable holding area.
3. The transport officer will not allow prisoners to communicate with other people while in transit unless the situation requires it. The transport officer may use his/her judgment when deciding whether to allow a conversation to take place between the prisoner and another party. Any person desiring to communicate with the prisoner may be directed to contact the prisoner after they have reached their destination.
4. At medical facilities, the transport officer shall maintain custody of the prisoner during treatment at the medical facility. If the prisoner is admitted to the hospital, the transport officer shall notify his/her supervisor or the officer on call in the event the prisoner is admitted to the hospital.

#### D. Use of Restraints

1. Restraining devices shall be used on all prisoners during transport except when the use of such devices is impractical. The transport officer may make this decision based upon his/her knowledge of the situation. The transport officer may use his/her discretion in utilizing restraint devices on prisoners who are sick or injured. Medically confirmed pregnant inmates shall not be restrained except in exigent circumstances. The use of restraints on a female who is in active labor and delivery is prohibited.
2. Restraining devices that are available, but not limited to, are handcuffs, transport waist belts and chains, leg-irons, flex-cuffs and leg braces.
3. When a prisoner is handcuffed in front, the use of a waist belt or chain shall be employed. The transport officer may handcuff a prisoner in front without using a waist belt or chain if there is a clear medical or physical reason not to.
4. Leg irons will be utilized when transporting inmates from a facility.

#### E. Prisoner Escape

1. If during the course of a prisoner transport, the prisoner should escape from custody, the transport officer will immediately notify Dispatch of the escape. The transport officer will attempt to recapture the prisoner.
2. Under no circumstances shall the supervision of other prisoners be relaxed to pursue an escaping prisoner.
3. The transport officer will relay to Dispatch the prisoner's name, location, physical description, clothing description, direction of travel, possible weapons and charges.
4. If the escape occurs in a different jurisdiction, the transport officer will make a report with that jurisdiction and immediately provide the local jurisdiction a summary of the situation including description, location, direction of travel, possible weapons and charges.
5. The transport officer shall notify his/her supervisor or the officer on call as soon as practical to inform the supervisor as to the situation.
6. If a prisoner attempts to escape from custody, the transport officer shall summon assistance and provide the officer's location.
7. A written report will be completed for all response to resistance situations, escapes and attempted escapes using appropriate report forms.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department**  
**Policy and Procedure**  
**R-E-A-C-T System Band-It Restraint Device**  
**Reporting Requirements**

**I. POLICY**

It is the policy of the Burleigh County Sheriff's Department to authorize personnel on the use of the R-E-A-C-T Band-It restraint device in the execution of their duties. This authority comes from legal precedence and resulting training requirements.

**II. PURPOSE**

The R-E-A-C-T Band-It restraint device has been adopted to provide a safe, effective restraint device for use in court with high risk defendants or during transportation details. The device can also be used in other custody situations to reduce the need for physical force needed to effectively control combative prisoners or prisoners who may attempt to escape, while reducing the likelihood of injuries to all involved parties including, but not limited to, innocent bystanders.

**III. DEFINITION**

R-E-A-C-T System Band-It Restraint Device – a remotely operated electronic restraint device which produces an electronic shock for eight continuous seconds that can disorient, temporarily immobilize and stun a person without causing permanent injury.

**IV. PROCEDURE**

- A. No deputy may operate the R-E-A-C-T System Band-It in daily maintenance or regular use unless that deputy has completed the prescribed training on the use of the device. Nor shall he/she relinquish control of the device to untrained personnel.
- B. Each deputy responsible for maintaining the device shall exercise due care in ensuring that the batteries are charged and replaced as necessary.
- C. No deputy shall attempt to alter or repair the device (other than changing the battery) without contacting the factory personnel.
- D. Deputies shall only use the device in accordance with the training they receive.
- E. Usage Criteria
  - 1. Before applying device:
    - a) An operational check of the Band-It is completed.

- b) The Prisoner Notification form is filled out.
- 2. Applying the device:
  - a) The Band-It shall be placed on the subject in accordance with the training received.
- 3. The device may be used, but is not limited to, the following situations:
  - a) Any outburst or quick movement.
  - b) Any hostile movement.
  - c) Any tampering with the system.
  - d) Any attempt to escape custody.
  - e) Any overt act against any person within a 50 foot vicinity.

The subject should be controlled (handcuffed/restrained) as soon as practical when the device is activated. Subsequent activation may be used on the subject if he/she is actively resisting or attempting to escape.

#### F. Deputy Response

- 1. Deputies shall deploy the Band-It in the manner in which they were trained and in accordance with the Department Response to Resistance policy.
- 2. The effects of the Band-It vary among individuals. Therefore, all subjects shall be restrained (handcuffed) after the use of the Band-It. Also, a deputy should be prepared to employ other means to control the subject to include, if necessary other force options consistent with Department policy if the subject does not comply with the Band-It and otherwise cannot be secured.
- 3. Deputies shall be alert to any indications that the subject needs medical care. This includes but is not limited to breathing difficulties, gagging, profuse sweating and loss of consciousness. Upon observing these or any other medical problems, the deputy shall summon emergency medical aid. No subject shall be denied medical care.
- 4. Deputies shall complete a Response to Resistance Report after an incident as well as a Uniformed Crime Report.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Sex Offender and Offender Against Children  
Monitoring and Public Notification**

**I. POLICY**

It is the policy of the Burleigh County Sheriff's Department to monitor the registered sexual offenders and offenders against children living within rural Burleigh County. This monitoring will confirm the accuracy of the registration information. Public notifications of sexual offenders and offenders against children information and location will be made as needed, based on the individual offender classification and/or other relevant factors that mitigate public safety concerns.

**II. PURPOSE**

To ensure compliance with sexual offenders and offenders against children registration requirements and to provide a consistent method of monitoring such offenders. Provide information to the public to facilitate informed decisions on safety.

**III. DEFINITION**

Registered Sex Offenders and Offenders against Children – Anyone required by law to register with the local law enforcement agency where the individual resides or is temporarily domiciled.

**IV. PROCEDURE**

- A. A deputy assigned to the Investigations Section will be tasked with maintaining a working file on all registered sexual offenders and offenders against children living within rural Burleigh County. All registered sexual offenders and offenders against children are provided to the deputy by the Bureau of Criminal Investigations. The working files are provided through the Criminal Justice Information Sharing (CJIS) page – Registered Offenders link.
- B. The Bureau of Criminal Investigations depicts when registered sexual offenders and offenders against children are to register with the Burleigh County Sheriff's Department based on that offender's risk level. These are done so quarterly.
- C. The deputy will complete residence and employment verifications as provided by the Bureau of Criminal Investigations. The verifications are done so quarterly and are based on the offender's risk level. Residence verifications are to be done with home visit contact with the offender.

D. The deputy will document all registrations, home visits, residence verifications and employment verification in the working files in accordance with the Attorney General's offender registration program.

**V. PUBLIC NOTIFICATION**

Information will be released pursuant to N.D.C.C. 12.1-32-15(13) which requires law enforcement agencies to disclose to the public relevant and necessary registration information when an offender registered under this section is a public risk and disclosure of the registration is necessary for public protection.

Public notification will be determined by information received from the North Dakota Bureau of Criminal Investigation. The offender will be assigned a risk level reported on form SFN #53188. Rankings range from low, moderate to high. Registered offenders with an assigned risk level of moderate or high will be subject to public notification.

Once the offender's risk level has been established through BCI, the Investigations Sergeant will review potential public notifications with the Enforcement Division Major as to whether public notification is appropriate.

If public notification is deemed necessary, the Enforcement Division Major will forward this recommendation to the Sheriff for review, final review and the extent of notification.

Copies of any and all information released through flyers, media notifications, public news releases or records of any public meetings held as a means of notifying the public of the status of an offender will be maintained in the offender's file.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Communicable Disease**

### **I. POLICY**

It is the responsibility of the Burleigh County Sheriff's Department to ensure that its employees are able to perform their duties in a safe and effective manner. The safe performance of daily operations can be threatened by life-endangering communicable diseases. Therefore, it shall be the policy of this Department to provide employees with up-to-date information that will assist in minimizing potential exposure, while increasing employee understanding of the nature and potential risks of the disease.

### **II. PURPOSE**

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

### **III. DEFINITIONS**

Body Fluids – Liquid secretions including blood, semen, vaginal or other secretions that might contain these fluids such as saliva, vomit or urine.

Exposure – Any contact with body fluids including, but not limited to: direct contact with skin, eyes, nose and mouth, and through needle sticks.

### **IV. PROCEDURE**

#### **A. Communicable Disease Prevention**

1. In order to minimize potential exposure, deputies should assume that all persons are potential carriers of a communicable disease.
2. Disposable gloves shall be worn when handling any persons, clothing or equipment with body fluids on them.
3. Where possible and appropriate, masks, protective eyewear and coveralls should be worn where body fluids may be splashed on the deputy.
4. Plastic mouthpieces or other authorized barrier/resuscitation devices shall be used whenever a deputy performs CPR or mouth-to-mouth resuscitation.
5. All sharp instruments such as knives, scalpels and needles shall be handled with extraordinary care.
  - a) Deputies should not place their hands in areas where sharp instruments might be hidden. An initial visual search of the area should be conducted, using a flashlight where necessary. The suspect may also be asked to remove such objects from his/her person.

- b) Needles should not be recapped, bent, broken or removed from a disposable syringe, or otherwise manipulated by hand. Needles shall be placed in a puncture-resistant container when being collected for evidentiary or disposal purposes.
6. Deputies should not smoke, eat, drink or apply cosmetics near body fluid spills.
7. Items contaminated with body fluids will be dried, double-bagged in plastic bags, if not considered evidence and marked to identify potential or known communicable disease contamination.

#### B. Transport and Custody

1. Where appropriate protective equipment is available, no deputy shall refuse to arrest or otherwise physically handle any person who may have a communicable disease.
2. Deputies should not put their fingers in or near any person's mouth.
3. Individuals with body fluids on their persons shall be transported in separate vehicles from other individuals after appropriate medical treatment by paramedics or other qualified medical personnel. The individual may be required to wear a suitable protective covering if he/she is bleeding or otherwise emitting body fluids where reasonable or possible.
4. Deputies have an obligation to notify other personnel during a transfer of custody when the suspect has body fluids present on his/her person.
5. Suspects taken into custody with body fluids on their persons shall be placed directly in a designated holding area for processing and should change into uncontaminated clothing where reasonable/possible.
6. Deputies shall document in the report when a suspect taken into custody has body fluids on his/her person.

#### C. Disinfection

1. Any unprotected skin surfaces that come into contact with body fluids shall be immediately and thoroughly washed with soap and hot water.
  - a) Alcohol or antiseptic towelettes may be used where soap and water are unavailable.
  - b) Disposable gloves should be rinsed before removal. The hands and forearms should then be washed.
  - c) Hand lotion should be applied after disinfection to prevent chapping and to seal cracks and cuts on the skin.
  - d) All open cuts and abrasions shall be covered with waterproof bandages before the employee reports for duty.
2. Employees should remove clothing that has been contaminated with body fluids as soon as practical. Any skin area that has come into contact with this clothing should then be cleansed in the prescribed fashion. Contaminated clothing should be handled carefully and laundered separately.
3. Disinfection procedures shall be followed whenever body fluids are spilled or an individual with body fluids on his/her person is transported in a Department vehicle.
  - a) Arrangements will be made for the vehicle to be taken to the service center as soon as possible.
4. Non-disposable equipment and areas upon which body fluids have been spilled shall be disinfected as follows:
  - a) All body fluids should first be removed with absorbent materials.
  - b) The area shall be cleansed with a hospital-grade disinfectant.

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

#### D. Supplies

1. Communicable disease control supplies shall be made available.
2. Protective gloves, other first-aid supplies and disinfecting materials will be made readily available.
3. All Department vehicles should be stocked with the following communicable disease control supplies:
  - a) Clean coveralls in appropriate sizes.
  - b) Disposable gloves.
  - c) Puncture-resistant containers and sealable plastic bags.
  - d) Barrier resuscitation equipment, goggles and masks.
  - e) Disposable towelettes (70 percent isopropyl alcohol).
  - f) Waterproof bandages.
4. Employees who use supplies stored in Department vehicles are responsible for replacing them.
5. Employees should keep disposable gloves in their possession while on duty.

#### E. Line of Duty Exposure to Communicable Diseases

1. Any employee who has been bitten by a person, stuck by a needle or whose wounds and/or body orifices (i.e. eyes, nose, mouth, etc.) have had physical contact with body fluids of another person while in the line of duty shall be considered to have been exposed to a communicable disease.
2. A supervisor shall be contacted and all appropriate duty injury and medical forms shall be completed.
3. Immediately after exposure, the deputy/detention officer shall report to the appropriate health care facility for clinical and serological testing for evidence of infection.
  - a) The Department shall ensure continued testing of the deputy for evidence of infection and provide psychological counseling as determined necessary by the health care official.
  - b) Unless disclosure to an appropriate Departmental official is authorized by the deputy or by state law, the employee's test results shall remain confidential.
4. The Burleigh County State's Attorney's Office shall be consulted on obtaining a court order regarding any person responsible for potentially exposing the employee to a communicable disease to submit to appropriate testing to determine if the person has a communicable disease.
5. Employees who test positive for a communicable disease may continue working as long as they maintain acceptable performance and do not pose an additional safety and health threat to themselves, the public or members of the Department.
  - a) The Department shall make all decisions concerning the employee's work status solely on the medical opinions and advice of the Department's health care officials.
  - b) The Department may require an employee to be examined by a physician to determine if he/she is able to perform his/her duties without hazard to himself/herself or others.

6. All personnel shall treat employees who have contracted a communicable disease with fairness courtesy and dignity.

F. Record Keeping

The Department shall maintain written records of all incidents involving employees who have potentially been exposed to communicable diseases while acting in the line of duty. The records shall be stored at the Burleigh County Human Resources Department in a secured area with limited access and maintained in conformance with applicable privacy laws.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Evidence Handling**

### **I. POLICY**

It is the policy of this Department that all evidence seized, found abandoned or confiscated be handled in accordance with North Dakota Rules of Evidence Rule 101 and North Dakota Rules of Criminal Procedures, Rule 26.

### **II. PURPOSE**

Evidence/property handling must be done in accordance with the law, legal rulings and acceptable practices to ensure the integrity of the evidence/property is maintained. The purpose of this policy is to provide direction and guidance in handling evidence/property.

### **III. DEFINITIONS**

Abandoned Property – Includes all property left intentionally in a place or area within Burleigh County and is received by the Department for investigation and/or disposal of.

Found Property – Includes property that could not be properly classified as abandoned but is found in a place or area within Burleigh County and is received by the Department for investigation and/or disposal of.

Stolen Property – Includes property recovered through the investigation of a theft.

Evidence Property – Includes all property obtained through the investigation of a crime.

Confiscated Property – Includes all property obtained without the consent of the person from who it is taken and is retained for investigation, court proceedings and/or disposal.

Contraband – Is illegal or prohibited goods or merchandise.

### **IV. FACILITIES**

The Department maintains three storage areas for property received that is abandoned, found, stolen, evidence or confiscated.

- A. Evidence/Property Room – The evidence/property room is located in the basement of the Department.
- B. Secure Garage Storage – The Department maintains a garage facility on the grounds of the Burleigh County Sheriff's Department East compound. This building is utilized for temporary storage of large items.

- C. Impound Storage Facility – Attached to the garage facility is a fenced area which is utilized for the storage of large items.

## **V. PROCEDURE**

- A. All abandoned, stolen, evidence, found or confiscated property/items received by the Department will be appropriately inventoried, packaged and labeled by the case deputy. This means property/items which can be packaged in envelopes, sacks, boxes or preferable heat sealed evidence bags, will be. All property/items will be labeled using the evidence tags or evidence tape supplied by the Department. No staples will be used to seal any evidence bags.
- B. Property/items received will be listed and itemized on the RMS evidence voucher. If additional space is needed, a Department Follow Up/Continuation Report Form will be used and attached to the Property Inventory Form. All property/items received are logged under the assigned case number. There will be no exceptions and it is the responsibility of the case deputy to have completed these procedures prior to releasing the property/items to the evidence deputy.
- C. When the property/items to be stored in the evidence/property room have been properly inventoried, packaged and labeled, the evidence deputy will be summoned and the property/items will be stored in the evidence/property room after the chain of custody portion of the Property Inventory Form has been completed. The evidence deputy will then take custody of the Chain of Custody Form. The evidence deputy will maintain a record book that reflects the current status of all property held in the evidence/property room. All property/items will be logged in by case number, case officer's name, quantity and description of the property/items. The evidence deputy will transfer all evidence vouchers in RMS evidence system and assign a location within the evidence room.
- D. If the evidence deputy is unavailable, the Temporary Storage Lockers will be utilized. Procedures A and B will be completed and the property/items will be placed in a Temporary Storage Locker along with the Property Inventory Form. The case deputy will list item number and sign his/her name in the chain of custody "Released By" section. The property/items and Property Inventory Form will be locked in the Temporary Storage Locker and the key to that locker will be deposited in the key drop slot in the door to the evidence/property room. Once the key is deposited in the drop slot, only those having access to the evidence/property room can retrieve the key. The evidence deputy, when available, will retrieve the key and complete the remainder of the chain of custody sections (i.e. date, time, received by, etc.). The property/items will then be logged and stored in the evidence/property room.
- E. Disposition of property/items is the responsibility of the evidence custodian. The evidence custodian will make arrangements for the return of property/items to the case deputy or legal owner.

## **VI. ACCESS TO EVIDENCE/PROPERTY ROOM**

To protect property secured in the evidence/property room from the threat of alteration, unauthorized removal, theft or other compromise, the only personnel authorized to have access to the evidence/property room are the Sheriff and Investigations Section supervisors.

## **VII. ENHANCED PROPERTY SECURITY**

Property requiring added protection, including money, precious metal/jewelry, weapons, drugs or any item the evidence deputy deems necessary, shall be secured in a separate locked security within the evidence/property room. During those times when the evidence deputy is

not on duty and property is received which the case deputy deems necessary to secure in lockers, the evidence deputy shall be called for further instructions. This same procedure will be utilized in the event biological evidence (blood, body fluids, etc.) or perishable items need to be secured.

## **VIII. FINAL DISPOSITION OF FOUND/RECOVERED/EVIDENCE PROPERTY**

Evidence property that is no longer needed for court or investigation purposes will be returned to the legal owner or otherwise properly disposed of after the final court disposition. In cases where evidence property is returned to the legal owner prior to final court disposition, the evidence deputy will coordinate with the case deputy, prosecuting attorney and/or the applicable court to obtain the approval in returning the property.

Property shall only be released by appointment between 0800 hours and 1700 hours Monday through Friday, unless in the case of a holiday or prior arrangements have been made with the evidence deputy.

## **IX. FINAL DISPOSITION OF CONTRABAND**

The evidence deputy shall personally oversee destruction of all contraband. Two witnesses will be present during destruction to ensure integrity of the process. Items shall be identified and their destruction certified by signature of those present.

Method of Destruction – Contraband will be mutilated to the point of non-usability. Items shall be identified and their destruction certified by signature of those present.

## **X. SPECIAL CONSIDERATIONS**

All property/items which are stored in the Secure Garage Facility or Impound Storage Facility will be inventoried, packaged and labeled to ensure proper documentation and identification. The Property Inventory Form will be utilized to document any property stored in these facilities and then forwarded to the evidence deputy to indicate whether the property/items are held as evidence, found property, abandoned property, confiscated property or stolen property. In the case of a vehicle, that vehicle will be inventoried according to Department policy. A supplemental report with the Impound Vehicle Report will be submitted for filing under the applicable case number and forwarded to the evidence deputy.

## **XI. EVIDENCE ROOM AUDITS**

The evidence deputy will regularly perform both partial and full audits of all items being held as evidence. A partial audit will be completed quarterly every even year of the calendar and will cover a range of 15-20% of the items held as evidence. A full audit will be conducted on odd calendar years or in the event a new technician takes over the responsibilities. A full audit may also be performed at any time if deemed necessary. This may be substituted for the quarterly evaluation.

## **XII. MONTHLY PURGES**

Monthly purges will be conducted when a case has been determined to be closed by the prosecution. All documentation of items that are purged/destroyed will be kept electronically.

Items that qualify will be kept for the determined amount of time in accordance with North Dakota State Century Code.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Motor Vehicle Impoundment**

### **I. POLICY**

It is the policy of the Burleigh County Sheriff's Department to impound motor vehicles when it is absolutely necessary for purposes of securing evidence, safekeeping property, protecting the public (traffic hazard) or securing property under asset forfeiture statutes. This policy provides guidelines that deputies should use to decide issues related to the propriety of and procedures for impounding motor vehicles.

### **II. PURPOSE**

It is the purpose of this policy to provide guidelines for towing and impounding motor vehicles.

### **III. DEFINITIONS**

Impoundment – For purposes of this policy, the seizure and custody of a motor vehicle for a legitimate law enforcement purpose.

### **IV. PROCEDURE**

A. The Department has agreements with area towing operators and these towing operators are on an established monthly rotation. These towing operators will be utilized whenever the Department orders the impoundment of a motor vehicle. The towing operators have signed a Conditions and Requirements Agreement.

#### B. Impoundment Criteria

##### 1. Evidentiary Purposes

- a) Motor vehicle shall be impounded when there is probable cause to believe the motor vehicle was used as a major instrument in a crime or the motor vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to ensure its evidentiary integrity.
- b) Deputies should not unnecessarily impound motor vehicles for purposes of gathering evidence when such processing can be reasonably, effectively and safely conducted at or near the scene.
- c) Motor vehicles shall not be impounded for purposes other than those defined by law or policy. At no time will impoundments be used as a form of punishment or as a means of conducting motor vehicle searches when probable cause does not exist or consent to search cannot be obtained.
- d) When impoundments are ordered, the operator and any passengers, if not arrested or taken into custody, should not be stranded. Deputies shall take those measures

necessary to ensure that the operator and any passengers of the vehicle are provided transportation.

- e) Vehicle operators may be permitted to remove unsecured valuables of a non-evidentiary nature from the vehicle prior to its removal for impoundment. The nature of these valuables shall be documented in the appropriate reporting document by the deputy authorizing the impoundment of the motor vehicle.
2. Motor Vehicle Crashes
    - a) Motor vehicles may be impounded if the vehicle is needed for purposes of the investigation following a crash. Such cases may but do not necessarily involve custody of the operator. Following motor vehicle crashes a deputy may request impoundment when the operator is unwilling or unable to take charge of the vehicle and the vehicle cannot be legally parked, sufficiently secured at the scene or there is property in or attached to the vehicle that cannot be sufficiently secured at the scene or placed in the custody of a responsible third party.
  3. Safekeeping Purposes
    - a) Deputies must decide on impounding motor vehicles for the reason of safeguarding the vehicle and/or its contents. If the vehicle cannot be left at the scene without substantial risk of theft or damage to the vehicle or personal property contained therein the deputy shall have the discretion of impounding the vehicle and documenting such reason(s) in the incident report.
  4. Public Safety Purposes
    - a) Motor vehicles that present a danger to the public may be towed and most often the following circumstances are involved:
      - i. Abandoned or inoperable motor vehicles that have been left on or that cannot otherwise be moved from the roadway and that are in a position where they may impede traffic or create a hazard.
      - ii. Motor vehicles parked illegally which impedes traffic or creates a hazard.
  5. Asset Forfeiture Purposes
    - a) Deputies may impound a motor vehicle with the intent of initiating forfeiture proceedings when the vehicle is used in the commission of a crime (felony) as specified in N.D.C.C. 29-31.1.
  6. When Requested by Another Agency
    - a) Deputies may impound a motor vehicle when requested by another agency. It is the responsibility of the impounding deputy to inform the originating agency that all costs incurred in recovering a vehicle for the originating agency's jurisdiction is the responsibility of that agency and bills relating to the recovery will be forwarded to that agency.

## V. **INVENTORY**

- A. Purpose – A mandatory inventory shall be conducted of every impounded motor vehicle and the contents contained therein. The inventory shall be conducted to achieve the following purposes:
  1. To protect property.
  2. To protect the deputy and/or the Department from liability based upon claims of damaged or missing property.
  3. To protect against dangerous implements.
- B. Scope of Inventory

1. Inventories should be performed at the scene or at a safe location nearby whenever this can be done safely and effectively. If necessary, due to environmental and/or weather conditions, the impounded motor vehicle can be towed to a location suitable to allow an adequate inventory search to be conducted.
2. The inventory shall be conducted in a thorough manner and an itemized, written inventory form completed. The inventory shall detail the vehicle contents, including the location of the vehicle keys. An inventory form must be completed whenever a vehicle is towed for impoundment as evidence or for other purposes. Property removed from a vehicle for safekeeping or for evidence purposes shall be secured in the evidence/property room or another suitable/appropriate location.
3. In the event that the impounded vehicle's interior is inaccessible, an inventory shall be conducted by observation into the vehicle and listing the observed items on the inventory form. If circumstances dictate, the use of photography or video equipment to document the vehicle contents should be utilized.
4. A physical inventory will be conducted on all vehicles impounded or otherwise taken into custody by the Department. All portions and compartments of the vehicle shall be examined including, but not limited to: the closed trunk, glove compartment and engine compartment. All separate containers discovered shall be opened and their contents inventoried. Reasonable efforts shall be made to inventory separate, locked containers but in the event a locked container is not inventoried the description of the locked container and the fact it was not opened and inventoried will be noted on the inventory form. As vehicle keys are considered a part of the vehicle, the keys can and should be used to gain access to all areas of the vehicle to be inventoried.

## **VI. ABANDONED VEHICLES/ABANDONED PROPERTY**

- A. Unattended property (including motor vehicles) found on county right of way (public property) for a period of 48 hours is considered to be abandoned property. The Department shall make a reasonable effort to return abandoned property to lawful owners but having failed to locate same, the deputy assigned shall impound, inventory and store such property in an appropriate location such as the Department garage or garage lot or on call towing may be called and towed to their lot.
- B. Unattended property (including motor vehicles) found on private property for a period of 48 hours is considered to be abandoned property. The Department will not normally impound abandoned property that is on privately owned property. Circumstances which would necessitate the Department to impound property from privately owned property include but are not limited to:
  1. Public health and/or safety.
  2. Safeguarding of items of value or present a danger to the public.
  3. The abandoned property may be related to criminal activity.

The Department will conduct an investigation into property abandoned on privately owned property in an effort to identify and prosecute those responsible.

- C. Abandoned Vehicles – Attempts will be made to contact the last known registered owner, any lienholder or secured parties of record of an abandoned vehicle in accordance with requirements set forth in N.D.C.C. 23.1-15-05. The owner of the vehicle has a right to reclaim the vehicle in accordance with N.D.C.C. 23.1-15-06. Failure to exercise the right to reclaim the vehicle is deemed a waiver by the owner of all right, title and interest in the

vehicle and property contained therein and consent to the disposal of the motor vehicle in accordance with the requirements set forth in N.D.C.C. 23.1-15-04, 23.1-15-07 and 23.1-15-08. Vehicles can be reclaimed by paying all storage fees incurred. The storage fees are \$15.00 per day for outside storage and \$20.00 per day for inside storage. In addition to the payment of all storage fees, the towing costs must also be paid prior to reclamation.

## **VII. PUBLIC SALE – DISPOSITION OF PROCEEDS**

- A. An abandoned motor vehicle not reclaimed shall be disposed of in accordance with the requirements set forth in N.D.C.C. 23.1-15-04, 23.1-15-07 and 23.1-15-08. From the proceeds of the sale of abandoned motor vehicles, the Department shall be reimbursed for all costs, including publication. Any surplus shall be distributed in accordance with the requirements set forth in N.D.C.C. 23.1-15-07.
- B. The deputy assigned to manage the impound lot shall maintain an up to date file of all property being stored in the Department garage or garage lot. When the number of abandoned vehicles is sufficient, he/she shall select a date and time for a public sale.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure House Check Program**

### **I. POLICY**

The Burleigh County Sheriff's Department shall, at its discretion, administer a house check program for rural residents.

### **II. PURPOSE**

The purpose of the house check program is to provide citizens peace of mind that their requested property is being monitored during their short-term absence. This program is instrumental in developing positive community relations and assists law enforcement by informing them of uninhabited homes that have the potential for criminal activity. This program is a community service and no section of this policy implies a contract for security or offers any guarantee against damage or loss.

### **III. PROCEDURE**

- A. The Enforcement Division will be the primary facilitator of the house check program. The Enforcement Division administrative assistant shall be responsible for all administrative tasks regarding house checks and the Patrol deputies shall conduct the physical checks.
- B. House checks will only be conducted on temporarily uninhabited, private residences with absences not to exceed 30 days in length. Additional days may be granted by the Sheriff under extenuating circumstances.
- C. The Enforcement Division administrative assistant shall enter all new house check information into the house check computer file and delete the checks upon completion. Patrol deputies are responsible for logging their completed checks into the running log.
- D. Any member of the Department receiving house check information during the absence of the Enforcement Division administrative assistant shall ensure that such information is forwarded to that position for processing.
- E. House check discrepancies will be handled as law enforcement related activity in accordance with Departmental policy. Reasonable effort shall be made to contact the property owner or the contact person to inform them of any such situation.
- F. Every effort will be made to inspect house check residences on a regular basis.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Alarms**

### **I. POLICY**

The Burleigh County Sheriff's Department as a public service does respond to alarm systems that are activated in private homes/businesses/government entities. The Department neither guarantees nor implies that it has a duty to monitor or respond to any alarm system.

### **II. PURPOSE**

To establish guidelines and responsibilities during alarm activations.

### **III. DEFINITIONS**

Alarm User – Any person, firm, partnership, association, corporation or organization on whose premises an alarm system is installed, maintained and utilized.

Alarm System – Mechanisms intended for use in detection of unauthorized intrusion into a premises or commission of a crime.

### **IV. PROCEDURE**

A. Upon arrival at the scene, the deputies shall determine if there is a crime in progress or if the alarm is false. Deputies shall request Dispatch to contact a key holder, if known, as necessary.

B. False Alarm – If it is determined that the alarm is false, the responding deputies will attempt to determine the cause of the alarm and document it in a report.

C. Verification of false alarms in which a call is received from someone who supposedly has mistakenly activated the alarm:

1. If this occurs, a minimum of one deputy shall continue to the alarm location to verify that it is a legitimate false alarm. Proper caution must still be exercised as there is no guarantee that the call received stating that this was a false alarm is legitimate.

D. Legitimate alarms are handled as a crime in progress call.

E. The deputy assigned the alarm call shall obtain the name of the key holder that responded or the name of the person/employee on the premises when the alarm system was activated. This information and contact information (address, telephone numbers, etc.) will be documented in a report.

- F. It is the responsibility of the alarm user to ensure Dispatch and the Department are notified of any maintenance, repair, testing, etc. of an alarm system in order to avoid unnecessary dispatching of patrol deputies. The time and location of such procedures should be provided by the alarm user.
- G. In the event a deputy responds to an alarm that is determined to be false, the deputy shall leave a card explaining the Department's protocol for false alarms. This will be left with the key holder. In the event a key holder is not available, the card will be left at the residence. After the second false alarm in a year, a letter explaining the Department's protocol for false alarms will be mailed to the owner of the property. A fee is established for each response after the second response when an alarm signal is received due to any reason other than an actual unauthorized entry or intrusion into the premises or commission of a crime. The fee will be assessed to the alarm user for every response to the alarm system by the Department, other than in those instances excepted. The alarm response fee is as follows:
1. For 1 through 2 responses, there is no fee for each response.
  2. For the 3<sup>rd</sup> response, a fee of \$15.00 for the response.
  3. For 4 through 6 responses, a fee of \$25.00 for each response.
  4. For 7 through 12 responses, a fee of \$50.00 for each response.
  5. For each response more than 12, a fee of \$75.00 for each response.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Canine Unit**

### **I. POLICY**

The Burleigh County Sheriff's Department maintains and utilizes a canine unit. The canines are capable of narcotics detection, tracking, building searches and handler protection. The Department's canines are considered to be on duty at all times.

### **II. PURPOSE**

The purpose of this policy is to inform employees in the use and control of the Department canine unit to include, but not limited to:

1. Tracking of individuals sought by law enforcement.
2. The search of buildings or areas for suspected criminals.
3. Locating evidence which has been abandoned or hidden.
4. Reasonable and necessary physical apprehension.
5. Search and rescue of lost and missing persons.
6. Detection of illegal narcotics.
7. Handler protection and the protection of other law enforcement and the general public.

### **III. PROCEDURE**

- A. The canine unit is assigned to the Patrol Section under the immediate supervision of the on-duty supervisor. For training, record keeping and equipment requests, the canine handler will report to the canine unit supervisor.
- B. The canine unit will follow the same expectations as a patrol deputy and will be required to respond to calls for service and maintain high visibility patrol related duties. The canine team will act as a support role to other patrol units.
- C. The canine unit may be assigned to or respond to any incident where the unit could be of assistance.

### **IV. CANINE HANDLER SELECTION**

- A. Deputies shall have a minimum of 18 months of law enforcement experience with the Burleigh County Sheriff's Department at the time of application.
- B. Deputies must be in good standing with their current assignment.
- C. Deputies' residence shall be capable of housing a canine and have adequate space for the construction of a kennel.
- D. In the event that the deputy does not own the property in which they live, they shall obtain written permission from the property owner for the housing of the canine.

- E. Any deputy selected to be a canine handler should expect to commit long term to the duties and responsibilities of a canine handler.
- F. If there are other pets in the home, the deputy shall agree that if a conflict occurs between the canine and the pet, the pet must be removed from the home.

## **V. TRAINING**

- A. The canine handler will attend a certified training program after selection. The canine handler and canine must be certified before being authorized to be deployed on active duty.
- B. The canine handler will be responsible for the continued training of the canine after initial certification. This training will be conducted every pay period.
- C. Training should include narcotics detection, tracking, aggression, building searches and obedience.
- D. Canine handlers shall maintain training files of the conducted training. These records and activity reports shall be submitted monthly to the canine unit supervisor.
- E. Refresher training will be conducted on an ongoing basis, as determined by the handler and canine unit supervisor.
- F. Periodic testing and recertification will be required of each canine unit.
- G. Training should be varied and should be representative of the job requirements.

## **VI. POSSESSING CONTROLLED SUBSTANCES FOR TRAINING**

- A. Canine handlers are approved to use only controlled substances that have been seized by a law enforcement agency and are legally possessed and made available for the purpose of training.
- B. Canine handlers who possess controlled substances for the use of training shall maintain control of all controlled substances at all times.
- C. If the controlled substances are to be stored in the canine handler's patrol vehicle, the substances must be secured in a locking narcotics safe kit.
- D. Periodic checks of controlled substances shall be observed, weighed and documented by the issuing authority.
- E. In the event that a controlled substance is lost or destroyed, the canine unit supervisor shall be notified immediately.
- F. All controlled substances shall remain secured at all times when not being used for training purposes.

## **VII. CANINE UNIT SUPERVISOR RESPONSIBILITIES**

- A. Ensure all handlers complete the assigned basic training program.
- B. Review and maintain canine handler's training and monthly reports.
- C. Maintain all records involving the canine program to include handler selection, training, price bids and monthly training and deployments.
- D. Ensure adequate training is conducted by the handler.
- E. Conduct kennel and vehicle inspections.
- F. Assist in the selection of new handlers.
- G. Assist in training.
- H. Coordinate training and up to date certifications.
- I. Act as a liaison to Department supervisors and the personnel for the canine unit.
- J. Ordering controlled substances from the Drug Enforcement Agency for the use of training aids. This will include all the required paperwork associated with the ordering and disposal of these controlled substances.

## **VIII. CANINE CARE**

- A. The canine handler is responsible for the health and welfare of the assigned canine, both on and off duty.
- B. Annual medical examinations will be conducted every year, or as needed.
- C. Any injury or illness of a non-emergency nature shall be reported to the canine unit supervisor. If it is determined by the handler the canine should be taken to the veterinarian, the canine unit supervisor shall be notified as soon as practical.
- D. In an emergency situation, the handler shall ensure that the canine receives immediate medical attention.
- E. The canine handler will be responsible to administer any medications and follow any special instructions as prescribed by the veterinarian.
- F. The canine handler will be responsible for the daily grooming of their assigned canine.
- G. The canine will be fed regularly at a time which will not interfere with being on duty.
- H. The home kennel will be kept clean and sanitary, including dog bowls, doghouse, etc.

## **IX. OTHER AGENCY RESPONSE**

- A. On Duty Response
  1. The canine unit may respond to assist other local agencies with the approval from the shift supervisor.
  2. The canine handler has the final decision on whether to respond based on facts received.
  3. Pre-planned requests must be approved by the Enforcement Division Lieutenant.
  4. Upon arrival on scene, the handler will determine the amount of involvement by the canine unit.
  5. Requests for canine assistance outside of Burleigh County must be approved by Division Lieutenant or officer on call.
- B. Off Duty Response
  1. The shift supervisor will gather necessary information from the requesting agency and determine if the canine unit shall be deployed.
  2. The shift supervisor shall contact the canine handler by phone to advise of the request.
  3. The canine handler has the final decision on whether to respond based on the facts received.
  4. Upon arrival on scene, the handler will determine the amount of involvement by the canine unit.
  5. Calls made directly to a canine handler must receive on duty supervisor permission prior to deployment.
  6. Requests for canine assistance outside of Burleigh County must be approved by Division Lieutenant or officer on call.

## **X. INJURED HANDLER**

If a canine handler becomes incapacitated or injured and is unable to handle his/her canine, deputies at the scene should:

1. If possible, have the handler call his/her canine.
2. Attempt to call the canine to a patrol vehicle, preferably the canine vehicle if possible. Deputies should use the word or phrase the handler uses to load the canine.
3. Attempt to get another handler to assist.

4. Contact the canine unit supervisor to respond and control the canine.
5. If the scene is safe or appropriate to do so, consider bringing the handler's spouse to control the canine.

## **XI. INJURIES AND DAMAGE RELATED TO THE CANINE UNIT**

In every situation where a Burleigh County Sheriff's Department canine injures another person, the following procedure will be followed:

- A. Immediately notify the shift supervisor.
- B. The shift supervisor shall notify the officer on call.
- C. Photograph and document injuries.
- D. Complete necessary use of force reports.
- E. Request a release of medical records from the injured persons.
- F. Record all details of medical care.

## **XII. PUBLIC DEMONSTRATIONS**

- A. The Burleigh County Sheriff's Department attends several public relations events to promote awareness, recruitment and school events.
- B. A canine unit may respond to these events after seeking approval from the Enforcement Division Lieutenant.
- C. While attending events, the handler shall maintain control of the canine at all times using a short leash.
- D. The handler shall use judgement as to who can approach or touch the canine. Safety measures need to be taken to prevent any unexpected injuries.
- E. Demonstrations need to be short to prevent the canine from being overstimulated.

## **XIII. DEPLOYMENTS**

- A. Canine Team Utilization for Locating/Apprehending of Suspects
  1. The deployment of a police canine for the location and apprehension of a suspect is a use of force that must be consistent with this Department's policies of escalation and de-escalation of force.
  2. Decisions to deploy a canine shall be based upon the following:
    - a) The severity of the crime.
    - b) Whether the suspect poses an immediate threat to the safety of the officers of others.
    - c) Whether the suspect is actively resisting arrest or attempting to evade arrest at the time.
  3. Deployments should always consist of the canine team and at least one cover officer whenever possible.
  4. The canine handler may choose not to deploy the canine based on the facts given and the canine's ability.
  5. The canine handler shall give an appropriate warning when possible. The warning should consist of identifying the canine team, the canine team's request and the possible consequences of not complying.
- B. Canine Team Utilization for Locating Missing Persons or Articles
  1. The handler shall take necessary precautions when attempting to locate missing persons to avoid injury to the missing person or others by the police canine.
- C. Canine Team Utilization for Drug Detection

1. All deployments for drug detection will be at the discretion of the canine handler.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Naloxone Treatment**

### **I. POLICY**

It is the policy of the Burleigh County Sheriff's Department that once personnel are trained in the use of naloxone administration that they may carry a naloxone kit with them while on duty and administer naloxone to someone in need.

### **II. PURPOSE**

To establish guideline and regulations governing the utilization of naloxone administered by the Burleigh County Sheriff's Department. The objective being to reduce fatal opioid exposures on subjects exposed to an opiate and overdose symptoms are present.

### **III. DEFINITIONS**

Naloxone – An opioid receptor antagonist and antidote for opioid overdose produced in intramuscular, intranasal, or intravenous forms.

Narcan – 2mg/2ml prefilled syringes compatible with the intranasal mucosal atomization device (MAD) for nasal rescue.

MAD Device (Mucosal Atomization Device) – Intranasal mucosal atomization device used to deliver a mist of atomized medication that is absorbed directly into a person's blood stream and directly into the brain and cerebrospinal fluid via the nose to brain pathway. This method of medication administration achieves medication levels comparable to injections.

Opioids – Heroin, fentanyl, morphine, buprenorphine, codeines, hydromorphone, hydrocodone, oxycodone, methadone, oxycodone.

Opiate Overdose – An acute condition including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma or death resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be an opioid related drug overdose that requires medical assistance.

### **IV. PROCEDURE**

- A. Naloxone may be used when responding to a call of such nature when a subject is believed to be in an overdosed state based on the following observations or information:
1. Mandatory training must be in place prior to carrying or administering naloxone.
  2. When advised by Dispatch or being advised by individuals upon arrival.

3. When observing narcotics, narcotic paraphernalia or any other narcotic equipment associated with the subject.
4. Where the victim is observed to be unresponsive, there is an absence of breathing and if the victim has no pulse. Other signs of overdose include lack of response, shallow breathing and blueish lips or nail beds.
5. Deputies and/or detention officers on duty will notify Dispatch of the potential overdose to ensure that ambulance and rescue services have been notified.
6. Deputies and/or detention officers shall deploy naloxone in accordance with the Department's protocol.
7. Deputies and/or detention officers shall maintain universal precautions and continue to render first aid until relieved by rescue personnel.

**B. On Scene Procedure for the Deployment of Naloxone (Narcan)**

1. Assess the situation and check airway, breathing and circulation (ABC's).
2. If the patient is not breathing or respirations are inadequate and you have an articulable reason to believe the subject has overdose on an opiate, administer Narcan and note the time.
3. If the subject begins breathing again, assess the situation and monitor ABC's as there may not be a need to administer another dose.
4. Remain vigilant as now the subject may become aggressive and hostile towards emergency personnel on scene.
5. If the Department or any other first responders administer Narcan, the subject will be transported to the emergency room for evaluation by medical personnel. There is no option for refusal.
6. A team approach will be utilized with all first responders, especially ambulance personnel. Deputies and ambulance staff will provide the individual with appropriate information and inform them they will be transported to a hospital due to the medical state, regardless of their wishes.
7. If the subject refuses, they will be informed that law enforcement will be detaining them. This is where law enforcement will perform an involuntary committal on the subject due to their actions as they are a harm to themselves.
8. Deputies on scene will ensure the individual is transported to the hospital by ambulance personnel. If the subject is forced, then they may need to be secured in restraints.
  - a) If the subject is secured in restraints, a deputy shall ride with ambulance staff to the hospital.
  - b) If the subject is transported without restraints, then a deputy will follow the ambulance to the hospital.
9. Such subjects will not be transported in Department vehicles, marked or unmarked.
10. Deputies will complete the application for evaluation and emergency admission form and provide it to appropriate hospital staff. Once completed and all other duties completed, the deputy(s) may leave.
11. A report detailing the incident will be completed and turned in as soon as possible.

**V. INSTRUCTIONS FOR USE**

- A. Assess ABC's – Airway, Breathing and Circulation.
- B. For pulseless patients, proceed to Basic Life Saving (BLS)/Advanced Cardiac Life Support (ACLS) guidelines.
- C. Apnea with pulse – Establish oral airway and begin bag ventilation.

- D. Load syringe with 2ml/2mg of naloxone and attach nasal atomizer.
- E. Place atomizer within the nostril.
- F. Briskly compress syringe to administer 1ml/1mg of atomized spray.
- G. Remove syringe and repeat in the other nostril, so that all 2ml/2mg of medication are administered. You may repeat another 2ml/2mg dose into the other nasal nare immediately if the first does in ineffective. 2ml/2mg is often an ineffective dose.
- H. Continue ventilating patient as needed.
- I. Use of a prefilled Narcan nasal spray device that provides a single dose of 4mg/4ml dose of naloxone HCI spray dose is approved and is a preferred means of use by non-paramedic rescuers.
- J. If no arousal occurs after 3-10 minutes, repeat another dose and proceed down standard unconscious protocol including injectable naloxone and secure airway if necessary.

## **VI. DEPLOYMENT**

- A. One kit assigned to each deputy and/or medical kit/patrol car and detention facility.
- B. Canine unit(s).
- C. All detective/narcotics/SRO units.
- D. All command and staff vehicles.
- E. Jail/booking area.
- F. Sheriff's Department main office and satellite patrol office.

## **VII. MAINTENANCE/REPLACEMENT**

- A. An inspection of the naloxone kit shall be the responsibility of the personnel assigned the equipment and will be conducted each shift.
- B. Missing or damaged naloxone kits will be reported to one's direct supervisor so that the Training Sergeant can be made aware that a replacement unit is needed.
- C. A replacement may be issued when a naloxone kit is administered and the proper paperwork has been completed.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Drug Recognition Expert (DRE)**

### **I. POLICY**

The Burleigh County Sheriff's Department recognizes the severity of a driving while under the influence of intoxicating liquor and/or drug charge and the need to ensure the proper processing of the subject arrested. The following procedures will be considered by all Department personnel concerning DUI-Drug arrests.

### **II. PURPOSE**

The purpose of a drug recognition expert (DRE) is:

1. To promote safety of Burleigh County roadways through the detection and evaluation of drug impaired drivers.
2. To establish uniform guidelines when encountering drug impaired drivers.
3. To ensure these operations are conducted within legal requirements and according to appropriate enforcement practices.

The Department will conduct investigations regarding drug impairment while driving, operating or in physical control of a motor vehicle in a manner consistent with applicable laws and appropriate law enforcement training and practices.

The Department's DRE program is derived from the federal Drug Evaluation and Classification (DEC) Program managed and coordinated by the International Association of Chiefs of Police (IACP) with support from the National Highway Traffic Safety Administration (NHTSA).

### **III. DEFINITION**

Drug Recognition Expert (DRE) – A law enforcement officer trained to recognize impairment in drivers under the influence of drugs other than, or in addition to, alcohol. DREs have the ability, if granted by their respective courts, to testify as an expert and provide the court with an opinion on their findings.

### **IV. TRAINING/CERTIFICATION**

All officers who wish to become DREs must complete DRE School and field certification training as required by IACP/NHTSA. For re-certification a DRE must abide by the IACP re-certification requirements.

### **V. AVAILABILITY**

- A. DREs should be available for use with impaired driving overtime events and crashes.

- B. DREs should make themselves available as needed during normal shift work.
- C. DREs are subject to call outs when off duty.
  - 1. A timely response is critical, as the effects of some drugs dissipate rapidly. Therefore, members should try to enlist the services of on duty DREs in their geographic area. However, if an on duty DREs response time would be substantially delayed, an off duty DRE may be contacted with on shift supervisor approval.
  - 2. An off duty DRE will provide his/her work cell phone number and/or personal cell phone number to the patrol division as well as central communications so that the off duty DRE can be reached.
  - 3. It is not in this policy for an off duty Burleigh County DRE to be called out to conduct an evaluation for another agency without authorization from the on call team leader if the seriousness of the offense requires an evaluation to be done.
  - 4. Regardless if DRE is on or off duty, requests to assist outside of Burleigh County must be approved by the Division Lieutenant or on call team leader.

## **VI. OTHER DUTIES**

- A. DREs may be requested to perform other duties as directed by their supervisor, which are not in conflict with this policy or the international standards adopted by the IACP.
- B. DREs are to keep a rolling log of their DRE evaluations that show the control number, suspect name, arresting agency, date/time, opinion of DRE, chemical tests completed, follow-up toxicology results and the DRE's role.
- C. It will be the responsibility of the DRE to keep his/her rolling log up to date as well as their reporting requirements to NHTSA/DRE online database.

## **VII. DRE EVALUATION**

- A. When an officer suspects a subject of driving under the influence of intoxicating liquor and/or drugs, the officer shall:
  - 1. Request a DRE should the arresting officer conclude through standard field sobriety testing that the suspect's impairment is not wholly attributable to the ingestion of alcohol, or that the breath alcohol concentration is below the statutory limit and not consistent with the level of impairment observed.
  - 2. Request the assistance of an officer trained as a DRE if it is believed the subject may be under the influence of drugs. Whenever feasible, on duty DREs should be utilized unless their response time is substantially prolonged, and an off duty DRE can respond sooner.
    - a) Some subjects may appear to be under the influence of alcohol and/or drugs, but may be experiencing a medical issue, may have a mental illness or may have a physical disability. DREs are trained for investigating subjects with physical disabilities, mental disabilities and other diseases. The DRE program training includes the ability to identify "medical rule outs". Medical rule outs are the ability of a DRE to determine if the impairment observed is the result of a medical condition rather than an intoxicating substance.
  - 3. Be present upon the arrival of the DRE for consultation and interview.
  - 4. Have informed the suspect of his Miranda warning prior to getting consent for the suspect to do the DRE evaluation.
- B. When a DRE is called to assist an arresting officer in their investigation, the DRE shall:
  - 1. Conduct his/her evaluation in an environment that is a controlled and suitable in order to complete an accurate evaluation.

2. Conduct testing of the subject following the established DRE protocol.
3. Forward to the arresting officer(s) a copy of the drug influence evaluation report and supplemental narrative.

### **VIII. DRE CALL OUT**

Requests for a DRE shall be communicated through Central Dispatch. If at the time of the request there are no Department DREs available, Dispatch may attempt to contact a DRE from another agency in proximity to the arresting officer(s) location. In the event another agency DRE is unable to respond, the on duty supervisor may request an off duty Department DRE to respond. If the request is for assistance outside of Burleigh County then approval must be obtained from the Division Lieutenant or on call team leader.

In some cases, when time is critical or when a DRE is unable to respond, a telephone consultation with a DRE may enable an officer to collect evidence of possible impairment. This may be used to assist in establishing probable cause for further tests or a request a chemical test(s).

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Unmanned Aerial Systems (UAS)**

### **I. POLICY**

The Burleigh County Sheriff's Department unmanned aerial systems unit shall support other elements of the Burleigh County Sheriff's Department and other law enforcement agencies, by providing a safe and efficient aerial observation perspective on law enforcement and other public safety incidents. Missions will be accomplished efficiently and safely while respecting the law and privacy of the citizens we serve.

### **II. PURPOSE**

The purpose of these standard operating procedures are to provide guidelines for Department employees on the operation, maintenance, training and operational procedures for Departmental unmanned aerial systems (UAS) as well as procedures for the retrieval, dissemination and storage of captured images/data.

Authorized uses of the Department's unmanned aerial system (UAS) platforms:

1. Vehicle crash investigations.
2. Missing persons search and rescue.
3. Disaster response.
4. Hostage/barricade events.
5. Active aggressor events.
6. Fire/EMS assist.
7. Crime scene photographic documentation.
8. Civil disturbances.
9. Intelligence.
10. Patrol field operations.
11. Special operations.
12. Any use not covered in this procedure as deemed appropriate by the Sheriff or his designee.

### **III. ADMINISTRATIVE MATTERS**

- A. The policies and procedures contained in this manual are issued by the authority of the Sheriff and as such is an official document of the Department.
- B. This policy is not intended to be all inclusive, but as a supplement to other Department guidelines, Federal Aviation Regulations, aircraft manufacturers' approved flight manuals, etc.

- C. No existing or future policies will be interpreted by any employee to supersede any federal, state, or local law or any regulation or policy of the Department. Such conflict will be immediately brought to a supervisor's attention.

#### **IV. ORGANIZATION**

The unmanned aircraft operations unit shall be comprised of those personnel assigned by the Sheriff or his designee and may include team leader, pilots, visual observers and any others as deemed necessary. The Sheriff or his designee may assign any member who has the knowledge, skills and abilities to safely and effectively manage the operation.

##### A. Team Leader

1. The Sheriff will appoint a team leader who will be responsible for the management of the UAS program. The team leader will ensure that policies and procedures conform to current laws, regulations and best practices.
  - a) Coordinating the FFA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
  - b) Ensuring that all authorized operators and required observers have completed all required FFA and Department approved training in the operations.
  - c) Recommending program enhancements, particularly regarding safety and information security.

##### B. Pilots

1. Pilot in Command (PIC)
  - a) The PIC has ultimate UAS authority and responsibility during UAS deployment and operation.
  - b) The Sheriff, or his designee, will assign responsibility for unmanned aircraft operations to any member who has the knowledge, skills and abilities to safely and effectively manage the operation. To be considered for selection as a pilot, applicants must be in good standing with the Department and meet any other requirements imposed by the Sheriff.
  - c) A pilot's primary duty is the safe and effective operation of the agency's UAS in accordance with the manufacturers' approved flight manual, FAA regulations and certificate of authorization/waiver conditions and Department policies and procedures.
  - d) Pilots must remain knowledgeable of pertinent FAA regulations, aircraft manufacturer's flight manual, and Department policies and procedures.
  - e) Pilots may be temporarily removed from flight status at any time by the Sheriff or his designee, for reasons including performance, proficiency, physical condition, etc. Should this become necessary, the pilot will be notified verbally and in writing of the reason, further action to be taken and expected duration of such removal.
2. Visual Observer
  - a) An observer's primary duty is to be an observer for anything that may affect the operator's primary duty (see and avoid).
  - b) On applicable platform operate UAS's equipment including cameras, FLIR, and radio communications with patrol units.

#### **V. TRAINING/TRAINING PLANS**

- A. Pilots must maintain a valid FAA 107 Remote Pilot Certificate.

1. Part 107 – The portion of Title 14 Code of Federal Regulations (CFR) that allows the operation of unmanned aircraft systems (UAS) in the National Airspace System (NAS) for purposes other than hobby and recreation. The rules are specified in 14 CFR Part 107 and address UAS classification, certification and operating rules.
- B. Training objectives will vary depending on whether the member is new to unmanned aviation or an experienced member.
  1. For new members, the focus will be familiarization with the equipment and operational procedures.
  2. Existing members will focus on recurrent training.
  3. Objectives should challenge the member to increase their competency in the knowledge and skills necessary to perform safe UAS operations.
- C. Recurrent training is not limited to actual pilot skills but includes knowledge of all pertinent unmanned aerial system matters and shall be documented.
- D. Consistent failure to demonstrate proficiency may result in removal from the unmanned aerial systems unit.

## **VI. GENERAL OPERATING PROCEDURES**

- A. Deployments Outside of Burleigh County
  1. Planned flights leaving Burleigh County require the specific approval of the Sheriff or his designee.
- B. Pilot In Command (PIC)
  1. The pilot in command (PIC) is the final authority over the unmanned aerial system in use.
  2. PICs have absolute authority to reject a flight based on weather, aircraft limitations, physical condition, etc. No member of any law enforcement agency, regardless of rank, can order a PIC to make a flight when, in the opinion of the PIC, it cannot be done safely.
  3. PICs are responsible for compliance with this policy, Federal Aviation Regulations, Letters of Agreement, and Certificates of Authorization conditions.
  4. When necessary PICs will ensure appropriate communications with air traffic control and other aircraft are initiated and maintained.
- C. Pre-Flight Inspection
  1. Thorough preflight planning and inspections are critical to safe operations.
  2. Prior to each mission, the pilot shall conduct a thorough preflight inspection of the UAS in accordance with manufactures' specifications.
- D. Documentation/Data Retention
  1. All flights, both training and mission oriented, shall be documented. Minimum requirements for documentation will be:
    - a) Date.
    - b) Time.
    - c) Location.
    - d) Name of pilot.
    - e) Name(s) of observer(s) (if used).
    - f) Flight time.
    - g) Type of flight.

- h) If the flight is at the request of another agency, then the type of mission and requesting agency shall be documented. A statement by remote pilot to include justifications for mission shall be completed.
    - i) Any unusual events occurring will require statements from all involved in the mission.
  2. Digital media storage devices (i.e. memory card, storage devices, etc.) containing the recorded media shall be kept in a location designated by the Sheriff or his designee. All photographs or video recordings shall be submitted and/or retained according to Department policy.

#### E. Pre-Flight Planning

1. The pilot shall familiarize themselves with all available information concerning the flight.
2. Pilots shall insure that all required FAA notifications/authorizations have been made prior to conducting any flight.

#### F. Search Warrants

1. Flights that do not meet an exception to the search warrant requirement and that would reasonably violate a person's expectation to privacy must be accompanied with a duly issued search warrant.
2. Aerial searches to inspect or gather evidence on activity on the ground may, under some circumstances, intrude upon a person's reasonable expectation of privacy and therefor come under the protection of the Fourth Amendment to the U.S. Constitution.
3. The Supreme Court has cautioned against assuming that compliance with FAA regulations will automatically satisfy Fourth Amendment requirements. Instead, the courts will determine whether the law enforcement aircraft is in the public airways at an altitude at which members of the public regularly travel. Other considerations include: the type of property (open fields vs. curtilage), frequency of other aircraft flights over the area, steps taken to conceal property and activity from aerial observation and location of the observer (altitude).

#### G. Emergency Response Plan

1. During UAS operations, emergency situations may develop at any time. The primary concern in such incidents is the prevention of injury to persons on the ground and/or other users of the National Airspace System. Secondary concerns include protection of property.
2. Following a UAS accident involving personal injury and/or significant property damage, the aircrew (if able) shall do the following:
  - a) Immediately notify Dispatch and request assistance. Provide as much information as possible about extent of the injuries or damage.
  - b) Render first aid to the injured.
  - c) Notifications of accidents or injuries will be reported as required by FAA regulations and Department policy.
  - d) Submit a detailed, written report to the Sheriff or his designee.
3. Prior to any UAS operations, the pilot and/or VO will identify the nearest emergency medical facility.

#### H. Flight Limitations

1. All UAS flights will be flown within the parameters set forth by FAA Part 107 and may include existing waivers that have been granted to the Department.
2. All UAS operations shall be conducted in a manner as to adhere to applicable constitution requirements and laws.

I. Ground Safety

1. The pilot and VO must be constantly aware of dangers to ground personnel from rotating propeller or rotor blades.
2. The pilot will not under any circumstances leave any unauthorized person in charge of the unmanned aircraft controls while the motor is running. If it is necessary for the pilot to leave the unmanned aircraft, the motor will be shut down and the controls deactivated.
3. Only mission essential personnel will be in proximity to UAS launch and recovery activities.
4. When operating over populated areas, the pilot in command will ensure proper procedures are followed to comply with FAA regulations and/or waivers.
5. A designated take off, landing and emergency landing zone will be determined prior to each flight.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

## **Burleigh County Sheriff's Department Policy and Procedure Court Holding Facility**

### **I. POLICY**

The Burleigh County Sheriff's Department operates a court holding facility, consisting of three separate cells, which have been classified as a Class Four Correctional Facility by the North Dakota Department of Corrections and Rehabilitation.

### **II. PURPOSE**

To ensure the court holding facility complies with Standard 107 of the North Dakota Correctional Facility Standards.

### **III. DEFINITIONS**

Communicable Diseases – Diseases including but not limited to tuberculosis, hepatitis, venereal diseases, AIDS or other special medical problem identified by the health authority.

Contraband – Any object, substance, cellphone or the possession of which would constitute a crime, pose a danger within the facility or would interfere with the orderly day-to-day operation of this facility.

Court Holding Facility – Burleigh County Detention facility constructed within the court building, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 8 hours.

Developmentally Disabled – The term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions.

Direct Visual Observation/Supervision – Direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation. Direct visual supervision means the staff is always in the presence of the inmate.

Emergency – Any significant disruption of normal facility procedure, policies, activities or operation caused by a fight, medical emergency, riot, civil disorder or other emergent condition, a single incident or natural disasters such as flood, fire or tornado and which requires immediate action to avert death or injury and to maintain security.

Safety Checks – Direct visual observation occurring at least once every 30 minutes. This requires observation through the eyes of a person not the lens of a camera or an audio/visual

monitor. To accomplish a safety check, it is necessary to see the skin and the person breathing.

Use of Force – An immediate means of overcoming resistance or to control the threat of imminent harm to self or others.

#### **IV. PROCEDURE**

##### **A. Inmates**

Only male and female adult inmates, persons who are 18 years of age or older, will be allowed inside a cell of the court holding facility. At no time will a juvenile inmate be allowed inside a cell of the court holding facility. An inmate may not be detained inside the court holding facility for more than 8 hours. An inmate cannot be detained overnight inside the court holding facility. Male and female inmates must be separated by being placed in separate cells and with the cell door window(s) covered. The majority of the inmates housed in the court holding facility will be current inmates of the Burleigh/Morton County Detention Center or the North Dakota State Prison. In the rare event that a new arrestee is to be detained inside the court holding facility, then the inmate will be properly searched in the change room and will be given two pair of red disposable uniforms to wear along with one pair of disposable flip flops to walk in. The new arrestee's property will be secured in a bag. A new arrestee will not be housed in the same cell as an inmate from a correctional facility.

##### **B. Court Holding Cell Use**

Inmates will be placed in holding cells within the court house for the following purposes:

1. Pending a court appearance.
2. For breaks during a trial or lengthy court appearance.
3. Pending transportation to Burleigh/Morton County Detention Center.
4. Inmates will only be placed into a holding cell with other inmates of the same gender.

##### **C. Cell Inspections**

1. A cell in the court holding facility must be inspected prior to placing an inmate inside of it. When cells are empty, the cell doors will be left open. The cells must be found to have a functional door, lights, toilet and sink. The cells must be cleared of any garbage and/or contraband.
2. Review and Inspections
  - a) The Operations Major or designee will ensure this policy and procedure is reviewed and updated annually, as needed. The Operations Major or designee will conduct an annual review and will evaluate internal and external security measures.
  - b) The Operations Major or designee shall inspect the court holding area monthly.
  - c) The court deputy shall inspect the court holding area daily and conduct an inspection of all unoccupied holding cells prior to and following each use.
    - i. Improper or faulty operation.
    - ii. Missing, altered or damaged parts.
    - iii. Wear and tear beyond the ordinary.
    - iv. Corrosion.
    - v. Contraband.
    - vi. Fire and safety hazard.
    - vii. Design, construction or maintenance problems.

- viii. Unsecured supplies, tools and equipment.
  - ix. Tampering or damage.
  - x. Suspicious people, activity or items.
  - xi. Sanitation problems.
  - xii. Security deficiencies.
- d) Problems discovered during an inspection, or otherwise, shall be corrected as soon as practical. Where health, safety or security threats exist, the affected area shall not be occupied and the Operations Major or designee shall be notified.

#### D. Weapons

Weapons are not allowed inside the court holding facility. Weapons must be secured in the gun lockers located inside the 2<sup>nd</sup> floor west stairwell before entering the court holding facility.

#### E. Supervision of Inmates

1. Only licensed law enforcement officers and trained correctional officers will be allowed to supervise an inmate inside of the court holding facility. A minimum of one deputy/officer will remain with the inmate(s) at all times. Supervision of the inmate(s) can occur inside the video surveillance room or while standing outside of the cell area. A minimum of two deputies/officers are required when placing an inmate into a cell of the court holding facility and when removing an inmate from a cell in the court holding facility. The deputy supervising the inmate(s) must observe each inmate at least every 30 minutes on an irregular basis. This observation must be documented in the court holding facility inmate observation log and must include the date, time, specific observation and the deputy's name making the observation.
2. The supervising deputy will have the primary task of being immediately available and accessible to the inmate and shall at all times be within hearing distance of any inmate requesting assistance. The supervising employee may engage in other duties provided such duties would not conflict with the supervision and care of inmates in the event of an emergency.
3. Whenever one or more female inmates are in Burleigh County court holding, there shall be at least one female employee who shall, in a like manner, be immediately available and accessible to such female(s). Female inmates are not to be brought into Burleigh County court holding unless a female employee is present. In the event no female employee is present or available, the female inmate may only be brought into the facility upon the approval of the Operations Major or designee. Court deputies are not to enter the room or cell occupied by an inmate of the opposite sex, except in the company of a deputy of the same sex as the inmate.
4. Segregation
  - a) The need for separation is based on protecting the welfare of inmates and staff. Segregated inmates shall not be deprived of any privileges accorded other inmates, except to the extent necessary to protect inmates and staff.
  - b) Examples of reasons to segregate inmates:
    - i. Inmates who may cause harm to other inmates or staff, or may be harmed by other inmates or are prone to escape.
    - ii. Mentally disordered persons who appear to be a danger to themselves or others or gravely disabled.
    - iii. Developmentally disabled persons when it is determined that segregation is necessary for the safety of the inmate.

#### F. Cell Door Key Control

Cell door keys will be stored in a locked box located inside the video surveillance room. Only supervisors in the Operations Division will have access to the key lockbox, specifically the Operations Major, Operations Lieutenant, Warrants Section Sergeant and the Warrants Section Corporal will have access. Once an inmate is secured into a locked cell, one of the Operations Division supervisors will open the key lock box and will provide all court deputies with a numbered cell door key. The Operations Division supervisor will document the date, time, key number and the deputy/officer that was provided a cell door key in the cell door key log. When the inmate has exited the court holding facility, the deputy/officer will give the cell door key back to an Operations Division supervisor to place back into the locked box. The supervisor will document the key return into the cell door key log.

#### G. Electronic Logs

1. The court holding facility will maintain electronic logs to ensure proper documentation is kept while inmates are inside the facility. A computer inside of the video surveillance room will be utilized to enter information onto the electronic logs. There will be two electronic logs, one will be an inmate observation log and the other will be a key control log. In the event the electronic logs malfunction, there will be paper logs to utilize that are located inside the video surveillance room desk.
2. Sign In/Sign Out Log
  - a) A log will be maintained for documenting when inmates are placed in and removed from court holding rooms. There will be an entry in the log for each inmate placed in the court holding cell, no matter how long they were there. Each log entry will contain the following information: the name of the inmate, date and time the prisoner was placed into and removed from the court holding room and an indication that the court holding room was searched after the removal of the inmate providing the cell was empty.

#### H. Meals

Inmates must be provided with meals if housed in the court holding facility for more than 4 hours. If time allows, all inmates will be transported from the court holding facility to the Burleigh/Morton County Detention Center for all meals. If time does not allow for transport, then a sack lunch from the Burleigh/Morton County Detention Center will be obtained and stored in the refrigerator located on the 2<sup>nd</sup> floor employee break room. The sack lunch will be labeled with the current date and the inmate's name. The sack lunch will be provided to the inmate inside the cell of the court holding facility at the designated mealtime and logged onto the inmate observation log.

#### I. Medication

1. An inmate from the Burleigh/Morton County Detention Center brought to the court holding facility may require prescribed medication during their stay. The nurse at the detention center will send the prescription medication dose with the transporting deputy. The transporting deputy will place the prescription medication in the medication lock box inside of the video surveillance room. Only those trained as a Certified Med Tech by the Burleigh/Morton County Detention Center's nurse will be authorized to administer the prescription medication to the inmate. Only those trained as a Certified Med Tech will have a key to the medication lock box. Once the

prescription medication is administered to the inmate, a paper medication log will be completed. The paper medication logs are located inside the video surveillance room beside the medication lock box. The completed medication log will be transported to the Burleigh/Morton County Detention Center with the inmate after the inmate has left the court holding facility.

J. First Aid Kit/Automated External Defibrillator (AED)

1. A first aid kit is available in the video surveillance room.
2. Any deputy who removes any items from the first aid kit shall notify the supervisor as soon as practical. The supervisor or designee shall facilitate replacement.
3. The first aid kit will be inspected monthly by the Operations Section supervisor to ensure the contents are sufficient. A contents checklist will be completed upon inspection.
4. An AED is located in a secure case in the hallway between the court holding cells and the court elevator.

K. Emergency

1. In the case of a weather or fire emergency, all inmates will be removed from the cells of the court holding facility and will be secured with the evacuation chain restraint device located inside of the court holding facility and transported to the Burleigh/Morton County Detention Center.
2. Emergency Suspension
  - a) Nothing contained herein shall be construed to prohibit the Operations Major or designee to suspend any requirement herein prescribed in the event of an emergency, which threatens the safety of this facility, inmate(s), staff or the public.
  - b) If a medical problem or emergency occurs or this is an altercation which results in an injury and emergency services are needed, caution should be exercised and at no time should court holding cells be open without assistance.
  - c) Only such procedures directly affected by the emergency may be suspended and only for such time as is reasonably necessary.
  - d) In the event that a suspension of procedures occurs and lasts longer than one hour, the Operations Major or designee will be notified of the suspension immediately. If the emergency suspension continues for more than one hour, approval must be granted by the Operations Major or the Operations Lieutenant for a time specified by him/her.

L. Incident Reports

1. The Operations Major or designee shall be notified without unreasonable delay when an incident occurs in court holding that results in physical harm, or serious threat of physical harm, to an employee or inmate or another person.
2. Examples of an "incident" may include acts of physical or threatened violence, use of force, exposure to a communicable disease or an escape or plan or escape.
3. The notified supervisor shall look into the incident and ensure that a written incident report is prepared, which includes the names of the persons involved, a description of the incident, the action(s) taken and the date and time of occurrence. Whenever practical, the incident report or documentation should be completed prior to the end of shift and submitted to the Sheriff within 24 hours of the incident.

#### M. Discipline

Any inmate that violates established court holding rules will be subject to disciplinary actions. All disciplinary actions will be administered at the jail, not at the court holding facility. An incident report is to be completed and forwarded to the Operations Major or designee.

#### N. Contraband Control

1. Inmates are pat searched prior to being returned to the Burleigh/Morton County Detention Center. If a court deputy has reason to believe than an inmate is in control or possession of contraband, an appropriate search of the cell and inmate shall be conducted.
2. If contraband is discovered, an incident report is to be completed and forwarded to the Operations Major or designee.

#### O. Restraint

No inmate should be outside of the court holding cells without restraints. At the court deputy's discretion, wrist restraints may be removed from the inmate, if it appears that there is a medical emergency. Regardless of the medical emergency, there shall be two court deputies present if the restraints are removed due to a medical emergency and the inmate is NOT in the court holding cell.

#### P. Use of Force/Restraint Equipment

Inmates will be treated in a fair and humane manner at all times. They shall not be subject to physical force other than as may be required and to the extent necessary to subdue resistance to a lawful order, assure detention, self-defense or to prevent violence to another person. Utilization of force shall be consistent with the Department's "Use of Force" policy. In no case shall the use of force or any restraint device be used as a punishment, form of discipline or a substitute for treatment. There is a distinction between the "use of force" and the "use of restraints".

1. Use of force – is an immediate means of overcoming resistance or control the threat of imminent harm to self or others.
2. Use of restraints – is for a more prolonged period.
3. If an inmate in a restraint device develops signs of medical or mental health problems, appropriate emergency medical aid is to be initiated and/or immediate transfer made back to the Burleigh/Morton County Detention Center.

#### Q. Pregnant Females

1. An inmate in court holding who is pregnant should not be placed in restraints unless there are reasonable grounds to believe the inmate presents an immediate, serious threat of hurting herself, staff or others, or that she presents an immediate, credible risk of escape that cannot be reasonably contained through other methods. Pregnant females will not be belly chained or leg shackled. Handcuffing pregnant females in front is an alternative.
2. Pregnant females will be transported to court holding in the least restrictive means possible based on the legitimate security and safety needs of the inmate.
3. At NO time shall a pregnant woman who goes into labor in the court holding are be shackled by the wrists, ankles or both including transporting the female to a hospital, unless approved by the Operations Major or designee and they deemed it necessary for the safety and security of the inmate, staff and the public.

R. Inmate Court Refusal at Court Holding Facility

If an inmate refuses to comply with the order to go to court, the court deputy will not attempt to force the inmate to appear in court. The court deputy will gather the other inmates for court and continue to process other inmates that are in the court holding cells. The court deputy will notify the Operations Major or designee of the inmate's refusal to appear in court. At least two deputies shall be present when the restraints are applied and the inmate will return to the facility.

S. Water Shut off

Water shut off valves for each cell in the court holding facility can be located in the locked plumbing chase between cell 2 and cell 3 as well as in the storage room behind cell 1. In the event the sprinklers inside the cells are intentionally damaged or are malfunctioning, the water shut off is located in the 2<sup>nd</sup> floor west stairwell. Turn the red circular lever counterclockwise until the yellow knob is in the off position and then pull the red straight lever from the current vertical position to a horizontal position.

T. Vermin Control and Treatment

If an inmate informs the court deputy or the deputy discovers that the individual in the court holding area has an active infestation of head lice, scabies or other parasites and has not been treated, the court and the inmate's attorney will be notified and a request for other arrangements will be made for the court process. If the inmate has an active infestation, that inmate shall be segregated in the court holding facility.

U. Communicable Diseases

1. If a correctional clinician has identified an inmate as having an airborne or highly communicable disease, the inmate will not be transported to court holding. The court and the inmate's attorney will be notified and other arrangements will be made for the court process. If it is discovered in the court holding area that the inmate has an infectious communicable disease, that inmate shall be segregated once in the court holding facility and return to the detention center as soon as possible.
2. Anytime there is exposure to body fluids, the fluids and surfaces will be treated in accordance with the blood borne pathogen procedures. This is applicable with injured inmates or inmates with infectious communicable diseases.

V. Suicide Prevention

1. Court deputies are to monitor all inmates in an attempt to identify an inmate who is a potential suicide risk. An inmate can become suicidal at any stage of incarceration. In any case, where an inmate exhibits warning signs or statements indicative of the possibility of suicide during transport or in the court holding facility, the inmate is to receive constant personal visual supervision. Reasonable care is to be taken and the inmate should be transferred back to the Burleigh/Morton County Detention Center as soon as possible.
2. If it is known that an inmate has made suicidal attempts at the detention center, the detention center staff shall alert the court holding staff. Signs of possible suicidal behavior include but are not limited to the following:
  - a) The inmate talks about or threatens suicide, either in a vague or specific way.
  - b) A preoccupation with death or the past suicide attempts.
  - c) Projection of helplessness or hopelessness or no sense of future.

- d) Severe agitation, a high level of tension, extreme anxiety or aggressiveness, paranoid delusions or hallucinations.
- e) Exhibits signs of depression, extreme sadness and/or crying, withdrawal or silence, mood swings, loss of self-esteem, lethargy, downcast eyes, rhythmic rocking back and forth or strong guilt feelings.
- f) A past or present indication of mental illness or a history of previous suicide attempts (visible scars on wrists or neck).
- g) The recent death or a loved one or divorce.
- h) A recent birth, miscarriage or other loss of fetus, which may be related to postpartum depression.

#### W. Facility Sanitation

1. Prior to inmates being placed in court holding, a court deputy will visually inspect the cells for disrepair, deficiencies and unsanitary and unsafe conditions. The inspecting court deputy will document any corrective action required. Any area that is in such a condition as to jeopardize an inmate's health or safety or the security of the facility, the area shall be marked and prohibited from use until the condition has been corrected.
2. If there are unsafe conditions or there is a maintenance problem, the court deputy will notify maintenance to resolve the problem. The notification will be made through a telephone call.
3. Each court holding facility will be cleaned as needed. After the use of the court holding cells, the court deputy will ensure that the cells are cleaned. The court holding area will store cleaning supplies used to clean the court holding area. The cleaning supplies include, but are not limited to: mop bucket, mop, soap, cleanser, germicidal and scrub brushes. The direction of the use of the chemicals, located on the container, will be strictly adhered to.

#### X. Clothing

Court Holding will maintain a set of jail clothes, including one set of coveralls and towels for emergency use. Court holding will have a pair of medium, large and x-large size coveralls and 10 towels on hand. A supply of feminine hygiene products will be available.

#### Y. Visitation

1. No visitation will be allowed in the court holding facility.
2. Attorney Visits
  - a) Deputies will restrict attorney visits at the court house with inmate clients to the court meeting room during scheduled proceedings. Attorney visits may be approved for the following circumstances:
    - i. Upon request of the judge.
    - ii. Pursuant to plea negotiations.

#### Z. Fire Inspection

1. The North Dakota State Fire Marshal will conduct a yearly inspection of the court holding facility to ensure the safety and security of the facility.
2. The Operations Major or designee will conduct a monthly fire inspection. The inspection will include, but is not limited to, an examination of all fire extinguishers

- to ensure they are in place and fully charged, all smoke detectors and emergency equipment and a physical inspection of the facility for fire hazards.
3. There are two significant dangers associated with fire in a detention facility:
    - a) Injury or damage to persons or property caused directly by the fire; and
    - b) Injury or damage to persons or property caused by smoke and/or toxic substances.
    - c) Both dangers must be considered in any fire situation and all fires must be treated as extremely dangerous.
  4. In the event of a fire or suspected fire, dial 911 or call on the radio and notify the Operations Major or designee and locate the fire protection equipment.
  5. A primary consideration is to be given to persons over the property. Depending on the circumstances, all inmates are to be evacuated.
  6. Staff should not attempt to extinguish a fire prior to evacuation unless the location and circumstances of the fire pose no or little threat to staff and inmates and the fire can be safely and immediately extinguished using fire protection equipment readily at hand.

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department  
Policy and Procedure  
Peer Support/Officer Wellness**

**I. POLICY**

The Burleigh County Sheriff's Department recognizes public safety employees face situations which may create significant distress. Therefore, it shall be the policy of the Department to establish a Peer Support/Officer Wellness Team to assist employees when needed and requested.

**II. PURPOSE**

The purpose of this policy is to provide information and establish guidelines for the establishment and utilization of the Department Peer Support/Officer Wellness Team. The program is designed as an intermediary for employees who need assistance in any form, before treatment or other more intensive measures must be taken. Team members comprise of sworn and non-sworn employees. The team will consist of a coordinator, two team leaders and team members.

**III. DEFINITIONS**

Critical Incident – Abnormal, traumatic or unusually challenging events with the potential to create significant human distress and which can overwhelm usual coping mechanisms.

Critical Incident Stress Management (CISM) – Comprehensive, phase sensitive, integrated, systematic and multi-facet crisis intervention approach to manage critical incidents.

Debriefing – Small group, phase sensitive, peer driven, formal crisis intervention tool usually accomplished within 1-10 days after a critical incident.

Defusing – Small group, peer driven and loosely guided discussion following a critical incident usually accomplished within 12 hours after the event.

Demobilization – Usually a one time, after shift/event, large group, information process which provides for information, rest and assessment.

Peer Support/Officer Wellness Team Members – Formally established and trained group of peers (and mental health professionals) capable of providing one-on-one support, referrals, stress awareness/reduction help, small group defusing and debriefings, large group crisis management and demobilizations.

Peer Support/Officer Wellness Team Coordinator – Selected by the Sheriff and serves at the will of the Sheriff. They are responsible for overseeing the program, collecting statistics, directing resources, coordinating training and ensuring the program operates within the bounds of the policy.

Peer Support/Officer Wellness Team Leaders – Two team leaders designated by the team coordinator and the Sheriff to guide and mentor team members and to assure policy is followed. One team leader will be assigned to the Detention Center and one team leader will be assigned to the Sheriff's Department.

#### **IV. PROCEDURE**

Peer Support/Officer Wellness Team members will be available at all times, if possible. The duties of the team members include, but are not limited to:

1. Team members will be comprised of current staff (and mental health professionals) who serve on a voluntary basis.
2. Due to the volunteer nature of the program, general contacts are not compensated by the Department and should be done on duty whenever possible. However, if a team member is "called out" by the program coordinator or administration, compensation will be made.
3. Once trained, team members will be available to provide peer support, referrals and CISM assistance to employees and their immediate family who may request it.
4. Team members may respond to requests for assistance outside the Department. These requests will be coordinated and approved through the coordinator and/or the Sheriff.
5. Situations appropriate for peer support/officer wellness activation include but are not limited to:
  - a) Line of duty death/serious injuries.
  - b) High risk incidents.
  - c) Incidents involving serious injury or death to others.
  - d) Natural disasters.
  - e) Significant stressful events (duty and non-duty related).
  - f) Shootings, etc.
6. This team shall work in coordination and conjunction with the ND CISM team. Formal ND CISM debriefings shall be considered on large scale events.

#### **V. SELECTION AND TRAINING**

- A. Employees wishing to serve on the Peer Support/Officer Wellness Team should forward a letter of request to the team coordinator through their chain of command. Selection will be based upon Department need, position vacancies and employee interest, experience and qualifications. Selection will be approved by the Sheriff, coordinator and team leaders.
- B. All members of the team will receive training on stress awareness, reduction, referrals and critical incident stress management techniques and procedures.

#### **VI. ACTIVATION PROTOCOL**

- A. Team members may provide Department in-service training upon request and with the approval of the coordinator and/or the Sheriff.
- B. Department employees may access any team member for one-on-one informal peer support and referrals anytime at their discretion.
- C. Department supervisors may request any team member to conduct a defusing as needed.

- D. All requests for team assistance involving formal debriefings, demobilizations and CISM shall be made through and coordinated with the team coordinator and/or the Sheriff.
- E. All outside agency requests for team assistance will be coordinated through the team coordinator and approved by the Sheriff.
- F. Team members are encouraged to take the initiative to activate their involvement when hearing of a critical incident or having belief that a Department member is in need of assistance.
- G. A list of team members and phone numbers will be posted at the Burleigh/Morton County Detention Center, the Burleigh County Sheriff's Department central office and the Burleigh County Sheriff's Department east office.

## **VII. REPORTING**

No written notes or recordings are allowed on any peer support intervention. Team members providing any type of assistance will complete and forward a peer support usage report to the coordinator. The only names included on the report will be those assisting team members. The report will include type of assistance provided, team members involved, location, date, time, number of attendees and type of incident involved.

## **VIII. CONFIDENTIALITY**

An essential element of the program involves strict confidentiality. Team members are trained and must adhere to the trust placed in them by the Sheriff and coordinator. Team members will not divulge knowledge they have unless the affected employee has been involved in criminal activity or is a danger to themselves or others.

**Burleigh County Sheriff's  
Department Peer Support/Officer  
Wellness Usage Report**

Intervention Date:

Intervention Time:

Intervention Location:

Was this:  In person       By phone

Type of Intervention Provided:

One on One   
Demobilization

Defusing   
Other

Debriefing   
Follow Up

Number of attendees:

Was the Peer Support Team Member in an on-duty status:     yes       no

Was the Team Member called in by command staff:     yes       no

Was the Assisted Employee in an on-duty status:     yes       no

Referrals made:

Employee Assistance Program   
Clergy

Mental Health Professional   
Chaplain

Family Doctor   
Other

Intervention Results:

Team Member:

Date:

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff’s Department  
Policy and Procedure  
Alcohol and Controlled Substances**

**I. POLICY**

The Burleigh County Sheriff’s Department has an obligation to provide a drug and alcohol free workplace for all employees. In order to ensure the safety and security of the department, its employees and the general public, no employee of the Burleigh County Sheriff’s Department will possess or consume alcoholic beverages or controlled substances in county buildings, offices, vehicles, or while driving or doing business on behalf of the department in accordance with policy.

**II. PURPOSE**

The purpose of this policy is to establish clear and uniform guidelines regarding controlled substances and alcohol possession/consumption as an employee of the Burleigh County Sheriff’s Department. No employee will be allowed to perform job duties when impaired or under the influence of mind-altering drugs, illegal drugs and/or alcohol.

**III. DEFINITIONS**

Controlled Substance – Any drug listed in 21 U.S.C. 812 and other federal regulations and N.D.C.C. Ch. 19-03.1, including Heroin, Marijuana, Cocaine, PCP, Methamphetamine, and controlled substance analogs.

Alcohol – Refers to any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

Drug – Any substance, including alcohol that is restricted or prohibited by this policy.

Medical Review Officer (MRO) – A licensed physician who reviews the results of a drug test.

Program Coordinator – A person or company hired or selected by the Sheriff to administer and coordinate random drug and alcohol testing.

Random Selection – A method of selection in which every employee has an equal chance to be selected each and every time a selection is conducted.

Refusal to Test – Any failure to appear for any test within a reasonable time, as determined by the department, after being directed to do so; failure to remain at the testing site until the testing process is complete; failure to provide a urine specimen for a drug test; failure to permit the observation or monitoring provision of a urine specimen in the case of a directly observed or monitored collection; failure to provide a sufficient urine or breath specimen when directed; failure or declining to take a second test the department or the collector has requested; failure to undergo a medical examination or evaluation as directed by the MRO as part of the verification process; having an adulterated substituted controlled substance test result as verified by the MRO; failure to sign the certification of the alcohol testing form; or failure to cooperate with any part of the testing process.

#### **IV. GENERAL GUIDELINES**

- A. Alcohol and drug use in the workplace or while on-duty can endanger the health and safety of department employees and the public. Such use shall not be tolerated.
- B. Employees who have consumed any 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 employees shall notify the On Duty/On Call Supervisor as soon as the employee is aware that they will not be able to report to work. If the employee is adversely affected while on-duty, they shall be immediately removed and released from work.
- C. Employees should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any employee who is medically required or has a need to take any such medication shall report that need to their immediate supervisor prior to commencing any on-duty status.
- D. No employee shall be permitted to work or drive a vehicle owned or leased by the BCSD while taking any medication that has the potential to impair their abilities, without a written release from a physician.
- E. Possession or consumption of medical marijuana or being under the influence of marijuana on-duty is prohibited and may lead to disciplinary action.
- F. Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug and/or alcohol use.
- G. Any employee who unintentionally ingests, or is made to ingest, a drug or controlled substance shall immediately report the incident to a supervisor so that the appropriate medical steps may be taken to ensure the employee's health and safety.

#### **V. DRUG AND ALCOHOL VOLUNTARY DISCLOSURE**

- A. A fundamental purpose of the department's Alcohol and Controlled Substance Workplace Policy is to assist employees who themselves are seeking treatment for alcohol or controlled substance use or misuse of prescription drugs. For this reason, the

department will not initiate disciplinary action against any employee regarding the disclosure of their drug or alcohol related problem who meets all three of the following conditions:

1. Voluntarily identifies themselves to a supervisor as a mis-user of alcohol and/or illegal drugs and/or misuses prescription drugs, as they apply to this policy, prior to being asked to provide a urine and/or breath sample for testing;
  2. Obtains an evaluation, counseling or rehabilitation from an approved facility;
  3. Thereafter refrains from using controlled substances or misusing prescription drugs and/or alcohol. The employee may be subject to a return-to-work agreement.
- B. This provision is not intended to allow an employee to evade disciplinary action. The key to this provisions rehabilitative effectiveness is an employee's willingness to admit their problem. Since the key to this provisions rehabilitative effectiveness is an employee's willingness to admit the problem, this provision is not available to an employee who requests protection under this provision after:
1. Being identified through other means.
  2. Being asked to provide a urine sample for testing.
  3. Having had a verified positive test result for alcohol and/or controlled substances pursuant to this policy.
- C. Drug or alcohol related incidents that are subject to disciplinary action and occurred prior to seeking disclosure protection are not covered.
- D. Employees will be allowed to use accumulated sick leave and vacation leave to participate in an approved rehabilitation program. Requests for Leave without Pay will be handled in accordance with Burleigh County policy.

## **VI. TESTING FOR PROHIBITED SUBSTANCES**

- A. Pre-Employment Testing  
Every prospective employee is required to test negative for the use of controlled substances as a condition of hire.
- B. Random Testing  
Employees are subject to unannounced, random testing which will be conducted over a twelve-month cycle. Random testing will include both controlled substances and alcohol testing. Controlled substance testing shall be equal to 50% of the staff annually. Alcohol testing shall be equal to 10% of the staff annually. Of the employees selected for controlled substance testing, a percentage of those employees shall be tested for alcohol in compliance with this policy. Employees will be selected on a random basis using a valid method ensuring that each employee has an equal chance of being tested each time selections are made.
- C. Post-Incident Testing  
Post incident testing consists of employees involved in critical incidents, on the job accidents, or who engage in unsafe on-duty job-related activities that pose a danger to themselves or others or the overall operation of the department. The Sheriff or designee

may initiate testing when such incidents involve death, serious bodily injury, or extensive damage to government or private property. An employee who is involved in an incident requiring post-incident testing must provide a urine sample and a breath sample in accordance with collection procedures. The tests must be provided as soon as possible following the incident but no later than 24 hours after for urine and 8 hours after for breath. If a test is not administered on time, the department shall cease attempts to administer the test and shall prepare and maintain documentation citing the reason.

D. Reasonable Suspicion Testing

An employee will be required to submit to testing whenever a supervisor has reasonable suspicion to believe that the employee may have engaged in prohibited conduct within the meaning of this policy. The supervisor's determination that reasonable suspicion exists must be based on specific observations concerning the appearance, behavior, speech, or body odors of the employee.

E. Return-to-Duty Testing

If the department chooses to permit an employee to return to work following a positive controlled substance or alcohol test, the employee must submit to return-to-duty testing prior to returning to work. This cannot occur until after the employee has successfully complied with prescribed education and/or treatment.

F. Follow-Up Testing

If an employee is allowed to return to work following a negative controlled substance or alcohol return-to-duty test, the employee may be subject to additional testing at the department's discretion for a period not to exceed one year.

## **VII. POSITIVE SCREENING TEST RESULT**

A. Prior to verifying a positive result, the MRO will make every reasonable attempt to notify the employee and afford the employee the opportunity to discuss the results. Any person testing positive for controlled (chemical) substances will be asked to provide information concerning legal use of controlled substances, including prescription drugs, as such information might explain the presence of a controlled substance.

B. Under split sample collection procedures, the employee has 72 hours following notification of a positive test result to have the secondary sample analyzed. If a negative result is reached on the secondary test, the original test results will be discarded.

C. Random and follow-up tests will not be used for purposes of criminal prosecution.

D. For cause test results will be used for Administrative Action and may be used for criminal prosecution.

E. Positive random test results will be used for disciplinary action.

F. Employees who have a positive test will be placed on Administrative Leave pending an internal investigation.

## **VIII. EVALUATION AND TREATMENT PROCEDURE**

- A. The department may, at its discretion, allow an employee to return to work after testing positive for a controlled substance or alcohol. Prior to returning to work the employee will complete a Substance Abuse Professional (SAP) evaluation, referral, and/or education/treatment program. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with substance abuse. Any costs incurred as a result of a SAP evaluation and subsequent education or treatment programs will be at the expense of the employee.
- B. Before returning to work, the employee must obtain a release from the SAP and provide it to the department. The release must indicate that the SAP has determined that the employee can safely return to work. The release must also describe additional or ongoing treatment the employee must complete, if any. If allowed to return to work by the department, the employee is required to abide by the SAP's recommendations for any ongoing treatment as a condition of continued employment. Failure to do so may result in disciplinary action, up to and including termination of employment.
- C. Assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the department. If the employee does not complete the required SAP program or fails to return to work before the expiration of the personal leave period, their employment with the department will be terminated.

## **IX. COMPENSATION**

Employees subject to testing will be compensated for their time while traveling to and from the collection or testing site and time spent undergoing collection or testing procedures. Prospective employees, whose negative drug test results are a condition for employment, will not be compensated for their time related to pre-employment drug testing.

## **X. CONFIDENTIALITY**

- A. The Burleigh County Sheriff's Department recognizes the confidentiality and privacy due to its employees. 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 employee involved or pursuant to lawful process.
- B. The written results of any screening tests and all documents generated by the process will be released only when required to do so by a court or government agency of proper jurisdiction.
- C. Information obtained through testing that is unrelated to the use of a controlled substance or alcohol will be held in strict confidentiality by the MRO and will not be released to the department.

## **XI. PROGRAM ADMINISTRATOR**

This Drug and Alcohol testing program is administered by CHI St. Alexius 900 E. Broadway Avenue Bismarck, ND. The Administrative Sergeant for the Burleigh County Sheriff's Department shall coordinate the program for the department.

## Alcohol & Drug Testing: Reasonable Suspicion Documentation

Date: \_\_\_\_\_

Employee name: \_\_\_\_\_

Job title: \_\_\_\_\_

Division: \_\_\_\_\_

Prior to sending any employee for drug or alcohol testing due to a reasonable suspicion, this form must be completed by two members of department leadership who have had a first-hand observation or conversation with the employee. In rare situations, a second member of the leadership team may not be available to witness the behavior. If the employee is in a safety sensitive area, remove them from work immediately until a second observer can talk with the employee and/or a decision can be made on whether testing is necessary.

When completing the following document, list all observations you noticed. Be as specific as possible including names of employees/witnesses, when and where you noticed these behaviors occurring, what the employee was doing at the time and any witnesses of these events. Include any observations or changes in appearance, smell, speech, movement or actions of the employee. Some signs of impairment may include slurred speech, difficulty walking, clumsiness, dilated pupils, watery and/or red eyes.

First observer's name: \_\_\_\_\_

Job title: \_\_\_\_\_

Observations: \_\_\_\_\_

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Second observer's name: \_\_\_\_\_

Job title: \_\_\_\_\_

Observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Once the observations are documented, department leadership should immediately contact HR, if available, and make a decision as soon as possible on whether or not to send the employee for reasonable suspicion testing to rule out the possibility that they may be under the influence of drugs or alcohol at work. This decision should be made and handled in accordance with the Burleigh County Sheriff's Department's drug and alcohol policy and procedure.

Describe action taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Employee Voluntary Disclosure Agreement**

In accordance with Burleigh County Sheriff's Department Policy and Procedure for Alcohol and Controlled Substances; Section V. – Drug and Alcohol Voluntary Disclosure section, the Burleigh County Sheriff's Department will provide the disclosing employee with an opportunity to agree to comply with all department policies and practices if the disclosing employee meets all three of the following conditions:

1. The employee voluntarily identifies (him/her) self to a supervisor as a misuser of alcohol and/or illegal drugs and/or misuser of prescription drugs, as they apply to policy listed above. The employee's voluntary disclosure must be made prior to being asked to provide a urine, hair, and/or breath sample for testing.
2. The employee is required to obtain an evaluation, counseling, or rehabilitation from an approved facility.
3. Thereafter, the employee must refrain from using controlled substances or misusing prescription drugs and/or alcohol.

Date: \_\_\_\_\_

Employee: \_\_\_\_\_

and the Burleigh County Sheriff's Department agree to the following:

\_\_\_\_\_, has disclosed a serious violation of department policy. As a result of this voluntary disclosure of controlled substance misuse, the employee will be placed on administrative leave until appropriate evaluation from an approved Substance Abuse Professional (SAP) can be obtained.

The employee agrees to abstain from the use of illegal substances. The employee has received a copy of the Burleigh County Sheriff's Department drug and alcohol policy and agrees to comply with all provisions of this policy.

The employee will actively participate in a Substance Abuse Professional (SAP) evaluation as directed by the department. The employee will schedule an initial SAP appointment no later than one week from the date of this agreement.

If instructed by the SAP counselor to seek medical advice, the employee will seek assistance from a medical professional regarding the use of illegal substances and will comply with all of the medical professional's recommendations. The employee further agrees to sign the appropriate medical release authorization to allow the Burleigh County Sheriff's Department to receive information from the medical professional.

The employee agrees that all costs of medical consultation and treatment will be the responsibility of the employee and the employee's medical insurance (as applicable).

If absence from work is necessary as part of the treatment or rehabilitation, the employer will designate the absence as a Family and Medical Leave Act (FMLA) absence as long as all FMLA

requirements under the department's policy, including medical certification, are met. Available accrued sick leave; and if needed; annual leave will be used concurrently with the FMLA leave.

The employee agrees to unannounced periodic follow-up drug testing for a period of one year from the date of this agreement.

The employee understands that the Burleigh County Sheriff's Department is an employment-at-will employer. The employee agrees to comply with all department's policies, practices and procedures and understands that this agreement in no way prevents the employer from taking disciplinary action, including termination, for violations.

The employee accepts that this agreement is the employee's last chance to remain employed at the Burleigh County Sheriff's Department while addressing the employee's use of illegal substances. Failure to comply fully with the terms of this agreement will result in disciplinary action up to and including termination of employment.

Agreed to by: \_\_\_\_\_  
(Signature of Employee)

Employee's printed name: \_\_\_\_\_

Date: \_\_\_\_\_

Sheriff: \_\_\_\_\_  
(Signature of Sheriff)

Sheriff's printed name: \_\_\_\_\_

Date: \_\_\_\_\_

Human Resources Director: \_\_\_\_\_  
(Signature of Human Resources Director)

Human Resources Director's printed name: \_\_\_\_\_

Date: \_\_\_\_\_

Sheriff \_\_\_\_\_  
Effective Date \_\_\_\_\_  
Revised \_\_\_\_\_

**Burleigh County Sheriff's Department**  
**Policy and Procedure**  
**Avel eCARE Behavioral Health Virtual Crisis Care Utilization**

**I. POLICY**

To clarify the use of Avel eCARE Behavioral Health Virtual Crisis Care service, providing an understanding of when and how to use the service at Burleigh County Sheriff's Department.

**II. GENERAL INFORMATION**

Avel eCARE Behavioral Health Virtual Crisis Care is a telehealth service providing 24/7/365 access to a multidisciplinary team of psychiatrists and behavioral health registered nurses conducting comprehensive mental health and crisis assessments using evidence-based tools. This telehealth service assists with de-escalation, safety planning, and disposition recommendation for law enforcement, for individuals of all ages. The assessment includes the exchange of information shared between Avel eCARE and Burleigh County Sheriff's Department via electronic communications to assess individuals' mental health status and aid in disposition planning. Electronic communications include two-way real time audio, visual connection and documentation.

**III. PROCEDURE**

A. Activation of Service

1. When to contact crisis care:
  - a) See guide on customer portal page for criteria.
  - b) Minors: There is no age restriction with activating Crisis Care; we will complete a crisis assessment on individuals of any age. For minors:
    - i. Law enforcement to obtain contact information for a legal parent or guardian of a minor. The contact information will be shared with the Community Resource(s) for continuation of support and services post crisis assessment.
    - ii. Law enforcement shall attempt to contact guardian prior to assessment to obtain consent and collateral information.
2. Individual location:
  - a) Law enforcement may utilize eCare Crisis Care prior to transporting an individual to a higher level of care to aid in disposition planning and develop safety plans.
  - b) Individuals may be in jail at the time of the assessment.
  - c) Individuals may be in route to emergency department however individuals cannot be evaluated when in the emergency department.
3. If an interpreter is required, law enforcement will notify Avel eCARE to activate interpreter services.

4. Law enforcement is to evaluate if the individual needs immediate medical care prior to activation of eCare Crisis Care.
5. Burleigh County Sheriff's Department team to place phone call requesting individual assessment.
6. Burleigh County Sheriff's Department team to provide officer name, officer call back number, officer badge number, report number, county/city & state, agency of law enforcement.
7. Burleigh County Sheriff's Department to provide individual name and correct spelling, individual's age and DOB, individual's location, individual's home address, nature of request, law enforcement report, equipment name.
8. Burleigh County Sheriff's Department team to provide summary of why officer was dispatched, who placed initial call, any history or background of the individual.
9. Device:
  - a) If using Ipad, law enforcement confirms iPad is powered on and logged into vCARENet application.
  - b) If using Bring Your Own Device (BYOD), law enforcement officer provides cell phone number on scene to receive text.
  - c) If video does not work, phone may be used to complete the assessment.
10. eCARE to activate video encounter and complete assessment and safety plan.
11. eCARE completes documentation and contacts officer by phone to determine disposition.
12. Disposition recommendation:
  - a) If individual remains in place.
  - b) If recommended individual to be placed on involuntary hold.
  - c) If individual will voluntarily transport to higher level of care.
13. eCARE to send documentation to law enforcement and community resource after encounter completed.

#### B. Disposition Planning

1. Avel eCARE nurses assist law enforcement with disposition planning. The below recommendations may be indicated:
  - a) Recommendation to remain in place. If law enforcement determines the individual will remain in place, law enforcement officer will communicate safety recommendations to the individual.
  - b) Recommendation for involuntary admission. If law enforcement determines will be recommended for involuntary admission, the law enforcement officer will initiate involuntary hold procedure. The Avel eCARE team's documentation may be used to support however Avel eCARE is not able to initiate a hold.
  - c) Recommendation for voluntary admission, if law enforcement determines the individual will be referred to a higher level of care for voluntary admission, the law enforcement officer will follow protocol for transport of individual for higher level of care.
  - d) Discrepancy in recommendation: A law enforcement individual may disagree with nursing recommendation. Law enforcement officers have decision making authority for the individual.

#### C. eCARE Report

1. eCARE report will be sent to the law enforcement officer within 60 minutes of completing the assessment.

2. eCARE report is then the property of the law enforcement officer and this can be shared per agency protocol with medical team, qualified mental health professional, etc.

#### D. Individual Safety

1. Burleigh County Sheriff's Department staff will ensure individual risks and safety are evaluated prior to individual exposure to video equipment.
2. Burleigh County Sheriff's Department policies will be followed for individual safety risks.
3. Burleigh County Sheriff's Department will remain with the individual during the assessment and body camera may continue during the time of the assessment. If law enforcement officer is comfortable based on individual presentation, distance may be provided for privacy for individual during the assessment.

#### E. Individual Refusal

1. If individual attempts to refuse crisis care assessment, scripting to include to encourage the assessment may include reminders that Avel team is trained in mental health, confidentiality is maintained throughout the assessment, Avel can assist in developing a safety plan to help you know what to do when you feel this way.
2. If the individual refuses the assessment, follow agency protocol for an individual in a mental health crisis.

#### F. eCARE Behavioral Health team will

1. Evaluate individual for presenting symptomology, evaluate safety, and severity of individual illness using evidence-based assessment tools.
2. Initiate a collaborative call with law enforcement. Recommendation from eCare BH Assessment team is guidance for the law enforcement team.
3. Send notification to community resource agency for follow up care for individual.

#### G. Burleigh County Sheriff's Department team will

1. Assess individual for medical clearance and transport individual to local emergency department or activate EMS services if indicated.
2. Law enforcement will make final determination on disposition.
3. Coordinate an individual plan with collateral contact for individual as indicated.
  - a) For example, when a minor is assessed, law enforcement will communicate recommendations to guardian.
  - b) For example, if an adult individual is with another adult, law enforcement will communicate safety recommendations to that adult with consent from the individual being assessed.

#### H. Periodic Equipment Check

1. Burleigh County Sheriff's Department ED team will ensure periodic equipment testing is completed to ensure optimal results:
  - a) Coordinate equipment test with eCARE BH team periodically.
  - b) Follow the activation procedure below and state "periodic camera and equipment check."
2. Periodic Camera Check Procedure
  - a) Burleigh County Sheriff's Department team to place phone call requesting camera check.

- b) Provide officer name, officer call back number, officer badge number, report number, county/city & state, agency of law enforcement.
- c) Avel will contact iPAD to test video and audio.
- d) Camera check complete.

I. Medical Record and Documentation

- 1. eCARE does not maintain permanent medical records.
- 2. eCARE BH team will complete documentation to include, but not limited to, assessment, recommendations provided on disposition planning, safety plan.
- 3. Burleigh County Sheriff's Department will confirm law enforcement report is accurate and complete.

Sheriff \_\_\_\_\_  
 Effective Date \_\_\_\_\_  
 Revised \_\_\_\_\_

## Burleigh County Sheriff's Department Policy and Procedure Take Home Vehicle Program

### I. POLICY

This policy established the Department's Take Home Vehicle Program. This program permits approved individuals to have a Department vehicle assigned to them 24 hours a day. These vehicles may be marked or unmarked vehicles. Vehicle assignments, replacements, and rotations are to be carried out in a manner that optimizes the program's effectiveness and benefits the Burleigh County Sheriff's Department. At any time, the Sheriff may suspend or withdraw any of these privileges in whole or in part for violating any provision or departmental policy. In addition to this policy, all employees shall be in compliance with Burleigh County Vehicle Use Policy Chapter 12, Section 12.

### II. PURPOSE

The Take Home Vehicle Program is intended to give faster response times to all calls, boosting the department's effectiveness. When off-duty staff are recalled to duty for an emergency, the Department will be able to respond more quickly. The program is also intended to strengthen law enforcement-community relations by boosting visibility and contact with the public, as well as foster a sense of security by the presence of marked patrol vehicles, which may deter criminal behavior. The program further seeks to reduce the cost of vehicle maintenance while expanding the useable life of each vehicle. Subsequently, there is also an additional incentive for current staff and potential new hires.

### III. DEFINITIONS

**Marked Vehicle** – A vehicle owned by the Department, marked with Sheriff Insignia and equipped with visual and audible warning devices used primarily for patrol operations.

**Unmarked Vehicle** – A vehicle owned by the Department that has no markings or insignia immediately indicating it is a law enforcement vehicle. Such vehicles may or may not be equipped with interior emergency lighting and audible warning devices. Such vehicles are typically used by Investigations, Transport, Administrative Staff and other support services.

**Take Home Vehicle (THV)** – A vehicle owned by the Department that has been assigned to a specific employee on a 24 hour basis.

#### **IV. Eligibility for a Take Home Vehicle**

- A. Eligible employees must meet the following before being considered.
  - 1. Shall have successfully completed the FTO Program.
  - 2. Shall have successfully completed the new hire probationary period.
  - 3. Must be in good standing with the Department.
  
- B. The employee must reside within the following.
  - 1. Burleigh County
  - 2. Within the city limits of Mandan ND.
  - 3. Any other location shall be approved by the Sheriff.
  
- C. Eligibility for a Take Home Vehicle does not guarantee a vehicle assignment. The Department's needs and efficiency will be prioritized when making a determination on vehicle assignments. Employees may be assigned to utilize rotational Department vehicles and in these cases, the employee will continue to comply with the policy.
  
- D. Eligible employees will not be required to participate in the program.

#### **V. Operation of Take Home Vehicles**

- A. All policies and procedures of the Department remain in effect while a THV is being operated, either on or off duty.
  
- B. Employees assigned a THV will exercise good judgement and will not operate or use the vehicle in a manner so as to cause unfavorable comments or bring discredit to the Department.
  
- C. Employees will at the beginning of their shift, search the prisoner transport area of the THV. The prisoner transport area will also be searched after each prisoner transport is completed.
  
- D. THV's will only be operated by department personnel.
  
- E. When off duty or while outside the County of Burleigh, deputies shall not take enforcement action unless absolutely necessary to protect life. Other traffic violations, misdemeanors and property type crimes are not considered urgent or life threatening and do not require emergency intervention. If a non-emergency type offense or situation occurs the deputy may contact dispatch and have the appropriate agency respond if necessary.

- F. Unattended THV's shall always be kept locked with keys removed.
- G. All firearms stored in the THV must be properly secured and always accounted for.
- H. All equipment within the THV must be properly secured / stored and accounted for.
- I. During extreme cold weather conditions, the mobile data terminal, AED and any other sensitive electronic equipment may need to be stored within the employee's residence when the THV is not in use.
- J. If an employee is on leave for an extended amount of time, the THV shall be placed in secure parking at one of the Burleigh County Sheriff's Department locations.
- K. Employees on light duty status must obtain approval from the Sheriff or designee to continue to use a THV.
- L. The Department THV will not be utilized for personal use while off duty.
- M. The Department THV may be utilized for limited personal use while on duty, but the operator must be able to justify and articulate the need if questioned. Excessive personal use is prohibited.
- N. Employees using a THV for transportation to court or a deposition will not receive any witness travel expense reimbursement. If the employee receives travel re-imbusement and was utilizing a THV, the funds will be submitted to the Department.

## **VI. Care of Take Home Vehicles**

- A. Care in operation shall be taken and the THV will not be abused or neglected. Extreme use, unnecessary and / or repeated damage to a THV will not be tolerated.
- B. The employee will keep the exterior of the THV as clean and professional looking as possible and will be responsible for the overall exterior cleanliness.
- C. The employee will keep the interior of the THV clean and orderly and shall not neglect the interior spaces of the THV.
- D. The employee will be responsible for all the equipment associated with the THV. The employee shall not neglect or abuse the equipment. If any equipment is lost, broken, misplaced or has reached a point of non-service, the employee will notify their supervisor as well as the Training Section as soon as possible and request replacement.
- E. In cases of severe weather such as storms with the potential to damage the THV, the employee will make reasonable efforts to avoid damage to the THV.

## **VII. Maintenance of Take Home Vehicles**

- A. The employee will be responsible for monitoring the day to day general well-being and needs of the THV. This includes but is not limited to, engine oil life, tire pressure, tire condition, fluid levels, brake life, lights, paint condition, stripe package condition, windshield condition, accessory equipment condition and any warning indicators.
- B. The Burleigh County Sheriff's Department employs a full time mechanic that conducts repairs and maintenance of Department vehicles. When the need arises, the employee will submit a work order documenting the requested repair or maintenance needed. Work orders are to be submitted timely and not to be neglected.
- C. Any damage to a vehicle that is discovered is to be documented on a damage vehicle notification form and submitted as soon as possible.
- D. Employees may only perform minor or temporary repairs necessary to get the vehicle safely to the designated location for repair.
- E. Adding or removing mechanical or electrical accessories or altering existing equipment without permission of the appropriate Division Major or Sheriff is prohibited.
- F. Any questions regarding the time, place and necessity of the temporary repair will be directed to a supervisor and / or the Training Section.
- G. All maintenance, repair, or modifications other than which may be immediately necessary to move the vehicle to the designated location, will be performed by authorized personnel only.
- H. In the event a vehicle is down for maintenance, there is no guarantee the employee will receive an alternate THV while the repairs are being completed.

## **VIII. Take Home Vehicle Inspections**

- A. Official THV inspections shall be conducted quarterly by the appropriate Division Corporals or Sergeants.
- B. Official THV inspections will be documented on a Department Vehicle Inspection Form. Copies of the completed Vehicle Inspection Forms are to be turned into the Training Section.
- C. Random unofficial THV inspections can also be conducted by any supervisor.
- D. If any mechanical issues arise during an inspection, a work order is to be completely immediately.
- E. If any operational related issues arise during an inspection, the concern will be documented and the employee will be required to correct the issue.